

# MINUTES

## STATE AIR POLLUTION CONTROL BOARD MEETING

**FRIDAY, JUNE 21, 2019**

VIRGINIA CROSSINGS HOTEL & CONFERENCE CENTER  
HANOVER ROOM, MADISON BUILDING  
1000 VIRGINIA CENTER PARKWAY  
GLEN ALLEN, VIRGINIA 23059

**Board Members Present:**

Richard D. Langford, Chair  
Igancia S. Moreno  
Roy Hoagland  
Kajal Kapur

William H. Ferguson  
Nicole M. Rovner  
Gail Bush

**Department of Environmental Quality:**

David K. Paylor, Director  
Debra A. Harris

Cindy M. Berndt

**Attorney General's Office:**

Paul Kugelman, Jr., Assistant Attorney General

These minutes summarize activities that took place at this Board meeting. The meeting was convened at 10:03 a.m., recessed at 1:04 p.m., reconvened at 2:14 p.m., recessed at 4:22 p.m., reconvened at 4:48 p.m., and was adjourned at 6:00 p.m.

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**Minute No. 1 - Review and Approve Agenda.** On a motion by Mr. Hoagland, the Board modified the agenda by moving the election of officers to before confirmation of future meetings and approved the modified agenda.

**Minute No. 2 - September 28, 2018 Minutes.** The Board, on a motion by Mr. Hoagland, approved the minutes of the September 28, 2018, meeting.

**Minute No. 3 - October 29, 2018 Minutes.** - The Board, on a motion by Mr. Hoagland, approved the minutes of the October 29, 2019, meeting.

**Minute No. 4 - November 8-9, 2018 Minutes.** - The Board, on a motion by Ms. Rovner, approved the minutes of the November 8-9, 2018, meeting.

**Minute No. 5 - December 19, 2018 Minutes.** - The Board, on a motion by Mr. Hoagland, approved the minutes of the December 19, 2018, meeting.

**Minute No. 6 - January 8, 2019 Minutes.** - The Board, on a motion by Mr. Ferguson, approved the minutes of the January 8, 2019, meeting.

**Minute No. 7 - April 19, 2019 Minutes.** - The Board, on a motion by Mr. Hoagland, approved the minutes of the April 19, 2019, meeting.

**Minute No. 8 - Prevention of Significant Deterioration Permit - BALICO/Chickahominy Power Project, Registration No. 52610.** Mr. Michael Dowd, Director of the Division of Air and Renewable Energy, and Mr. Stanley Faggert presented a draft Prevention of Significant Deterioration Permit for the BALICO/Chickahominy Power Project. The presentations included background on the development of the draft permit, a review of the draft permit conditions, a review of the public comments received and the agency response to those comments, and proposed amendments to the permit based on public comments. Also included in the presentation was information on site suitability and environmental justice, including information on the special use permit issued by Charles City County, action taken by the State Corporation Commission and the results of EJ Screen. Throughout the presentation, staff responded to questions from the Board.

At the conclusion of the presentation, the Board then provided an opportunity for those persons in attendance that submitted comments during the public comment period to respond to the summary provided by the Department. The following persons addressed the Board: Floyd Miles, Sr, Chair of the Charles City County Board of Supervisors; Stephen R. Adkins, Chief, Chickahominy Indian Tribe; Steve Fuhrmann, Freeda Cathcart; Evan Johns, Sierra Club; Morgan Johns; Mary Finley-Brook, University of Richmond; Karen Gill; Suzanne Keller; Peter Anderson; Barbara Adams; Beth Kreydatus; Nathan Soules; and Jef Freeman, BALICO LLC.

At the conclusion of public comment, Mr. Dowd recommended that,

1. based on (i) the Board book material that contains a memorandum to the Board, a clean copy of the draft permit, a track change copy of the draft final permit, the permit engineering analysis, a list of commenters and a sampling of all written comments received; and a summary of and response to public comments; (ii) the public comments made available to the Board; (iii) the agency files on the draft permit, including the application for a permit; (iv) public comments made at the Board meeting; (v) the staff presentation; and (vi) Board discussions; and based on consideration of the reasonableness of the activity involved and the regulations proposed to control it pursuant to § 10.1-1307 E, the Board:

A. find that:

- (1) the permit has been prepared in conformance with all applicable statutes, regulations and agency practices;
- (2) the limits and conditions in the permit have been established to protect public health and the environment; and
- (3) all public comments relevant to the permit have been considered;

B. approve the permit and conditions as presented at the June 21, 2019, meeting; and

C. authorize the Director to issue the permit as approved by the Board.

2 the Board incorporate the above-referenced memorandum, permit engineering analysis, response to comments, and the outline of possible amendments into its decision to approve the permit.

A motion to accept the staff recommendation was made by Mr. Ferguson and seconded by Mr. Langford.

A motion by Mr. Hoagland to delay action on the draft permit and conduct an additional 15-day comment period failed for lack of a second.

The Board, after discussions with BALICO LLC, asked that the Director send BALICO LLC a request to provide information on plans to assist the County with emergency response needs and job training for county residents; and to provide the company's response to the Board.

The Board then considered amendments to the permit. Mr. Dowd reviewed the following new condition on ambient air quality monitoring and advised the Board that the applicant had agreed to the new condition:

#### ADDITIONAL REQUIREMENTS

1. Add condition to permit:

Ambient Air Quality Monitoring - The permittee shall conduct ambient air monitoring for PM<sub>2.5</sub> beginning upon startup of the facility. No later than 180 days prior to startup of the facility, the permittee shall submit an Ambient Air Quality Monitoring Quality Assurance Project Plan (QAPP) for approval by DEQ. The Quality Assurance Project Plan shall be developed consistent with the requirements of EPA's "Guide to Writing Quality Assurance Project Plans for Ambient Air Monitoring Networks" (EPA-454/8-18-006).

1. The permittee shall not certify ambient monitoring data without an approved QAPP.

2. The plan shall include, at a minimum, all the elements described in EPA-454/8-18-006 in addition to the following elements:

a. Description of the site selection process for air quality monitors;

b. Description of procedures for all aspects of the operation of monitoring equipment including maintenance, data processing, data validation, data reporting and data certification. These procedures shall be developed consistent with the requirements described in EPA's "Guidance for Preparing Standard Operating Procedures (SOPs)" (EPAQA/G-6). The SOPs shall be submitted for approval along with the QAPP.

c. All monitoring and associated tasks shall conform to, at a minimum, the applicable requirements of 40 CFR Parts 50, 53, and 58, and any other requirements specified by DEQ.

d. Performance Evaluations (PE) for all monitoring equipment installed consistent with these conditions shall be performed by the permittee or their designated representative. These PEs shall be performed consistent with the requirements of 40 CFR Part 58, Appendix A Section 3 Results of the PEs shall be submitted to DEQ 3 months after the performance date of the PE. The permittee shall be responsible for submitting the results of the PE to the EPA Air Quality Subsystem database. If the PE does not meet the requirements of 40 CFR Part 58 section 3, DEQ shall be notified prior to the submittal of the data to the AQS database. This notification is to include any remedial action taken or planned to be taken by the permittee to bring the system into compliance with the requirements of 40 CFR Part 58, Section 3.

e. A plan for making the collected data available to the public subject to DEQ's approval. This information shall be included in the QAPP. DEQ will approve the monitoring location(s) based on

EPA's siting criteria and the proximity to the maximum modeled impact from the power station for PM2.5 in consultation with local interested stakeholders.  
(9VAC5-80-1180)

The Board, on a motion by Ms. Moreno, unanimously approved the new condition with the following clarification edit to subdivision e: after "e. A plan" insert ", subject to DEQ's approval" and after "to the public" delete "subject to DEQ's approval".

Mr. Dowd then reviewed the following additional changes to the permit agreed to by the applicant and advised the Board that if necessary due to the changes to the permit, appropriate changes would be made to the Engineering Analysis:

- 34.d, page 15: Compliance with the NOX and CO limits ~~may be~~ shall be
- 36, page 17: Compliance with these emission limits ~~may be~~ shall be
- 37, page 18: Compliance with these emission limits ~~may be~~ shall be
- 38, page 18: Compliance with these emission limits ~~may be~~ shall be
- 39, page 18: Compliance with these emission limits ~~may be~~ shall be
- 40, page 19: Compliance with these emission limits ~~may be~~ shall be
- 41, page 19: Compliance with these emission limits ~~may be~~ shall be
- 78, page 32: Compliance with these emission limits ~~may be~~ shall be

The Board, on a motion by Ms. Moreno, unanimously approved the changes to the permit.

With no further Board discussion or changes to the permit, the Chair called for a roll call vote on the motion to accept staff recommendations with the changes to the permit approved by the Board. Before calling the roll, Ms. Berndt clarified for the record that the additional amendments comply with applicable laws and regulations as they further respond to public concerns and have been agreed to by the applicant.

Ms. Berndt then called the roll. Mr. Langford, Mr. Ferguson, Ms. Moreno, Ms. Rovner, Ms. Bush and Ms. Kapur voted aye. Mr. Hoagland voted no.

**Minute No. 9 - High Priority Violations Report.** - The Board received the report.

**Minute No. 10 - Public Forum.** - The following persons appeared during the public forum: Eleanor Amidon, Freeda Cathcart, Mara Robbins, Tom Burkett, Jessica Sims, Wayne Orrell and Lyra Vartell.

**Minute No. 11 - Division Director's Report.** - No report at this meeting.

**Minute No. 12 - Subcommittee on Public Participation Processes.** - The Board, on a motion by Mr. Hoagland, established a Board subcommittee to review existing public participation processes and make recommendations to the full Board; and work with the Department to scope out a Board work session for the September Board meeting. The motion passed 6 to 0 with Mr. Langford abstaining. Mr. Hoagland and Ms. Bush volunteered for the subcommittee.

**Minute No. 13 - Election of Officers.** - The Board, on a motion by Mr. Langford, elected Ignacia Moreno Chair and, on a motion by Ms. Kapur, elected Roy Hoagland Vice-Chair.

**Minute No. 14 - Future Meetings.** - The Board confirmed September 20, 2018, and December 6, 2018, as the dates of the Board's upcoming meetings.

  
Cindy M. Berndt