

FINAL MINUTES
STATE AIR POLLUTION CONTROL BOARD MEETING

WEDNESDAY, DECEMBER 7, 2022

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

Board Members Present:

Hope Cupit
James Guy II
Jay Holloway
David Hudgins
Russell Mait
Staci Rijal
Dr. Lornel Tompkins

Board Members Absent: None.

Department of Environmental Quality:

Michael S. Rolband, Director

Rachael Harrell, Board Coordinator

Attorney General's Office:

Ross Phillips, Deputy Attorney General

These minutes summarize activities that took place at this Board meeting. The meeting convened at 10:30a.m. and adjourned at 12:07 p.m.

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

Minute No. 2– October 5, 2022 Minutes: The Board unanimously approved the minutes from the Board's meeting on October 5, 2022.

Minute No. 3 – Federal Documents Incorporated by Reference (Rev. C22) General Provisions (9VAC5-20); New and Modified Stationary Sources (9VAC5-50), Hazardous Air Pollutant Sources (9VAC5-60): Ms. Karen Sabasteanski presented final exempt amendments to update Code of Federal Regulations (CFR) book date references to 7/1/22, update CFR internal references for recent rulings, and add 1-BP to the list of hazardous air pollutants. Ms. Sabasteanski explained that three facilities may be potentially affected by the addition of 1-BP and that permitting and compliance staff are working with those facilities to ensure they are in compliance. Ms. Sabasteanski then made the following recommendation:

1. That the board adopt the proposal with an effective date consistent with the Administrative Process Act.
2. In adopting this proposal, the board affirms that it will receive, consider, and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 2.2-4006 B of the Administrative Process Act.

Based on the Board book material, staff presentation and Board discussion, the Board unanimously (i) adopted the amendments with an effective date consistent with the Administrative Process Act and (ii) affirmed that it would receive, consider, and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 2.2-4006 B of the Administrative Process Act.

Minute No. 4- Repeal CO 2 Budget Trading Program as required by Executive Order 9 (Revision A22) Part VII of 9VAC5-140: The Board heard a presentation from Secretary Voyles on the regulatory proposal. The Board was presented with the Department's recommendation to authorize the Department to issue the proposal for public comment in accordance with the Administrative Process Act. The Board voted to 4 to 1 to accept the Department's recommendation, with Mr. Guy, Mr. Holloway, Mr. Hudgins, and Mr. Mait voting yes, Ms. Rijal voting no, and Dr. Tompkins and Ms. Cupit abstaining.

Minute No. 5- Report Regarding Controversial Permits: Mr. Dowd informed the Board that there are currently no controversial permits to present to the Board.

Minute No. 6- Division Director Report: The Board received updates from Michael Dowd, Air and Renewable Energy Division Director. Mr. Dowd reported that Northern Virginia has historically experienced the highest ozone concentrations in the state and has been in nonattainment with the National Ambient Air Quality Standard for ozone since the passage of the Clean Air Act. However, air quality in Northern Virginia has improved dramatically and for the first time in 2021, the region has been redesignated as an attainment area.

Minute No. 7- Public Comment Forum: The following individuals spoke during the public comment forum: Nate Benforado, William Stiles, Glen Besa, Victoria Higgins, Susan Miller, Ann Creasy, and Lee Williams.