

TENTATIVE AGENDA
STATE AIR POLLUTION CONTROL BOARD MEETING

FRIDAY, SEPTEMBER 10, 2010
HOUSE ROOM C
GENERAL ASSEMBLY BUILDING
9TH & BROAD STREETS
RICHMOND, VIRGINIA

Convene – 9:30 a.m.

			TAB
I.	Review and Approve Agenda		
II.	Minutes (June 4, 2010)		A
III.	Proposed Regulations		
	VOC Emission Standards (Rev. C09) - Offset Lithographic Printing Operations and Letterpress Printing Operations	Graham	B
	VOC Emission Standards (Rev. D09) - Industrial Solvent Cleaning Operations and Miscellaneous Industrial Adhesive Application Processes	Sabasteanski	C
	VOC Emission Standards (Rev. E09) - Miscellaneous Metal and Plastic Parts Coating Operations	Major	D
	General Permit - Qualified Energy Generator for a Biomass Pilot Test Facility	Major	E
IV.	Final Regulations		
	Consumer and Commercial Projects (Rev. J07)	Graham	F
	Outer Continental Shelf Sources (Rev. D10)	Sabasteanski	G
	Minor New Source Review (Rev. H05)	Graham	H
	Greenhouse Gas Tailoring (Rev. C10)	Sabasteanski	I
V.	Air Division Director's Report	Dowd	
	EPA Proposed Transport Rule		
	Mirant PRGS - NO _x State Operating Permit - Status Report		
	ODEC - Update		
	Dominion/Warren County		
VI.	High Priority Violators Report	Nicol	J
VII.	Public Forum		
VIII.	Other Business		
	City of Alexandria/Mirant PRGS - Phase II Phase Project		

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.

VOC Emission Standards, Printing (9VAC5-40, Rev. C09) Regulation Development Report and Request to Publish Proposal for Public Comment: Section 172(c)(1) of the federal Clean Air Act provides that state implementation plans (SIPs) for nonattainment areas must include reasonably available control techniques (RACT) for sources of emissions. Section 182(b)(2) provides that states must revise their SIPs to include RACT for sources of VOC emissions covered by a control techniques guidelines document (CTG) issued after November 15, 1990 and prior to the area's date of attainment. Section 183(e) directs EPA to list for regulation those categories of products that account for at least 80% of the VOC emissions from commercial products in ozone nonattainment areas. RACT controls for listed source categories controlled by a CTG are known as CTG RACTs. CTG RACTs have been issued for offset lithographic printing operations and letterpress printing operations (October 5, 2006, 71 FR 58745). Therefore, states with moderate ozone nonattainment areas must implement these CTG RACTs as part of their attainment SIPs. These requirements therefore apply to sources within the Northern Virginia volatile organic compound (VOC) emissions control area (counties of Arlington, Fairfax, Loudoun, Prince William, and Stafford; cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park).

The regulations developed in order to implement the CTGs require owners to limit emissions of air pollution from offset lithographic printing operations (Article 55), and letterpress printing operations (Article 56). They establish standards, control techniques, and provisions for determining compliance. The regulations also include provisions for visible emissions, fugitive dust, odor, toxic pollutants, compliance, test methods and procedures, monitoring, notification, registration, malfunctions, and permits.

The department is requesting approval of a proposal for public comment that meets federal statutory and regulatory requirements. Approval of the proposal will ensure that the Commonwealth will be able to meet its obligations under the federal Clean Air Act.

To solicit comment from the public on the notice of intended regulatory action, the Department issued a notice that provided for receiving comment during a comment period. A regulatory advisory panel was not used in the development of this proposal.

For existing Article 53 pertaining to earlier standards for lithographic operations in all VOC emissions control areas, applicability provisions for facilities located in the Northern Virginia VOC emissions control area are deleted. Provisions of Article 53 applicable to sources in the Northern Virginia VOC emissions control area are preserved in Article 55.

For each new article (Articles 55 and 56):

1. An applicability section is established which specifies that facilities in the Northern Virginia VOC emissions control area are affected.
2. Definitions of terms used in the rule are provided.
3. A standard for VOC emissions is established, along with provisions for achieving the standard.
4. Compliance provisions are provided detailing how compliance is determined with the standards.
5. Test methods are provided by which compliance may be determined.
6. Monitoring provisions are provided to ensure that the owner is able to stay in compliance with the standards.

7. Standard provisions are provided for visible emissions; fugitive dust/emissions; odor; toxic pollutants; a compliance schedule; notification, records and reporting; registration; facility and control equipment maintenance or malfunction; and permits.

VOC Emission Standards, Miscellaneous (9VAC5 Chapter 40, Rev. D09) - Regulation Development Report and Request to Publish Proposal for Public Comment: Section 172(c)(1) of the federal Clean Air Act provides that state implementation plans (SIPs) for nonattainment areas must include reasonably available control techniques (RACT) for sources of emissions. Section 182(b)(2) provides that states must revise their SIPs to include RACT for sources of VOC emissions covered by a control techniques guidelines document (CTG) issued after November 15, 1990 and prior to the area's date of attainment. Section 183(e) directs the U.S. Environmental Protection Agency (EPA) to list for regulation those categories of products that account for at least 80% of the VOC emissions from commercial products in ozone nonattainment areas. RACT controls for listed source categories controlled by a CTG are known as CTG RACTs. CTG RACTs have been issued for industrial solvent cleaning operations (October 5, 2006, 71 FR 58745) and miscellaneous industrial adhesive application processes (July 14, 2008, 73 FR 40230). Therefore, states with moderate ozone nonattainment areas must implement these CTG RACTs as part of their attainment SIPs. These requirements therefore apply to sources within the Northern Virginia volatile organic compound (VOC) emissions control area (counties of Arlington, Fairfax, Loudoun, Prince William, Stafford; cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park).

The regulations developed in order to implement the CTGs require owners to limit emissions of air pollution from industrial solvent cleaning operations (Article 57), and miscellaneous industrial adhesive application processes (Article 58). They establish standards, control techniques, and provisions for determining compliance. The regulations also include provisions for visible emissions, fugitive dust, odor, toxic pollutants, compliance, test methods and procedures, monitoring, notification, registration, malfunctions, and permits.

The department is requesting approval of a proposal for public comment that meets federal statutory and regulatory requirements. Approval of the proposal will ensure that the Commonwealth will be able to meet its obligations under the federal Clean Air Act.

To solicit comment from the public on the notice of intended regulatory action, the Department issued a notice that provided for receiving comment during a comment period. No public input was received during the NOIRA public comment period for this regulatory action. A regulatory advisory panel was not used in the development of this proposal.

For each new article (Articles 57 and 58):

1. An applicability section is established which specifies the affected source population.
2. Definitions of terms used in the rule are provided.
3. A standard for VOC emissions is established, along with provisions for achieving the standard.
4. Standard provisions are provided for visible emissions; fugitive dust/emissions; odor; toxic pollutants; compliance; a compliance schedule; test methods and procedures; monitoring; notification, records and reporting; registration; facility and control equipment maintenance or malfunction; and permits.

VOC Emission Standards, Miscellaneous Metal and Plastic Parts Coating Operations (9VAC5 Chapter 40, Rev. E09) - Regulation Development Report and Request to Publish Proposal for Public Comment: Section 172(c)(1) of the federal Clean Air Act provides that state implementation plans (SIPs) for nonattainment areas must include reasonably available control techniques (RACT) for sources of emissions. Section 182(b)(2) provides that states must revise their SIPs to include RACT for sources of VOC emissions covered by a control techniques guidelines document (CTG) issued after November 15, 1990 and prior to the area's date of attainment. Section 183(e) directs EPA to list for regulation those categories of products that account for at least 80% of the VOC emissions from commercial products in ozone nonattainment areas. RACT controls for listed

source categories controlled by a CTG are known as CTG RACTs. Therefore, states with moderate ozone nonattainment areas must implement this CTG RACT as part of their attainment SIP. These requirements, therefore, apply to sources within the Northern Virginia volatile organic compound (VOC) emissions control area (counties of Arlington, Fairfax, Loudoun, Prince William, Stafford; cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park).

The regulation developed in order to implement the CTG requires owners to limit emissions of air pollution from miscellaneous metal and plastic parts coating operations (Article 59). They establish standards, control techniques, and provisions for determining compliance. The regulation also includes provisions for visible emissions, fugitive dust, odor, toxic pollutants, compliance, test methods and procedures, monitoring, notification, registration, malfunctions, and permits.

The department is requesting approval of a proposal for public comment that meets federal statutory and regulatory requirements. Approval of the proposal will ensure that the Commonwealth will be able to meet its obligations under the federal Clean Air Act.

To solicit comment from the public on the notice of intended regulatory action, the Department issued a notice that provided for receiving comment during a comment period. No public input was received during the NOIRA public comment period for this regulatory action. A regulatory advisory panel was not used in the development of this proposal.

For the new article (Articles 59):

1. An applicability section is established which specifies the affected source population.
2. Definitions of terms used in the rule are provided.
3. A standard for VOC emissions is established, along with provisions for achieving the standard.
4. Standard provisions are provided for visible emissions; fugitive dust/emissions; odor; toxic pollutants; compliance; a compliance schedule; test methods and procedures; monitoring; notification, records and reporting; registration; facility and control equipment maintenance or malfunction; and permits.

General Permit concerning Qualified Energy Generator (QEG) for a Biomass Pilot Test Facility (9 VAC 5 Chapter 520, Rev. Cg) - Regulation Development Report and Request to Publish Proposal for Public Comment: The General Assembly adopted legislation which mandates the Board develop "an expedited process for issuing any permit that the Board is required to issue for the construction or operation of a "qualified energy generator" provided that the generator is not subject to the major new source review program. The statute defines a qualified energy generator as "a commercial facility located in the Commonwealth with the capacity annually to generate no more than five megawatts of electricity, or produce the equivalent amount of energy in the form of fuel, steam, or other energy product, that is generated or produced from biomass, and that is sold to an unrelated person or used in a manufacturing process." The statute also provides a definition for "biomass" and "expedited process".

The Department is requesting approval of a proposal for public comment that meets state statutory and regulatory requirements. Approval of the proposal will ensure that the Commonwealth will be able to administer the biomass pilot test program in an efficient and effective manner.

To solicit comment from the public on the notice of intended regulatory action, the Department issued a notice that provided for receiving comment during a comment period. To assist in the development of the proposal, the Department formed technical advisory committee consisting of representatives from the general public, environmental groups, industry, and Department staff (both the central and regional offices). Information gathered from the federal statutes, regulations and policies, its own analysis and input from the advisory committee forms the basis for the Department recommendation. A summary of the technical advisory committee's activities has been provided to the Board.

Summary of Draft General Permit:

1. Definitions of terms used in the rule are provided.
2. Procedures for obtaining the general permit are described including requirements for granting an authorization to construct and test under the general permit, required information for initial applications, and transfer of authorization to construct and test.
3. An applicability section is established which specifies the affected source population.
4. Standard provisions are included for visible emissions; fugitive dust/emissions; odor; toxic pollutants; compliance; a compliance schedule; test methods and procedures; monitoring; notification, records and reporting; registration; facility and control equipment maintenance or malfunction; and permits.
5. General permit terms and conditions are established. They include process requirements, a permit emissions threshold, a testing schedule, compliance determination and verification, recordkeeping and reporting requirements and compliance and enforcement provisions.

There are no substantive differences between the Department recommendation and that of the technical advisory committee.

Consumer and Commercial Products (9VAC5 Chapter 45, Rev. J07) - Public Participation Report and Request for Final Board Action: The federal Clean Air Act mandates that states include in their State Implementation Plans (SIPs) certain control measures. If it is determined that these federally mandated measures will not fill the gap between air quality goals and actual air quality, the SIP must then incorporate additional measures as needed to meet the air quality goals. These additional measures are determined in consultation with locally affected officials, who provide input on control strategy development and associated control measures. In the Richmond area, the pertinent body of locally affected officials is the Metropolitan Richmond Air Quality Committee (MRAQC). The recommended measures were approved by the MRAQC for inclusion in the area's September 20, 2006 redesignation request and the September 25, 2006 request for approval of the area's maintenance plan.

The Department is requesting approval of a proposal for public comment that meets federal statutory and regulatory requirements. Approval of the proposal will ensure that the Commonwealth will be able to meet its obligations under the federal Clean Air Act.

This regulatory action (i) expands applicability of five of the seven new articles proposed in revision D06 (Consumer and Commercial Products) into the Richmond VOC Emissions Control Area, and (ii) amends Chapter 40, Article 48 to expand the applicability of that article into the Richmond VOC Emissions Control Area. This action proposes new compliance dates for affected facilities in the Richmond VOC Emissions Control Area.

As originally proposed, this revision J07 incorporated all of the changes proposed by revision D06 to preserve those changes in the event that revision D06 was withdrawn. Revision D06 became effective on March 17, 2010, so those amendments have been removed from the draft final regulation.

The Department is requesting approval of draft final regulation amendments that meet federal statutory and regulatory requirements. Approval of the amendments will ensure that the Commonwealth will be able to meet its obligations under the federal Clean Air Act.

To solicit comment from the public on the proposed regulation amendments, the Department issued a notice that provided for receiving comment during a comment period and at a public hearing.

Below is a brief summary of the substantive amendments that were originally proposed for public comment.

The proposed regulatory action added a new chapter (9VAC5-45) specifically for regulations pertaining to consumer and commercial products and would be applicable to specific product types and the owners that are involved in the manufacture, distribution, retail sales and in some cases, the marketing and use of those products in certain VOC Emissions Control Areas. This proposed regulatory action also amended an article in Chapter 40 that pertains to shops that apply some types of consumer and commercial products in VOC Emissions Control Areas.

In Part I of the new Chapter 45, special provisions specified the general testing, monitoring, compliance, notification, recordkeeping and reporting requirements that would be applicable to all articles in the new chapter and specified certain other sections of the regulations that would not be generally applicable. Exceptions to the special provisions were addressed in each individual article of the new chapter.

In Part II of the new Chapter 45:

1. The proposed regulatory action established standards for Portable Fuel Containers for products manufactured before and after May 1, 2010 as new Articles 1 and 2 in Chapter 45, respectively, and applied to all of the products subject to the current provisions of Chapter 40, Article 42 Portable Fuel Container Spillage. Article 1 clarified some Article 42 exemptions and definitions, added another exemption category, removed obsolete standards and their associated administrative requirements, and provided criteria for sell-through of products. Because Article 1 applied to all products manufactured before May 1, 2010 and was designed to replace Chapter 40, Article 42, the compliance schedule that was proposed for Article 1 was the same as that in Chapter 40, Article 42. Article 2 applied to all portable fuel container products manufactured on or after May 1, 2010 and required board pre-certification of new portable fuel container products as compliant with new labeling requirements and with new and more stringent design and performance standards. Article 2 also included applicability to a new category of owner, and added (i) new and revised exemptions, (ii) new certification procedures, (iii) new testing standards, and (iv) alternative compliance provisions for innovative products over those provisions applicable under Chapter 40, Article 42. The new Article 2 specified a compliance deadline no later than May 1, 2010. The new Article 1 applied only in the Northern Virginia and Fredericksburg VOC Emissions Control Areas. The new Article 2 applied in the Northern Virginia, Fredericksburg and Richmond VOC Emissions Control Areas. Chapter 40, Article 42 will be repealed at an appropriate time after the standards in the new Article 1 are effective.

2. The proposed regulatory action established standards for Consumer Products manufactured before and after May 1, 2010 as new Articles 3 and 4 in Chapter 45, respectively and applied to all of the products subject to the current provisions of Chapter 40, Article 50 Consumer Products. Article 3 pertained to consumer products manufactured before May 1, 2010, clarified some definitions and standards, made the Alternative Control Plan procedures more flexible, revised labeling, reporting and other administrative requirements, and clarified sell-through criteria. Article 3 applied to all products manufactured before May 1, 2010 and was designed to replace Chapter 40, Article 50, therefore the compliance schedule proposed for Article 3 was the same as Chapter 40, Article 50. Article 4 applied to all consumer products manufactured after May 1, 2010 and included all of the changes made in Article 3, added more definitions and standards for some new product categories and established new labeling and other administrative requirements. Article 4 specified a compliance deadline no later than May 1, 2010. The new Article 3 applied only in the Northern Virginia and Fredericksburg VOC Emissions Control Areas. The new Article 4 applied in the Northern Virginia, Fredericksburg and Richmond VOC Emissions Control Areas. Chapter 40, Article 50 will be repealed at an appropriate time after the standards in the new Articles 3 and 4 are effective.

3. The proposed regulatory action established standards for Architectural and Industrial Maintenance Coatings and incorporated all of the provisions of Chapter 40, Article 49 Emission Standards for Architectural and Industrial Maintenance Coatings into a new Article 5 in Chapter 45, except that the new Article 5 removed some obsolete reporting requirements and changed the remaining one to a recordkeeping requirement. The standards and other provisions of the new Article 5 were not substantively changed from what is in Chapter 40, Article 49, therefore no new compliance dates were proposed for the Northern Virginia and Fredericksburg VOC Emissions Control Areas. The standards and other provisions were extended into the Richmond VOC Emissions Control

Area with a proposed compliance deadline of May 1, 2010. Chapter 40, Article 49 will be repealed at an appropriate time after the new Article 5 standards are effective.

4. The proposed regulatory action added a new regulation, Article 6 in the new chapter 45, which established new emission standards for Adhesives and Sealants. The provisions of this article applied to owners who sell, supply, offer for sale or manufacture for sale commercial adhesives, sealants, adhesive primers or sealant primers that contain volatile organic compounds within the Northern Virginia, Fredericksburg and Richmond VOC Emissions Control Areas. The provisions also applied to owners that use, apply for compensation or solicit the use or application of such products in those areas. Exempted from the regulation was any such product manufactured in the Northern Virginia, Fredericksburg or Richmond VOC Emissions Control Areas for shipment and use outside of these areas. The provisions of this regulation did not apply to a manufacturer or distributor who sells, supplies, or offers for sale such products that did not comply with the VOC standards as long as the manufacturer or distributor could demonstrate both that the product was intended for shipment and use outside of those areas and that the manufacturer or distributor had taken reasonable prudent precautions to assure that the product was not distributed in those areas. A number of product-specific exemptions were also allowed. VOC content limits were specified for different product categories. Control technology guidelines were offered as an alternate means of achieving compliance with the standards. Test methods, registration requirements and recordkeeping procedures were provided. This article specified a compliance deadline of May 1, 2010.

5. The proposed regulatory action established standards for asphalt paving operations and incorporated all of the provisions of Chapter 40, Article 39 Emission Standards for Asphalt Paving Operations as a new Article 7 in Chapter 45. Applicability provisions in Article 7 applied to owners instead of sources and a new definition of paving operations was added that clarified the types of operations to which the provisions of the regulation applied. Since the standards and other provisions in this article were not substantively changed, no new compliance date was proposed. Chapter 40, Article 39 will be repealed at an appropriate time after the new Article 7 standards are effective.

The text of the proposed new articles included all of the textual changes to the regulations that were included in the similar, and recently effective, revision D06. This regulatory action had preserved all of the changes proposed by revision D06 in the event that revision D06 was delayed or withdrawn in its entirety. Because revision D06 became effective on March 17, 2010, this draft final revision has been revised to remove the changes already incorporated into regulation by revision D06.

Below is a brief summary of the substantive changes the Department is recommending be made to the original proposal.

Language supporting the phase-in of standards applicable to the use of single-ply roof membrane adhesive and sealants has been changed to provide a similar but separate compliance schedule for the phase-in of that standard in the Richmond VOC Emissions Control Area. A temporary exemption for the manufacture and distribution of single-ply roof membrane adhesives and sealants, not originally part of this proposal but part of the newly effective regulatory language, has been preserved.

Compliance dates originally proposed as May 1, 2010 have been changed to apply in the Richmond VOC Emissions Control Area as of a future date more consistent with the regulatory process timeline. Compliance dates originally proposed as May 1, 2010 and applicable in the Northern Virginia and Fredericksburg VOC Emissions Control Areas have been replaced by a compliance date of August 1, 2010 in an earlier revision (revision D06, effective March 17, 2010), so the August 1, 2010 compliance dates currently effective for the Northern Virginia and Fredericksburg VOC Emissions Control Areas have been preserved.

VOC Emission Standards, Miscellaneous (9VAC5 Chapter 40, Rev. D09) - Regulation Development Report and Request to Publish Proposal for Public Comment: Section 172(c)(1) of the federal Clean Air Act provides that state implementation plans (SIPs) for nonattainment areas must include reasonably available control techniques (RACT) for sources of emissions. Section 182(b)(2) provides that states must revise their SIPs to include RACT for sources of VOC emissions covered by a control techniques guidelines document

(CTG) issued after November 15, 1990 and prior to the area's date of attainment. Section 183(e) directs the U.S. Environmental Protection Agency (EPA) to list for regulation those categories of products that account for at least 80% of the VOC emissions from commercial products in ozone nonattainment areas. RACT controls for listed source categories controlled by a CTG are known as CTG RACTs. CTG RACTs have been issued for industrial solvent cleaning operations (October 5, 2006, 71 FR 58745) and miscellaneous industrial adhesive application processes (July 14, 2008, 73 FR 40230). Therefore, states with moderate ozone nonattainment areas must implement these CTG RACTs as part of their attainment SIPs. These requirements therefore apply to sources within the Northern Virginia volatile organic compound (VOC) emissions control area (counties of Arlington, Fairfax, Loudoun, Prince William, Stafford; cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park).

The regulations developed in order to implement the CTGs require owners to limit emissions of air pollution from industrial solvent cleaning operations (Article 57), and miscellaneous industrial adhesive application processes (Article 58). They establish standards, control techniques, and provisions for determining compliance. The regulations also include provisions for visible emissions, fugitive dust, odor, toxic pollutants, compliance, test methods and procedures, monitoring, notification, registration, malfunctions, and permits.

The department is requesting approval of a proposal for public comment that meets federal statutory and regulatory requirements. Approval of the proposal will ensure that the Commonwealth will be able to meet its obligations under the federal Clean Air Act.

To solicit comment from the public on the notice of intended regulatory action, the Department issued a notice that provided for receiving comment during a comment period. No public input was received during the NOIRA public comment period for this regulatory action. A regulatory advisory panel was not used in the development of this proposal.

For each new article:

1. An applicability section is established which specifies the affected source population.
2. Definitions of terms used in the rule are provided.
3. A standard for VOC emissions is established, along with provisions for achieving the standard.
4. Standard provisions are provided for visible emissions; fugitive dust/emissions; odor; toxic pollutants; compliance; a compliance schedule; test methods and procedures; monitoring; notification, records and reporting; registration; facility and control equipment maintenance or malfunction; and permits.

Minor New Source Review (Rev. H05) (9VAC5 Chapter 80, Rev. H05) - Public Participation Report and Request for Board Action: On May 21, 2002, the Board adopted a major revision to the minor NSR program. The new Article 6 became effective on September 1, 2002 in order to provide a period to train the Department staff. The 2002 adoption reflected a significant revision to the minor NSR program. The evolution of 9 VAC 5-80-10 and 11 to Article 6 of Part II of 9 VAC 5 Chapter 80 resulted in several significant changes being made to the program enabling regulation. One of these changes was to convert from a permit applicability approach that looks at the sum of emissions increases from each individual emissions unit affected by a physical or operational change at an existing stationary source to determine permit applicability to an approach which looks at emissions increases and decreases from all of the changes from a source-wide perspective (i.e. "netting") to determine permit applicability. The basis for the determination of applicability was changed to consider all of the emissions changes at the emissions units due to or directly resultant from the physical or operational change at the existing source. The emissions basis (the difference between the source's pre-change and post-change emissions) for permit applicability was also changed from uncontrolled emissions to actual emissions from all of the changes due to or directly resultant from the physical or operational changes.

While the netting concept, essential to determining applicability, works well in major NSR, it is not working in minor NSR, primarily due to the lack of an underlying permit program to make the netting operations enforceable.

Implementation of the new regulation has placed a significant burden upon the Department staff. Under the new regulation, determination of permit and BACT applicability cannot be made with any reasonable degree of efficiency, effectiveness or consistency. Interpreting the new regulation is a major time-consuming workload for the Department. The preferred and simplest course of action is to eliminate the netting concept and return the regulation to its previous applicability and BACT determination structure that is currently in the EPA-approved SIP.

In Chapter 282, 2008 Acts of Assembly, the legislature directed the board to adopt amendments to Article 6 to return the emissions basis (the difference between the source's pre-change and post-change emissions) for permit applicability from a net emissions increase based upon actual emissions to one based upon annual uncontrolled emission rates. The board adopted the required amendments at the October 23, 2009 board meeting.

The Department is requesting approval of draft final regulation amendments that meet federal statutory and regulatory requirements. Approval of the amendments will ensure that the Commonwealth will be able to meet its obligations under the federal Clean Air Act.

To solicit comment from the public on the proposed regulation amendments, the Department issued a notice that provided for receiving comment during a comment period and at a public hearing.

Below is a brief summary of the substantive amendments that were originally proposed for public comment.

1. The program is being changed to convert from a permit applicability approach for modifications which looks at the net emissions increase due to or directly resultant from the physical or operational changes from all affected units to an approach that only looks at emissions increases from the affected emissions units that make up the project. Currently applicability is based on the net emissions increase based on all the source-wide emissions changes due to or directly resultant from the physical or operational changes. The proposed program will base permit applicability on the emissions from only those emissions units that are new or that undergo a physical or operational change at a project. Debottlenecked emissions (collateral emissions increases and decreases from unchanged processes and equipment) and all emissions decreases from affected emissions units will no longer be considered in determining permit applicability.
2. The program is being changed such that Best Available Control Technology (BACT) determinations will be required for all emissions units that are subject to the minor new source review program. The requirement for a BACT determination will be applied to each pollutant emitted by the new source or project in amounts equal to or greater than the exempt emission rate threshold; however, permit terms and conditions may be applied to any pollutant from the affected emissions units as may be necessary to support the BACT determination. Restrictions on the proportion of the potential emissions reductions that may be considered for a BACT cost-benefit analysis will be removed. The current minimum net emissions increase applicability thresholds for individual affected emissions units will also be eliminated.
3. In order to implement the program changes identified in items 1 and 2, the program is being changed to add definitions and other provisions that will facilitate the clear and consistent identification of the emissions units subject to the permit program (i.e., affected units). For a "new stationary source," the affected emissions units will be all emissions units located to an undeveloped site. For a "project" at an existing stationary source, the affected emissions units will be all new or added emissions units and all modified emissions units that make up the project.
4. The program is being changed such that reconstruction of an emissions unit by the replacement of some of its components will no longer be treated differently from the modification of an emissions unit. Such changes will no longer be exempt if the potential to emit is not increased, but instead will only be exempt if the increase in the emissions rate is less than the exempt emission rates for a modified stationary source, just like any other

modified emissions unit. Reconstruction of an emissions unit by replacing the entire emissions unit will continue to be exempt as a "replacement of an emissions unit" as long as the potential to emit does not increase as a result of that replacement. Reconstruction will only exist in the minor new source review program as it pertains to its applicability under the federal new source performance standards in 40 CFR Part 60.

5. The program is being changed such that certain transportable engines will no longer be considered as nonroad engines that are excluded from the definition of a stationary source. Emissions from such engines may now be subject to the provisions of the minor new source review program and subject to emissions control requirements.

6. The exemption for certain sized fuel burning equipment is being changed to (i) expand the exemption to include space heaters, (ii) reduce the maximum exemption size for natural gas-fired fuel burning equipment, and (iii) in ozone nonattainment and maintenance areas, aggregate similar types of fuel burning equipment that are included in a single project for the purpose of comparison with the exempt size criteria.

7. Exemptions are being added for (i) vegetative waste recycling/mulching operations, (ii) open pit incinerators subject to the open burning rule, and (iii) certain process testing and remediation projects that remain in existence for less than a year.

8. The program is being changed to remove the prohibition against exempting NSPS facilities.

9. Provisions are being added to provide for processing and issuing informational permit applicability determinations.

10. Provisions are being added to incorporate the federal requirements for the new PM_{2.5} air quality standard.

11. The provisions covering permits for sources subject to the federal hazardous air pollutant new source review program are being restructured to increase clarity.

12. Provisions are being added to allow terms and conditions of permits to be combined.

13. Finally, a number of other provisions have been rewritten to increase clarity, including: clarifying when to include fugitive emissions in determining permit applicability, how changes in stack height are subject to permit review requirements, how regulatory changes affect new and previous permit applications, which modifications are subject to public participation requirements, and how to make permit changes to accommodate exempt equipment replacements.

Below is a brief summary of the substantive changes the Department is recommending be made to the original proposal.

1. The definition of BACT is revised to restore much of the language the specified additional considerations for the determination of BACT. The new language clarifies the use of cost effectiveness to make that determination, and preserves the concept of considering cost effectiveness of incremental emission reductions, where appropriate.

2. The exemption threshold for natural gas-fired fuel burning equipment is restored to 50,000,000 Btu/hr.

3. The exemption threshold for fine particulate matter (PM_{2.5}) is corrected to 6 tons per year instead of 5 tons per year.

4. Provision for exempting small swine and poultry incinerators on farms is made under certain specified conditions.

5. The definition of "emergency" is revised to be more generally applicable and to conform to the statutory requirement for a definition applicable to general permits. A definition of "independent service operator" is also added to support the change to the definition of emergency.

6. The definitions of "major modification" and "major stationary source" are revised to allow consideration of emission limits that will be placed on the source as a result of the relevant permit application.

7. The criteria for invalidation of permits due to delays in construction are modified to conform to the similar criteria in other new source review programs.

Permits for Stationary Sources of Pollutants Subject To Regulation, Greenhouse Gas Tailoring (9VAC5 Chapter 85, Rev. C10) - Request for Board Action on Exempt Final Regulation: On June 3, 2010 (75 FR 31514), EPA promulgated final regulations for permitting for greenhouse gases (GHGs). The purpose of the regulatory changes is to enable permitting of GHGs for appropriate sources; this is accomplished by raising the permitting thresholds for GHGs from 100/250 tons per year (tpy) to 100,000 tpy for new prevention of significant deterioration (PSD) sources and federal operating permit (Title V) sources, and 75,000 tpy for modifications. The regulations affect the PSD NSR regulations in 40 CFR 51.166 by adding a definition of "subject to regulation," which includes the new thresholds, and revising the definition of "regulated NSR permit." Because Virginia is a "SIP-approved" state for PSD--that is, it has the authority to directly implement federal PSD regulations as long as its rules are at least as protective as the federal--the corresponding Virginia regulation must be revised accordingly when a final federal rule is promulgated. The regulation also affects the federal operating permit (Title V) regulations in 40 CFR Part 70 by adding a definition of "subject to regulation," which includes the new thresholds, and revising the definition of "major source." Virginia's federal operating permit regulations are federally approved, and must be revised to be at least as protective as the federal.

The department is requesting approval of draft final regulation amendments that meet federal statutory and regulatory requirements. Approval of the amendments will ensure that the Commonwealth will be able to meet its obligations under the federal Clean Air Act.

Because the state regulations are necessary to meet the requirements of the federal Clean Air Act and do not differ materially from the pertinent U.S. Environmental Protection Agency (EPA) regulations, the state regulations are exempt from the standard regulatory adoption process (Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act) by the provisions of § 2.2-4006 A 4 c of the Administrative Process Act. However, notice of the regulation adoption must be forwarded to the Registrar for publication in the Virginia Register 30 days prior to the effective date. Also, the Registrar must agree that the regulations are not materially different from the federal version and are, therefore, exempt from the standard regulatory adoption process and must notify the agency accordingly. This notification and the notice of adoption will be published in the Virginia Register subsequently. Further, in adopting the regulation amendments under the provisions of § 2.2-4006, the board is required to state that it will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Notice that the regulation would be considered by the board and that public comment would be accepted at the board meeting in accordance with the board's policy on public comment at board meetings was provided to the public by posting of the board's agenda to the Virginia Regulatory Town Hall and DEQ web site. In addition, email notification was provided to those persons signed up to receive notifications of board meetings through the Town Hall website.

Below is a brief summary of the substantive provisions of the proposal.

1. A section (Part I) describing applicability of the regulation to certain permitting programs regulated under 9VAC5-80 (Permits for Stationary Sources) is established. [9VAC5-85-10, page 1]

2. Part II is established in order for the provisions of the chapter to apply to the Commonwealth's federal (Title V) operating permit program. This part contains the specific federal tailoring rule requirements. [9VAC5-85-20 et seq., page 1]

3. Part III is established in order for the provisions of the chapter to apply to the Commonwealth's PSD permit program. [9VAC5-85-40 et seq., page 3]

4. Part IV is established in order for the provisions of the chapter to apply to the Commonwealth's state operating permit program. [9VAC5-85-60 et seq., page 5]

High Priority Violators (Hpv's) For The Third Quarter, 2010:

NOV's Issued from March through May 2010.

DEQ Region	Facility	Brief Description	Status
BRRO	<p>Celanese Acetate LLC Narrows, Virginia Registration No. 20304 SIC 2823 & 2869 Cellulosic Man-Made Fibers, Industrial Organic Chemicals NEC NAICS 325221 & 325199 Chemical Manufacturing – Cellulosic Organic Fiber and Organic Chemical Manufacturing</p>	<p>Discovery date – 4/21/2010 Alleged violations: Failure to properly implement and monitor the Leak Detection and Repair Program (LDAR) as required.</p>	<p>NOV - Issued 05/26/2010 <i>*(see update on page 6)</i></p>

<p>NRO</p>	<p>Mirant Mid-Atlantic LLC / Mirant Potomac River Generating Station</p> <p>Alexandria, Virginia</p> <p>Registration No. 70228</p> <p>SIC 4911 Electrical Services NAICS 221112 Utilities – Electric Power Generation, Transmission and Distribution</p>	<p>Discovery dates: 1st NOV – 2/4/2010 2nd NOV – 3/8//2010</p> <p>Alleged violations: 1st NOV Failure to provide all required data in quarterly Continuous Emissions Monitoring (CEM) Report.</p> <p>Exceeded permitted limits for particulate matter (PM) emissions (including condensable).</p> <p>Failure to maintain and operate in a manner consistent with air pollution control practices for minimizing emissions.</p> <p>2nd NOV Exceeding the visible emissions limit of 20% opacity.</p> <p>Failure to maintain and operate in a manner consistent with air pollution control practices for minimizing emissions.</p>	<p>1st NOV - Issued 04/06/2010 2nd NOV - Issued 05/12/2010 <i>*(see update on page 6)</i></p>
<p>NRO</p>	<p>Kinder Morgan Southeast Terminals LLC – Newington Terminal</p> <p>Newington, Virginia</p> <p>Registration No. 70087</p> <p>SIC 5171 Petroleum Bulk Stations & Term NAICS 424710 Petroleum Bulk Stations & Terminals</p>	<p>Discovery dates – 4/14/2010</p> <p>Alleged violations:</p> <p>Exceeded annual allowable throughput of reformulated gasoline (RFG) as per the facility's minor NSR permit.</p>	<p>NOV - Issued 05/10/2010</p>

VRO	Merck Sharp & Dohme Corporation Rockingham County, Virginia Registration No. 80524 SIC 2834 & 2899 Pharmaceutical Preparations, Chemicals & Chem Prep, NEC NAICS 325412 Pharmaceutical and Medicine Manufacturing	Discovery dates – 1/28/2010 Alleged violations: Process modifications to the cyanide destruction system resulting in increases in chloroform, HAPs, PM and HCL emissions. Improper chloroform emission calculations. Failure to conduct Visible Emissions Evaluation for the Thermal Oxidizer.	NOV - Issued 04/28/2010 *(see update on page 6)
-----	--	--	--

CO's Issued from March through May 2010.

NRO	City of Manassas / Virginia Municipal Energy Association (VMEA) Manassas City, Virginia Registration No. 71977 SIC 4911 Electrical Services NAICS 221112 Utilities (Diesel Electric Generators)	Discovery dates – 2/17/2010 Alleged violations: Failure to submit the Title V Semi-Annual Monitoring Report (SAMR) within the required time frame.	NOV - Issued 03/02/2010 CO - Issued 5/26/2010 Civil Charge - \$2,574.00 Additional Information: The SAMR was submitted.
PRO	Omega Protein - Reedville Reedville, Virginia Northumberland County Registration No. 40278 SIC 2077 Animal and Marine Fats & Oils NAICS 311613 Food Mfg. – Animal Slaughtering and Processing	Discovery dates – 7/23/09 Alleged violations: Failure to maintain control equipment, report malfunctions, and conduct required stack testing of an emissions unit.	NOV - Issued 9/24/09 CO - Issued 03/26/2010 Civil Charge - \$22,045.00 Additional Information: Conducted testing for Sulfur Dioxides contained in the airless dryers (D1 and D2) waste evaporator or condenser vent streams as exhausted through boilers BW1 and BW2, Omega permanently removed the fish meal flame dryers 1R and 5, meal cooler MC1, amended the 2 nd 2008 SAMR and the 2008 ACC and submitted

			an updated operating and maintenance plan.
--	--	--	--

CO's In Development – Previously Reported NOV's

TRO	<p>Western Fumigation /Western Industries-North, LLC</p> <p>Suffolk City, Virginia</p> <p>Registration No. 61580</p> <p>SIC 4959 Sanitary Services, NEC NAICS 488119 Transportation and Warehousing</p>	<p>Discovery dates – 1/11/2010</p> <p>Alleged violations:</p> <p>Construction and operation of a fumigation facility without acquiring the appropriate permits.</p>	<p>NOV - Issued 02/05/2010 CO - <i>In Development</i> <i>*(see update on page 6)</i></p> <p>Additional Information:</p> <p>On April 30, 2010, DEQ received the Facility “Case-by-case MACT determination” as required by Section 112G of the 1970 Clean Air Act (42 USC §7401 <i>et seq.</i>).</p>
TRO	<p>Royal Fumigation Inc.</p> <p>Suffolk City, Virginia</p> <p>Registration No. 61579</p> <p>SIC 4959 Sanitary Services, NEC NAICS 488119 Transportation and Warehousing</p>	<p>Discovery dates – 11/30/09</p> <p>Alleged violations:</p> <p>Construction and operation of a fumigation facility without acquiring the appropriate permits.</p>	<p>NOV - Issued 12/21/09 CO - <i>In Development</i> <i>*(see update on page 6)</i></p> <p>Additional Information:</p> <p>On April 30, 2010, DEQ received the Facility “Case-by-case MACT determination” as required by Section 112G of the 1970 Clean Air Act (42 USC §7401 <i>et seq.</i>).</p>
TRO	<p>Wheelabrator (aka Southeastern Public Service Authority - Refuse Derived Fuel Plant)</p> <p>Portsmouth, Virginia Portsmouth City</p> <p>Registration No. 61018</p> <p>SIC 4961 & 4953 Steam & Air Conditioning sup, & Refuse systems NAICS 221330, 562213 & 562219 Utilities, Solid Waste Combustor, Waste Treatment and Disposal</p>	<p>Discovery date – 4/23/09</p> <p>Alleged violation:</p> <p>Quarterly Excess Emissions Reports (EERs), document CO limits being exceeded during 6 different quarterly reports since July 2005.</p>	<p>NOV - Issued 4/23/09 CO - <i>In Development</i></p> <p>Additional Information:</p> <p>On 5/28/09 SPSA informed DEQ that the facility is updating the BMP’s to reduce CO emissions and promote complete combustion.</p> <p>The Title V permit was amended on 7/21/09 to incorporate the CO limit from the PSD Permit.</p> <p>April 2010, the facility was purchased by Wheelabrator Portsmouth Inc (Wheelabrator).</p>

		DEQ is negotiating a joint Order with SPSA and Wheelabrator.
--	--	--

EPA NOV's Issued from March through May 2010.

NONE

EPA CD's Issued from March through May 2010.

Joint	Duke Energy Generation Services of Narrows, LLC (DEGS of Narrows) Narrows , Virginia Registration No. 21418 SIC 4939 Combination Utilities NEC NAICS 221119 Electric Power Generation, Transmission and Distribution	Discovery date – 07/16/07 Violations: Failure to comply with Federal and State requirements for maintaining quality assured data from the NOX CEMS. Failure to meet Title V and Leak Detection and Repair (LDAR) program requirements.	EPA NOV - Issued 12/07/07 CD - Issued 04/12/2010 Civil Penalty - \$155,000.00 Additional Information: Joint Consent Decree required DEGS to surrender 450 Nitrogen Oxide Allowances of 2009 (or earlier) and pay a joint civil penalty of 310,000.00.
--------------	---	---	---

EPA CD's In Development – Previously Reported NOV's

<i>**The inspections at the Hopewell facilities were conducted as part of EPA Region III's Hopewell Geographic Initiative, which is an enforcement strategy created, in part to better understand the transfer of volatile organic compounds and hazardous air pollutants between facilities in the Hopewell geographic air shed.</i>			
**EPA	Ashland Aqualon Functional Ingredients (Hercules) Hopewell, Virginia Hopewell City Registration No. 50363 SIC 2869 Industr. Organic Chemical NEC NAICS 325199 Chemical Mfg.	Discovery date – 11/8/07 Alleged violations: Alleged violations of the Cellulose MACT (40 CFR 63 Subpart UUUU) and the associated Leak Detection and Repair (LDAR) program.	EPA NOV - Issued 4/2/09 Additional Information: 7/8/09 - NOV Meeting was held with EPA, DEQ, and the Responsible Party

<p>**EPA</p>	<p>Hopewell Regional Wastewater Treatment Facility (WWTP)</p> <p>Hopewell, Virginia Hopewell City</p> <p>Registration No. 50735</p> <p>SIC 4952 Sewage Systems NAICS 221320 Utilities, Water, Sewage and Other Systems</p>	<p>Discovery dates – 11/7/07</p> <p>Alleged violations:</p> <p>Violations of 40 CFR 63 Subpart VVV (Publically Owned Treatment Works - POTW) and Reasonably Available Control Technology (RACT) that include failure the to provide appropriate notification, meet control requirements, conduct inspections and monitoring, properly calculate emission values.</p>	<p>NOV - Issued 7/6/09</p> <p>Additional Information:</p> <p>9/23/09 - NOV Meeting was held with EPA, DEQ, and the Responsible Party</p>
<p>**EPA</p>	<p>DuPont Teijin Films</p> <p>Hopewell, Virginia Chesterfield County</p> <p>Registration No. 50418</p> <p>SIC 2821 Plastic Material/Synthetic resins NAICS 325211 Chemical - resin, Synthetic rubber, and artificial synthetic fibers.</p>	<p>Discovery dates – 4/18/08</p> <p>Alleged violations:</p> <p>Violations of 40 CFR 63 Subpart JJJ (Polymers and Resins Group IV), Subpart H (Equipment Leaks), and Subpart EEEE (Organic Liquid Distribution (Non-Gasoline) that include improper use of emission debits and credits; failure to provide certifications, reports and plans; improper emission controls; and failure to identify and repair leaking components.</p>	<p>NOV - Issued 7/17/09</p> <p>Additional Information:</p> <p>9/10/09 - NOV Meeting was held with EPA, DEQ, and the Responsible Party</p>
<p>**EPA</p>	<p>Honeywell International Inc.</p> <p>Hopewell, Virginia Hopewell City</p> <p>Registration No. 50232</p> <p>SIC 2869, 2899, 2819 Industr. Organic Chemical NEC, Chemical & Chem. Prep, NEC, Industrial Inorganic Chemicals NAICS 325199 Chemical Mfg.</p>	<p>Discovery date – 11/6/07</p> <p>Alleged violations:</p> <p>1st NOV - Alleged violations of the Benzene Waste NESHAP (40 CFR 61 Subpart FF) and the associated Leak Detection and Repair (LDAR) program for the Organic HAPs from Equipment Leaks MACT (40 CFR 63 Subpart H)</p> <p>2nd NOV - Annual NOx and PM10 emission limit exceedances in 2004, 2005, 2006, and 2007 at the A, C, D, and E trains of the Area 9 hydroxylamine production unit.</p>	<p>EPA 1st NOV - Issued 3/10/09 EPA 2nd NOV - Issued 8/21/09</p> <p>Additional Information:</p> <p>NOV Meetings have been held with EPA, DEQ, and the Responsible Party on 5/27/09, 11/17/09, and 03/25/10.</p>

Actions occurring from June 2010 through August 6, 2010

<i>*The following actions have occurred post quarter and will be included in the next quarterly report.</i>		
DEQ Regio n	Facility	Status Update
TRO	Royal Fumigation Inc.	The CO was issued on 6/22/2010 with a civil charge of \$51,270.00 to be paid in three payments by 9/30/2010. The Facility submitted the “case-by-case MACT determination” information, the Form 805 Application, and 112(g) Application.
TRO	Western Fumigation /Western Industries-North, LLC	The CO was issued on 6/22/2010 with a civil charge of \$51,270.00 to be paid in three payments by 9/30/2010. The Facility submitted the “case-by-case MACT determination” information, the Form 805 Application, and 112(g) Application.
VRO	Merck Sharp & Dohme Corporation	The CO was issued on 7/21/2010 with a civil charge of \$16,705.00 to be paid by 8/21/2010.
NRO	Mirant Mid-Atlantic LLC / Mirant Potomac River Generating Station	A 3 rd NOV was issued on 7/8/2010 for COMS violations for exceeding the visible emissions limit of 20% opacity and failure to maintain and operate in a manner consistent with air pollution control practices for minimizing emissions.
BRRO	Celanese Acetate LLC	A CO was issued on 8/5/2010 with a civil charge of \$15,715.70 to be paid by 9/5/2010. The Facility will be submitting documentation and reports regarding LDAR, NSPS VV and Subpart H through 1/31/2011.