

TENTATIVE AGENDA AND MINIBOOK  
STATE AIR POLLUTION CONTROL BOARD {WORK SESSION/MEETING}

FRIDAY, SEPTEMBER 20, 2019

BANK OF AMERICA BUILDING  
THIRD FLOOR CONFERENCE ROOM  
1111 EAST MAIN STREET  
RICHMOND, VIRGINIA 23219

Convene – 10:00 a.m.

Agenda Item	Presenter	Tab
Call to Order	Moreno	
Introductions	Board Members	
Review and Approve Agenda	Moreno	
Review and Approve Minutes (June 21, 2019)	Moreno	A
DEQ Director and Division Director Updates		
<ul style="list-style-type: none"> <li>• Environmental Justice Contract Status and Next Steps</li> <li>• Carbon Trading Regulation and Governor's Directive</li> <li>• Analysis of Regulation of Carbon Sources Other than Coal-Fired Power Plants</li> </ul>	<ul style="list-style-type: none"> <li>Paylor</li> <li>Dowd</li> <li>Dowd</li> </ul>	
High Priority Violations Report	Nicholas	B
Work Session - Public Engagement including:		
<ul style="list-style-type: none"> <li>• Presentation on Current Requirements</li> <li>• Report from Board Subcommittee</li> </ul>	<ul style="list-style-type: none"> <li>Berndt</li> <li>Hoagland</li> </ul>	
Public Forum		
Future Meetings (December 6)		
Adjourn	Moreno	

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 be 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, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, Virginia 23218, phone (804) 698-4378; fax (804) 698-4346; e-mail: [cindy.berndt@deq.virginia.gov](mailto:cindy.berndt@deq.virginia.gov).

**Additional Meeting Information:**

- Attendees are not entitled to be disorderly or disrupt the meeting from proceeding in an orderly, efficient, and effective fashion. Disruptive behavior may result in a recess or removal from the meeting.
  - Possession or use of any device that may disrupt the conduct of business is prohibited, including but not limited to: voice-amplification equipment; bullhorns; blow horns; sirens, or other noise-producing devices; as well as signs on sticks, poles or stakes; or helium-filled balloons.
  - Attendees shall not block or gather in exits, doors, or aisles.
  - All attendees are asked to be respectful of all speakers.
  - Rules will be enforced fairly and impartially not only to ensure the efficient and effective conduct of business, but also to ensure no interference with the business of the hotel, its employees and guests.
  - All violators are subject to removal.
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**High Priority Violations (HPVs) For The Third Quarter 2019****NOVs Issued from April through June**

<b>BRRO</b>	<b>Norcraft Companies LP</b> Lynchburg, Virginia Registration No. 30845	<b>Discovery Date:</b> 5/3/2019 Alleged Violations: Construction of new spray booth line prior to mutual shutdown of old line; missing inspection records for MACT JJ from January 1, 2018- August 31, 2018.	<b>NOV:</b> Issued 5/15/2019
<b>BRRO</b>	<b>Wolverine Advanced Materials</b> Blacksburg, Virginia Registration No. 21240	<b>Discovery Date:</b> 1/4/2019 Alleged Violation: Failed to demonstrate permitted destruction efficiency rate in catalyst activity test.	<b>NOV:</b> Issued 4/17/2019
<b>NRO</b>	<b>Digital Loudoun II, LLC</b> Ashburn, Virginia Registration No. 73670	<b>Discovery Date:</b> 11/29/2018 Alleged Violation: Failed to conduct stack testing on new units in accordance with permit.	<b>NOV:</b> Issued 4/8/2019
<b>NRO</b>	<b>Panda Stonewall LLC</b> Leesburg, Virginia Registration No. 73826	<b>Discovery Date:</b> 3/28/2019 Alleged Violations: Exceeded short-term NOx limit in permit during early stages of operation of the new facility.	<b>NOV:</b> Issued 4/23/2019
<b>PRO</b>	<b>INGENCO – Dinwiddie</b> Petersburg, Virginia Registration No. 51083	<b>Discovery Date:</b> 3/4/2019 Alleged Violations: Improper differential pressure gauges on oxidation catalyst, missing, incomplete and inconsistent records, failure to conduct visible emissions evaluations, reporting violations.	<b>NOV:</b> Issued 5/6/2019
<b>VRO</b>	<b>Masco Cabinetry LLC</b> Mount Jackson, Virginia Registration No. 81062	<b>Discovery Date:</b> 4/25/2019 Alleged Violations: Late annual tune-up on boilers, late submittal of MACT 5D annual compliance report	<b>NOV:</b> Issued 6/6/2019
<b>VRO</b>	<b>University of Virginia</b> Charlottesville, Virginia Registration No. 40200	<b>Discovery Date:</b> 5/17/2019 Alleged Violations:	<b>NOV:</b> Issued 6/6/2019

		Exceeded opacity and CO emission limits from boilers, late tune-up on boiler, failure to notify DEQ of a malfunction.	
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### Consent Orders issued from April through June

<b>SWRO</b>	<b>Dickenson-Russell Contura, LLC/McClure River Prep Plant</b> McClure, Virginia Registration No. 10804	<b>Discovery Date:</b> 2/7/2019 <b>Alleged Violation:</b> Failed to conduct stack test on thermal dryer within time frame established in Title V permit.	<b>NOV:</b> Issued 2/15/2019 Consent Order effective 5/3/2019, including \$13,638 civil charge.
<b>VRO</b>	<b>MillerCoors LLC</b> Elkton, Virginia Registration No. 81012	<b>Discovery Date:</b> 11/9/2018 <b>Alleged Violation:</b> Facility exceeded allowable engine operating hours between stack tests.	<b>NOV:</b> Issued 1/30/2019 Consent Order effective 4/12/2019, including civil charge of \$3175.10 and a supplemental environmental project.
<b>VRO</b>	<b>University of Virginia</b> Charlottesville, Virginia Registration No. 40200	<b>Discovery Date:</b> 12/11/2018 <b>Alleged Violations:</b> Exceeded emissions limits for NOx, CO and PM from boilers	<b>NOV:</b> Issued 1/23/2019 Executive Compliance Agreement effective 5/17/2019, with compliance plan.

### Consent Orders in Development – Previously Reported NOVs

<b>BRRO</b>	<b>Eastman Performance Films, LLC</b> Fieldale, Virginia Registration No. 30294	<b>Discovery Date:</b> 10/1/2018 <b>Alleged Violation:</b> Catalyst activity test did not demonstrate that catalytic oxidizer was meeting 95% control efficiency and late submittal of report.	<b>NOV:</b> Issued 1/30/2019
<b>BRRO</b>	<b>Wolverine Advanced Materials – Cedar Run</b> Blacksburg, Virginia Registration No. 21240	<b>Discovery Date:</b> 1/4/2019 <b>Alleged Violation:</b> Late submittal of catalyst activity report.	<b>NOV:</b> Issued 2/5/2019
<b>NRO</b>	<b>Digital Loudoun II, LLC</b> Ashburn, Virginia Registration No. 73670	<b>Discovery Date:</b> 11/29/2018 <b>Alleged Violation:</b> Failed to conduct stack testing on new units in accordance with permit.	<b>NOV:</b> Issued 1/14/2019
<b>NRO</b>	<b>Panda Stonewall LLC</b> Leesburg, Virginia Registration No. 73826	<b>Discovery Date:</b> 11/27/2018 <b>Alleged Violations:</b> Exceeded short term and annual CO limit in permit during early stages of operation of the new facility.	<b>NOV:</b> Issued 12/20/2018
<b>PRO</b>	<b>AdvanSix Resins and Chemicals LLC</b> Hopewell, Virginia Registration No. 50232	<b>Discovery Date:</b> 9/10/2018 <b>Alleged Violation:</b> Title V permit violations reported after third party audit.	<b>NOV:</b> Issued 2/4/2019
<b>PRO</b>	<b>Carry On Trailer Corporation</b> Montross, Virginia Registration No. 52063	<b>Discovery Date:</b> 6/19/2018 <b>Alleged Violations:</b> Exceeded VOC emissions limit, operating at major source levels.	<b>NOV:</b> Issued 8/8/2018
<b>PRO</b>	<b>INGENCO – Amelia</b> Jetersville, Virginia	<b>Discovery Date:</b> 5/10/2018 <b>Alleged Violations:</b>	<b>NOV:</b> Issued 8/13/2018

	Registration No. 31047	Failed to maintain records as required by permit or regulation, exceeded inlet charge air temperature.	
<b>PRO</b>	<b>INGENCO – Rockville</b> Rockville, Virginia Registration No. 51201	<b>Discovery Date:</b> 6/6/2018 Alleged Violations: Failed to maintain records as required by permit or regulation, exceeded permit opacity limits.	<b>NOV:</b> Issued 8/23/2018
<b>PRO</b>	<b>River Pools and Spas</b> Warsaw, Virginia Registration No. 52484	<b>Discovery Date:</b> 1/17/2019 Alleged Violation: Exceeded permitted VOC (styrene) limits at major source levels.	<b>NOV:</b> Issued 2/26/2019