

Regulatory Advisory Panel (RAP) Meeting
Small Renewable Combustion Energy Permit by Rule
October 28, 2011
Final Meeting Notes

Location: DEQ Central Office
629 E. Main Street
Richmond, VA 23219

Start: 9:40 a.m.
End: 11:25 a.m.

RAP Leader/Facilitator: Carol Wampler, DEQ
Recorder: Heather Mackey, DEQ

RAP Members Present:

Ernie Aschenbach, DGIF (Alt)	Roger Kirchen, DHR
Tony Banks, VA Farm Bureau	Larry Land, VACO
Charlie Becker, DOF (Alt)	Kathryn Perszyk, DEQ (Alt)
Bob Bisha, Dominion Virginia Power	Nikki Rovner, TNC
Kelly Bonds, Aegis	Tom Smith, DCR
Robert Greene, Ingenco	Stephen Versen, VDACS
John Hart, AEC Idom	Donna Wirick, Recast
Larry Jackson, AEP	

RAP Members Absent:

Randy Bush, VA Forest Products Association	Thomas Numbers, ERM
Ray Fernald, DGIF (alt present)	Rebekah Remick, DEQ (alt present)
Dan Holmes, PEC	Lynne Rhode, Troutman Sanders
John Ignosh, VA Tech Extension Service	Scot Sklar, The Stella Group
Ron Jenkins, DOF (alt present)	Al Weed, Public Policy VA
Robin Jones, DMME	

Guests and Public Attendees:

Kerri Nicholas, OAG
Ralston King, Covanta Energy

Agenda Item: Welcome & Opening Remarks

Discussion Leader: Carol Wampler, DEQ

Ms. Wampler welcomed all attendees, noting that much progress was made by the RAP members able to come to the October 7, 2011 meeting. Because a quorum was not present at that meeting, today's efforts would be focused on consideration of the suggestions developed on October 7 and any other remaining issues of concern to RAP members.

Agenda Item: Discussion of Draft "Straw Man" Combustion PBR

Discussion Leader: Carol Wampler, DEQ

Ms. Wampler opened the discussion of the draft Straw Man PBR with consideration of amended language offered by Roger Kirchen of DHR concerning an exemption for buildings greater than 50 years old that have been determined by DHR to be ineligible for listing on the Virginia Landmarks Register within the last 7 years. The RAP agreed to this exemption by consensus. Staff will add this amendment to appropriate sections of the draft PBR regulation and guidance.

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Most of the RAP discussion on October 7 revolved around the de minimis exemptions, part of which was drafted during a post-RAP meeting between DHR and DGIF staff, pursuant to the RAP's request. Ms. Wampler explained the tiered exemptions (including the suggestions made by DHR/DGIF). The RAP agreed by consensus to the suggested Part III of the straw man draft (i.e., the de minimis provisions), including the new language proposed by DHR and DGIF. The RAP also agreed that the "fatal flaw" desktop analysis for de minimis should be placed in Guidance, rather than in the PBR regulation; with the additional recommendation that DEQ seriously consider any public comment submitted during the public comment period that recommends a workable approach to the "fatal flaw" analysis – i.e., a recommendation that overcomes current legal and logistical concerns, thereby making it practicable for the "fatal flaw" analysis to be included in the PBR regulation.

The RAP considered and approved by consensus all of the provisions in the Combustion PBR Conceptual Outline (dated October 17, 2011, and attached to these meeting notes). These concepts included both the de minimis provisions of Part III and the full PBR provisions of Part II of the draft Combustion PBR.

The RAP then reviewed the entire draft PBR, agreeing by consensus to language changes and other suggestions as noted in the annotated copy of the draft PBR attached to these meeting notes. Roger Kirchen stated for the record that DHR "can live with" the 200' stack height but that, for historic resources protection, they would prefer a lower height limit.

Staff will finalize the draft (straw man) PBR based upon today's discussions and will present the draft Combustion PBR to the Director for approval as soon as possible. Ms. Wampler thanked the RAP for their hard work and congratulated them on reaching consensus on all issues. She reminded them that for the immediate future they will remain a public body, until notified that the RAP is officially disbanded.

Public Forum

No one signed up to speak during the public forum.

Adjournment

The meeting adjourned at 11:25 a.m. Staff will prepare and circulate draft Minutes and a final draft PBR based on the discussion at today's meeting for presentation to the DEQ Director for approval.



Combustion PBR
straw man10 28 2011

Attachment 1: 10/28/2011 (Draft Combustion PBR "Straw Man," annotated to reflect discussion and recommendations from the 10/28 RAP meeting.)



Combustion PBR
Conceptual Outline10

Attachment 2: 10/17/2011 Combustion PBR Conceptual Outline