

MINUTES

STATE AIR POLLUTION CONTROL BOARD MEETING MONDAY, DECEMBER 15, AND TUESDAY, DECEMBER 16,, 2008

December 15, 2008
House Room C
General Assembly Building
9th & Broad Streets
Richmond, Virginia

December 16, 2008
Training Room
Department of Environmental Quality Office
629 East Main Street
Richmond, Virginia

Board Members Present:

Richard D. Langford	Bruce C. Buckheit
Vivian E. Thomson (absent December 15)	Hullihen W. Moore
Bernadette W. Reese (absent December 16)	Randolph L. Gordon
Sterling E. Rives, III	

Department of Environmental Quality:

David K. Paylor, Director	Cindy M. Berndt
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Attorney General's Office:

Carl Josephson, Senior Assistant Attorney General

On December 15, 2008, the meeting was convened at 9:36 a.m., recessed at 11:25 a.m., reconvened at 11:45 a.m., recessed at 12:50 p.m., reconvened at 1:50 p.m., recessed at 4:15 p.m., reconvened at 4:28 p.m., convened a closed session at 5:35 p.m. and reconvened in open session and adjourned for the day at 5:45 p.m. On December 16, 2008, the meeting was convened at 9:40 a.m., recessed at 11:35 a.m., reconvened at 11:50, recessed at 12:55, reconvened at 1:35 p.m. and adjourned at 4:45 p.m.

Minute No. 1 – Minutes: The Board, on a motion by Dr. Gordon, unanimously approved the minutes from the Board's meeting on October 23, 2008.

Minute No. 2 – Open Burning – 9 VAC 5-130 (Rev. L08): Ms. Mary E. Major with the Office of Regulatory Affairs presented the repeal of the Open Burning Regulation, Article 40 of Chapter 40, and the recodification of the regulation in Chapter 130. Ms. Major explained that the regulatory action was being done to assist the public and local governments in locating provisions more easily and there were no substantive revisions to the regulatory text.

Based on the Board book material, staff presentation and Board discussions, on a motion by Mr. Buckheit, the Board unanimously adopted the proposal with an effective date consistent with the Administrative Process Act (Act) and affirmed that the Board will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 2.2-4006 B of the Act.

Minute No. 3 – CAIR Emissions Trading Program – 9 VAC 5-140 (Rev. K07): Ms. Mary E. Major with the Office of Regulatory Affairs presented amendments to the Clean Air Interstate Rule (CAIR) Emissions Trading Program in 9 VAC 5-140. Ms. Major advised the Board that the amendments were

necessary based on the Environmental Protection Agency (EPA) review of the Board's regulation and on amendments to the federal CAIR program adopted by EPA. Ms. Major reviewed the following substantive amendments for the Board:

1. The definitions of "CAIR NO_x Annual Trading Program", "CAIR NO_x Ozone Season Trading Program", "CAIR SO₂ Trading Program", and "Permitting authority" in 9 VAC 5-140-1020, 9 VAC 5-140-2020, and 9 VAC 5-140-3020 have been amended to clarify that they are not intended to create trading programs only for sources geographically located within the borders of the Commonwealth of Virginia. Therefore, qualifying sources within the Commonwealth are to become full participants in the EPA-administered regional CAIR trading programs for annual NO_x, ozone season NO_x, and annual SO₂, along with sources permitted by authorities in all other States that are participating in the regional CAIR trading programs. The new language clarifies that the regulations should not be interpreted to limit the trading program to Virginia sources, which would be contrary to the intention that sources covered by other States' approved CAIR rules or by the CAIR FIP may trade allowances with sources in the Commonwealth. In addition, the provisions of 9 VAC 5-140-1010, 9 VAC 5-140-2010, and 9 VAC 5-140-3010 have been amended to reflect this clarification.
2. The definition of "Most stringent state or federal NO_x emissions limitation" in 9 VAC 5-140-1020, 9 VAC 5-140-2020, and 9 VAC 5-140-3020 has been amended to clarify that the primary fuel, where it is not designated in the permit, is the fuel that would result in the lowest emission rate.
3. The definition of "Cogeneration unit" in 9 VAC 5-140-1020, 9 VAC 5-140-2020, and 9 VAC 5-140-3020 has been amended so that most units co-firing biomass will be exempt from CAIR. Specifically, the calculation methodology has been removed for the efficiency standard in the cogeneration unit definition to exclude energy input from biomass making it more likely units co-firing biomass will be able to meet the efficiency standard and qualify for exemption from the rule. In these same sections, technical amendments were made to add a new definition of "Biomass" and revise the definition of "Total energy input".

Mr. Walter Stone representing the Mirant Potomac River Generating Station appeared to comment on the amendments. Mr. Stone informed the Board that the changes should not be made without public comment and that the regulation should be amended to allow trading by sources in nonattainment areas.

During the Board discussion, concern was raised by the Board that the amendment of the definition of cogeneration unit did not accomplish its intent. Board action, therefore, was deferred to a later point in the meeting.

On the second day of the meeting the amendments to the CAIR regulation were considered by the Board. Based on the Board book material, staff presentation and Board discussion, on a motion by Mr. Moore, the Board unanimously adopted the proposal with an effective date consistent with the Administrative Process Act (Act) and affirmed that the Board will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 2.2-4006 B of the Act.

Minute No. 4 – Ambient Air Quality Standards – 9 VAC 5-30 (Rev. D08): Ms. Karen G. Sabasteanski with the Office of Regulatory Affairs presented amendments to the regulations for the control and abatement of air pollution revising the ozone national ambient air quality standard (NAAQS). Ms. Sabasteanski explained that the Environmental Protection Agency issued a regulation adding an 8-hour ozone standard at a level of 0.075 parts per million (ppm) and that the following substantive amendments were proposed:

1. References to 40 CFR Part 50 appendices have been added to the federal documents incorporated by reference list, and a number of corrections and updates have been made. [9VAC5-20-21]
2. A new section for the 0.075 ppm 8-hour ozone standard has been added. [9VAC5-30-55]
3. A minor typographical error has been corrected. [9VAC5-30-65]

Based on the Board book material, staff presentation and Board discussion, the Board, on a motion by Mr. Rives, unanimously adopted the proposal with an effective date consistent with the Administrative Process Act (Act) and affirmed that the Board will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 2.2-4006 B of the Act.

Minute No. 5 – Federal Documents Incorporated by Reference – 9 VAC 5-80 (Rev. I08): Ms. Karen G. Sabasteanski with the Office of Regulatory Affairs presented amendments to the regulations for the control and abatement of air pollution 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. Ms. Sabasteanski reviewed the following substantive amendments to the regulations:

1. The reference to certain federal regulations is updated to reflect the Code of Federal Regulations as published on July 1, 2008.
2. New standards being incorporated by reference are:
 - a. No new NSPSs are being incorporated. Standards that are not being incorporated are listed with a note that enforcement of the standard rests with EPA. This is done for consistency with Article 1 of 9VAC5-60 (NESHAPs) and in order to make the rules more user-friendly. The date of the Code of Federal Regulations book being incorporated by reference is also being updated to the latest version.
 - b. No new NESHAPs are being incorporated. The date of the Code of Federal Regulations book being incorporated by reference is being updated to the latest version.
 - c. 13 new MACTs are being incorporated: Clay Ceramics Manufacturing Area Sources (Subpart RRRRRR, 40 CFR 63.11435-11447); Glass Manufacturing Area Sources (Subpart SSSSSS, 40 CFR 63.11448-11461); Secondary Nonferrous Metals Processing Area Sources (Subpart TTTTTT, 40 CFR 63.11462-11474); Hospital Ethylene Oxide Sterilizer Area Sources (Subpart WWWW, 40 CFR 63.10382-10448); Electric Arc Furnace Steelmaking Facility Area Sources (Subpart YYYYY, 40 CFR 63.1068-10692); Iron and Steel Foundries Area Sources (Subpart ZZZZZ, 40 CFR 63.10880-10906); Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, Area Sources (Subpart BBBB, 40 CFR 63.11080-11100); Acrylic and Modacrylic Fibers Production Area Sources (Subpart LLLLLL, 40 CFR 63.11393-11399); Carbon Black Production Area Sources (Subpart MMMMMM, 40 CFR 63.11400-11406); Chemical Manufacturing Area Sources: Chromium Compounds (Subpart NNNNNN, 40 CFR 63.11407-63.11413); Flexible Polyurethane Foam Production and Fabrication Area Sources (Subpart OOOOOO, 40 CFR 63.11414-11420); Lead Acid Battery Manufacturing Area Sources (Subpart PPPPPP, 40 CFR 63.11421-11427); and Wood Preserving Area Sources (Subpart QQQQQQ, 40 CFR 63.11428-11434). Standards that are not being incorporated are listed with a note that enforcement of the standard rests with EPA. This is done for consistency with Article 1 of 9VAC5-60 (NESHAPs) and in order to make the rules more user-friendly. The date of the Code of Federal Regulations book being incorporated by reference is being updated to the latest version.

Based on the Board book material, staff presentation and Board discussion, the Board, on a motion by Ms. Reese, unanimously adopted the proposal with an effective date consistent with the Administrative Process Act (Act) and affirmed that the Board will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 2.2-4006 B of the Act.

Minute No. 6 – Major New Source Review, Combining Permits – 9 VAC 5-80 (Rev. C08): Mr. Gary E. Graham with the Office of Regulatory Affairs presented proposed fast-track amendments to the Board’s major new source review (NSR) program regulations. Mr. Graham explained that the amendments would allow the terms and conditions of the various elements of the NSR program to be combined into a single permit and to update the regulation to provide an exemption for the use of

alternate fuels as required by state law. Mr. Graham briefed the Board on the following substantive changes to the regulation:

1. Provisions have been added to allow the terms and conditions of the various elements of the NSR program to be combined into a single permit. [9VAC5-80-1625; 9VAC5-80-1915; 9VAC5-80-2020; 9VAC5-80-2140; 9VAC5-80-2195]
2. Provisions which specify the NSR programs to be used for the issuance of a PAL permits have been revised in order to limit the issuance of these permits via a state operating permit. [9VAC5-80-1615; 9VAC5-80-1915; 9VAC5-80-2010; 9VAC5-80-2140]
3. Provisions which provide certain exemptions related to the use of alternative fuels or raw materials have been updated to comply with recent amendments to § 10.1-1322.4 of the Code of Virginia and restructured to ensure no conflict with federal law or regulation. [9VAC5-80-1615; 9VAC5-80-1695; 9VAC5-80-2010]

Based on the Board book material, staff presentation and Board discussion, the Board, on a motion by Mr. Rives, unanimously:

1. Authorized the Department to promulgate the proposal for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act (Act) for regulations expected to be non-controversial. The Board's authorization should also be understood to constitute its adoption of the regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, and (ii) the Department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal.
2. Authorized the Department to set an effective date 15 days after close of the 30-day public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the Department does not find it necessary to make any changes to the proposal.
3. Authorized the Director to make the decision under 9 VAC 25-10-30.C concerning the use of the participatory approach or alternatives should the proposal fail to complete the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act or changes to the proposal be needed.

Minute No. 7 – Minor New Source Review Reform – 9 VAC 5-80 (Rev. H05): Mr. Gary E. Graham with the Office of Regulatory Affairs presented proposed amendments to the Board's minor New Source Review (NSR) program. Mr. Graham briefed the Board on the recent history of the proposed amendments and explained the need for the proposed amendments. He briefed the Board on the public participation activities and reviewed the following amendments for the Board:

1. The program is being changed to convert from a permit applicability approach which looks at the net emissions increase due to or directly resultant from the physical or operational changes from all affected units in the project, back to an approach that only looks at emissions increases from new, modified or replacement emissions units in the project to determine applicability. 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 change. The proposed program will base permit applicability on the emissions from only those emissions units that are affected by the physical or operational change at the project. De-bottlenecked 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 will be applied to all emissions units that become subject to the minor new source review program, and the current minimum net emissions increase applicability thresholds for individual affected emissions units will be eliminated. Restrictions on the proportion of the potential emissions reductions that may

be considered for the BACT cost-benefit analysis will also be removed and BACT will be evaluated for each pollutant emitted by the affected emissions units.

3. The program is being changed to add definitions and other provisions that will facilitate the clear identification of the emissions units subject to 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 non-road 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. The provisions covering permits for sources subject to the federal hazardous air pollutant new source review program are being restructured to increase clarity.

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

Based on the Board book material, staff presentation and Board discussion, the Board, on a motion by Mr. Moore, unanimously authorized the Department to promulgate the proposal for public comment. In addition, the Board directed that the notice of public comment include a notification to the public that the Board may adopt the amendments as proposed, modify the amendments or not adopt the proposed amendments and a specific request for public comment on the following amendments:

1. All regulated pollutants emitted from the affected emissions units will be considered for BACT applicability.

2. De-bottlenecked emissions increases will not be considered for permit applicability determinations.

3. De-bottlenecked emissions will not be considered for BACT determinations.

4. Information on de-bottlenecked emissions increases will be included in any application that otherwise triggers applicability. These emissions would be included in any modeling analysis to determine if the stationary source would violate any NAAQS and the permit would contain any terms and conditions necessary to resolve any NAAQS violation.

5. The “replacement” of any emissions unit will be exempt if (i) the replacement is of equal or lesser size and capacity and (ii) the potential to emit will not increase.

6. The similar exemption for reconstructed emissions units will be removed.

7. Aggregation of combustion equipment based on source type, rated capacity and fuel type will be required to apply exemptions in ozone nonattainment areas and maintenance areas.
8. Exemption for open-pit incinerators.
9. Addressing incremental increases due to adding sources over time.

Minute No. 8 – Adams Construction Company Proposed Minor New Source Review Permit): Ms. Sharon Foley, Air Permit Program Manager in the Valley Regional Office, presented a proposed minor New Source Review Permit (NSR) for Adams Construction Company (Adams). Ms. Foley advised the Board that Adams currently operates a portable asphalt plant in Rockbridge County and that the Department had directed Adams to submit an air permit application to formally change the plant's home base of operations to its current location. Adams Construction prepared a Form 7 Asphalt air permit application that the Department received on March 10, 2008. In this permit application, Adams requested to increase its permitted asphalt production limit from 125,000 to 400,000 tons per year (tpy). The proposed permit made available to the public for comment was based on the 400,000 tpy request; after the commencement of the public comment period Adams lowered its request to 200,000 tpy.

Ms. Foley briefed the Board on Adams' permit application, the draft permit, the public participation activities, including a summary of public comments and agency response, and reviewed the material changes being proposed in the permit resulting from public comment.

The Board then heard from the following persons: Alexia Smith, Lee Merrill, Barbara Walsh, Catharine Gilliam, and representing Adams: Paul Thomson, Rick James, Arthur Nunn and Gary Wright.

Upon completion of the presentations, Board questions and discussion, Dr. Gordon moved that the Board approve the permit as presented with appropriate changes to the permit to remove the authorization to use waste oil.

Mr. Moore moved that the permit be amended to require Adams to hook-up the asphalt operation equipment to the power grid when at the home base within a reasonable time frame for the utility to install the line and provide that if the costs to hook-up to the power grid is unreasonable, Adams can come back to the Board to reconsider the requirement. After discussion, the motion to amend the permit failed on a 3 to 3 vote (Messrs. Moore, Buckheit and Rives voted aye and Mr. Langford, Dr. Gordon and Ms. Reese voted no.)

Mr. Rives moved that the permit be amended to require that Adams pave roads regularly traversed by trucks and submit a paving plan to the Department for approval. After discussion, the motion to amend the permit passed on a 5 to 1 vote (Messrs. Langford, Moore, Buckheit and Rives and Ms. Reese voted aye and Dr. Gordon voted no.)

Mr. Buckheit moved that the permit be amended to require that the start-up, shutdown and malfunction reports be submitted to DEQ and require the Department to make them publicly available. After some discussion, the motion was withdrawn.

Mr. Buckheit moved that the Department and Adams develop an allowable pressure drop which would then be directly enforceable and establish a timeframe for Adams to respond to any pressure drop which exceeded the allowable limit. After discussion, the motion failed on a vote of 3 to 3 (Messrs. Moore, Buckheit and Rives voted aye and Mr. Langford, Dr. Gordon and Ms. Reese voted no.)

Mr. Buckheit moved that the permit be amended to not allow relocation of the facility for longer than 18 months without a permitting process. After discussion, the motion failed on a vote of 2 to 4 (Messrs. Moore and Buckheit voted aye and Mr. Langford, Dr. Gordon, Ms. Reese and Mr. Rives voted no.)

The Board then voted on the motion to approve the permit as presented with additional amendments to the permit necessary to remove the authorization to use waste oil and requiring that Adams submit a plan

to the Department for approval which will provide for the paving of roads regularly traversed by trucks. The motion was passed unanimously.

Minute No. 9 – State Advisory Board on Air Pollution – Presentation of Reports: Mr. John Roland presented the report: Monitoring for Airborne Lead: Implications for Virginia’s Air Monitoring Network of the New Ambient Lead Standard. Mr. Lowell Smith presented a progress report on Climate Change Mitigation and Adaptation in the Commonwealth. The Board, on a motion by Mr. Langford, unanimously accepted the reports.

Minute No. 10 – Closed Session: The Board on a motion by Mr. Langford unanimously voted to recess and reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, or other specific legal matters requiring legal advice by counsel as permitted by § 2.2-3711 A (7) of the Code of Virginia pertaining to Revision K07 - CAIR Emissions Trading Program. Upon completion of the closed meeting on a motion by Mr. Langford, the Board unanimously voted to end the closed meeting and certified that, to the best of each member’s knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

Minute No. 11 – Mercury Study Report: The Board received a report on the Mercury Study completed by the Department in response to legislation enacted by the 2007 General Assembly.

Minute No. 12 – Petition for Northern Virginia Opacity Revision: Mr. Tom Ballou with the Air Division made a presentation on the petition from the Metropolitan Washington Area Quality Committee (MWAQC) to amend Virginia’s opacity standard. Mr. Ballou informed the Board that MWAQC has submitted a petition requesting that a rulemaking be initiated to lower the opacity standard in the northern Virginia nonattainment area. Mr. Ballou reviewed the comments received during the public comment period and the Department’s analysis and recommendation that a regulatory revision not be initiated at this time.

During the Board discussions of the staff’s presentation and Board book material, Mr. Buckheit submitted for the Board’s consideration a letter dated September 29, 2006, from the Clean Air Scientific Advisory Committee to the Environmental Protection Agency concerning national ambient air quality standards for particulate matter.

A motion, made by Mr. Rives, to deny the petitioner’s request for rulemaking and revisit the petition in twelve months failed on a 3 to 3 vote (Mr. Langford, Dr. Gordon and Mr. Rives voted aye and Ms. Thomson, Mr. Moore and Mr. Buckheit voted no).

A motion, made by Mr. Buckheit, to grant the petitioner’s request for rulemaking failed on a 3 to 3 vote (Ms. Thomson, Mr. Moore and Mr. Buckheit voted aye and Mr. Langford, Mr. Rives and Dr. Gordon voted no.)

A motion, made by Mr. Rives, to place the petition on the agenda at the next meeting passed unanimously.

Minute No. 13 – Suitability Policy: The Board, on a motion by Mr. Moore, unanimously voted to rescind the 1987 Suitability Policy.

Minute No. 14 – High Priority Violators Report: Mr. Craig R. Nicol with the Division of Enforcement presented a report on high priority violators for the fourth quarter of 2008.

Minute No. 15 – Planning Session: The Board received reports from the Air Division. Mr. Charles L. Turner, Director, Office of Air Quality Monitoring briefed the Board on the functions and resources of the Office as well as current studies and upcoming projects. Mr. Tom Ballou with the Office of Air Data Analysis and Planning briefed the Board on air quality standards, the planning process and currently planning areas, current air quality status, recent accomplishments and future challenges. Ms. Tamera Thompson with the Office of Air Permit Programs briefed the Board on the functions of the Office, the various types of permits issued pursuant to the Board’s regulations and the responsibilities of the regional offices in air permitting. Mr. Jerome Brooks briefed the Board on the Office of Air Compliance Coordination. He detailed the functions performed by Central Office and the Regional Offices, explained the federal requirements of the air compliance program, the national compliance monitoring strategy and the Virginia alternative monitoring strategy, and provided information on air compliance actions issued in FY07 and FY08.

The Board and staff then discussed several items to be considered in the development of plans for the Department including prioritizing activities, toxics and risk assessment, general permits, being proactive versus reactive, establishing regional approaches with neighboring states, continually planning for the future, reducing PM2.5 emissions, vehicle emissions including idling issues, monitoring issues, modeling issues, climate change issues and budgetary needs.

After the discussions, Mr. David Paylor informed the Board that staff will take the list generated during the discussions, as well as other items that the Department is aware of, and come back to the Board at a future meeting to discuss priorities and resources.

Minute No. 16 – State Advisory Board Appointments: The Board unanimously reappointed the following to the State Advisory Board with terms expiring on December 31, 2010:

- Douglas J. Feuerbach-Dynax America Corporation
- Charles D. Forbes, CPM-Fairfax County
- Ted D. Handel, Ph.D.-Ted Handel & Associates
- Daniel Holmes-Piedmont Environmental Council
- Joe Loschiavo-DuPont Company, Spruance Plant
- John Roland-Virginia Asphalt Association, Inc.
- Lowell Smith-retired EPA scientist
- Cathy Taylor-Dominion Generation

In addition, the Board unanimously appointed two new members with terms expiring on December 31, 2010:

- William Shobe-Director, Weldon Cooper Center for Public Service, UVA
- H. Dean Downs, Jr.-Environmental Quality Management, Inc.

Minute No. 17 – Future Meetings: A date for the next meeting was not set.

Cindy M. Berndt, Director
Office of Regulatory Affairs