

TENTATIVE AGENDA AND MINIBOOK
STATE AIR POLLUTION CONTROL BOARD MEETING

FRIDAY, MARCH 23, 2012
DEPARTMENT OF ENVIRONMENTAL QUALITY
2ND FLOOR CONFERENCE ROOM
629 EAST MAIN STREET
RICHMOND, VIRGINIA

Convene – 10:00 a.m.

			TAB
I.	Review and Approve Agenda		
II.	Minutes (December 2, 2011)		A
III.	Regulation Repeals (Finals)		
	Variance for Open Burning (Rev. I11)	Graham	B
	Variance for Atlantic Research Corp Gainesville Facility (Rev. L11)	Major	C
IV.	Regulation Repeals (Fast-Tracks)		
	Consumer Products (Rev.A12)	Graham	D
V.	High Priority Violators Report	Nicol	E
VI.	Public Forum		
VIII.	Other Business		
	State Advisory Board - Discussion of Projects		
	Air Division Director's Report	Dowd	
	Future Meetings		

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 on 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 its 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 during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period). Notice of these comment periods is announced in the Virginia Register, by posting to the Department of Environmental Quality and Virginia Regulatory Town Hall web sites 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), 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. In some cases a public hearing is held at the conclusion of the public comment period on a draft permit. In other cases there may be an additional comment period during which a public hearing is held.

In light of these established procedures, the Board accepts public comment on regulatory actions and case decisions, 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 commented during the public comment period on the proposal are allowed up to 3 minutes to respond to the summary of the comments 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 the decision. In that case, the applicant/owner will be allowed up to 15 minutes to make his complete presentation. The Board will then allow others who commented at the public hearing or during the public comment period up to 3 minutes to exercise their rights to respond to the summary of the prior public comment period presented to the Board. No public comment is allowed on case decisions when a FORMAL HEARING is being held.

POOLING MINUTES: Those persons who commented during the public hearing or public comment period 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 commented 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. In the case of 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, the Department may announce an additional public comment period 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 those on the agenda, pending regulatory actions or pending case decisions. Those persons wishing to address the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentations to 3 minutes or less.

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: cindy.berndt@deq.virginia.gov.

Repeal of Variance for Open Burning in Gloucester County (Rev. I11): Section 10.1-1307 of the Code of Virginia provides that the board may grant local variances from regulations of the board if it finds that local conditions warrant. On March 26, 2007 the board issued a variance (9VAC5 Chapter 240) to provide relief to Gloucester County residents from the regulatory seasonal restrictions on open burning. That variance expired on December 31, 2008. The expired variance still exists as regulation. In order for the state regulations to be administratively correct, 9VAC5-240 must be repealed. To solicit comment from the public on the proposed regulation repeal, the Department issued a notice that provided for receiving comment during a comment period and at a public hearing. No public comment was received. No changes are recommended to the proposed repeal.

Repeal of Variance for Rocket Motor Test Operations at Atlantic Research Corporation Gainesville Facility (9VAC5 Chapter 221, Rev. L11) - On September 30, 2002, the board issued a variance (9VAC5 Chapter 221) to the Atlantic Research Corporation (ARC) rocket test facility. Due to the nature of the testing operations, ARC had no appropriate method by which it could demonstrate compliance with the board's opacity standards. The board therefore granted a variance for the testing facility that enabled ARC to demonstrate compliance through meeting a particulate matter standard as an alternative to the opacity standard. Because the facility was shut down in March 2007, the variance is no longer required. In order for the state regulations to be administratively correct, 9VAC5-221 must now be repealed. To solicit comment from the public on the proposal, the department issued a notice that provided for

receiving comment during a comment period and at a public hearing. The notice was published in the Virginia Registrar on January 16, 2012; a hearing was held on February 16, 2012. No comments were received, no one attend the public hearing. The department is requesting approval for repeal of a Variance for Rocket Motor Test Operations at Atlantic Research Corporation Gainesville Facility (9VAC5 Chapter 221). Approval of the repeal will ensure that the board's regulations are up to date and accurate.

Repeal of Consumer Products (9VAC5 Chapter 40, Rev. A12) - Request to Publish Proposal for Public Comment and Use the Fast-Track Process: Articles 39, 42, 49, and 50 of 9VAC5-40 (Existing Stationary Sources), are consumer product regulations that reduce volatile organic compound (VOC) emissions to the atmosphere. Article 39 controls VOC emissions from asphalt paving operations throughout Virginia. Within the Northern Virginia and Fredericksburg VOC Control Areas, Article 42 controls VOC emissions from portable fuel container spillage, Article 49 controls VOC emissions from architectural and industrial maintenance coatings, and Article 50 controls VOC emissions from consumer products. Articles 39, 42, 49 and 50 have been consolidated, revised, and duplicated in a new chapter, 9VAC5-45 (Consumer and Commercial Products). This regulatory action repeals the older, outdated consumer product regulations in 9VAC5-40. The department is requesting approval of a proposal for public comment that meets federal statutory and regulatory requirements. Under the fast-track process, the proposal will be subject to a 30-day public comment period. If an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, or the Department finds it necessary, based on public comments or for any other reason, to make any changes to the proposal, the Department will (i) file notice with the Registrar of Regulations for publication in the Virginia Register and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action. Otherwise, the regulation becomes effective 15 days after the end of the public comment period.

High Priority Violators (HPV's) For the First Quarter, 2012:

NOV's Issued from October through December 2012.

DEQ Region	Facility	Brief Description	Status
PRO	Chaparral Virginia Inc. Petersburg, Virginia Registration No. 51264 SIC 3312 Blast Furnace/Steel Works NAICS 331111 Metal Mfg.	Discovery dates: 6/29/2011 Alleged violations: Failed to conduct performance tests for SO2, VOC, lead and mercury within required timeframe. Failed to submit required documentation for the 2011, 1st quarter excess emission report.	NOV - Issued 10/3/2011
VRO	Mohawk Industries Inc. (Lee Carpets Division) Glasgow, Virginia Registration No. 80269 SIC 2273 Carpet and Rug Mill NAICS 314110 Textile Product Mill	Discovery dates: 10/3/2011 Alleged violations: Exceeded daily throughput of the calcium carbonate storage.	NOV - Issued 10/5/2011 CO - Issued 12/12/2011 Civil Charge - \$2,626.00(Paid)

BRRO	Celanese Acetate LLC Narrows, Virginia Registration No. 20304 SIC 2823 Cellulosic Man-made Fibers NAICS 325221 Chemical Mfg.	Discovery dates: 9/9/2011 Alleged violations: Failure to operate a standby monitoring system or conduct compliance tests to obtain required emissions data.	NOV - Issued 10/11/2011
SWRO	Reline America Inc. Saltville, Virginia Registration No. 11199 SIC 3089 Plastics Products NEC NAICS 326121 Plastics and Rubber Product Mfg.	Discovery dates: 8/4/2011 Alleged violations: Failed stack test for VOC and Styrene.	NOV - Issued 12/16/2011
BRRO	Chemical Lime Company (Lhoist North America) Ripplemead, Virginia Registration No. 20225 SIC 3274 Lime NAICS 327410 Nonmetallic Mineral Product Plant	Discovery dates: 11/1/2011 Alleged violations: Exceeded short term PM emissions limit for Kiln #1.	NOV - Issued 12/27/2011
BRRO	Yokohama Tire Company Salem, Virginia Registration No. 20123 SIC 3011 Tires and Inner Tubes NAICS 326211 Rubber Product Mfg.	Discovery dates: 11/14/2011 Alleged violations: Failed to include all emission estimates in a permit application. Modification without a permit	NOV - Issued 12/29/2011

CO's Issued from October through December 2012.

PRO	Kinder Morgan Southeast Terminals LLC –Terminal 1 Richmond, Virginia Registration No. 50258 SIC 5171 Petroleum Bulk Station & Terminal NAICS 424710 Petroleum Bulk Station & Terminal	Discovery dates: 03/22/2011 Alleged violations: Failure to record data for the Vapor Recovery System.	NOV - Issued 06/10/2011 CO - Issued 10/7/2011 Civil Charge - \$11,071.00(Paid)
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CO's In Development – Previously Reported NOV's

NRO	GenOn Mid-Atlantic LLC / GenOn Potomac River LLC (pka Mirant) Alexandria, Virginia Registration No. 70228 SIC 4911 Electrical Services NAICS 221112 Utilities – Electric Power Generation, Transmission and Distribution	Discovery date: 07/12/2011 Alleged violations: Failure to install water fogging system. Exceeded permitted NOx limit. Failure to maintain and operate in a manner consistent with air pollution control practices for minimizing emissions	NOV - Issued 08/30/2011 Additional Information: Water fogging system has been installed. No further NOx exceedances .
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UPDATES FOR THE FIRST QUARTER, 2012

Actions occurring from October through December 2012

<i>*The following actions have occurred post quarter and will be included in the next quarterly report.</i>		
DEQ Region	Facility	Status Update
BRRO	Celanese Acetate LLC	CO issued on January 17, 2012 (Civil Charge of \$13,122.20)
NRO	GenOn Mid-Atlantic LLC / GenOn Potomac River LLC (pka Mirant)	CO issued on February 9, 2012 (Civil Charge of \$280,704.00)
BRRO	Chemical Lime Company (Lhoist North America)	CO issued on February 9, 2012 (Civil charge of \$27,720.00) CO requires Facility to demonstrate compliance by April 30, 2012.

EPA CD's In Development – Previously Reported NOV's

<i>**The inspections at the Hopewell facilities were conducted as part of EPA Region III's Hopewell Geographic Initiative, which is an enforcement strategy created, in part to better understand the transfer of volatile organic compounds and hazardous air pollutants between facilities in the Hopewell geographic air shed.</i>			
**EPA	Hopewell Regional Wastewater Treatment Facility (WWTP) Hopewell, Virginia Hopewell City Registration No. 50735 SIC 4952 Sewage Systems NAICS 221320	Discovery dates – 11/07/2007 Alleged violations: Violations of 40 CFR 63 Subpart VVV (Publically Owned Treatment Works - POTW) and Reasonably Available Control Technology (RACT) that include failure to provide appropriate notification, meet	EPA 1st NOV - Issued 07/06/2009 EPA 2nd NOV - Issued 12/17/2010 Additional Information: NOV Meeting was held with EPA, DEQ, and the Responsible Party on 9/23/09 and 03/09/2011.

	Utilities, Water, Sewage and Other Systems	control requirements, conduct inspections and monitoring, properly calculate emission values. Violations of 40 CFR 63 Subpart VVV (Publically Owned Treatment Works - POTW) and Reasonably Available Control Technology (RACT) for failure meet control requirements.	
DEQ - PRO		Discovery dates: 02/04/2011 Alleged violations: Failure to meet 92% HAP mass removal present in wastewater.	NOV - Issued 05/25/2011 Additional Information: This NOV cites the same violations as the EPA NOV issued on 12/17/2010.
**EPA	DuPont Teijin Films Hopewell, Virginia Chesterfield County Registration No. 50418 SIC 2821 Plastic Material/Synthetic resins NAICS 325211 Chemical - resin, Synthetic rubber, and artificial synthetic fibers.	Discovery dates – 04/18/2008 Alleged violations: 1st NOV - Violations of 40 CFR 63 Subpart JJJ (Polymers and Resins Group IV), Subpart H (Equipment Leaks), and Subpart EEEE (Organic Liquid Distribution (Non-Gasoline) that include improper use of emission debits and credits; failure to provide certifications, reports and plans; improper emission controls; and failure to identify and repair leaking components. 2nd NOV – Further violations of 40 CFR 63 Subpart JJJ (Polymers and Resins Group IV), and Subpart H (Equipment Leaks), that include improper use of emission debits and credits; failure to provide certifications, reports and plans; and improper emission controls.	EPA 1st NOV - Issued 07/17/2009 EPA 2nd NOV - Issued 12/7/2010 Additional Information: NOV Meetings have been held with EPA, DEQ, and the Responsible Party on 9/10/09 and 2/2/2011.
**EPA	Honeywell International Inc. Hopewell, Virginia Hopewell City	Discovery date – 11/06/2007 Alleged violations:	EPA 1st NOV - Issued 03/10/2009 EPA 2nd NOV - Issued 08/21/2009

	<p>Registration No. 50232</p> <p>SIC 2869, 2899, 2819 Industr. Organic Chemical NEC, Chemical & Chem. Prep, NEC, Industrial Inorganic Chemicals NAICS 325199 Chemical Mfg.</p>	<p>1st NOV - Alleged violations of the Benzene Waste NESHAP (40 CFR 61 Subpart FF) and the associated Leak Detection and Repair (LDAR) program for the Organic HAPs from Equipment Leaks MACT (40 CFR 63 Subpart H)</p> <p>2nd NOV - Annual NOx and PM10 emission limit exceedances in 2004, 2005, 2006, and 2007 at the A, C, D, and E trains of the Area 9 hydroxylamine production unit.</p>	<p>Additional Information: NOV Meetings have been held with EPA, DEQ, and the Responsible Party on 5/27/09, 11/17/09, 03/25/10, 11/10/2010 and 1/26/2011.</p>
**EPA	<p>Smurfit-Stone Container Corp. / Hopewell Mill</p> <p>Hopewell, Virginia</p> <p>Registration No. 50370</p> <p>SIC 2631 Pulp Mills NAICS 322130 Pulp, Paper, and Paperboard Products</p>	<p>Discovery dates – 07/27/2010</p> <p>Alleged violations: Failure to operate in a manner to demonstrate compliance with HAP reduction requirements.</p> <p>Failure to submit periodic startup, shutdown and malfunction reports.</p>	<p>NOV - Issued 09/27/2010</p> <p>Additional Information: NOV Meeting was held with EPA, DEQ, and the Responsible Party on 01/31/2011.</p>