

TENTATIVE AGENDA  
STATE AIR POLLUTION CONTROL BOARD MEETING

FRIDAY, MARCH 18, 2016  
HOUSE ROOM C  
GENERAL ASSEMBLY BUILDING  
9TH & BROAD STREETS  
RICHMOND, VIRGINIA

Convene – 10:00 a.m.

		<b>TAB</b>
<b>I. Review and Approve Agenda</b>		
<b>II. Minutes</b> (December 9, 2015)		A
<b>III. Regulations - Final Exempt</b>		
Ambient Air Quality Standards Ozone (Rev. A16)	Sabasteanski	B
General Provisions, Malfunctions (Rev. B16)	Sabasteanski	C
<b>IV. High Priority Violators Report</b>	Nicholas	D
<b>V. Public Forum</b>		
<b>VI. Other Business</b>		
Air Division Director's Report	Dowd	
Future Meetings (June 17, September 9, December 5)		

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 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](mailto:cindy.berndt@deq.virginia.gov).

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**Ambient Air Quality Standards, Ozone (9VAC5-20 and -30], Rev. A16) - Request for Board Action on Exempt Final Regulation:** On October 26, 2015 (80 FR 65292), the U.S. Environmental Protection Agency (EPA) issued a regulation revising the ozone national ambient air quality standard (NAAQS) by adding an 8-hour standard at a level of 0.070 parts per million (ppm). The existing 8-hour standard of 0.075 ppm was not revoked. The new primary standard became effective on December 28, 2015. Chapter 30 contains the ambient air quality standards for the specific criteria pollutant standards set out in 40 CFR Part 50. Therefore, this chapter is the action effectively implementing the EPA requirements, and must now be amended accordingly. In addition, a new Appendix U has been added. Appendix U explains the data handling conventions and computations necessary for determining whether the NAAQS for ozone are met at an ambient air quality monitoring site; this appendix is incorporated by reference in 9VAC5-20-21. These regulations must now be amended accordingly in order to properly implement new source permitting review and various ozone implementation and planning programs. The department is requesting approval of draft final regulation amendments that meet federal statutory and regulatory requirements. Summary of amendments:

1. Reference to the new Appendix U to 40 CFR Part 50 has been added to the federal documents incorporated by reference list.
2. A new section for the 0.070 ppm 8-hour ozone standard has been added.

**General Provisions, Malfunctions (9VAC5 Chapter 20, Rev. B16) - Request for Board Action on Exempt Final Regulation:** On June 12, 2015 (80 FR 33840), the U.S. Environmental Protection Agency (EPA) issued a final State Implementation Plan (SIP) call concerning treatment of excess emissions in state rules by sources during periods of startup, shutdown or malfunction (SSM), including Virginia's SSM rules at 9VAC5-20-180 G. The U.S. Court of Appeals for the District of Columbia Circuit has held that such provisions are illegal, and state plans must be amended accordingly. Essentially, EPA finds that 9VAC5-20-180 G as currently drafted creates an impermissible affirmative defense for violations of emission limits, and therefore 9VAC5-20-180 G must now be amended accordingly. The department is requesting approval of draft final regulation amendments that meet federal statutory and regulatory requirements. Summary of amendments:

1. The general malfunction requirements of subsection C have been amended to make minor administrative changes, and to reference the detailed malfunction requirements of subsection G.
2. The specific malfunction requirements of subsection G have been amended to eliminate an affirmative defense while continuing to require that the facility provide information necessary to monitor resolution of the malfunction.

## HIGH PRIORITY VIOLATIONS (HPV's) FOR THE FIRST QUARTER, 2016

### NOV's Issued from October through December

<b>BRRO</b>	<b>INGENCO – New River</b>  Dublin, Virginia  Registration No. 21548	<b>Discovery Date: 7/1/2015</b>  <b>Alleged Violations:</b>  Exceeded CO emissions limit during stack test.	<b>NOV: Issued 10/5/2015</b>
<b>BRRO</b>	<b>U.S. Army/Radford Army Ammunitions Plant</b>  Radford, Virginia  Registration No. 20656	<b>Discovery Date: 11/24/2015</b>  <b>Alleged Violations:</b>  Reported exceedance of visible emissions limit from Powerhouse boiler stack in Excess Emissions Report.	<b>NOV: Issued 12/14/2015</b>
<b>BRRO</b>	<b>NOVEC Energy Production Halifax County Biomass</b>  South Boston, Virginia  Registration No. 21526	<b>Discovery Date: 5/6/2014</b>  <b>Alleged Violations:</b>  Reported exceedance of CO emissions limits in multiple Excess Emissions Reports.	<b>NOV: Issued 12/14/2015</b>
<b>PRO</b>	<b>Ashland Inc. (formerly Hercules Inc. Aqualon Division)</b>  Hopewell, Virginia  Registration No. 50363	<b>Discovery Date: 9/25/2015</b>  <b>Alleged Violations:</b>  Exceeded VOC limit for three consecutive 12 month periods in 2015.	<b>NOV: Issued 10/8/2015</b>

<b>PRO</b>	<b>Honeywell Resins and Chemicals LLC - Hopewell</b>  Hopewell, Virginia Registration No. 50232	<b>Discovery Date: 5/13/2015</b>  <b>Alleged Violations:</b>  Exceeded PM2.5 and SO2 emissions limits during stack test. Late submittal of test results.	<b>NOV: Issued 12/3/2015</b>
<b>VRO</b>	<b>Merck Sharp &amp; Dohme Corporation</b>  Elkton, Virginia Registration No. 80524	<b>Discovery Date: 10/20/2015</b>  <b>Alleged Violations:</b>  Report indicates exceedance of combined hazardous air pollutant (HAP) limits.	<b>NOV: Issued 11/10/2015</b>
<b>VRO</b>	<b>O-N Minerals (Chemstone) Company – Strasburg Lime</b>  Strasburg, Virginia Registration No. 80252	<b>Discovery Date: 8/26/2015</b>  <b>Alleged Violations:</b>  Exceeded PM limit during stack test.	<b>NOV: Issued 11/12/2015</b>

**Consent Orders issued from October through December**

<b>VRO</b>	<b>HP Hood LLC</b>  Winchester, Virginia Registration No. 81359	<b>Discovery Date: 4/21/2015</b>  <b>Alleged Violations:</b>  Construction and operation of new equipment without a permit; specifically, combustion turbine (CT1) and a digester flare (BB2).	<b>NOV: Issued 6/19/2015</b>  <b>Consent Order effective 10/27/2015, including civil charge of \$105,199.20 and requiring Facility to submit additional permitting information and conduct performance testing on units.</b>
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**Consent Orders in Development – Previously Reported NOV's**

<b>BRRO</b>	<b>U.S. Army/Radford Army Ammunition Plant</b>  Radford, Virginia Registration No. 20656	<b>Discovery Date: 4/9/2015</b>  <b>Alleged Violations:</b>  Exceeded emissions limit for low volatile metals during stack test.	<b>NOV: Issued 7/15/2015</b>
<b>BRRO</b>	<b>WestRock Virginia Corporation – Covington (former MeadWestvaco Packaging Resource Group)</b>	<b>Discovery Date: 3/31/2015</b>  <b>Alleged Violations:</b>  Exceeded PM emissions limit during stack test.	<b>NOV: Issued 7/8/2015</b>

	Covington, Virginia Registration No. 20328		
<b>NRO</b>	<b>Trae-Fuels LTD</b> Bumpass, Virginia Registration No. 41057	<b>Discovery Date:</b> 6/9/2015  <b>Alleged Violations:</b>  Particulate matter emissions from 2 transfer points on conveyor system; ongoing violations of facility's fugitive dust plan; exceedance of visible emissions limit from Earth Care Dryer exhaust stack; record-keeping; accumulation of dust.	<b>NOV:</b> Issued 6/19/2015, 1/28/2016
<b>PRO</b>	<b>Richmond Energy LLC</b> Henrico, Virginia Registration No. 52198	<b>Discovery Date:</b> 4/17/2015  <b>Alleged Violations:</b>  Exceeded CO emissions limits during stack test.	<b>NOV:</b> Issued 8/27/2015