

TENTATIVE AGENDA
STATE AIR POLLUTION CONTROL BOARD MEETING

MONDAY, DECEMBER 8, 2014
HOUSE ROOM C
GENERAL ASSEMBLY BUILDING
9TH & BROAD STREETS

Convene – 10:30 a.m.

	TAB
I. Review and Approve Agenda	
II. Minutes (September 5, 2014)	A
III. Regulations - Final	
Federal Documents Incorporated by Reference (9VAC5-60 & 9VAC5-50, Rev. H14)	Sabasteanski B
PM _{2.5} Nonattainment and Maintenance Areas, Northern Virginia (9VAC5-20, Rev. G14)	Sabasteanski C
IV. High Priority Violators Report	Nicholas D
VI. Public Forum	
VII. Other Business	
Air Division Director's Report	Dowd
Future Meetings	

ADJOURN

NOTE: The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions on the latest status of the agenda should be directed to Cindy M. Berndt at (804) 698-4378.

PUBLIC COMMENTS AT STATE AIR POLLUTION CONTROL BOARD MEETINGS: The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions. These procedures establish the times for the public to provide appropriate comment to the Board for its consideration.

For REGULATORY ACTIONS (adoption, amendment or repeal of regulations), public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period). Notice of these comment periods is announced in the Virginia Register, by posting to the Department of Environmental Quality and Virginia Regulatory Town Hall web sites and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

For CASE DECISIONS (issuance and amendment of permits), the Board adopts public participation procedures in the individual regulations which establish the permit programs. As a general rule, public comment is accepted on a draft permit for a period of 30 days. In some cases a public hearing is held at the conclusion of the public comment period on a draft permit. In other cases there may an additional comment period during which a public hearing is held. In light of these established procedures, the Board accepts public comment on regulatory actions and case decisions, as well as general comments, at Board meetings in accordance with the following:

REGULATORY ACTIONS: Comments on regulatory actions are allowed only when the staff initially presents a regulatory action to the Board for final adoption. At that time, those persons who commented during the public comment period on the proposal are allowed up to 3 minutes to respond to the summary of the comments presented to the Board. Adoption of an emergency regulation is a final adoption for the purposes of this policy. Persons are allowed up to 3 minutes to address the Board on the emergency regulation under consideration.

CASE DECISIONS: Comments on pending case decisions at Board meetings are accepted only when the staff initially presents the pending case decision to the Board for final action. At that time the Board will allow up to 5 minutes for the applicant/owner to make his complete presentation on the pending decision, unless the applicant/owner objects to specific conditions of the decision. In that case, the applicant/owner will be allowed up to 15 minutes to make his complete presentation. The Board will then allow others who commented at the public hearing or during the public comment period up to 3 minutes to exercise their rights to respond to the summary of the prior public comment period presented to the Board. No public comment is allowed on case decisions when a FORMAL HEARING is being held.

POOLING MINUTES: Those persons who commented during the public hearing or public comment period and attend the Board meeting may pool their minutes to allow for a single presentation to the Board that does not exceed the time limitation of 3 minutes times the number of persons pooling minutes, or 15 minutes, whichever is less.

NEW INFORMATION will not be accepted at the meeting. The Board expects comments and information on a regulatory action or pending case decision to be submitted during the established public comment periods. However, the Board recognizes that in rare instances new information may become available after the close of the public comment period. To provide for consideration of and ensure the appropriate review of this new information, persons who commented during the prior public comment period shall submit the new information to the Department of Environmental Quality (Department) staff contact listed below at least 10 days prior to the Board meeting. The Board's decision will be based on the Department-developed official file and discussions at the Board meeting. In the case of a regulatory action, should the Board or Department decide that the new information was not reasonably available during the prior public comment period, is significant to the Board's decision and should be included in the official file, the Department may announce an additional public comment period in order for all interested persons to have an opportunity to participate.

PUBLIC FORUM: The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than those on the agenda, pending regulatory actions or pending case decisions. Those persons wishing to address the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentations to 3 minutes or less.

The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.

Department of Environmental Quality Staff Contact: Cindy M. Berndt, Director, Regulatory Affairs, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, Virginia 23218, phone (804) 698-4378; fax (804) 698-4346; e-mail: cindy.berndt@deq.virginia.gov.

Federal Documents Incorporated by Reference (Rev. H14) - Request for Board Action on Exempt Final Regulation: The purpose of the proposed action is to amend the regulations to incorporate newly promulgated federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and national emission standards for hazardous air pollutants for source categories (Maximum Achievable Control Technology, or MACT), Rules 5-5, 6-1, and Rule 6-2, respectively, of the board's regulations. The board needs to incorporate newly promulgated NSPS, NESHAP, and MACT standards in order for the department to obtain authority from the U.S. Environmental Protection Agency (EPA) to enforce these standards. If the board does not do so, authority to enforce the standards remains with the federal government. Further, the standards reflect the most current technical research on the subjects addressed by the standards. To continue to follow the old standards would mean relying on inaccurate and outdated information. The department is requesting approval of draft final regulation amendments that meet federal statutory and regulatory requirements. Approval of the amendments will ensure that the Commonwealth will be able to meet its obligations under the federal Clean Air Act. The regulation amendments

update state regulations that incorporate by reference certain federal regulations to reflect the Code of Federal Regulations as published on July 1, 2014. Below is a list of the new standards the department is recommending be incorporated into the state regulations by reference:

1. One new NSPS is being added: Subpart BBa, Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 (40 CFR 60.60.280a through 40 CFR 60.288a). The date of the Code of Federal Regulations book being incorporated by reference is being updated to the latest version.
2. No new NESHAPs are being incorporated. The date of the Code of Federal Regulations book being incorporated by reference is being updated to the latest version.
3. No new MACTs are being incorporated. The date of the Code of Federal Regulations book being incorporated by reference is being updated to the latest version.

PM_{2.5} Nonattainment and Maintenance Areas, Northern Virginia (9VAC5 Chapter 20, Rev. G14) - Request for Board Action on Exempt Final Regulation: On October 6, 2014 (79 FR 60081), the U.S. Environmental Protection Agency (EPA) approved a request that localities (Counties of Arlington, Fairfax, Loudoun, Prince William; Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park) in the northern Virginia area that were designated as nonattainment for very fine particulate matter (PM_{2.5}) be redesignated to attainment/maintenance. The amendments (i) revise the list of maintenance areas to include northern Virginia for PM_{2.5} (9VAC5-20-203); and (ii) revise the list of nonattainment areas to remove northern Virginia for PM_{2.5} (9VAC5-20-204). The department is requesting approval of draft final regulation amendments that meet federal statutory and regulatory requirements. Approval of the amendments will ensure that the Commonwealth will be able to meet its obligations under the federal Clean Air Act. Below is a brief summary of the substantive amendments.

1. The localities that comprise the Northern Virginia PM_{2.5} Maintenance Area (Counties of Arlington, Fairfax, Loudoun, Prince William; Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park) have been added to the list of maintenance areas (9VAC5-20-203 3) in accordance with 40 CFR 81.347.
2. The localities that had formerly comprised the Northern Virginia PM_{2.5} Nonattainment Area (Counties of Arlington, Fairfax, Loudoun, Prince William; Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park) have been removed from the list of nonattainment areas in accordance with 40 CFR 81.347.

High Priority Violators (HPV's) for the Fourth Quarter, 2014

NOV's Issued from July through September 2014

BRRO	Wolverine Advanced Materials – Cedar Run Blacksburg, Virginia Registration No. 21240	Discover Date: 7/14/2014 Alleged violations: Stack test not properly conducted – did not conduct three separate test runs. Catalytic oxidizer not meeting 98% destruction efficiency.	NOV – Issued 7/22/2014
SWRO	Strongwell Corporation – Bristol Division Bristol, Virginia Registration No. 10211	Discover Date: 8/4/2014 Alleged violations: Failed to submit initial notification for 40 CFR Part 63, Subpart DDDDD, exceeded monthly paint usage throughput limit for 4 months, exceeded monthly VOC limit for 4 months, records not kept pursuant to 40 CFR Part 63, Subpart PPPP	NOV – Issued 9/19/2014

TRO	Dominion – Yorktown Power Station Yorktown, Virginia Registration No. 60137	Discover Date: 6/26/2014 Alleged violations: Failed stack test – exceeded PM emission limit in TV Permit and 2003 Federal Consent Decree.	NOV – Issued 9/22/2014
VRO	O-N Minerals Chemstone Company - Strasburg Bristol, Virginia Registration No. 80252	Discover Date: 8/14 /2014 Alleged violations: Failed stack test – exceeded PM emission limit in TV Permit and 2013 Consent Order.	NOV – Issued 8/19/2014

CO's In Development – Previously Reported NOV's

BRRO	South Boston Energy, LC South Boston, Virginia Registration No. 21526	Discover Date: 3/19/2014 Alleged violations: Late submittal of performance test results, failure to conduct RATA, failure to submit EERs for 3rd and 4th quarters of 2013, improper stack testing.	NOV – Issued 5/29/2014 Regional Enforcement staff negotiating consent order.
BRRO	Virginia Electric and Power Company Altavista Power Station, Altavista, Virginia Registration No. 30859	Discovery Date: 2/12/2014 Alleged violations: Excess Emissions Report review showed exceeded 30 day rolling average and hourly CO limits for Boiler #2.	NOV – Issued 4/7/2014 Regional enforcement staff negotiating consent order.
SWRO	Virginia City Hybrid Energy Center Wise County, Virginia Registration No. 11526	Discovery date: 4/8/2013 Alleged violations: Exceeded CO limit for 30 day rolling average variable permit limit for CFB Units 1 and 2.	NOV's – Issued 4/10/2013, 9/30/2013 EPA issued a letter approving Dominion's request for carbon dioxide diluent cap on 1/28/2014. Dominion recently submitted recalculated data, DEQ staff are reviewing this information. Region is currently negotiating consent order.

EPA CD's In Development – Previously Reported NOV's

***The inspections at the Hopewell facilities were conducted as part of EPA Region III's Hopewell Geographic Initiative, which is an enforcement strategy created, in part to better understand the transfer of volatile organic compounds and hazardous air pollutants between facilities in the Hopewell geographic air shed.*

<p>**EPA</p>	<p>Hopewell Regional Wastewater Treatment Facility (WWTP)</p> <p>Hopewell, Virginia Hopewell City</p> <p>Registration No. 50735</p>	<p>Discovery dates – 11/07/2007</p> <p>Alleged violations: Violations of 40 CFR 63 Subpart VVV (Publically Owned Treatment Works - POTW) and Reasonably Available Control Technology (RACT) that include failure to provide appropriate notification, meet control requirements, conduct inspections and monitoring, properly calculate emission values.</p>	<p>EPA 1st NOV - Issued 07/06/2009 EPA 2nd NOV - Issued 12/17/2010</p> <p>Additional Information: Amended draft Consent Decree sent to WWTP October 28, 2014. Met with WWTP, EPA and DOJ on November 3, 2014, for settlement meeting.</p>
<p>DEQ -PRO</p>		<p>Discovery dates: 02/04/2011</p> <p>Alleged violations: Failure to meet 92% HAP mass removal present in wastewater.</p>	<p>NOV - Issued 05/25/2011</p> <p>Additional Information: This NOV cites the same violations as the EPA NOV issued on 12/17/2010.</p>
<p>**EPA</p>	<p>Smurfit-Stone Container Corp. / Hopewell Mill (RockTenn)</p> <p>Hopewell, Virginia</p> <p>Registration No. 50370</p>	<p>Discovery dates – 07/27/2010</p> <p>Alleged violations: Failure to operate in a manner to demonstrate compliance with HAP reduction requirements.</p> <p>Failure to submit periodic startup, shutdown and malfunction reports.</p>	<p>NOV - Issued 09/27/2010</p> <p>Additional Information: NOV meetings were held with EPA, DEQ, and the Responsible Party on 01/31/2011 and 8/7/2012. Negotiations continue between DOJ/EPA, DEQ and RockTenn.</p>