

**MINUTES
STATE AIR POLLUTION CONTROL BOARD MEETING**

THURSDAY, DECEMBER 2, 2021

**OLDE DOMINION AGRICULTURAL COMPLEX
EDUCATION AND CONFERENCE CENTER
19785 U.S. HIGHWAY 29
CHATHAM, VA 24531**

Board Members Present:

Kajal Kapur, Chair

Staci F. Rijal, Vice Chair

Lornel G. Tompkins, MD.

Richard D. Langford

Hope. F. Cupit

Joshua G. Behr

Gail Moore

Board Members Absent: None

Department of Environmental Quality:

David K. Paylor, Director

Cindy M. Berndt, Office of Regulatory Affairs Director

Attorney General's Office:

Jerald R. Hess, Assistant Attorney General

These minutes summarize activities that took place at this Board meeting. The Chair convened the meeting at 1:00 p.m., recessed at 3:34 p.m., reconvened at 3:46 p.m., recessed at 5:30 p.m., reconvened at 6:30 p.m. and adjourned at 8:08 p.m.

Minute No. 1 - Regulation for Low Emissions and Zero Emissions Vehicle Standards

(9VAC5-95) - Final Adoption. Ms. Karen Sabasteanski presented a new Regulation for Low Emissions and Zero Emissions Vehicles. Ms. Sabasteanski reviewed the history of the regulation including Chapter 263 of the 2021 Special Session I Virginia Acts of Assembly which requires the Board to adopt any model year standards relating to the control of emissions from new motor vehicles or new motor vehicle engines, including low emissions vehicle (LEV) and zero emissions vehicle (ZEV) standards pursuant to § 177 of the federal Clean Air Act.

Ms. Sabasteanski explained that the new state law requires that the implementing regulation begin with model year 2025, which makes it subject to the federal Clean Air Act process and timing. Additionally, Ms. Sabasteanski explained that state law timing requirements coupled with the federal requirements necessitate that the Board adopt the regulation by the end of 2021 and the department submit it to the Registrar as soon as practicable after January 1, 2024, to become effective upon filing.

The Board heard from the following persons who indicated that they wished to comment on the final action: Trip Pollard- Atlantic Community Program for the Southern Environmental Law Center, Walton Shepherd - Natural Resources Defense Council, and Glen Besa.

The Board, based on the Board book material, staff presentation and Board discussion, on a motion by Ms. Cupit and seconded by Ms. Rijal, unanimously adopted the regulation and directed the Department to file the regulation with the Registrar of Regulations such that the regulation becomes effective after January 1, 2024.

Minute No. 2 - Mountain Valley Pipeline, LLC Lambert Compressor Station Registration

No.: 21652 - Stationary Source Permit to Construct and Operate. Mr. Michael Dowd- Director of the Division of Air and Renewable Energy, Paul Jenkins- Regional Air Permitting Manager, Mike Kiss- Manager of Air Quality Assessments, and Stanley Faggert- Environmental Specialist, presented the draft permit to the Board that included: (1) history of the draft permit; (2) overview of the proposed project; (3) overview of air law and regulations that apply to the project; (4) review of the draft permit; and (5) summary of public comments received and DEQ's suggested response.

The Board then heard from the following persons that had participated during the public participation process: Dr. Christina Akly, Dr. Felicia Fred, and Dr. Green - Mountain Valley Pipeline (MVP). After the MVP representatives exceeded the five minute time limit, the Board unanimously, based on a motion by Ms. Rijal and second by Ms. Moore, proceeded to the next public comment. The Board then heard from Dr. Charles H. Miller, Jr. - Pittsylvania County Board of Supervisors, Les Adams- 16th District Virginia House Delegate, Nicholas Morris, David Smitherman- Pittsylvania County Administrator, Ronald Scearce- Pittsylvania County Board of Supervisors and Danville Pittsylvania Regional Industrial Facilities Authority, Brian Jackson- Workforce Services at Danville Community College, Suzanne Keller - Virginia Clinicians for Climate Action, Elizabeth Jones -Pittsylvania County NAACP, Mark Barker- Blue Ridge Environmental Defense League, Kay Ferguson, Mark Sabbath- Southern Environmental Law, Taylor Lilly- Chesapeake Bay Foundation, Dr. George Thurston- New York University School of Public Health, Tom Elliott, Elle Dela Cancela- Chesapeake Climate Action Network, Robert McNutt- NAACP Environmental Justice Committee, Ridge Graham- Appalachian Voices, Sara Ahmed- Virginia League of Conservation Voters, Tina Smusz, Freeda Cathcart, Joshua Vana- ARTivism Virginia, Lynn Godfrey- Sierra Club Virginia, Sonya Ingram, and Elizabeth Jones on behalf of Anderson Jones.

[Note: consideration of the Mountain Valley Pipeline, LLC Lambert Compressor Station was completed at the meeting on December 3, 2021 - see Minute No. 1.]



Rachael Harrell