

west virginia



department of environmental protection

Public Notice

West Virginia Department of Environmental Protection Division of Air Quality

Comment Period Opens: May 30, 2025

Comment Period Closes: July 1, 2025

Publication: Charleston Newspapers and West Virginia State Register

Publication Date: May 30, 2025

Type of Notice: Public Comment Period and Public Hearing

Location: Statewide

Proposed Activity: DAQ 2026 Legislative Rules

Project Description: The DAQ proposed legislative rules include:

- 45CSR1 (Alternative Emission Limitations During Startup and Shutdown Operations)
- 45CSR8 (Ambient Air Quality Standards)
- 45CSR16 (Standards of Performance for New Stationary Sources)
- 45CSR18 (Control of Air Pollution from Combustion of Solid Waste)
- 45CSR25 (Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities)
- 45CSR34 (Emission Standards for Hazardous Air Pollutants)
- 45CSR43 (Cross-State Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions)
- 45CSR45 (Standards of Performance for Existing Crude Oil and Natural Gas Facilities)

These rules are filed to enable the State of West Virginia to maintain primary enforcement in these areas. The agency anticipates (1) working to reconsider, modify, or withdraw various current federal rules and standards from the prior administration; and (2) modifying its rules, as needed, to align with those updated federal rules.

DAQ is limiting public comments to the proposed revisions to the rules and is not accepting comments unrelated to the proposed revisions.

Upon authorization and promulgation, final rules 45CSR16 and 45CSR34 will be submitted to the United States Environmental Protection Agency (EPA) to fulfill federal obligations under the Clean Air Act (CAA), including delegations and authorizations. Upon authorization and promulgation, final rules 45CSR1, 45CSR8, 45CSR18, 45CSR43, and 45CSR45 will be submitted for approval to EPA as a revision to the State Implementation Plan pursuant to the federal CAA.

The proposed rules are available at:

- the Secretary of State's website at <https://apps.sos.wv.gov/adlaw/csr/>,
- If you do not have internet capability, please contact Sandie Adkins or Nicole Ernest at (304) 926-0475 for alternatives.

Point of Contact: Laura Jennings (laura.m.jennings@wv.gov or 304-926-0475)

The DAQ is holding the public hearing virtually. Instructions for participating and providing verbal comments are provided below. Both verbal and written comments will be made part of the official rulemaking record. Written comments may be submitted at any time during the public comment period as instructed below. Written comments must be received by 5:00 pm on July 1, 2025. Written comments received afterwards will not be accepted.

Written Comments:

- E-mail written comments to Laura.M.Jennings@wv.gov with "2026 Proposed DAQ Rule Comments" in the subject line, or
- Mail hard copy comments to the attention of Laura Jennings at the WV Department of Environmental Protection, Division of Air Quality, 601 57th Street SE, Charleston, WV 25304.

Public Hearing: July 1, 2025, at 6:00 p.m.

The purpose of the public hearing is to receive comments concerning the 2026 proposed DAQ legislative rules identified above. A Response to Comments document will be prepared as part of the rulemaking process. A separate hearing will be held for each of the proposed rules. The hearings will be held sequentially and will commence immediately following the conclusion of the hearing for the previously identified proposed rule.

Registration is required by 4:00 p.m. on July 1, 2025 to participate in the hearings. To register, please complete the participant registration form at <https://forms.gle/CUGnonudnJg52eWr8>. To register to speak, please indicate "yes" you want to provide verbal comments on the record when you register with the previously provided link. A confirmation e-mail will be sent with your responses when you register. A separate email with information on how to join the public hearing will be sent shortly after registration closes at 4:00 p.m. on July 1, 2025. If you do not have internet access and want to register, please contact Sandie Adkins or Nicole Ernest at (304) 926-0475. Registration for the online hearing is required to fulfill the state's obligation under federal air quality regulations to document the list of participants.

If you wish to speak at the public hearing, verbal testimony is limited to 5 minutes for each witness. If participating virtually, video demonstrations and screen sharing by witnesses is not permitted.