

AGENDA AND MINIBOOK
STATE AIR POLLUTION CONTROL BOARD

FRIDAY, DECEMBER 6, 2019

DOUBLETREE BY HILTON RICHMOND AIRPORT
445 INTERNATIONAL CENTER DRIVE
SANDSTON, VIRGINIA 23150

Convene – 2:00 P.M.

Agenda Item	Presenter	Tab
Call to Order	Moreno	
Introductions	Board Members	
Review and Approve Agenda	Moreno	
Review and Approve Minutes (September 20, 2019)	Moreno	A
Review and Approve Agenda Development Procedure	Moreno	B
Public Engagement Committee Update	Hoagland	
Director/Division Director Reports/Updates	Paylor/Dowd	
Nonattainment New source Review (Rev. B19) - Amendments to 9VAC5-80 - Final Adoption	Sabasteanski	C
Ozone Implementation (Rev. C19) - Amendments to 9VAC5-20, 30, 151 and 160 - Final Adoption	Sabasteanski	D
Federal Documents Incorporated by Reference (Rev. D19) - Amendments to 9VAC5-50 - Final Adoption	Sabasteanski	E
Technical Documents Incorporated by Reference (Rev. E19) - Amendments to 9VAC5-20) - Final Adoption	Sabasteanski	F
High Priority Violations Report	Nicholas	G
Public Forum		
Future Meetings		
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.

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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Nonattainment New Source Review (9VAC5-80, Rev. B19) - Request for Board Action on Exempt Final Regulation: On December 6, 2018 (83 FR 62998), the U.S. Environmental Protection Agency (EPA) finalized nonattainment area and ozone transport region (OTR) implementation requirements for the 2015 ozone National Ambient Air Quality Standards (NAAQS) that were promulgated on October 1, 2015. This rule included amendments to new source review (NSR) permitting requirements for ozone nonattainment areas found in 40 CFR 51.165. These amendments enable a permitting agency to allow offset requirements for emissions of nitrogen oxides (NO_x) and volatile organic compounds (VOC) to be met by offsetting reductions in actual emissions of either of those precursors as established by a case-specific permit ratio for ozone. Virginia administers the nonattainment NSR program through Article 9 of 9VAC5-80 (Permits for Stationary Sources), which should be the same as or equivalent to the revised federal program, and must be amended accordingly.

A correction to the definition of "significant" is also being made at this time. Default program requirements to address VOC as a PM_{2.5} precursor as put forth in EPA's August 24, 2016 (81 FR 58010) final implementation rule for the 2012 NAAQS for very fine particulate matter (PM_{2.5}) are not appropriate nor provide any benefit to Virginia's NSR program. EPA has clarified, and the department agrees, that an emissions rate for VOC as a PM_{2.5} precursor is not as protective, transparent, quantifiable, or reliable as the original emissions rate for NO_x, particularly given the predominance of NO_x compared to VOC in the nonattainment area. The department therefore wishes to replace those provisions with the original text, which will better enable the department to ensure that PM_{2.5} emissions are properly controlled in the context of federal mandates.

The department is requesting approval of draft final regulation amendments that meet federal statutory and regulatory requirements. Summary of proposed amendments:

1. Amend the definition of "significant" in 9VAC5-80-2010 C to limit identification of VOC as a PM_{2.5} precursor in order to be consistent with EPA regulation and policy.
2. Amend 9VAC5-80-2120 M to allow offset requirements for emissions of NO_x and VOC to be met by offsetting reductions in actual emissions of either of those precursors as established by a case-specific permit ratio for ozone.

Ozone Implementation (9VAC5-20, Rev. C19) - Request for Board Action on Exempt Final Regulation: On March 6, 2015 (80 FR 12264), the U.S. Environmental Protection Agency (EPA) established a final rule to implement the 2008 ozone National Ambient Air Quality Standard (NAAQS). This rule addressed a range of nonattainment area state implementation plan (SIP) requirements for the 2008 NAAQS, including how to address the revoked 1997 NAAQS. Under Revision G16, the Virginia rules (9VAC5-20-204) were amended to call attention to the fact that the 1997 standard no longer had any effect for the purposes of ozone implementation. Revocation of the 1997 standard also meant that transportation and general conformity reviews were no longer needed in 1997 ozone maintenance areas, and the Virginia conformity regulations were amended accordingly. On February 10, 2017, the department officially requested approval of a revision to the Virginia State Implementation Plan (SIP) for the amended regulations.

Since the SIP was originally submitted, the U.S. Court of Appeals for the District of Columbia Circuit vacated portions

of EPA's final implementation rule on February 16, 2018. Because those provisions were vacated, EPA requested that Virginia officially withdraw the Revision G16 SIP submittal, and the department did so on February 27, 2019. Virginia must now amend its regulations in order to conform to the court decision.

In addition to addressing general implementation issues, 9VAC5-20-204 A 4 has been added. This is needed in order to implement the 2015 ozone NAAQS in the Northern Virginia Ozone Nonattainment Area (40 CFR 81.309).

The department is requesting approval of draft final regulation amendments that meet federal statutory and regulatory requirements. Summary of proposed amendments:

1. Provisions relevant to the vacated implementation rule for the 2008 ozone standard have been removed. [9VAC5-20-204 C, 9VAC5-30-55 D, 9VAC5-151-20, 9VAC5-160-30]
2. The Northern Virginia Ozone Nonattainment Area for the 2015 ozone NAAQS has been added. [9VAC5-20-204 A 4]

Federal Documents Incorporated by Reference (Rev. D19) - 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. Summary of amendments to regulation: update state regulations that incorporate by reference certain federal regulations to reflect the Code of Federal Regulations as published on July 1, 2019. The date of the Code of Federal Regulations book being incorporated by reference is being updated to the latest version.

Technical Documents Incorporated by Reference (9VAC5-20, Rev. E19) - Request for Board Action on Exempt Final Regulation:

Code of Virginia § 10.1-1307.03, Requirements applicable to Outer Continental Shelf sources, requires that the board adopt regulations to implement and enforce the requirements of § 328 of the federal Clean Air Act relating to requirements to control air pollution from Outer Continental Shelf (OCS) sources located offshore of the Commonwealth. The regulations may not differ materially from the regulations promulgated by the U.S. Environmental Protection Agency (EPA) in implementing § 328 of the Clean Air Act (40 CFR Part 55). Accordingly, 9VAC5-20-21 (Documents Incorporated by Reference) was amended to add 40 CFR Part 55. Subsequently, EPA informed the department that three specific sections of 40 CFR Part 55 were not delegable to the states--§ 55.5 (Corresponding onshore area designation), § 55.11 (Delegation), and § 55.12 (Consistency Updates)--because, as stated in 40 CFR 55.11(a), the authority to implement and enforce those provisions will not be delegated by EPA. This regulatory action clarifies that those provisions are not incorporated.

The department is requesting approval of draft final regulation amendments that meet federal statutory and regulatory requirements. Summary of proposed amendments: amend 9VAC5-20-21 E 1 a (3) to specify that 40 CFR 55.5, 55.11, and 55.12 are not incorporated.

High Priority Violations (HPVs) For The Fourth Quarter 2019

NOVs Issued from July through September

PRO	AdvanSix Resins and Chemicals LLC Hopewell, Virginia	Discovery Date: 4/26/2019 Alleged Violation:	NOV: Issued 7/15/2019
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	Registration No. 50232	VOC emissions bypassed flare and vented directly to ambient air through cold box vent stack.	
PRO	AMPAC Fine Chemicals Virginia, LLC Petersburg, Virginia Registration No. 50856	Discovery Date: 5/8/2019 Alleged Violations: Late submittal of Title V application, late submittal of notification of use of methylene chloride, improper leak testing of chemical manufacturing process unit, missing or incomplete records and inspection plans.	NOV: Issued 8/12/2019
SWRO	Dominion Energy – Virginia City Hybrid Energy Center Wise, Virginia Registration No. 11526	Discovery Date: 6/20/2019 Alleged Violations: Exceeded PM ₁₀ and PM _{2.5} emission limits during annual compliance test.	NOV: Issued 7/17/2019

Consent Orders issued from July through September - None To Report

Consent Orders in Development – Previously Reported NOVs

BRRO	Eastman Performance Films, LLC Fieldale, Virginia Registration No. 30294	Discovery Date: 10/1/2018 Alleged Violation: Catalyst activity test did not demonstrate that catalytic oxidizer was meeting 95% control efficiency and late submittal of report.	NOV: Issued 1/30/2019
BRRO	Norcraft Companies LP Lynchburg, Virginia Registration No. 30845	Discovery Date: 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.	NOV: Issued 5/15/2019
BRRO	Wolverine Advanced Materials – Cedar Run Blacksburg, Virginia Registration No. 21240	Discovery Date: 1/4/2019 Alleged Violation: Late submittal of catalyst activity report, failed to demonstrate permitted destruction efficiency rate in catalyst activity test.	NOV: Issued 2/5/2019, 4/17/2019
NRO	Digital Loudoun II, LLC Ashburn, Virginia Registration No. 73670	Discovery Date: 11/29/2018 Alleged Violation: Failed to conduct stack testing on new units in accordance with permit.	NOV: Issued 1/14/2019, 4/8/2019
NRO	Panda Stonewall LLC Leesburg, Virginia Registration No. 73826	Discovery Dates: 11/27/2018, 3/28/2019 Alleged Violations: Exceeded short term and annual CO limit in permit during early stages of operation of the new facility. Also, exceeded short term NOx limit	NOV: Issued 12/20/2018, 4/23/2019
PRO	AdvanSix Resins and Chemicals LLC Hopewell, Virginia Registration No. 50232	Discovery Date: 9/10/2018 Alleged Violation: Title V permit violations reported after third party audit.	NOV: Issued 2/4/2019

PRO	Carry On Trailer Corporation Montross, Virginia Registration No. 52063	Discovery Date: 6/19/2018 Alleged Violations: Exceeded VOC emissions limit, operating at major source levels.	NOV: Issued 8/8/2018
PRO	INGENCO – Amelia Jetersville, Virginia Registration No. 31047	Discovery Date: 5/10/2018 Alleged Violations: Failed to maintain records as required by permit or regulation, exceeded inlet charge air temperature.	NOV: Issued 8/13/2018
PRO	INGENCO – Dinwiddie Petersburg, Virginia Registration No. 51083	Discovery Date: 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.	NOV: Issued 5/6/2019
PRO	INGENCO – Rockville Rockville, Virginia Registration No. 51201	Discovery Date: 6/6/2018 Alleged Violations: Failed to maintain records as required by permit or regulation, exceeded permit opacity limits.	NOV: Issued 8/23/2018
PRO	River Pools and Spas Warsaw, Virginia Registration No. 52484	Discovery Date: 1/17/2019 Alleged Violation: Exceeded permitted VOC (styrene) limits at major source levels.	NOV: Issued 2/26/2019
VRO	Masco Cabinetry LLC Mount Jackson, Virginia Registration No. 81062	Discovery Date: 4/25/2019 Alleged Violations: Late annual tune-up on boilers, late submittal of MACT 5D annual compliance report	NOV: Issued 6/6/2019
VRO	University of Virginia Charlottesville, Virginia Registration No. 40200	Discovery Date: 5/17/2019 Alleged Violations: Exceeded opacity and CO emission limits from boilers, late tune-up on boiler, failure to notify DEQ of a malfunction.	NOV: Issued 6/6/2019