

MINUTES

STATE AIR POLLUTION CONTROL BOARD MEETING

FRIDAY, APRIL 4, 2014
DEPARTMENT OF ENVIRONMENTAL QUALITY
629 EAST MAIN STREET
TRAINING ROOM
RICHMOND, VIRGINIA

Board Members Present:

Richard D. Langford, Chair
Manning "Chip" Gasch, Jr.
Jo Anne Scott Webb
Ann F. Kirwin

Tedd H. Jett, Vice-Chair
Michael D. Overstreet
Roger Chaffe

Department of Environmental Quality:

David K. Paylor, Director
Cindy M. Berndt, Office of Regulatory Affairs Director

Attorney General's Office:

Matthew L. Gooch, Attorney General's Office

These minutes summarize activities that took place at this Board Meeting. The meeting convened at 9:34 a.m. and adjourned at 10:12 a.m.

Minute No. 1 - Review and Approval of Agenda: The Board approved the agenda with modifications: moved the election of vice-chair up on the agenda, removed the legislative update item from the agenda and corrected the date of the June meeting to the 13th.

Minute No. 2 - Election of Vice-Chair: The Board, on a motion by Mr. Overstreet, unanimously elected Tedd Jett as Vice-Chair.

Minute No. 3 - Minutes: The Board, on a motion by Mr. Chaffe, unanimously approved the minutes of the Board's meeting on December 6, 2013.

Minute No. 4 - Open Burning - 9VAC5-130 (Rev. E12): Ms. Mary E. Major, Office of Regulatory Affairs, presented amendments to the Open Burning Regulations for final adoption. Ms. Major reviewed the history of the rulemaking, the substantive amendments that were originally proposed by the Board, the public comments received, responses to the public comment based on consideration of the overall goals and objectives of the air quality program and the intended purpose of the regulation and revisions to the proposal.

Based on the Board book material, staff presentation and Board discussion, the Board, on a motion by Mr. Jett, unanimously adopted the proposal with an effective date consistent with the Administrative Process Act (APA).

Minute No. 5 - Major New Source Review, PM_{2.5} (Rev. A14): Ms. Karen G. Sabasteanski, Office of Regulatory Affairs, presented final exempt amendments to the regulations for the control and abatement of air pollution concerning PM_{2.5}. Ms. Sabasteanski explained the U.S. Environmental Protection Agency (EPA) modified its regulations on December 9, 2013 (78 FR 73698) based on an appeals court ruling that vacated and remanded to EPA portions of the Prevention of Significant Deterioration (PSD) regulations establishing the significant impact levels (SILs) for PM_{2.5} and the portions of the PSD regulations establishing a PM_{2.5} significant monitoring concentration (SMC).

Based on the Board book material, staff presentation and Board discussion, the Board, on a motion by Mr. Chaffe, unanimously adopted the proposal with an effective date consistent with the APA and affirmed that it 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 APA.

Minute No. 6 - Major New Source Review Petition: Ms. Karen G. Sabasteanski, Office of Regulatory Affairs, presented the results of the public comment period on the petition from the Virginia Manufacturers Association to initiate a rulemaking concerning major new source review (Articles 8 and 9 of 9VAC5-80, Permits for Stationary Sources). Ms. Sabasteanski reviewed for the Board the details of the petition, public comments received and responses to the comments taking into consideration of the overall goals and objectives of the air quality program and the applicable statutory provisions governing the program.

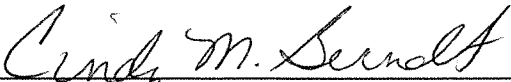
Based on the Board book material, staff presentation and Board discussion, the Board, on a motion by Mr. Jett, unanimously granted the petition and directed the Department to promulgate regulation amendments accordingly.

Minute No. 7 - High Priority Violators (HPV) Report: The Board received the HPV report from Ms. Kerri Nicholas, Division of Enforcement.

Minute No. 8 - Public Forum: No one appeared during the public forum.

Minute No. 9 - Air Division Director's Report: Mr. Michael Dowd advised the Board that the EPA is expected to receive recommendations from its scientific advisory committee on a new ozone standard and that EPA will likely propose a new ozone standard by the end of the year. In addition, Mr. Dowd informed the Board that EPA is expected, in the next few weeks, to propose reclassifying Northern Virginia as attainment for PM_{2.5}.

Minute No. 10 - Future Meetings: The Board confirmed June 13, September 5 and December 5, 2014, as the dates of their future meetings.


Cindy M. Berndt

Approved Minute No. 2
June 13, 2014