


**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR DIVISION**

INTRA AGENCY MEMORANDUM

TO: File

FROM: Gary Graham
Regulatory Analyst 

SUBJECT: Meeting Minutes - Regulatory Ad Hoc Advisory Group Concerning Permits for New and Modified Sources (Rev. H05)

DATE: April 13, 2006

INTRODUCTION

At 10:00 a.m., April 4, 2006, the fifth meeting of the ad hoc advisory group concerning permits for new and modified sources (minor new source review) was held in the Seventh Floor Conference Room, Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. A record of meeting attendees is included as Attachment A.

SUMMARY OF DISCUSSION

1. Discussion mostly focused on changes to the second draft of the H05 revision of Chapter 80, Article 6 (minor new source review) and contained in the second versions of handouts "Article 6 of 9 VAC 5 Chapter 80 Applicability" and "Defining the Emissions Unit" listed below:
 - a) Permit applicability determinations. A revised definition was proposed for "project", a definition of "addition" was proposed, and the previously proposed definition of "debottlenecked emissions unit" was proposed to be deleted as no longer necessary. The method of calculating the change in the uncontrolled emissions rate was proposed to be moved to subdivision 3 a of the application information section 9 VAC 5-80-1150. Proposals for the method of calculating the uncontrolled emission rates for comparison with the exempt emission rates in 9 VAC 5-80-1320 D were also discussed. Finally, some proposed minor changes to the BACT applicability language in 9 VAC 5-50-260 were discussed.
 - 1) A few minor wording changes were suggested to achieve consensus for using the new definition of "addition."
 - 2) A few more minor wording changes were suggested to achieve consensus for

using the revised definition of “project”.

3) There was consensus that the definition of “debottlenecked emissions unit” would no longer be necessary if sufficient changes were made to the definitions of “uncontrolled emissions increase” and “emissions unit” to make it clear that the uncontrolled emission rates of individual emissions units would not be limited by limitations on other emissions units.

4) A few more minor wording changes were suggested to achieve consensus for the addition of the requirement to submit a calculation of the uncontrolled emission changes with the application in section 1150. It was agreed that the part of the requirement specifically requiring emissions increases from concurrent changes should be deleted as redundant for information purposes and no longer applicable for determining applicability, assuming that the changes to the definition of “uncontrolled emissions increase” were sufficient to remove debottlenecked emissions increases from consideration for determining permit applicability.

5) It was decided that more work was needed on the language for 9 VAC 5-80-1320 D 2 concerning how to treat subsection 1320 B emissions units.

6) Although no changes had been proposed to subsection 1320 B (concerning individually exempt facilities), there was discussion of a new exemption concept, which was to require that those subsection B emissions units NOT be considered individually for the exemption any longer, but considered in aggregate for the entire project proposed in the application. The idea was that there should be some sort of upper limit on the number of emissions unit that could be exempted in this way. There was some discussion, pro and con, concerning this issue and no consensus was reached.

7) While the proposed wording change to 9 VAC 5-50-260 C was acceptable to the group, some additional wording was suggested to make subsection B more consistent with the definition for “new stationary source” discussed at the last meeting. It was also suggested that subsections B and C both be truncated to remove the pollutant-specific criteria for BACT applicability. There was little discussion of this suggestion since it was not the topic under consideration at the time, and no consensus was reached on it.

b) Defining the Emissions Unit. Revised definitions for “emissions unit”, “process unit”, “process line” and “uncontrolled emission rate” was proposed, and the previously proposed definitions of “manufacturing operation” and “physically connected were proposed to be deleted. A new definition of materials handling equipment was proposed.

1) There was not much discussion of the proposed deletions and the new definition

of “materials handling equipment. It was felt that the proposals depended more on the outcome of discussions on the definition of “emissions unit” and “process line”.

2) Only one member found the proposed changes to the definition of “emissions unit” acceptable. Another had no opinion. The rest of the group was evenly split between returning the definition to the original language and Tom Knauer’s suggestion of substituting language from the NSPS subpart VV definition of “process unit” for the second part of the proposed definition. Legal problems with the use of the term “may” as part of Tom Knauer’s proposal were discussed. There was no consensus, and the group decided to refer back to their individual constituencies and continue the discussion at the next meeting.

3) The proposed change to the definition of “uncontrolled emission rate” was not discussed and will be deferred to the next meeting.

c) Each of the remaining proposed changes in the DRAFT ad hoc H05 revision distributed several weeks earlier (H05-AH-REG2) were then discussed (with the exception of those definitions and changes proposed and discussed concerning the applicability and emissions unit handouts; see a) and b) above).

All of the remaining proposed changes not otherwise discussed in a) and b) above were acceptable to the group with the exception of the definitions of “major modification”, “major stationary source” and “significant”. It was decided that “potential to emit” should be substituted for “uncontrolled emission rate” in those definitions. The validity of adding PM_{2.5} to the exempt emission rates of section 1320 and the definition of significant was also discussed and resolved sufficiently for consensus with those proposed changes. The addition of some additional grammatical articles (i.e. “an” and “the”) in certain places to clarify certain provisions of the draft was suggested and accepted by the group without comment.

2. The group will meet next at 10:00 a.m. on Wednesday, April 12, 2006 in the Seventh Floor Conference Room at DEQ, 629 East Main Street, Richmond, Virginia.

DOCUMENT DISTRIBUTION

The following documents were distributed to the group prior to or at the meeting:

1. Draft minutes of the March 22, 2006 meeting, with attachments.
2. The second draft of the proposed H05 regulation revision (prior to the March 15th meeting).
3. A revised handout prepared by Bob Mann, titled “Defining the Emissions Unit” (H05-

emissions unit2) representing additional options for changes to the second draft of the H05 regulation revision.

4. A revised handout prepared by Bob Mann, titled “Article 6 of 9 VAC 5 Chapter 80 Applicability” (H05-project2) representing additional options for changes to the second draft of the H05 regulation revision.

5. Email from Tom Knauer to Gary Graham dated April 3, 2006 on the subject of “Discussion points for the April 4th H05 As Hoc Meeting” (copied to the rest of the group) discussing his objections to the definition of “emissions unit” and proposing a new definition.

TEMPLATES\PROPOSED\AH08
REG\DEV\H05-AH08-5

Attachments

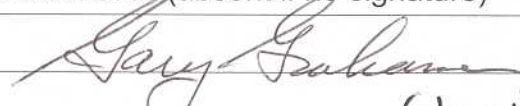
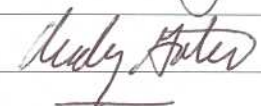

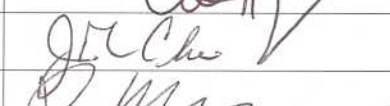
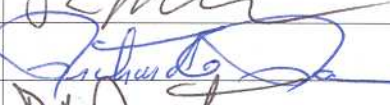
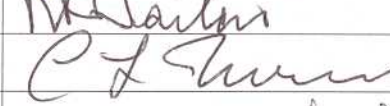

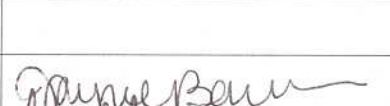
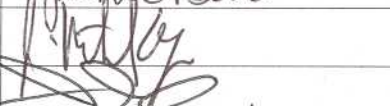

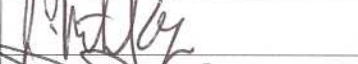
**COMMONWEALTH OF VIRGINIA
STATE AIR POLLUTION CONTROL BOARD**

**AD HOC GROUP MEETING
ATTENDANCE RECORD**

April 4, 2006

SUBJECT: Permits for New and Modified Sources (Revision H05)

LOCATION: Seventh Floor Conference Room, Department of Environmental Quality,
629 East Main Street, Richmond, Virginia

PRINTED NAME	SIGNATURE (absent if no signature)
Gary Graham	
Dan Holmes	(absent)
Andy Gates	
Bob Asplund (alternate)	(absent)
Tom Knauer	
Cale Jaffe	
John Cline	
Bob Mann	
Richard Rasmussen	
Terry Darton	
Chuck Turner	
Janardan Pandey	(sick) (absent)
Non-members Printed Name:	
Jaime Bauer (DEQ APS)	
Jonathan Aulgar	
Joe Croce	