



west virginia department of environmental protection

Appendix B: Interagency Consultation

Promoting a healthy environment.

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60-Day Consultation Communications

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west virginia department of environmental protection

Division of Air Quality
601 57th Street SE
Charleston, WV 25304
Phone: (304) 926-0475

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

January 4, 2013

Ms. Susan Johnson
Policy, Planning and Permit Review Branch
National Park Service
PO Box 25287
Denver, CO 80235-2017

Ms. Sandra V. Silva
Chief, Air Quality Branch
U.S. Fish and Wildlife Service
7333 W. Jefferson, Suite 375
Lakewood, CO 80235

Mr. Clyde N. Thompson
Forest Supervisor, Monongahela National Forest
U.S. Forest Service
200 Sycamore Street
Elkins, WV 26241

Mr. Chuck Sams
U.S. Forest Service
1730 Peachtree Road, NW
Atlanta, GA 30309

Re: WV Regional Haze Rule Periodic Update Consultation with FLM Agencies

Dear Federal Land Manager (FLM) Partners:

The 1999 Regional Haze Rule (RHR) requires States to develop State Implementation Plans (SIPs) to reduce visibility impairment with the express intent that by 2064 the visibility in all Class I areas will be returned to natural conditions. The RHR also requires the State to consult with the Federal Land Management agencies at least 60 days prior to holding any public hearing on a RHR SIP or SIP revision (40CFR51.308(i)). We believe that such consultation can be sufficiently accomplished via phone or written communication, including email and/or letter. However, if your agency desires an in-person consultation or teleconference, please advise us as soon as practicable, but no later than 30 days after receipt of this submittal.

The West Virginia Department of Environmental Protection (DEP) submitted its original Regional Haze SIP to the U.S. Environmental Protection Agency (EPA) on June 18, 2008. On March 23, 2012, the EPA published a final rule granting limited approval (77FR16937) of West Virginia's Regional Haze SIP. EPA identified a general deficiency related to the federal Clean Air Interstate Rule for most, if not all, states in the eastern United States, even though most controls in West Virginia were required by mechanisms other than CAIR. As subsequent litigation has unfolded, EPA has acknowledged that CAIR is still in place and will be for the near future. In any event, most of the controls that CAIR required have been implemented and continue operating. It should be noted

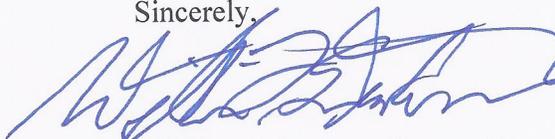
WV Regional Haze Consultation Letter to FLMs
January 4, 2013
Page 2

that approximately 88% of the current electric generating capacity in the State is controlled by Flue Gas Desulfurization (FGD) to significantly reduce sulfur dioxide emissions, which form sulfates, the dominate contributor to regional visibility impairment in the southeast, including West Virginia.

The RHR at 40 CFR 51.308(g) requires periodic reports evaluating progress towards the reasonable progress goals established in the SIP. The first progress report is due five years from submittal of the initial SIP, or June 18, 2013. DEP has prepared the attached draft periodic update for the Dolly Sods and Otter Creek Wilderness Areas. Please assist the DEP in starting West Virginia's required 60-day consultation period.

DEP requests that you acknowledge the date of this submission as the formal commencement of the required 60-day review period. We would appreciate your formal comments by March 8, 2013, via conventional mail, express courier or by e-mail to the address listed below. Should you have any questions concerning West Virginia's regional haze SIP development, please contact Laura Crowder of my staff at (304) 926-0499 ext. 1247 or Laura.M.Crowder@wv.gov.

Sincerely,



William F. Durham, Deputy Director
Division of Air Quality

Attachments

cc: Tim Allen, US Fish & Wildlife Service
Patricia Brewer, National Park Service
John Hornback, Metro 4/SESARM
Melissa Linden, US EPA Region 3 (3AP30)
Anthony Matthews, National Forests in Florida

Crowder, Laura M

From: Durham, William F
Sent: Friday, January 04, 2013 11:15 AM
To: 'Anthony Matthews'; 'Bret Anderson'; 'Chuck Sams'; 'Clyde N. Thompson'; 'Patricia Brewer'; 'Sandra V. Silva'; 'Susan Johnson'; 'Tim Allen'; 'Melissa Linden (linden.melissa@epa.gov)'; 'Tom Ballou (trballou@deq.virginia.gov)'
Cc: Crowder, Laura M; 'Mike Abraczinskas (michael.abraczinskas@ncdenr.gov)'; 'masonmr@dhec.sc.gov'; 'doris.mcleod@deq.virginia.gov'; 'Ron Methier'; 'John Hornback (hornback@metro4-sesarm.org)'; 'John Gowins (john.gowins@ky.gov)'; 'Quincy Styke'; 'Haidar.Alrawi@tn.gov'
Subject: Draft WV Regional Haze 5-year Periodic Review
Attachments: William Frederick Durham.vcf; WV RH Midcourse review 2013-01-02.pdf

Dear Federal Land Manager (FLM) Partners:

The 1999 Regional Haze Rule (RHR) requires States to develop State Implementation Plans (SIPs) to reduce visibility impairment with the express intent that by 2064 the visibility in all Class I areas will be returned to natural conditions. The RHR also requires the State to consult with the Federal Land Management agencies at least 60 days prior to holding any public hearing on a RHR SIP or SIP revision (40CFR51.308(i)). We believe that such consultation can be sufficiently accomplished via phone or written communication, including email and/or letter. However, if your agency desires an in-person consultation or teleconference, please advise us as soon as practicable, but no later than 30 days after receipt of the hardcopy submittal.

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The RHR at 40 CFR 51.308(g) requires periodic reports evaluating progress towards the reasonable progress goals established in the SIP. The first progress report is due five years from submittal of the initial SIP, or June 18, 2013. DEP has prepared the attached draft periodic update for the Dolly Sods and Otter Creek Wilderness Areas. Please assist the DEP in starting West Virginia's required 60-day consultation period.

Today DEP is sending, via express courier, packages to each FLM office that include the draft SIP with full electronic supporting documentation. Please acknowledge the date of said package receipt as the formal commencement of the required 60-day review period. We would appreciate your formal comments on or before March 8, 2013. Should you have any questions concerning West Virginia's regional haze SIP development, please contact Laura Crowder of my staff at (304) 926-0499 ext. 1247 or Laura.M.Crowder@wv.gov. The SIP narrative is attached in PDF.

Sincerely,

Fred Durham



William Frederick Durham
Environmental Protection - Air Quality
Deputy Director; Asst. Dir. of Planning

1.304.926.0499 ;ext=1242 Work
FAX: 304.926.0479
William.F.Durham@wv.gov

601 57th St. SE
Charleston, WV 25304

Comments

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Crowder, Laura M

From: Lewis.Jacqueline@epamail.epa.gov
Sent: Thursday, January 31, 2013 4:08 PM
To: Crowder, Laura M
Cc: Mastro.Donna@epamail.epa.gov
Subject: Draft WV Regional Haze 5-year Periodic Review

Hi Laura,

Please find below EPA Region 3's comments on your draft Regional Haze 5-Year Progress Report. If you have any questions I can be reached at the number below.

Section 1.1.c. Nonroad Diesel Emissions Program (40 CFR Part 89)

There is a typo in the 2nd paragraph, the word form should be from.

Section 1.6 Reasonable Progress Determinations

Please add the status of Capital Cement Kilns 8 and 9 to this section. Table 3 of Section 1.5.a. indicated that Kilns 7, 8 and 9 were shutdown in 2009.

Section 2.1 Mercury Air Toxics Rule

There is a typo in the 2nd paragraph, last sentence the Federal Register citation should be 77 FR 9304. There is also a typo in the 3rd paragraph, 1st sentence the letter “o” is missing from the word power.

Section 2.6 Federal Consent Decrees

Please include the compliance date for INVISTA and the shutdown date for the sulfuric acid manufacturing unit at DuPont and Lucite International.

Section 2.7 West Virginia Unit Specific Point Source Reductions

Table 6 list Capital Cement’s Kiln 7, should Kiln 8 be included in this table?

Section 3.1 EGU Reductions

Table 7 list the facilities outside of West Virginia with a calculated visibility impact greater than 0.5% on Dolly Sods, please add the state where the facilities are located.

There is a typo in the 1st paragraph under Figure 5, for consistence the letter “b” in Tbtu should be capitalized.

Section 3.3 EGU Unit Specific Reductions

Please indicate the shutdown dates for units 7 and 8 at the Rivesville facility in Table 10.

Section 8 Assessment of Monitoring Strategies

There is a typo in the 1st paragraph above Figure 26, in the 1st sentence the letter “t” in the word filter is missing.

Thanks

Jacqueline Lewis,
Environmental Engineer
U.S. Environmental Protection Agency, Region 3
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
(215) 814-2037
lewis.jacqueline@epa.gov

----- Forwarded by Jacqueline Lewis/R3/USEPA/US on 01/31/2013 03:57 PM -----

From: "Durham, William F" <William.F.Durham@wv.gov>
To: Anthony Matthews <jmatthews@fs.fed.us>, Bret Anderson <baanderson02@fs.fed.us>, Chuck Sams <csams@fs.fed.us>, "Clyde N. Thompson" <cnthompson@fs.fed.us>, Patricia Brewer <Patricia_F_Brewer@nps.gov>, "Sandra V. Silva" <Sandra_V_Silva@fws.gov>, Susan Johnson <Susan_Johnson@nps.gov>, Tim Allen <Tim_Allen@fws.gov>, Melissa Linden/R3/USEPA/US@EPA, <trballou@deq.virginia.gov>
Cc: "Crowder, Laura M" <Laura.M.Crowder@wv.gov>, <michael.abraczinskas@ncdenr.gov>, <masonmr@dhec.sc.gov>, <doris.mcleod@deq.virginia.gov>, Ron Methier <ronmethier@comcast.net>, <hornback@metro4-sesarm.org>, <john.gowins@ky.gov>, Quincy Styke <quincy.styke@tn.gov>, <Haidar.Alrawi@tn.gov>
Date: 01/04/2013 11:16 AM
Subject: Draft WV Regional Haze 5-year Periodic Review

Dear Federal Land Manager (FLM) Partners:

The 1999 Regional Haze Rule (RHR) requires States to develop State Implementation Plans (SIPs) to reduce visibility impairment with the express intent that by 2064 the visibility in all Class I areas will be returned to natural conditions. The RHR also requires the State to consult with the Federal Land Management agencies at least 60 days prior to holding any public hearing on a RHR SIP or SIP revision (40CFR51.308(i)). We believe that such consultation can be sufficiently accomplished via phone or written communication, including email and/or letter. However, if your agency desires an in-person consultation or teleconference, please advise us as soon as practicable, but no later than 30 days after receipt of the hardcopy submittal.

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Areas. Please assist the DEP in starting West Virginia's required 60-day consultation period.

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Sincerely,

Fred Durham



[attachment "William Frederick Durham.vcf" deleted by Jacqueline Lewis/R3/USEPA/US] [attachment "WV RH Midcourse review 2013-01-02.pdf" deleted by Jacqueline Lewis/R3/USEPA/US]

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United States Department of the Interior

NATIONAL PARK SERVICE

Air Resources Division

P.O. Box 25287

Denver, CO 80225-0287

TRANSMITTED VIA ELECTRONIC MAIL - NO HARDCOPY TO FOLLOW

N3615 (2350)

March 6, 2013

Memorandum

To: Laura Crowder, WV Department of Environmental Protection

From: Pat Brewer, NPS Air Resources Division

Subject: NPS Comments WV Five Year Progress Report

As requested, I have reviewed West Virginia Department of Environmental Protection (WVDEP)'s draft regional haze progress report. I believe that WVDEP has met the requirements for the periodic progress report as outlined in 40 CFR 41.508 (g). I agree that WVDEP has demonstrated that emissions reductions are on track to meet the 2018 reasonable progress goals established in the WV Regional Haze State Implementation Plan (SIP) for Class I areas in WV. Further, WV emissions reductions are consistent with assumptions used by neighboring states to set reasonable progress goals for their Class I areas.

I have a few suggestions for you to consider to strengthen the report.

Section 1: Status of implementation measures: Since the majority of sulfur dioxide (SO₂) emissions reductions are due to electric generating units (EGU), it would make sense to discuss EGU before other emission sectors.

Section 1.2 covers Consent Decrees that were included in the VISTAS Best and Final inventory and modeling run. It would be helpful to add reference at the end of that section that consent decrees since 2008 are discussed under Reasonable Progress in Section 2.6.

Section 3: Figure 7 demonstrates that actual 2011 EGU emissions were below the projected 2018 EGU emissions included in VISTAS Best and Final modeling run. Table 10 compares unit specific actual controls to controls assumed in VISTAS modeling. Table 11 addresses EGUs specifically covered in the MANEVU Ask. Can you also summarize the emissions reductions and facility shutdowns that would be applicable toward the MANEVU ask for non-EGU SO₂ emissions?

Section 5: Please provide additional background on the 2007 SEMAP inventory and its objectives. The MANEVU draft SIP template provides a good description of the differences between the Regional Planning Organization inventories and EPA's National Emissions Inventory (Mobile 6 vs MOVES models, state data vs Integrated Planning Model for EGU growth and controls, NEI vs modeling inventory) that you might add/paraphrase in your emissions inventory section.

Section 7: WV Contributions to Class I areas in neighboring states: your analysis identifies WV non-EGU that contribute 0.5% to Class I areas in neighboring states. The analysis could be strengthened by including the Area of Influence defined through the VISTAS process for each Class I area and listing WV EGU and non-EGU in each AoI. How have emissions changed for these sources?

We appreciate the opportunity to work closely with WVDEP to improve visibility in our Class I national park and wilderness areas.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
National Wildlife Refuge System
Branch of Air Quality
7333 W. Jefferson Ave., Suite 375
Lakewood, CO 80235-2017

IN REPLY REFER TO:
FWS/ANWS-AR-AQ

March 8, 2013

*** via e-mail transmission – hard copy will not follow ***

Mr. William Fredrick Durham
Deputy Director –Air Quality
West Virginia Department of Environmental Protection
601 57th Street SE
Charleston, West Virginia 25304

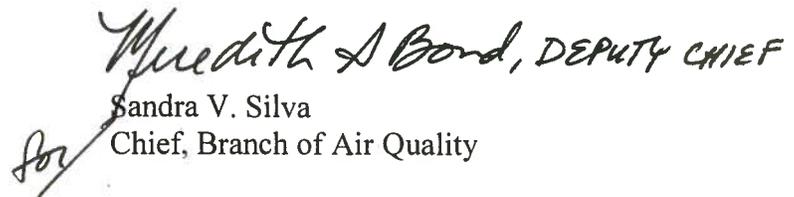
Dear Mr. Durham:

On January 4, 2013, the State of West Virginia provided a draft 5-year progress report for the State's Regional Haze State Implementation Plan (SIP). Although the U.S. Fish and Wildlife Service (FWS) does not have Class I areas within West Virginia, the draft and appendices include all of the necessary elements and information needed to adequately address regional haze progress at our nearby Class I Refuges. The documents were comprehensive and well written to accommodate a full review. We agree with the State's conclusion of "negative declaration" and do not request further revision to West Virginia's Regional Haze SIP.

This letter acknowledges that the U.S. Department of Interior, FWS, has conducted a substantive review of the draft Regional Haze SIP revision in fulfillment of the requirements identified in 40 CFR 51.308(i). Please note that only the U.S. Environmental Protection Agency (EPA) can make a final determination regarding the document's completeness and, therefore, ability to receive federal approval from EPA.

It is noteworthy that West Virginia is one of the first States to submit a draft 5-year progress report to the FWS for review. We compliment you on your hard work and dedication to the significant improvement in our nation's air quality related values and visibility.

Sincerely,


Sandra V. Silva
Chief, Branch of Air Quality



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Response to Comments

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Federal Land Manager Consultation

The Regional Haze Rule at 40 CFR §51.308(i)(2) requires that the State “provide the Federal Land Manager with an opportunity for consultation, in person and at least 60 days prior to holding any public hearing on an implementation plan (or plan revision).” In accordance with these requirements, the West Virginia Department of Environmental Protection, Division of Air Quality (WVDAQ) sent a draft of the *West Virginia State Implementation Plan Revision: Regional Haze Periodic Report Describing Progress Towards the Reasonable Progress Goals for Visibility in Class I Federal Areas and Determination of Adequacy of Existing Implementation Plan* to the Federal Land Managers (FLMs) and the United States Environmental Protection Agency (US EPA) on January 4, 2013. The WVDAQ requested that any request for an in-person consultation or teleconference, be made to the agency within thirty days of receipt. No request for an in-person or teleconference was received. The WVDAQ requested that comments be submitted by March 8, 2013. Comments were received from Pat Brewer of the National Park Service, Jacqueline Lewis of US EPA, Region 3, and Sandra V. Silva of the Fish and Wildlife Service.

I. United States Department of the Interior, National Park Service

COMMENT A:

As requested, I have reviewed West Virginia Department of Environmental Protection (WVDEP)’s draft regional haze progress report. I believe that WVDEP has met the requirements for the periodic progress report as outlined in 40 CFR 41.508 (g). I agree that WVDEP has demonstrated that emissions reductions are on track to meet the 2018 reasonable progress goals established in the WV Regional Haze State Implementation Plan (SIP) for Class I areas in WV. Further, WV emissions reductions are consistent with assumptions used by neighboring states to set reasonable progress goals for their Class I areas.

RESPONSE A:

No response required.

COMMENT B:

Section 1: Status of implementation measures: Since the majority of sulfur dioxide (SO₂) emissions reductions are due to electric generating units (EGU), it would make sense to discuss EGU before other emission sectors.

RESPONSE B:

The discussion of EGUs was moved, so that it is the first measure discussed under Federal Programs. The Progress Report was renumbered accordingly.

COMMENT C:

Section 1.2 covers Consent Decrees that were included in the VISTAS Best and Final inventory and modeling run. It would be helpful to add reference at the end of that section that consent decrees since 2008 are discussed under Reasonable Progress in Section 2.6.

RESPONSE C:

The following language has been added to Section C.1.2.: Consent Decrees that have been executed since 2008, and therefore were not included in the initial RH SIP, are discussed under Reasonable Progress in Section C.2.6.

COMMENT D:

Section 3: Figure 7 demonstrates that actual 2011 EGU emissions were below the projected 2018 EGU emissions included in VISTAS Best and Final modeling run. Table 10 compares unit specific actual controls to controls assumed in VISTAS modeling. Table 11 addresses EGUs specifically covered in the MANEVU Ask. Can you also summarize the emissions reductions and facility shutdowns that would be applicable toward the MANEVU ask for non-EGU SO₂ emissions?

RESPONSE D:

A new section, Section 3.4.b MANE-VU “non-EGU Ask”, has been added which addresses MANE-VU’s request for a 28% reduction in non-EGU SO₂ emissions from 2002 levels. Non-EGU sources which have shutdown plants or units, or switched fuels have been identified and the reductions quantified. A discussion of additional reductions from EGUs, beyond those in the MANE-VU “EGU Ask” has also been added.

COMMENT E:

Section 5: Please provide additional background on the 2007 SEMAP inventory and its objectives. The MANEVU draft SIP template provides a good description of the differences between the Regional Planning Organization inventories and EPA’s National Emissions Inventory (Mobile 6 vs MOVES models, state data vs Integrated Planning Model for EGU growth and controls, NEI vs modeling inventory) that you might add/paraphrase in your emissions inventory section.

RESPONSE E:

A discussion of the SEMAP inventory development and the differences between inventories has been added to Section C.5.

COMMENT F:

Section 7: WV Contributions to Class I areas in neighboring states: your analysis identifies WV non-EGU that contribute 0.5% to Class I areas in neighboring states. The analysis could be strengthened by including the Area of Influence defined through the VISTAS process for each Class I area and listing WV EGU and non-EGU in each AoI. How have emissions changed for these sources?

RESPONSE F:

WV DAQ agrees that more detail is needed so a new section, Section B. Summary of the Existing WV Regional Haze SIP, has been added that explains the development of the original WV Regional Haze SIP and the decision to focus on sulfate as the dominate contributor to regional haze, and EGU and non-EGU point sources as the dominate contributor to sulfate. This section also explains the development of the Area of Influence (AoI), and the selection of the 0.5% contribution threshold. As a result of the addition of this section the document was renumbered accordingly.

WVDAQ agrees with the recommendation and has included additional maps, tables and discussion for Brigantine, NJ; Great Smokey Mountains, NC and TN; James River Face, VA; Linville Gorge, NC; Mammoth Cave, KY; and Shenandoah, VA. (See Section C.7).

Modifications were also made to the discussions in Section C.7 of the impact of West Virginia sources on specific Class I areas identifies the non-EGU sources that impact a specific Class I area. Only two West Virginia non-EGUs have an impact of greater than the 0.5% contribution threshold on any Class I area – WV Alloys and Capitol Cement. WV Alloys impacts James River Face and Capitol Cement impacts Shenandoah. Both of these sources are discussed earlier in the Progress Report and the reader is referred to the appropriate sections [see Sections C.1.5 (Capitol Cement) and C.2.7 (Capitol Cement and WV Alloys)].

COMMENT G:

We appreciate the opportunity to work closely with WVDEP to improve visibility in our Class I national park and wilderness areas.

RESPONSE G:

No response required.

II. United States Environmental Protection Agency

COMMENT A:

*Section 1.1.c. Nonroad Diesel Emissions Program (40 CFR Part 89)
There is a typo in the 2nd paragraph, the word form should be from.*

RESPONSE A:

WVDAQ agrees and has made the correction.

COMMENT B:

*Section 1.6 Reasonable Progress Determinations
Please add the status of Capitol Cement Kilns 8 and 9 to this section. Table 3 of Section 1.5.a indicated that Kilns 7, 8 and 9 were shutdown in 2009.*

RESPONSE B:

WVDAQ had added the statement: The modernization project was completed in 2009 and Kilns 8 and 9 were replaced.

COMMENT C:

*Section 2.1 Mercury Air Toxics Rule
There is a typo in the 2nd paragraph, last sentence the Federal Register Citation should be 77 FR 9304. There is also a typo in the 3rd paragraph, 1st sentence the letter "o" is missing from the word power.*

RESPONSE C:

WVDAQ agrees and has made the correction.

COMMENT D:

*Section 2.6 Federal Consent Decrees
Please include the compliance dates for INVISTA and the shutdown date for the sulfuric acid manufacturing unit at DuPont and Lucite International.*

RESPONSE D:

WVDAQ had added the compliance dates.

COMMENT E:

Section 2.7 West Virginia Unit Specific Point Source Reductions

Table 6 lists Capitol Cement's Kiln 7, should Kiln 8 be included in this table?

RESPONSE E:

Kiln 8 was replaced along with Kiln 9 as part of the modernization project at Capitol Cement. Although Kiln 9 was subject to BART and Kiln 8 was not, the reductions from the modernization project included the shutdown of Kiln 8. The modernization project was accounted for in the original WV RH SIP, and Kiln 7 was permitted to remain for the production of specialty colored cements. Kiln 7 is included in Table 6 because the reductions from its shutdown were not accounted for in the original WV RH SIP. Since the reductions from Kiln 8 have already been accounted for, Kiln 8 should not be included in Table 6.

COMMENT F:

Section 3.1 EGU Reductions

Table 7 lists the facilities outside of West Virginia with a calculated visibility impact greater than 0.5% on Dolly Sods, please add the state where the facilities are located.

There is a typo in the 1st paragraph under Figure 5, for consistence the letter "b" in Tbtu should be capitalized.

RESPONSE F:

WVDAQ has added the requested information to the table, and made the suggested correction.

COMMENT G:

Section 3.3 EGU Unit Specific Reductions

Please indicate the shutdown dates for units 7 and 8 at the Rivesville facility in Table 10.

RESPONSE G:

WVDAQ changed "Company announced shutdown by September 2012" to "Shutdown in 2012."

COMMENT H:

Section 8 Assessment of Monitoring Strategies

There is a typo in the 1st paragraph above Figure 26, in the 1st sentence the letter “t” in the word filter is missing.

RESPONSE H:

WVDAQ made the correction.

III. United States Department of the Interior, Fish and Wildlife Service

COMMENT:

On January 4, 2013, the State of West Virginia provided a draft 5-year progress report for the State's Regional Haze State Implementation Plan (SIP). Although the U.S. Fish and Wildlife Service (FWS) does not have Class I areas within West Virginia, the draft and appendices include all of the necessary elements and information needed to adequately address regional haze progress at our nearby Class I Refuges. The documents were comprehensive and well written to accommodate a full review. We agree with the State's conclusion of “negative declaration” and do not request further revision to West Virginia's Regional Haze SIP.

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It is noteworthy that West Virginia is one of the first States to submit a draft 5-year progress report to the FWS for review. We compliment you on your hard work and dedication to the significant improvement in our nation's air quality related values and visibility.

RESPONSE:

No response required.