



west virginia department of environmental protection

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Harold D. Ward, Cabinet Secretary

Environmental Protection Advisory Council 2024 Annual Report

I. INTRODUCTION

This Annual Report is submitted in accordance with W. Va. Code § 22-1-9(e)(6), to apprise the Joint Committee on Government and Finance of the activities undertaken by the Environmental Protection Advisory Council for the period of January 1, 2024 through December 31, 2024. The Council was created in 1994 by an Act of the West Virginia Legislature and is currently organized and administered within the auspices of the Department of Environmental Protection ("DEP"). In addition to the preparation and submission of this Report, the Council's mission, set forth in W. Va. Code § 22-1-9, embraces the following duties:

1. To consult with and advise the DEP Cabinet Secretary on program and policy development, problem solving, and other appropriate subjects;
2. To identify and define problems associated with the implementation of the legislative statement of purpose and policy set forth in W. Va. Code § 22-1-1(b) (a full recitation of which is made below) and observed by DEP;
3. To provide and disseminate to industry and the public early identification of major federal program and regulatory changes;
4. To provide a forum for the resolution of conflicts between constituency groups; and
5. To strive for consensus, to the extent possible, on the development of overall environmental policy.

II. COUNCIL MEMBERSHIP

Eight members comprise the Council. The Cabinet Secretary is an *ex officio* member and serves as the Chair. The remaining seven members are appointed by the Governor, typically for full terms of four years, and any member may serve successive terms upon renewal of appointment. The balance of constituencies among the Council members is fixed by statute and must be maintained: two members are associated with industries regulated by DEP; two members represent organizations advocating environmental protection; one member represents local government organizations; one member represents public service districts; and one member represents the largest coal miner's labor organization in the State.

As of 12/31/2024, the Council membership consists of the following:

MEMBER	APPOINTMENT	REPRESENTS	TERM EXPIRES
Sue Economou Charleston, West Virginia	2024	Local Governments	June 30, 2025
Charles "Larry" Harris, Ph.D. Morgantown, West Virginia	10/12/1995 1997, 2002, 2005, 2015, 2019	Environmental Organizations	June 30, 2025
Bill Bissett Charleston, West Virginia	2023	Industry	June 30, 2026
Jason Bostic Charleston, West Virginia	2021	Industry	June 30, 2028
Charles "Rick" Roberts, Jr. Charleston, West Virginia	10/12/1995 1996, 2000, 2004, 2015, 2019	Public Service Districts	June 30, 2028
Ted Hapney Kanawha, West Virginia	10/29/2010 2015, 2019	UMWA	June 30, 2026
Autumn Crowe Lewisburg, West Virginia	2024	Environmental Organizations	June 30, 2026

III. DEP ISSUES REVIEWED AT 2024 EPAC MEETINGS INCLUDED:

- The transfer of certain programs involving the state's drinking water from DHHR to DEP
- Underground Carbon Sequestration Rules
- A proposed ammonia production facility in McDowell County
- Review of enforcement issues as the Mountain Valley Pipeline enters its completion phase
- New water quality standards to be proposed
- Proposed fee increases for certain water related permits
- Proposed expansion at the H.A.M. landfill in Monroe County
- EPA's new AirTox screening tool
- MS4 stormwater permit program update
- Proposed renewal of the Hazardous Waste Management fee
- PFAS/Drinking Water monitoring
- Lower Guyandotte River TMDL court suit
- Methane Reduction federal grant and community outreach by DEP Oil and Gas Office
- Wetzel County longwall mining expansion
- Proposed Jefferson County bottling facility

IV. STATEMENT ON DEP'S PERFORMANCE

The Council is required to include within its Annual Report its findings with regard to DEP's performance in accomplishing the purposes set forth in W. Va. Code § 22-1-1(b). These statutory purposes, upon which DEP was established, are:

- (1) To strengthen the State's commitment to restore, maintain, and protect the environment;
- (2) To consolidate environmental regulatory programs in a single State agency;
- (3) To provide a comprehensive program for the conservation, protection, exploration, development, enjoyment, and use of the natural resources of the State;
- (4) To supplement and complement the efforts of the State by coordinating its programs with the efforts of other governmental entities, public and private organizations, and the general public, to improve the quality of the environment, the public health and public enjoyment of the environment, and to propagate and protect animal, aquatic, and plant life, in a manner consistent with the benefits to be derived from strong agricultural, manufacturing, tourism, and energy-producing industries;
- (5) To endeavor, insofar as federal environmental programs require State participation, to obtain and continue State primacy in the administration of such programs, to endeavor to maximize federal funds that may be available to accomplish the purposes of the State and federal environmental programs, and to cooperate with appropriate federal agencies to meet environmental goals;
- (6) To encourage the increased involvement of all citizens in the development and execution of state environmental programs;
- (7) To promote improvement in the quality of the environment through research, evaluation, and sharing of information;
- (8) To improve the management and effectiveness of State environmental protection programs;
- (9) To increase the accountability of State environmental protection programs to the Governor, the Legislature, and the public generally; and
- (10) To promote pollution prevention by encouraging reduction or elimination of pollutants at the source through process modification, material substitutions, in-process recycling, reduction of raw material use, or other source reduction opportunities.

V. CONCLUSION

During 2024, the performance of the Department of Environmental Protection successfully addressed these performance standards. DEP was able to maintain the momentum that was first initiated in 2022 in the successful implementation of unprecedented federal funding for a number of its major programs. It did this with a minimal addition of staff or overhead, which is an outstanding testament to the quality of work that is being done by the agency. DEP continues to be rewarded for its high standards and accomplishments by often being called upon to add even more programs and responsibilities. However, it was again noted during EPAC meeting that this ability to “do more with less” has limitations, particularly in the area of staffing needs. The issue of unfilled vacancies and senior staff retirements over the next few years will pose a real challenge for the agency.

Submitted this 21st day of February, 2024.

Edward F. Maguire II, EPAC Ex Officio Chair designate