

TENTATIVE AGENDA
STATE AIR POLLUTION CONTROL BOARD MEETING

FRIDAY, SEPTEMBER 20, 2013
GENERAL ASSEMBLY BUILDING
HOUSE ROOM C
9TH & BROAD STREETS
RICHMOND, VIRGINIA

Convene – 10:30 a.m.

I.	Review and Approve Agenda		TAB
II.	Minutes (June 21, 2013)		A
III.	Regulations - Fast-Track		
	Minor NSR Nonroad Engine Definition (9VAC5-80, Rev. G13)	Graham	B
V.	High Priority Violators Report	Nicholas	C
V.	Public Forum		
VI.	Other Business		
	Air Division Director's Report	Dowd	
	Director's Report - Celebrating Our Success	Paylor	
	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 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.

Minor NSR Nonroad Engine Definition (Chapter 80, Rev. G13) - Request to Publish Proposal for Public Comment and Use the Fast-Track Process: Article 6 of 9VAC5-80 (Permits for Stationary Sources) establishes a minor new source review (NSR) permit program for any stationary source that is not a major stationary source subject to either prevention of significant deterioration (PSD) or nonattainment new source review requirements. Unless the new source or project is exempt, owners are required to obtain a permit prior to beginning construction of a new facility or the expanding an existing one. It establishes permit application, application review, and public participation requirements; standards for granting permits and general permits; exemptions for small new facilities and projects; and procedures for amending, combining, reopening, transferring, invalidating, suspending, revoking and enforcing permits. This amendment revises the definition of "nonroad engine" to be more consistent with a similar federal definition. The definition is expanded to include portable and temporary engines. Since nonroad engines are excluded from the definition of "stationary source," this amendment increases the number of engines that are not subject to minor NSR permitting requirements.

High Priority Violators (HPV's) for the Third Quarter, 2013

NOV's Issued from April through June 2013

BRRO	<p>Radford Army Ammunition Plant</p> <p>Radford, Virginia</p> <p>Registration No. 20656</p> <p>SIC 2892 Industrial/Explosives NAICS 325920 Explosives Manufacturing</p>	<p>Discovery date: 4/17/2013</p> <p>Alleged violations:</p> <p>Construction and operation of 3 unpermitted 300 HP diesel engines/pumps. 2 engines installed and in continuous operation since April 2011. Third engine added March 2013.</p> <p>Failure to maintain written documentation of once per shift inspections for absorption tower for Nitric Acid Concentrator/ Sulfuric Acid Concentrator from July through December 2012.</p>	NOV – Issued 5/3/2013
BRRO	<p>Dominion Resources, Inc., Pittsylvania Power Station</p> <p>Hurt, Virginia</p> <p>Registration No. 30871</p> <p>SIC 4911 Electric Services NAICS 221119 Electric Power Generation</p>	<p>Discovery date: 5/29/2013</p> <p>Alleged violations:</p> <p>Failure to conduct required Cylinder Gas Audit on NOx/O2 monitors for each of three boilers during first quarter 2013.</p>	NOV – Issued 6/28/2013
NRO	<p>Buckeye Terminals LLC – Fairfax Terminal</p> <p>Fairfax, Virginia</p> <p>Registration No. 70220</p> <p>SIC 5170 Petroleum and Petroleum Products NAICS 424710 Petroleum Bulk Stations and Terminals</p>	<p>Discovery date: 3/28/2013</p> <p>Alleged violations:</p> <p>Failure to demonstrate monitoring of gasoline pressure drop at top of vapor recovery unit on daily basis from June 1, 2011 through December 31, 2012.</p> <p>Failure to note deviations in Title V Semi-Annual Monitoring Reports (3) and Annual Compliance Certification (1)</p>	NOV – Issued 5/16/2013
SWRO	<p>Virginia City Hybrid Energy Center</p> <p>Wise County, Virginia</p> <p>Registration No. 11526</p> <p>SIC 4911 Electric Services NAICS 221119 Electric Power Generation</p>	<p>Discovery date: 4/8/2013</p> <p>Alleged violations:</p> <p>Exceeded CO limit for 30 day rolling average variable permit limit for CFB Units 1 and 2.</p>	NOV – Issued 4/10/2013

None

CO's In Development – Previously Reported NOV's

PRO	<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 dates: 3/14/2012, 5/11/12, 10/1/2012</p> <p>Alleged violations:</p> <p>Excess emissions for PM, PM-10, PM-2.5, and sulfuric acid mist from the Sulfuric Acid Plant (SAP).</p> <p>Excess visible emissions from the molten sulfur storage tank.</p> <p>Excess NOx emissions from TW-33.</p>	<p>NOV - Issued 04/17/2012, 5/22/12, 11/19/2012</p> <p>Order signed 7/15/13 - \$333,370 civil charge assessed along with injunctive relief.</p>
-----	---	---	--

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

***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.*

**EPA	<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 – 11/07/2007</p> <p>Alleged violations: Violations of 40 CFR 63 Subpart VVV (Publically Owned Treatment Works - POTW) and Reasonably Available Control Technology (RACT) that include failure to provide appropriate notification, meet control requirements, conduct inspections and monitoring, properly calculate emission values.</p>	<p>EPA 1st NOV - Issued 07/06/2009 EPA 2nd NOV - Issued 12/17/2010</p> <p>Additional Information: NOV Meeting was held with EPA, DEQ, and the Responsible Party on 9/23/2009, 03/09/2011 and 8/7/2012. Draft Consent Decree provided to DEQ 7/12/2013.</p>
DEQ - PRO		<p>Discovery dates: 02/04/2011</p> <p>Alleged violations: Failure to meet 92% HAP mass removal present in wastewater.</p>	<p>NOV - Issued 05/25/2011</p> <p>Additional Information: This NOV cites the same violations as the EPA NOV issued on 12/17/2010.</p>
**EPA	<p>Smurfit-Stone Container Corp. / Hopewell Mill (RockTenn)</p> <p>Hopewell, Virginia</p>	<p>Discovery dates – 07/27/2010</p> <p>Alleged violations: Failure to operate in a manner to demonstrate compliance with HAP reduction requirements.</p>	<p>NOV - Issued 09/27/2010</p> <p>Additional Information: NOV meetings were held with EPA, DEQ, and the Responsible Party on 01/31/2011 and 8/7/2012.</p>

	<p>Registration No. 50370</p> <p>SIC 2631 Pulp Mills NAICS 322130 Pulp, Paper, and Paperboard Products</p>	<p>Failure to submit periodic startup, shutdown and malfunction reports.</p>	<p>RP submitted requested information to EPA/DEQ September 2012. DEQ received draft CD 2/11/2013, comments provided to EPA/DOJ, discussions to follow soon.</p>
**EPA	<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 – 11/06/2007</p> <p>Alleged violations: 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 NO_x 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 03/10/2009 EPA 2nd NOV - Issued 08/21/2009</p> <p>Additional Information: NOV Meetings held with EPA, DEQ, and the Responsible Party on 5/27/2009, 11/17/2009, 03/25/2010, 11/10/2010 and 1/26/2011. Consent Decree lodged with federal court 3/28/2013, public comment period closed 5/8/2013. Motion to enter CD filed 6/24/2013, entered by Judge 7/18/2013.</p>