

TENTATIVE AGENDA AND MINIBOOK
STATE AIR POLLUTION CONTROL BOARD MEETING

WEDNESDAY, DECEMBER 9, 2015
HOUSE ROOM C
GENERAL ASSEMBLY BUILDING
9TH & BROAD STREETS
RICHMOND, VIRGINIA

Convene – 9:30 a.m.

- I. Review and Approve Agenda**
- II. Minutes** (September 11, 2015)
- III. Regulations - Final Exempt**
Federal Documents Incorporated by Reference (Rev. C-15) Sabasteanski
- IV. High Priority Violators Report** Nicholas
- V. Public Forum**
- VI. Other Business**
Compliance/Enforcement Alonso/Nicholas
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 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, 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. C15) - Request for Board Action on Exempt Final

Regulation: The purpose of this action is to update state regulations that incorporate by reference certain U.S. Environmental Protection Agency (EPA) regulations to reflect the Code of Federal Regulations as published on July 1, 2015. 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, 2015. Below is a list of the new standards the department is recommending for incorporation into the state regulations by reference:

1. No new source performance standards (NSPSs) are being added. The date of the Code of Federal Regulations book being incorporated by reference was updated to the latest version at a previous board meeting.
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.

High Priority Violators (HPVs) for the Fourth Quarter, 2015

NOV's issued from July through September

BRRO	WestRock Virginia Corporation - Covington Covington, Virginia Registration No. 20328	Discovery Date: 3/31/2015 Alleged Violations: Exceeded PM emissions limit during stack test.	NOV: Issued 7/8/2015
BRRO	U.S. Army/Radford Army Ammunition Plant Radford, Virginia Registration No. 20656	Discovery Date: 4/9/2015 Alleged Violations: Exceeded emissions limit for low volatile metals during stack test.	NOV: Issued 7/15/2015
PRO	Richmond Energy LLC Henrico, Virginia Registration No. 52198	Discovery Date: 4/17/2015 Alleged Violations: Exceeded CO emissions limits during stack test.	NOV: Issued 8/27/2015
TRO	Dominion Chesapeake Energy Center Chesapeake, Virginia Registration No. 60163	Discovery Date: 4/9/2015 Alleged Violations: Facility submitted revised Third Quarter 2014 emissions report indicating valid CEMS data on Unit 4 was collected for 38.8% of boiler operating days. Permit requires data collection for minimum of 95% of boiler operating days.	NOV: Issued 6/19/2015

Consent Orders issued from July through September

BRRO	South Boston Energy, LC South Boston, Virginia Registration No. 21526	Discovery 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 Consent Order effective on 7/27/2015, including civil charge of \$14,671.00 and requiring SBE to retain an environmental consulting firm and develop a compliance plan.
TRO	Dominion – Chesapeake Energy Center Chesapeake, Virginia	Discovery Date: 4/22/2015 Alleged Violations:	NOV: Issued 6/26/2015 Consent Order effective 9/21/2015, including civil charge of \$8,778.00.

	Registration No. 60163	Revised 3rd Quarter 2014 EER for unit 4 indicated valid SO2 CEMS data for 38.8% of boiler operating days.	Facility is shutting down, no corrective action required.
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Consent Orders in Development – Previously Reported NOV's

NRO	Trae-Fuels LTD Bumpass, Virginia Registration No. 41057	Discovery Date: 6/9/2015 Alleged Violations: Particulate matter emissions from 2 transfer points on conveyor system; ongoing violations of facility's fugitive dust plan; exceedance of visible emissions limit from Earth Care Dryer exhaust stack; record-keeping; accumulation of dust	NOV: Issued 6/19/2015
VRO	HP Hood LLC Winchester, Virginia Registration No. 81359	Discovery Date: 4/21/2015 Alleged Violations: Construction and operation of new equipment without a permit; specifically, combustion turbine (CT1) and a digester flare (BB2).	NOV: Issued 6/19/2015