



west virginia department of environmental protection

Appendix C: Public Participation

Promoting a healthy environment.

[This page intentionally left blank.]

Table of Contents

| | |
|--|---------|
| Public Notice | Page 5 |
| Letter Re: Proposed WV Regional Haze 5-Year Progress Report, from John A. Benedict, Director WV DAQ to Diana Esher, EPA Region 3 | Page 7 |
| Letter Re: Proposed WV Regional Haze 5-Year Progress Report, from John A. Benedict, Director WV DAQ to Sheila Holman, Director, NC DAQ | Page 9 |
| Letter Re: Proposed WV Regional Haze 5-Year Progress Report, from John A. Benedict, Director WV DAQ to Michael G. Dowd, Director VA DEQ Air Division | Page 11 |
| Letter Re: Proposed WV Regional Haze 5-Year Progress Report, from John A. Benedict, Director WV DAQ to: Ms. Susan Johnson (National Park Service), Ms. Sandra V. Silva (U.S. Fish & Wildlife Service), Mr. Clyde N. Thompson (U.S. Forest Service), Mr. Chuck Sams (U.S. Forest Service), cc'd to Tim Allen (U.S. Fish & Wildlife Service), Patricia Brewer (National Park Service), Anthony Matthews (National Forests in Florida) | Page 13 |

[This page intentionally left blank.]

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD

The West Virginia Department of Environmental Protection (DEP), Division of Air Quality (DAQ) is announcing an opportunity for public comment on the proposed *West Virginia State Implementation Plan Revision: Regional Haze 5-Year Periodic Report (Covering 2008-2013) Describing Progress Towards the Reasonable Progress Goals for Visibility in Class I Federal Areas and Determination of Adequacy of Existing Implementation Plan* (Progress Report).

Regional haze is defined as visibility impairment that is produced by a multitude of sources and activities which emit fine particles and their precursors, and which are located across a broad geographic area. These emissions are transported over large regions, including national parks, forests and wilderness areas ("Class I" federal areas). The Clean Air Act Mandates protection of visibility, especially in Class I areas.

States were required to submit a state implementation plan (SIP) to the U.S. Environmental Protection Agency that defined a specific plan for complying with the federal Regional Haze Rule (RHR). West Virginia developed a SIP to address visibility impairment in the State's Class I areas – Dolly Sods Wilderness Area and Otter Creek Wilderness Area – located in the eastern mountains of West Virginia, as well as potential impacts on nearby states' Class I areas. West Virginia submitted its regional haze SIP on June 18, 2008. Five years after submittal of the initial regional haze, states are required to evaluate the progress towards the reasonable progress goals for each Class I area. This proposed revision to the SIP serves as West Virginia's 5-year periodic review.

The DEP proposes to submit a negative declaration to EPA specifying that the West Virginia Regional Haze SIP is sufficient for meeting the requirements outlined in the RHR. The DEP also proposes to conclude that no additional controls are necessary, based on this first West Virginia five year progress report.

Pursuant to Clean Air Act section 169A(d), the DEP is notifying the public that the responsible Federal Land Managers (FLMs) have been consulted. DEP is making the FLMs conclusions/recommendations, and the DEP responses (see Appendix B), available to the public as part of the supporting documentation.

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 revision is considered noncontroversial in nature. Therefore, a public hearing will be held only if requested in writing, and the written request is received by April 22, 2013. 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 on April 30, 2013 at 6:00 p.m. 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 State Register published on April 26, 2013.

Copies of the proposed Progress Report and supporting documentation may be viewed between 8:30 a.m. and 4:30 p.m. at the DEP Division of Air Quality, 601 57th Street, SE, Charleston, WV 25304, beginning March 22, 2013, and may be viewed electronically on the Division of Air Quality website under the public notice and comment section: www.dep.wv.gov/daq/.

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. Written comments will also be accepted for inclusion in the formal record by mail, facsimile (304-926-0479), e-mail (Tammy.L.Mowrer@wv.gov) or other delivery to the Division of Air Quality if postmarked or transmitted by 5:00 p.m. on April 22, 2013.



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

March 21, 2013

Ms. Diana Esher, Director
U.S. EPA Region III
Air Protection Division
1650 Arch Street (3AP00)
Philadelphia, PA 19103-2029

Re: Proposed WV Regional Haze 5-Year Progress Report

Dear Ms. Esher:

The 1999 Regional Haze Rule (RHR) required 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. West Virginia Department of Environmental Protection (DEP) developed a SIP to address visibility impairment in the State's Class I areas – Dolly Sods Wilderness Area and Otter Creek Wilderness Area – located in the eastern mountains of West Virginia, as well as potential impacts on nearby states' Class I areas. The original Regional Haze SIP was submitted to the U.S. Environmental Protection Agency (EPA) on June 18, 2008. The EPA published a final rule granting limited approval (77FR16937) of West Virginia's Regional Haze SIP on March 23, 2012.

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. The DEP has prepared the attached proposed *West Virginia State Implementation Plan Revision: Regional Haze 5-Year Periodic Report (Covering 2008-2013) Describing Progress Towards the Reasonable Progress Goals for Visibility in Class I Federal Areas and Determination of Adequacy of Existing Implementation Plan* (Progress Report) for the Dolly Sods and Otter Creek Wilderness Areas.

The DEP proposes to submit a negative declaration to EPA specifying that the West Virginia Regional Haze SIP (submitted June 18, 2008) is sufficient for meeting the requirements outlined in the RHR. The DEP also proposes to conclude that no additional controls are necessary, based on this first West Virginia five year progress report.

Pursuant to Clean Air Act section 169A(d), the DEP is making the FLM comments, and DEPs responses (see Appendix B) available for public review as part of the supporting documentation. This proposed SIP is very similar to the draft which we transmitted to you on January 4, 2013. We have revised portions of the narrative in response to comments received from the FLMs and EPA.

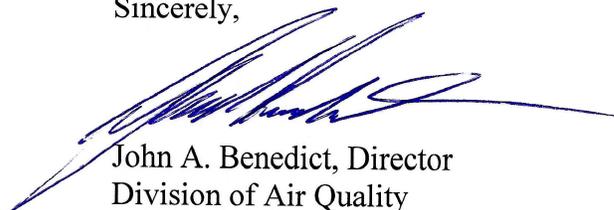
This proposed revision is considered noncontroversial in nature. Therefore, a public hearing will be held only if requested in writing, and the written request is received by April 22, 2013. Any person who requests a public hearing should identify any substantive issue they intend to raise in a hearing. If properly requested, the hearing will be held on April 30, 2013 at 6:00 p.m. 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 State Register published on April 26, 2013.

Copies of the proposed Progress Report and supporting documentation may be viewed between 8:30 a.m. and 4:30 p.m. at the DEP Division of Air Quality, 601 57th Street, SE, Charleston, WV 25304, beginning March 22, 2013, and may be viewed electronically on the Division of Air Quality website under the public notice and comment section: www.dep.wv.gov/daq/.

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. Written comments will also be accepted for inclusion in the formal record by mail, facsimile (304-926-0479), e-mail (Tammy.L.Mowrer@wv.gov) or other delivery to the Division of Air Quality if postmarked or transmitted by 5:00 p.m. on April 22, 2013.

If you have any questions or concerns, please contact me at the address above or by phone at (304) 926-0462.

Sincerely,



John A. Benedict, Director
Division of Air Quality

Attachments

cc: Jacqueline Lewis, US EPA Region 3 (3AP30)



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. Huffinan, Cabinet Secretary
www.dep.wv.gov

March 21, 2013

Sheila Holman, Director
Division of Air Quality
North Carolina Department of Environment and Natural Resources
1641 Mail Service Center
Raleigh, NC 27699-1641

Re: Proposed WV Regional Haze 5-Year Progress Report

Dear Ms. Holman:

The 1999 Regional Haze Rule (RHR) required 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 West Virginia Department of Environmental Protection (DEP) developed a SIP to address visibility impairment in the State's Class I areas – Dolly Sods Wilderness Area and Otter Creek Wilderness Area – located in the eastern mountains of West Virginia, as well as potential impacts on nearby states' Class I areas. The original Regional Haze SIP was submitted to the U.S. Environmental Protection Agency (EPA) on June 18, 2008. The EPA published a final rule granting limited approval (77FR16937) of West Virginia's Regional Haze SIP on March 23, 2012.

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. The DEP has prepared the attached proposed *West Virginia State Implementation Plan Revision: Regional Haze 5-Year Periodic Report (Covering 2008-2013) Describing Progress Towards the Reasonable Progress Goals for Visibility in Class I Federal Areas and Determination of Adequacy of Existing Implementation Plan* (Progress Report), for the Dolly Sods and Otter Creek Wilderness Areas.

The DEP proposes to submit a negative declaration to EPA specifying that the West Virginia Regional Haze SIP (submitted June 18, 2008) is sufficient for meeting the requirements outlined in the RHR. The DEP also proposes to conclude that no additional controls are necessary, based on this first West Virginia five year progress report.

Pursuant to Clean Air Act section 169A(d), the DEP is making the FLM comments, and DEP's responses (see Appendix B) available for public review as part of the supporting documentation.

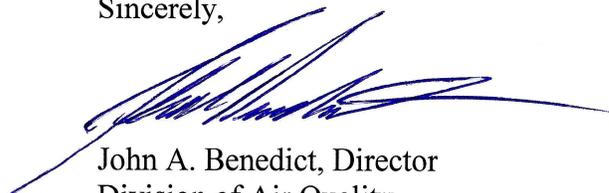
This proposed revision is considered noncontroversial in nature. Therefore, a public hearing will be held only if requested in writing, and the written request is received by April 22, 2013. Any person who requests a public hearing should identify any substantive issue they intend to raise in a hearing. If properly requested, the hearing will be held on April 30, 2013 at 6:00 p.m. 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 State Register published on April 26, 2013.

Copies of the proposed Progress Report and supporting documentation may be viewed between 8:30 a.m. and 4:30 p.m. at the DEP Division of Air Quality, 601 57th Street, SE, Charleston, WV 25304, beginning March 22, 2013, and may be viewed electronically on the Division of Air Quality website under the public notice and comment section: www.dep.wv.gov/daq/.

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. Written comments will also be accepted for inclusion in the formal record by mail, facsimile (304-926-0479), e-mail (Tammy.L.Mowrer@wv.gov) or other delivery to the Division of Air Quality if postmarked or transmitted by 5:00 p.m. on April 22, 2013.

If you have any questions or concerns, please contact me at the address above or by phone at (304) 926-0462.

Sincerely,



John A. Benedict, Director
Division of Air Quality



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

March 21, 2013

Michael G. Dowd, Director
Air Division
Virginia Department of Environmental Quality
629 East Main Street
P.O. Box 1105
Richmond, VA 23218

Re: Proposed WV Regional Haze 5-Year Progress Report

Dear Mr. Dowd:

The 1999 Regional Haze Rule (RHR) required 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 West Virginia Department of Environmental Protection (DEP) developed a SIP to address visibility impairment in the State's Class I areas – Dolly Sods Wilderness Area and Otter Creek Wilderness Area – located in the eastern mountains of West Virginia, as well as potential impacts on nearby states' Class I areas. The original Regional Haze SIP was submitted to the U.S. Environmental Protection Agency (EPA) on June 18, 2008. The EPA published a final rule granting limited approval (77FR16937) of West Virginia's Regional Haze SIP on March 23, 2012.

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. The DEP has prepared the attached proposed *West Virginia State Implementation Plan Revision: Regional Haze 5-Year Periodic Report (Covering 2008-2013) Describing Progress Towards the Reasonable Progress Goals for Visibility in Class I Federal Areas and Determination of Adequacy of Existing Implementation Plan* (Progress Report), for the Dolly Sods and Otter Creek Wilderness Areas.

The DEP proposes to submit a negative declaration to EPA specifying that the West Virginia Regional Haze SIP is sufficient for meeting the requirements outlined in the RHR. The DEP also proposes to conclude that no additional controls are necessary, based on this first West Virginia five year progress report.

Pursuant to Clean Air Act section 169A(d), the DEP is making the FLM comments, and DEPs responses (see Appendix B) available for public review as part of the supporting documentation.

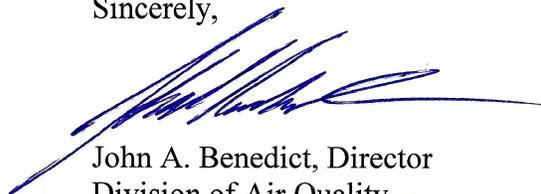
This proposed revision is considered noncontroversial in nature. Therefore, a public hearing will be held only if requested in writing, and the written request is received by April 22, 2013. Any person who requests a public hearing should identify any substantive issue they intend to raise in a hearing. If properly requested, the hearing will be held on April 30, 2013 at 6:00 p.m. 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 State Register published on April 26, 2013.

Copies of the proposed Progress Report and supporting documentation may be viewed between 8:30 a.m. and 4:30 p.m. at the DEP Division of Air Quality, 601 57th Street, SE, Charleston, WV 25304, beginning March 22, 2013, and may be viewed electronically on the Division of Air Quality website under the public notice and comment section: www.dep.wv.gov/daq/.

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. Written comments will also be accepted for inclusion in the formal record by mail, facsimile (304-926-0479), e-mail (Tammy.L.Mowrer@wv.gov) or other delivery to the Division of Air Quality if postmarked or transmitted by 5:00 p.m. on April 22, 2013.

If you have any questions or concerns, please contact me at the address above or by phone at (304) 926-0462.

Sincerely,



John A. Benedict, Director
Division of Air Quality



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

March 21, 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: Proposed WV Regional Haze 5-Year Progress Report

Dear Federal Land Manager (FLM) Partners:

The 1999 Regional Haze Rule (RHR) required 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 West Virginia Department of Environmental Protection (DEP) developed a SIP to address visibility impairment in the State's Class I areas – Dolly Sods Wilderness Area and Otter Creek Wilderness Area – located in the eastern mountains of West Virginia, as well as potential impacts on nearby states' Class I areas. The original Regional Haze SIP was submitted to the U.S. Environmental Protection Agency (EPA) on June 18, 2008. The EPA published a final rule granting limited approval (77FR16937) of West Virginia's Regional Haze SIP on March 23, 2012.

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. The DEP has prepared the attached proposed *West Virginia State Implementation Plan Revision: Regional Haze 5-Year Periodic Report (Covering 2008-2013) Describing Progress Towards the Reasonable Progress Goals for Visibility in Class I Federal Areas and Determination of Adequacy of Existing Implementation Plan* (Progress Report), for the Dolly Sods and Otter Creek Wilderness Areas.

The DEP proposes to submit a negative declaration to EPA specifying that the West Virginia Regional Haze SIP is sufficient for meeting the requirements outlined in the RHR. The DEP also proposes to conclude that no additional controls are necessary, based on this first West Virginia five year progress report.

Pursuant to Clean Air Act section 169A(d), the DEP is making the FLM comments, and DEPs responses (see Appendix B) available for public review as part of the supporting documentation. This proposed SIP is very similar to the draft which we transmitted to you on January 4, 2013. However, we have revised portions of the narrative in response to comments received from the FLMs and EPA.

Promoting a healthy environment.

Letter to Federal Land Manager Partners
S. Johnson, S. Silva, C. Thompson, C. Sams
March 21, 2013
Page 2

This proposed revision is considered noncontroversial in nature. Therefore, a public hearing will be held only if requested in writing, and the written request is received by April 22, 2013. 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 on April 30, 2013 at 6:00 p.m. 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 State Register published on April 26, 2013.

Copies of the proposed Progress Report and supporting documentation may be viewed between 8:30 a.m. and 4:30 p.m. at the DEP Division of Air Quality, 601 57th Street, SE, Charleston, WV 25304, beginning March 22, 2013, and may be viewed electronically on the Division of Air Quality website under the public notice and comment section: www.dep.wv.gov/daq/.

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. Written comments will also be accepted for inclusion in the formal record by mail, facsimile (304-926-0479), e-mail (Tammy.L.Mowrer@wv.gov) or other delivery to the Division of Air Quality if postmarked or transmitted by 5:00 p.m. on April 22, 2013.

If you have any questions or concerns, please contact me at the address above or by phone at (304) 926-0462.

Sincerely,



John A. Benedict, Director
Division of Air Quality

Attachments

cc: Tim Allen, US Fish & Wildlife Service
Patricia Brewer, National Park Service
Anthony Matthews, National Forests in Florida