

**TENTATIVE AGENDA AND MINIBOOK
STATE AIR POLLUTION CONTROL BOARD MEETING
WEDNESDAY, MAY 23, 2007**

**HOLIDAY INN
2460 EISENHOWER AVENUE
ALEXANDRIA, VIRGINIA**

Convene - 9:30 A.M.

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I. Regulations		
Ambient Air Quality Standards (Rev. F06) – Final Exempt	Sabasteanski	A
Best Available Retrofit Technology (BART) (Rev. G06 - Final Exempt)	Sabasteanski	B
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III. Public Forum (no public comment on Mirant)		
IV. Mirant – Potomac River Generating System		
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State Operation Permit		
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IV. Other Business		
Presentation on NRDC Regional Greenhouse Gas Initiative	Martin	
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Adjourn

NOTE: The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions arising as to the latest status of the agenda should be directed to Cindy M. Berndt at (804) 698-4378.

PUBLIC COMMENTS AT STATE AIR POLLUTION CONTROL BOARD MEETINGS: The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions. These procedures establish the times for the public to provide appropriate comment to the Board for their consideration.

For **REGULATORY ACTIONS (adoption, amendment or repeal of regulations)**, public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period and one public meeting) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period and one public hearing). Notice of these comment periods is announced in the Virginia Register and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

For **CASE DECISIONS (issuance and amendment of permits and consent special orders)**, the Board adopts public participation procedures in the individual regulations which establish the permit programs. As a general rule, public comment is accepted on a draft permit for a period of 30 days. If a public hearing is held, there is a 30-day comment period and one public hearing.

In light of these established procedures, the Board accepts public comment on regulatory actions, as well as general comments, at Board meetings in accordance with the following:

REGULATORY ACTIONS: Comments on regulatory actions are allowed only when the staff initially presents a regulatory action to the Board for **final** adoption. At that time, those persons who participated in the prior proceeding on the proposal (i.e., those who attended the public hearing or commented during the public comment period) are allowed up to 3 minutes to respond to the summary of the prior proceeding presented to the Board. Adoption of an emergency regulation is a final adoption for the purposes of this policy. Persons are allowed up to 3 minutes to address the Board on the emergency regulation under consideration.

CASE DECISIONS: Comments on pending case decisions at Board meetings are accepted only when the staff initially presents the pending case decision to the Board for final action. At that time the Board will allow up to 5 minutes for the applicant/owner to make his complete presentation on the pending decision, unless the applicant/owner objects to specific conditions of this permit. In that case, the applicant/owner will be allowed up to 15 minutes to make his complete presentation. The Board will then, in accordance with § 2.2-4021, allow others who participated in the prior proceeding (i.e., those who attended the public hearing or commented during the public comment period) up to 3 minutes to exercise their right to respond to the summary of the prior proceeding presented to the Board. No public comment is allowed on case decisions when a FORMAL HEARING is being held.

Pooling Minutes: Those persons who participated in the prior proceeding and attend the Board meeting may pool their minutes to allow for a single presentation to the Board that does not exceed the time limitation of 3 minutes times the number of persons pooling minutes or 15 minutes, whichever is less.

NEW INFORMATION will not be accepted at the meeting. The Board expects comments and information on a regulatory action or pending case decision to be submitted during the established public comment periods. However, the Board recognizes that in **rare** instances new information may become available after the close of the public comment period. To provide for consideration of and ensure the appropriate review of this new information, persons who participated during the prior public comment period **shall** submit the new information to the Department of Environmental Quality (Department) staff contact listed below at least 10 days prior to the Board meeting. The Board's decision will be based on the Department-developed official file and discussions at the Board meeting. For a regulatory action should the Board or Department decide that the new information was not reasonably available during the prior public comment period, is significant to the Board's decision and should be included in the official file, an additional public comment period may be announced by the Department in order for all interested persons to have an opportunity to participate.

PUBLIC FORUM: The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than pending regulatory actions or pending case decisions. Anyone wishing to speak to the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentation to not exceed 3 minutes.

The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.

Department of Environmental Quality Staff Contact: Cindy M. Berndt, Director, Regulatory Affairs, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, Virginia 23218, phone (804) 698-4378; fax (804) 698-4346; e-mail: cumberndt@deq.virginia.gov.

AMBIENT AIR QUALITY STANDARDS (9 VAC 5 CHAPTER 30, REV. F06) - Request for Board Action: On July 18, 1997 (62 FR 38856), EPA issued a regulation revising the particulate matter standard by adding a new standard for fine particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers (PM_{2.5}), set at 15 micrograms per cubic meter (:g/m³). This new primary standard became effective on September 16, 1997 and was adopted by the board, with an effective date of September 8, 2004. The standard has since been revised twice: phase-out of the PM₁₀ standard occurred at 69 FR 45595 (July 30, 2004), and a new 24-hour standard was added at 71 FR 61224 (October 17, 2006). Chapter 30 contains the specific criteria pollutant standards set out in 40 CFR Part 50. Therefore, this chapter is the action effectively implementing the EPA requirements.

The department is requesting approval of draft final regulation amendments that meet federal statutory and regulatory requirements. Approval of the amendments will ensure that the Commonwealth will be able to meet its obligations under the federal Clean Air Act.

Summary Of Amendments To Regulation: (1) New requirements for reference conditions are added. [9 VAC 5-30-15]; (2) Old requirements for PM₁₀ are removed, and text is revised for consistency with the federal. [9 VAC 5-30-60 and 9 VAC 5-30-65]; and (3) New requirements for PM_{2.5} are added. [9 VAC 5-30-66]

Public Participation Requirements: Because the state regulations are essentially the same as the federal, the state regulations are exempt from all state public participation requirements under the provisions of § 2.2-4006 A 4 c of the Administrative Process Act. However, notice of the regulation adoption must be forwarded to the Registrar for publication in the Virginia Register 30 days prior to the effective date. Also, the Registrar must agree that the regulations are not materially different from the federal version and are, therefore, exempt from the state public participation requirements and must notify the agency accordingly. This notification and the notice of adoption will subsequently be published in the Virginia Register. In adopting the regulation amendments under the provisions of § 2.2-4006, the board is required to state that it will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Best Available Retrofit Technology (Bart) (Rev. G05) - Request for Board Action: EPA's regional haze rule requires states to submit state implementation plans (SIPs) to address regional haze visibility impairment in federally protected parks and wilderness areas, which are known as "Class I areas." The application of best available retrofit technology (BART) is required for any BART-eligible source that emits any air pollutant that may reasonably be anticipated to cause or contribute to visibility impairment in any Class I area. Accordingly, for stationary sources meeting these criteria, states must address the BART requirement when developing regional haze SIPs.

On July 6, 2005 (70 FR 39103), EPA promulgated final amendments to the regional haze regulations (40 CFR 51.302 and 51.308), and to provide BART determination guidance (Appendix Y to 40 CFR Part 51). The purpose of the guidelines is to assist states as they identify which of their BART-eligible sources should undergo a BART analysis, and select controls. Virginia must now adopt these requirements in order to have a legal basis for the issuance of BART permits.

The department is requesting approval of a draft final regulation that meets federal statutory and regulatory requirements. Approval of the regulation will ensure that the Commonwealth will be able to meet its obligations under the federal Clean Air Act.

Public Participation Requirements: Because the state regulations are necessary to meet the requirements of the federal Clean Air Act and do not differ materially from the pertinent U.S. Environmental Protection Agency (EPA) regulations, the state regulations are exempt from all state public participation requirements under the provisions of § 2.2-4006 A 4 c of the Administrative Process Act. However, notice of the regulation adoption must be forwarded to the Registrar for

publication in the Virginia Register 30 days prior to the effective date. Also, the Registrar must agree that the regulations are not materially different from the federal version and are, therefore, exempt from the state public participation requirements and must notify the agency accordingly. This notification and the notice of adoption will be published in the Virginia Register subsequently. Because the regulations will not be submitted as a SIP revision, they are not subject to federal public participation requirements either. Therefore there was no public comment period. In adopting the regulation amendments under the provisions of § 2.2-4006, the board is required to state that it will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Summary Of Proposal:

1. The regulation identifies the sources and geographic areas to which the regulation applies, as well as exemptions. [9 VAC 5-40-7550]
2. Exemptions from control are described. [9 VAC 5-40-7560]
3. Terms unique to the article are defined. [9 VAC 5-40-7570]
4. A standard for regional haze pollutants is established. [9 VAC 5-40-7580]
5. Criteria and procedures for making BART determinations are described. [9 VAC 5-40-7590]
6. State standards for visible emissions, fugitive dust/emissions, odor, and toxic pollutants are referenced. [9 VAC 5-40-7600 through 9 VAC 5-40-7630]
7. Compliance requirements, including testing schedules, are specified. [9 VAC 5-40-7640 and 9 VAC 5-40-7650]
8. Test methods and procedures for determining compliance are included. [9 VAC 5-40-7660]
9. Equipment necessary to monitor compliance are to be installed, calibrated, maintained, and operated. [9 VAC 5-40-7670]
10. Records of monitoring and test results are to be gathered, maintained, and reported at certain intervals. [9 VAC 5-40-7680]
11. In the event of facility and control equipment maintenance or malfunction, certain procedures must be followed. [9 VAC 5-40-7700]
12. References are provided for state requirements for registration and permits. [9 VAC 5-40-7690 and 9 VAC 5-40-7710]

REPORT CONCERNING HIGH PRIORITY VIOLATORS (HPVs) FOR THE FIRST QUARTER, 2007

ACTIVE CASES — Table A *			
DEQ Region	Facility Name and location	Brief Description	Status
NRO	Lohmann Specialty Coatings, Inc., Orange County (specialty adhesives manufacturing facility)	Alleged failure to maintain fuel records; numerous open VOC containers; failure to record RTO combustion chamber temperature and maintain other RTO-related records; failure to record monthly or annual VOC emission records; failure to maintain records and of monthly throughput of propane in violation of permit terms and regulations	NOV issued 8/30/06; informal fact finding hearing held 3/14/07; pending Director’s determination
NRO	Potomac River Generating Station/Mirant, Alexandria (coal-fired electric power plant)	Alleged exceedance of ozone season NOx emission limit of 1,019 tons contained in state operating permit by over 1,000 tons in 2003	NOV issued 9/10/03; revised NOV issued 10/20/03; NOV issued by EPA 1/22/04; Amended Consent Decree lodged with U.S. District Court in Alexandria 5/8/06 calling

			for ozone season and annual NOx emission limits on Potomac River; Mirant system-wide ozone season NOx limits; .15 lbs/MMBtu system-wide ozone season NOx emission rate starting in 2008; system-wide annual NOx limits; \$1mil in coal yard dust/particulate projects at Potomac River; payment of \$500K civil fine; Decree entered by federal court on 4/20/07
<u>NRO</u>	Upper Occoquan Sewage Authority, Centerville	Alleged installation and operation since 1995 of 2 2,500kW diesel generators w/o a permit	NOV issued 11/3/06; pending
<u>NRO</u>	US Army – Fort Belvoir	Alleged failure to perform semi-annual boiler maintenance necessary to control NOx emissions in violation of RACT permit	NOV issued 10/11/06; pending
<u>PRO</u>	Hawkeye Manufacturing, Inc., Richmond (spa manufacturer)	Alleged construction and operation of facility w/o a permit; failure to register facility with DEQ; failure to adequately control fugitive dust; failure to adequately handle VOC materials in violation of regulations	NOV issued 7/27/06; pending
<u>PRO</u>	Quebecor Printing Richmond, Inc., Henrico County (printing facility)	Alleged failure to maintain required 92% VOC and HAP emissions control efficiency	NOV issued 8/28/06; pending
<u>SCR</u> <u>O</u>	Intermet Archer Creek Foundry, Lynchburg	Alleged exceedance of 20% opacity limit from facility's "eyebrow" for 9 of 14 1-hr observation periods	NOV issued 3/29/07; pending
<u>VRO</u>	Harrisonburg Resource Recovery Facility (municipal waste incinerator)	Alleged exceedance of 25ppm HCL emission limit for units 1 and 2 based on stack test (unit 1 tested at 71ppm and unit 2 tested at 122ppm); failure to meet 2.58 lb/hr HCL emission limit (unit 1 tested at 4.88lb/hr and unit 2 tested at 7.23lb/hr); failure to meet 95% HCL reduction efficiency (unit 1 tested at reduction efficiency of 84% and unit 2 at 71%)	NOV issued 10/19/06; pending
<u>WCR</u> <u>O</u>	Magnox Pulaski Inc., Pulaski, Pulaski County (magnetic tape manufacturer)	Numerous alleged violations of Title V permit recordkeeping, monitoring, and operational requirements	NOV issued 5/8/03; Consent Order dated 7/28/04 imposed civil charge of \$20,668 of which \$14,468 goes toward a SEP to reduce CO emissions through process changes (Magnox must make additional payments under civil charge

			payment schedule)
WCRO	Southern Finishing Co., Martinsville, Henry County (furniture manufacturer)	Alleged violations of, among other things, MACT subpart JJ work standards and recordkeeping requirements; installation of wood spray booth w/o permit; defective spray booth filters; failure to conduct periodic monitoring and inspections; failure to submit compliance certification and other required reports; failure to complete SEP required by 11/17/03 Consent Order	NOVs issued 4/11/05 and 6/3/04; Consent Order dated 8/31/05 imposed civil fine of \$161,870, of which \$145,683 goes toward an innovative pollution prevention SEP calling for the elimination of hazardous air pollutants (HAPs) within 2 yrs from finishes and coatings used in the facility's wood furniture production lines
WCRO	Southern Finishing Co., Martinsville, Henry County (furniture manufacturer)	Alleged exceedance of VOC emission limits; exceedance of HAP throughput limits; failure to record weekly observation of pressure drop readings for fabric filters in violation of NSPS subpart EE, MACT subpart RRRR, and Title V permit	NOV issued 3/6/06; Consent Order dated 10/18/06 imposed civil charge of \$105,728, of which \$79,296 goes toward a SEP calling for the development and implementation of an environmental management system

* Table A includes the following categories of HPV cases:

- 1) Those initiated by a Notice of Violation (NOV) issued prior to or during the first quarter of 2007 that have not been settled by Consent Order, and;
- 2) Those settled by Consent Order prior to the first quarter of 2007 where the alleged violator has not complied with substantially all of the terms of the Consent Order.

RESOLVED CASES – Table B **			
DEQ Region	Facility Name and Location	Brief Description	Status
NRO	TransMontaigne Product Services, Inc., Fairfax (gasoline pipeline terminal)	Alleged failure to conduct annual VOC stack test for 2005 required by terms of NSR permit	NOV issued 7/6/06; Consent Order dated 2/6/07 imposed civil charge of \$17,530
SWRO	Galax Energy Concepts, LLC Galax, Carroll County (wood burning steam generator)	Alleged violations of lbs/hr and lb/mmBtu emission limits for particulate matter for the facility's 3 boilers resulting from stack tests performed in March '05 under low-load and high-load conditions; exceedances ranged from 15% over the limit to 245% over the limit; failure to comply with regulations for small waste combustors (Rule 46)	NOVs issued 4/14/05 and 6/2/05; pending (plant has been shut down since 9/23/05); EPA issued Notice of Noncompliance 2/22/06; Consent Order dated 3/12/07 imposed civil charge of \$46,591 and required permanent shutdown of non-complying boilers
SWRO	Merillat LP, Plant #12, Atkins (furniture manufacturer)	Alleged failure to continuously operate and properly maintain RTO; failure to maintain records of RTO combustion temperatures as required by terms of Title V permit	NOV issued 8/23/06; Consent Order dated 2/22/07 imposed civil charge of \$24,907 of which \$18,680 goes toward a SEP calling for the installation of a solvent recovery still to recover solvent from

			hazardous waste from the facility's stain booths
<u>VRO</u>	Merck & Co., Inc., Rockingham County (pharmaceutical manufacturer)	Alleged exceedance of emission limit for methyl chloride in synthetic minor HAP permit by over 4.5 tons; failure to adequately measure wastewater influent for HAPs as required by permit	NOV issued 12/11/03; Consent Order dated 7/8/05 imposed various injunctive measures to control toxics emissions and a civil charge of \$500,000, of which \$300,000 goes toward a SEP calling for retrofitting Rockingham County and Harrisonburg City school buses with control devices for particulates and other pollutants
<u>WCRO</u>	Wolverine Gasket Division – Cedar Run Plant, Blacksburg, Montgomery County (automotive parts manufacturer)	Alleged failure of coil coating line 6 incinerator to maintain adequate combustion temperature as required by title V permit; failure to record average gas temperatures for coil coating line 5 catalytic oxidizer; and failure to demonstrate compliance with emission limits for coil coating line 6	NOV issued 10/11/06; Consent Order dated 2/1/07 imposed a civil charge of \$48,750, of which \$36,567 goes toward a SEP calling for installation and operation of energy efficient fluorescent high- bay lighting

**** Table B includes HPV cases resolved by Consent Order during the first quarter of 2007 where the alleged violator has complied with substantially all of the terms of the Consent Order.**

Mirant – Potomac River Generating System: go to
<http://www.deq.virginia.gov/air/permitting/Mirant.html>