

NOTICE OF PUBLIC COMMENT PERIOD

The West Virginia Department of Environmental Protection (DEP) is announcing an opportunity for public comment on a proposed revision to the State Implementation Plan (SIP) regarding the most recently promulgated National Ambient Air Quality Standards (NAAQS) for ozone and fine particulate matter. The SIP is the plan developed by West Virginia in order to fulfill its responsibilities under the Clean Air Act (CAA) to attain and maintain the NAAQS promulgated by the U.S. Environmental Protection Agency (U.S. EPA). The public comment period begins August 21, 2009 and ends September 21, 2009.

In this proposed revision to the SIP, West Virginia is demonstrating that it has adequate resources and authority to implement the 2006 PM_{2.5} NAAQS and the 2008 8-hour ozone NAAQS. Compliance with specific CAA section 110(a)(2) requirements is detailed in a document demonstrating that the State meets these express requirements through authorities granted under state laws and regulations, as well as implementation of existing air programs. DEP is seeking comments on whether the document adequately demonstrates West Virginia's compliance with the pertinent federal CAA mandates related to these so-called infrastructure elements. Additionally, the state is supplementing its existing Section 110(a)(2)(A)-(M) infrastructure SIP for the 1997 PM_{2.5} and 8-hour ozone NAAQS, only with respect to the enforcement authority requirements under CAA Section 110(a)(2)(C).

Upon completion of the public notice period, and after addressing any written comment, the DEP will submit the final documentation to the U.S. EPA as a revision to the SIP. This proposed SIP revision is considered to be non-controversial in nature. Therefore, a public hearing will be held only if requested in writing, and the written request is received by September 21, 2009. Any person who requests a public hearing should identify any substantive issue they intend to raise in a hearing. If properly requested, the hearing will be held beginning at 6:00 p.m. on September 28, 2009 at the address below and the public comment period will be extended until the close of the hearing. A public notice announcing whether a hearing will be held will be posted in the *West Virginia Register* published on September 25, 2009.

Copies of the proposed CAA §110(a)(2) SIP revision may be viewed between 8:30 a.m. and 4:30 p.m. at the DEP-Division of Air Quality, 601 57th SE, Charleston, WV 25304, beginning August 21, 2009, or electronically upon e-mail request to: Tammy.L.Mowrer@wv.gov. The proposal may also be accessed via the following web address: <http://www.wvdep.org/item.cfm?ssid=8&sslid=376>.

Send written comments to be included in the formal record to John A. Benedict, Director, Division of Air Quality at the above address. Please identify the document to which the comments apply, the commenter's name, address, and telephone number. Comments will also be accepted by e-mail if received by 5:00 p.m. on September 21, 2009 to: Tammy.L.Mowrer@wv.gov. Comments submitted by U.S. Mail must be postmarked by September 21, 2009.