

FINAL MINUTES
STATE AIR POLLUTION CONTROL BOARD MEETING

WEDNESDAY, September 13, 2023

COMMUNITY COLLEGE WORKFORCE
ALLIANCE 1651 EAST PARHAM ROAD,
RICHMOND, VA 23228

Board Members Present:

Kimberely Beamer
James Guy II
Jay Holloway
David Hudgins
Russell Mait

Board Members Absent: Dr. Lornel Tompkins
Hope Cupit

Department of Environmental Quality:

Alex Samms, Chief Deputy

Rachael Harrell, Board Coordinator

Attorney General's Office:

Eric Lansing, Assistant Attorney General

The meeting convened at 10:31 a.m. The meeting adjourned at 11:12 a.m.

Minute No. 1 – Review and Approval of Agenda: The board unanimously approved the agenda.

Minute No. 2– June 7, 2023 Minutes: The board unanimously approved the minutes from the board's meeting on June 7, 2023.

Minute No. 3- Fast-Track Action Rev. A23: Ms. Karen Sabasteanski recommended that the board authorize the department to:

1. Promulgate the proposal for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The board's authorization should also be understood to constitute its adoption of the regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or 3 more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, and (ii) the department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal.

2. Set an effective date 15 days after close of the 30-day public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the department does not find it necessary to make any changes to the proposal.

The Board unanimously approved the fast-track regulation.

Minute No. 4- Fast-Track Action Rev. B23: Ms. Karen Sabasteanski recommended that the board authorize the department to:

1. Promulgate the proposal for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The board's authorization should also be understood to constitute its adoption of the regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or 3 more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, and (ii) the department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal.

2. Set an effective date 15 days after close of the 30-day public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the department does not find it necessary to make any changes to the proposal.

The Board unanimously approved the fast-track regulation.

Minute No. 5 - Report Regarding Controversial Permits: Mr. Michael Dowd, Air and Renewable Energy Division Director, informed the board that the department will be considering a permit that meets the statutory definition of controversial for the Chesterfield Energy Reliability Center (CERC).

Minute No. 6- Division Director Report: The board received updates from Mr. Dowd.

Minute No. 7- Public Comment Forum: The following individual spoke during the public comment forum: Glen Besa.