

TENTATIVE AGENDA
STATE AIR POLLUTION CONTROL BOARD MEETING

THURSDAY, SEPTEMBER 21, 2017
DEPARTMENT OF ENVIRONMENTAL QUALITY
629 EAST MAIN STREET
2ND FLOOR CONFERENCE ROOM
RICHMOND, VIRGINIA 23219

Convene – 9:30 a.m.

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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 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.

Title V Program Fees (9VAC5 Chapter 80, Rev. K16) - Public Participation Report and Request for Board Action: Title V of the federal Clean Air Act requires that Title V permit programs be fully funded through Title V

program fees. In the Commonwealth, Title V permit programs are funded through permit program emissions fees (Article 2, Chapter 80 of the Regulations for the Control and Abatement of Air Pollution), permit application fees (Article 10, Chapter 80), and annual permit maintenance fees (Article 11, Chapter 80). As the permit programs achieve their goal of reducing emissions, Title V permit program emissions fee revenue has decreased and is projected to decrease to the point that total fee revenue will no longer cover the costs of the Title V permit programs. The purpose of this regulatory action is to (i) increase Title V fees so that they continue to fully fund the Title V permit program, and (ii) to restructure the Title V fee schedule to better reflect the actual costs of the Title V permit program, thereby improving Title V permit program revenue stability.

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.

To solicit comment from the public on the proposed regulation amendments, the Department issued a notice that provided for receiving comment during a comment period and at a public hearing. No comments were received during the public comment period. The public participation report is available upon request.

Below is a brief summary of the substantive amendments that were originally proposed for public comment.

1. Definitions of “greenhouse gases” and “regulated pollutant (for fee calculation),” are added and the definition of “actual emissions” is revised so that emissions of greenhouse gases will be excluded from the calculation of permit program emissions fees.
2. A new section is added to Chapter 80, Article 2 providing an equivalent method of calculating permit program emissions fees applicable to future billing years. In this new section, permit program emission fee rates for billing years 2018 and 2019 are specified, reflecting incremental 18.6% and 15% increases in the permit program emission fee rates over those two years, respectively. Also, a new and equivalent method of calculating CPI adjustments is provided for billing years after 2019. That new method of calculating CPI adjustments for permit program emissions fees is the same method that is currently used for annual CPI adjustments for permit application fees and annual permit maintenance fees. Provisions for excess emissions fees are unchanged. Various changes are made to the existing permit program emissions fee calculation section as necessary to conform to and implement this new section.
3. A new section is added to Chapter 80, Article 10 specifying new, increased base permit application fee amounts that will be applicable in future years. Annual CPI adjustments are applied as before except the annual adjustment for 2019 is specified to be 10% more than the permit application fee rates applicable in the previous calendar year. Provision is made for applications filed before the effective date of this amendment and modified on or after that date such that the new permit application fee structure is applicable to that application but any permit application fee amount previously paid for that application is credited toward the new permit application fee amount. Various changes are made to the existing permit application fee calculation section as necessary to conform to and implement this new section.
4. A new section is added to Chapter 80, Article 11 specifying new, increased base permit maintenance fee amounts that will be applicable in future years. Annual CPI adjustments are applied as before except that the fee adjustments for certain permit types are individually specified for billing years 2019 and 2020. A new minimum permit maintenance fee is specified for synthetic minor sources and that fee is also adjusted annually. Various changes are made to the existing permit maintenance fee calculation section as necessary to conform to and implement this new section.

No substantive changes to the original proposal are being recommended by the Department. The Department recommends that a correction be made to the applicability date instructions to the Registrar in Chapter 80, Article 10 concerning amendments to applications, to be consistent with other applicability date instructions in that article.

NO_x Budget Program (Part I of 9VAC5-140, Rev. B17) - Request for Board Action on Exempt Final

Regulation: The transport of nitrogen oxides (NO_x) across state lines, which contributes to the formation of ozone, was first addressed by EPA's NO_x Budget Trading Program as implemented via the NO_x State Implementation Plan (SIP) Call. This program controlled NO_x emissions primarily from electric generating units (EGUs) as well as certain

types of non-EGUs. In turn, the State Air Pollution Control Board implemented these federal requirements under its own NO_x SIP Call Rule (Part I of 9VAC5-140). Subsequently, EPA's NO_x SIP Call Rule was superseded by the Clean Air Interstate Rule (CAIR), which was in turn superseded by the Cross-State Air Pollution Rule (CSAPR). Although the state is now subject to CSAPR, and both the NO_x SIP Call Rule (with respect to EGUs) and CAIR are no longer in effect, non-EGUs cannot be brought into the Transport Rule trading programs, and the NO_x SIP Call regulations applicable to non-EGUs must be retained. The purpose of this action is to remove unnecessary federal requirements while retaining those requirements needed to control emissions from non-EGUs. This will ensure that Virginia is properly meeting federal requirements for the control of NO_x.

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.

Because the state regulations are necessary to meet the requirements of the federal Clean Air Act and do not differ materially from the pertinent EPA regulations, the state regulations are exempt from the standard regulatory process (Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act) by 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 exempt from the standard regulatory adoption process and must notify the agency accordingly. This notification and the notice of adoption will be published in the Virginia Register subsequently. Further, 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.

Notice that the regulation would be considered by the board and that public comment would be accepted at the board meeting in accordance with the board's policy on public comment at board meetings was provided to the public by posting of the board's agenda to the Virginia Regulatory Town Hall and DEQ web site. In addition, email notification was provided to those persons signed up to receive notifications of board meetings through the Town Hall website.

Part I of the Regulation for Emissions Trading (9VAC5-140) is amended to remove trading provisions that have been superseded by the CSAPR program for EGUs and that are not applicable to non-EGUs.

Fast-track Amendments to the Public Participation Guidelines (9VAC5-5 et seq., Rev. D17): The staff will bring to the State Air Pollution Control Board (Board) at the September 21, 2017 meeting a request to accept final amendments to the Public Participation Guidelines (9VAC5-5 et seq.) This regulatory amendment will be processed using the fast-track regulatory process. Section 2.2-4012.1 of the Code of Virginia allows for regulations to be modified using the fast-track process when changes are expected to be noncontroversial. Agencies and Boards are required by §2.2-4007.02 A. of the Code of Virginia to adopt public participation guidelines to solicit input during the development of regulations.

The current regulations are based on model Public Participation Guidelines (PPGs) developed by the Virginia Department of Planning and Budget (DPB). Approximately 100 rulemaking bodies in Virginia have used DPB's model PPGs as a basis for adopting regulations concerning public participation guidelines. Staff recently conducted a periodic review of this regulation and identified one change needed to the regulation. Chapter 795 of the 2012 Acts of Assembly revised § 2.2-4007.02 B of the Code of Virginia to allow interested parties the right to be accompanied by or represented by counsel during the formulation of a regulation. As a result, DPB revised their model PPGs.

The fast-track regulatory process has been used for this regulatory amendment since the revisions to this regulation are not expected to be controversial. The regulation is being revised to be consistent with state statute and DPB's model Public Participation Guidelines. The Code of Virginia allows interested parties the right to be accompanied by or represented by counsel during the formulation of a regulation. This language has been added to the regulation. The town hall document further details the changes that are being made to this regulation.

After review by the Governor, a notice of a proposed fast-track rulemaking will be published in the Virginia Register and will appear on the Virginia Regulatory Town Hall. This will be followed by a 30-day public comment period before the amendments become final.

Petition for Rulemaking, Carbon Dioxide Emissions - Public Participation Report and Request for Board Action:

Introduction: On February 9, 2017, the department received a petition from Susan V. Coleman to initiate a rulemaking concerning carbon dioxide (CO₂) emissions. The petitioner has requested that the board adopt regulations to simultaneously promulgate both an emergency rulemaking and a formal rulemaking to limit and reduce total CO₂ pollution in the Commonwealth by 30% by 2030, from its largest source, electric generating units.

Public Participation Activities: To solicit comment from the public on the petition, the department issued a notice that provided for receiving written comment during a comment period. Below is a summary of each person's comment and the accompanying analysis. Included is a brief statement of the subject, the identification of the commenter, the text of the comment and the board's response (analysis and action taken). Each issue is discussed in light of all of the comments received that affect that issue. The board has reviewed the comments and developed a specific response based on its evaluation of the issue raised. The board's action is based on consideration of the overall goals and objectives of the air quality program and the applicable statutory provisions governing the program.

1. SUBJECT: General support for the petition.

COMMENTS: 146 commenters

TEXT: General support for the petition was expressed.

RESPONSE: The commenters' position is acknowledged.

2. SUBJECT: General support for the petition.

COMMENTS: Email sponsored by Clean Power Virginia/Virginia Conservation Network sent by 474 commenters

TEXT: Gov. McAuliffe, please keep your climate promise by exercising your lawful authority to lower costly carbon pollution from existing and future power plants by 30% by the year 2030.

RESPONSE: The commenters' position is acknowledged.

3. SUBJECT: General opposition to the petition.

COMMENTS: 4 commenters

TEXT: General opposition to the petition was expressed.

RESPONSE: The commenters' position is acknowledged.

4. SUBJECT: Carbon reduction policy options.

COMMENTS: Alison Gocke, Stanford University

TEXT: A copy of "Assessing Virginia's Carbon Reduction Policy Options: Public Comment by Stanford University graduate and law students pursuant to Executive Order 57: Development of Carbon Reduction Strategies for Electric Power Generating Facilities" was provided.

If the Work Group elects to adopt a market-based cap-and-trade system, it will have to also adopt a mechanism for enforcing such a cap on electricity generated out-of-state and then imported into Virginia; otherwise, the benefits of capping carbon emissions within the state are almost entirely overrun by pollution generated out-of-state.

Using complementary policies like energy efficiency and renewable energy portfolio standards can reduce the costs of implementing a carbon cap and help insulate Virginia from fluctuating fossil fuel prices, which make up a significant portion of total system costs. These policies also reduce the effects of emissions leakage resulting from imported electricity.

Energy efficiency or renewable energy targets implemented on their own—without a simultaneous carbon cap—are less effective at reducing negative local health impacts than a carbon cap. In our model, this occurred because there are certain coal-fired power plants within Virginia that can operate more cheaply than natural gas plants if natural gas prices increase as projected over the next fifteen years. Under those conditions, reducing electricity demand or building up in-state renewable energy generation does not force a substantial reduction in coal generation, which means that the negative health effects of coal co-pollutants remain. In order to reduce the health impacts of electricity generation in Virginia—a cost that is significantly born by minority and low-income communities—the state must regulate carbon emissions as well.

Finally, if Virginia employs the suite of complementary policies discussed above at only slightly less stringent levels (e.g., a 30% cap as opposed to a 50% cap), the state can achieve significant carbon emissions reductions at a total system cost less than the costs produced under our "business-as-usual" scenario.

Based on our model, we believe that Virginia can achieve deep carbon emissions reductions at a total system cost only slightly higher than a "business-a-usual" scenario by adopting a 50% cap on carbon emissions (which is also enforced against utilities importing electricity from out-of-state); a 20% Renewable Portfolio Standard; and a modest energy efficiency goal of 1.5% annual savings by 2025. This suite of policy options keeps costs relatively low, reduces Virginia's susceptibility to fluctuating fuel prices, builds up Virginia's renewable energy economy, and produces health savings for local Virginians, all while achieving significant reductions in electricity-sector carbon emissions.

RESPONSE: The commenter's information is appreciated. These and other issues relevant to an emissions trading rule will be discussed in further detail via the regulatory development process established pursuant to Executive Directive 11; see response to comment 5 for additional detail.

5. SUBJECT: Approaches for controlling carbon emissions in Virginia.

COMMENTER: Dominion Energy

TEXT: At a time of significant uncertainty in federal policy, we remain committed to transitioning to cleaner, less carbon-intensive electric generation. Dominion actively participated in providing input to the Governor's Executive Order 57 (EO 57) Climate Work Group established in June 2016 and is committed to working with the Department of Environmental Quality (DEQ) in the development of state carbon regulations pursuant to the process and directive set by Governor McAuliffe's May 16, 2017 Executive Order 11 (EO 11). As such, we urge the board to deny the petition.

The petition was advanced while the Governor's EO 57 Climate Workgroup was in the midst of its discussions and evaluation of concrete steps and methods Virginia could consider to reduce carbon emissions from power plants. Although the concept of a state-specific approach such as the "30-by-30" plan was raised by some stakeholders during this process, the Workgroup concluded and recommended in its final report to the Governor that the Governor consider taking action through a regulatory process to establish a "trading-ready" carbon emissions reduction program for fossil fuel fired electric generating facilities that will enable participation in a broader, established multistate carbon market."

Based on this recommendation, the Governor issued EO 11 directing DEQ to develop a proposed regulation for the State Air Pollution Control Board's consideration to reduce carbon dioxide emissions from electric power facilities that includes provisions to ensure that Virginia's regulation is "trading-ready" to allow for the use of market-based mechanisms and the trading of CO₂ allowances through a multi-state trading program. In accordance with Governor's directive, DEQ has already initiated a rulemaking to regulate carbon emissions from EGUs in Virginia.

As part of this process, DEQ has established and will be convening a regulatory advisory panel (RAP) representing interests from a cross-section of stakeholders to solicit input and provide assistance to the Department in the

development of proposed regulations. DEQ intends to complete this process and submit a draft proposal for the Board's consideration by December 2017.

For this reason, as a procedural matter, the petition is unnecessary. We believe that the design of an emissions reduction program in Virginia, including critical elements such as the emissions baseline and targets, compliance timelines, source applicability and implementation options such as emissions allowance allocation methodology, should be addressed and vetted as part of the DEQ regulatory process established in accordance with EO 11. To grant the "30-by-30" petition, which advances a pre-conceived determination on the level and timeline for emissions reductions, would be premature and would circumvent public input and the regulatory process already established and underway.

RESPONSE: The commenter's summary of the regulatory process, including discussion of EO 57 and ED 11, is correct. In order to meet the Governor's directive in a manner that affords the public the maximum opportunity for participation, the department has initiated a regulatory development process in accordance with the Administrative Process Act (APA) that will meet the Governor's stated deadline of December 2017. Once the RAP has met, and a proposal is available for public comment, a clearer picture of the best path forward will emerge and inform the details of any final decisions. As the commenter states, implementing a 30-by-30 approach would pre-determine a level and timeline for emissions reductions that may not necessarily be the best solution for Virginia.

6. SUBJECT: Implementation and compliance.

COMMENTS: Dominion Energy

TEXT: The petition in of itself does not provide any details on critical implementation elements and compliance options such as emissions averaging or intra- and interstate trading. The petition alleges that the board can "cost-effectively" limit and reduce carbon pollution by 30% from 2015 levels by 2030 because Virginia has already reduced by a similar amount between 2000 and 2015 while the economy continued to grow. The petition does not provide any definitive assessment as to the feasibility and economic impact of the 30-by-30 proposal to Virginia instead citing as support the U.S. Environmental Protection Agency (EPA) Clean Power Plan (CPP) on the basis that the CPP underwent significant economic analysis and required about the same level of emissions reduction for Virginia. However, EPA's analysis of the CPP assumed (and EPA envisioned) nationwide implementation of the CPP through a robust national emissions trading program. With the rule currently stayed and under administrative review, few states outside of the northeast Regional Greenhouse Gas Initiative (RGGI) program and along the west coast have or are proceeding with definitive carbon regulations. This includes all of the remaining states that are part of the PJM Interconnection, LLC (except Maryland which is part of RGGI), which is the regional transmission organization that operates the wholesale electric grid in the mid-Atlantic region including Virginia, North Carolina and West Virginia. At a minimum, any consideration of this petition should evaluate what surrounding states are doing in absence of federal requirements and impacts that may have on power markets, trading opportunities, leakage and economic growth. Regulating carbon at the state level absent the option for flexible compliance mechanisms such as trading would increase the cost burden to Virginia generators and would likely encourage lower cost electricity imports from out-of-state sources that are more carbon-intensive and not subject to a carbon cost adder. This could result in the unintended consequence of curtailing or limiting the dispatch of highly efficient and lower emitting natural gas-fired combined cycle (NGCC) facilities in Virginia and encouraging the dispatch of higher emitting resources in neighboring states.

RESPONSE: DEQ concurs that regulating carbon at the state level necessitates a detailed analysis of approaches around the country and the mid-Atlantic region in order to control carbon in the most efficient, cost-effective manner. As discussed in the response to comment 5, meeting the requirements of the Governor's ED 11 via the full APA process is the best means of attaining this goal.

7. SUBJECT: New generation projects.

COMMENTS: Dominion Energy

TEXT: The petition advances the 30% reduction target by establishing a statewide EGU emissions cap based on 2015 emissions and reducing the cap annually by 2.5% out to 2030. This in effect imposes a steeper reduction requirement than implied because these regulations would not be final until sometime in 2018 at the earliest, which would essentially require an even higher level of reduction over a shorter (12-year) timeframe. The use of a 2015 baseline does not account for emissions from new generation projects, such as Dominion Energy's Brunswick and Greenville NGCC facilities that have already received air permits and either already commenced commercial operation or are under construction. These two facilities, each with capacity in excess of 1,300 megawatts (MW), will operate some of the most efficient NGCC units with the most stringent greenhouse gas (GHG) limits in the country and will serve as base load facilities. Brunswick began commercial operation in April 2016; Greenville is expected to come on line in 2018--likely before the carbon regulations are final. These units are critical in transitioning to a cleaner and less-carbon intensive generating fleet in Virginia. New, highly efficient NGCC is the lowest cost, cleanest, and most reliable form of dispatchable generation to consistently meet energy needs. Although renewables, including solar and wind, are also critical to this transition, they will still require a reliable source of backup when unable to run until battery storage technology advances to a point that would be capable of storing the vast amount of electricity that would be required for renewables to reliably power the economy. The ability of NGCC to ramp up-and-down quickly complements the non-dispatchable, intermittent nature of renewables and will meet this need. To the extent that the Virginia reduction targets are established off a 2015 baseline and that new units are subject to the emissions cap, the baseline should be adjusted to account for emissions from post-2015 generating units that have received air permits and have either already commenced or are under construction prior to the effective date of a final regulation. In addition, the baseline and targets sought in the petition make no accommodation for the dynamics of power generated outside of and imported into Virginia.

RESPONSE: The relationship among renewables, NGCC, and other forms of energy generation, and how they will figure in an approach for controlling carbon in Virginia, will be addressed via the regulatory development process as discussed in the response to comment 5.

8. SUBJECT: Consideration of multiple policy goals.

COMMENTER: Dominion Energy

TEXT: The petition, if granted, would impose a stand-alone statewide EGU emissions cap and level of emission reduction that is more stringent than the mass-based targets that were established for Virginia under the CPP. This type of program, particularly if implemented without flexible program designs including interstate trading, would be constraining for a state like Virginia which forecasts economic growth and an electric capacity deficit position. Any Virginia reduction plan should evaluate and set emission reduction goals, implementation timelines and compliance flexibility that will provide needed time for the ramp-up of new renewables, energy efficiency programs, and infrastructure improvements in order to maintain the state's fuel diversity and goal to become more energy independent. It must also recognize that a critical component of Dominion's current and future strategy to address CO₂ emissions includes making the needed investments to extend the operating life and the licensure of our four existing, carbon-free nuclear units. In addition, in setting emission targets for the EGU sector, the state must recognize and account for the role and opportunity electrification of other sectors of the economy, such as transportation and cities) can play to reduce carbon emissions economy wide in the Commonwealth.

RESPONSE: DEQ acknowledges that consideration of these issues is important and, as discussed in the response to comment 5, will be addressed during the full regulatory development process.

9. SUBJECT: Virginia's energy policy.

COMMENTER: Old Dominion Electric Cooperative (ODEC) and the Virginia, Maryland and Delaware Association of Electric Cooperatives

TEXT: It is clear that the General Assembly has expressed that it should be the elected body to make the critical decision to place a cap on carbon emissions in the Commonwealth, given its broad economic implications over a long period of the potential future. In the 2016 session, HB 2 and SB 21 both called for General Assembly approval prior to the Commonwealth implementing a state implementation plan for EPA's now-defunct Clean Power Plan. Both those

bills passed both chambers. In 2017, HB 1974 was introduced and continued to show a clear preference of the majority to have the legislature decide this issue, which has wide-ranging and presently-unknowable consequences for broad swathes of the Virginia economy, not to mention a permanent impact on the lives of every Virginian paying an electric bill. The issue is appropriately decided in the chambers of the people's elected representatives.

Further, the provisions of Virginia's Administrative Process Act that allow for legislative objection (Va. Code § 2.2-4014) and judicial review (Va. Code § 2.2-4025 et seq.) will almost assuredly be used to question, delay, and further analyze any rule which the Department may propose. Simply because the board may be able to do something, as the latest Opinion of the Attorney General indicates (17 Va. Op. Att'y Gen. 010, 2017 Va. AG LEXIS 16), does not mean that it should embark upon that course—a course whose impacts will reverberate for years, if not decades, to come.

ODEC and the Association would like to stress that this is a very complex issue. Virginia should be very cautious in potentially promulgating environmental regulations that could significantly change the energy policy in Virginia and could seriously undermine the overall goals for energy independence. We remain concerned about the significant impacts the Petitioner's proposal would have on our member distribution Cooperatives and the Cooperatives' members. We strongly urge the board to decline action on the Petition in deference to the process already initiated under Executive Directive 11.

RESPONSE: DEQ appreciates that consideration of these issues is important and, as discussed in the response to comment 5, these issues will be addressed during the full regulatory development process.

10. SUBJECT: Economic impact on low income and vulnerable communities

COMMENTER: ODEC/Association of Electric Cooperatives

TEXT: There is no doubt that the regulation of CO₂ through either federal regulation such as the Clean Power Plan or specific Virginia regulation will have the direct and predictable result of leading to increases in power costs. The Cooperatives are concerned about their consumers being able to afford electricity in the coming years should prices rise. Many low- and middle-income Virginians live in Cooperative service territories, and electricity should not become a luxury item for them. Demographic data shows that the Cooperatives' service territories have high numbers of low- and middle-income families, families and seniors on fixed incomes, as well as families suffering from unemployment and underemployment during tough economic times. The Cooperatives, as member-owned utilities, operate on a not-for-profit basis and have only their ratepayers from which to recover costs; there are no separate stockholders. The Cooperatives are particularly concerned about the protection of the end-users of electricity: our customers (member-owners). We are concerned that they be protected and that Virginia households not be shouldered with electric rate increases that would necessarily come about as a result of any Virginia implementation of carbon regulation.

ODEC and the Association have significant concerns regarding the projections of electric bills under an environment where CO₂ is regulated. The Virginia State Corporation Commission Staff made some preliminary estimates that bills could be impacted in the range of 20% based on the federal Clean Power Plan approach to regulating carbon. While those estimates were made based on very early estimates, and made many assumptions, the Association and ODEC are concerned about any increase in consumer bills. In the service territories served by ODEC and Association member Cooperatives, consumers are having trouble paying their bills today—not in some unknown future. Even a modest increase in bills will be problematic. Along these lines, we recommend that any CO₂ regulation include some type of economic safety valve.

We also recommend a more holistic analysis be performed encompassing total energy consumption (especially the transportation sector and other retail fuels such as heating oil and natural gas). Higher electric costs may produce unintended consequences in the form of shifts in energy usage. An example would be a homeowner having an efficient electric heat pump choosing to produce some of the heat for their home via natural gas, oil, or woodstove backup. In addition to the potential for additional emissions from these other alternate energy sources, one would also see increased CO₂ emissions from the delivery/transportation of these sources. Another example would be that higher

electricity rates may discourage the use of electric vehicles, which could be an important component of reducing overall carbon emissions.

RESPONSE: DEQ acknowledges that costs to rate payers is an important issue, and will be addressed during the regulatory development process.

11. SUBJECT: Promulgating emergency regulations.

COMMENTER: ODEC/Association of Electric Cooperatives

TEXT: The Petitioner states that carbon pollution is an immediate threat to human health and the economy and therefore, the board should first promulgate emergency regulations. We have significant issue trying to rush the process, all for the sake of the immediacy of the threat. The provisions that allow the board to promulgate emergency rules were establish to allow swift and targeted response to start to correct predominantly short-term air quality NAAQS violations. Even the Petitioner apparently realizes that this is not a true emergency situation given that the requested relief is a reduction in carbon emissions in 2030—over a decade away. Because of the far-reaching impacts of trying to regulate CO₂, spending valuable time and effort on emergency regulations for such a complex problem would be foolhardy and counterproductive. Regulations made in haste will only serve to ensure there are significantly more unintended consequences.

RESPONSE: As discussed in the response to comment 5, the full regulatory development process under the Administrative Process Act as required by ED 11 is a more appropriate mechanism to address carbon reduction.

12. SUBJECT: Existing authority to regulate.

COMMENTER: ODEC/Association of Electric Cooperatives

TEXT: Under existing Virginia statute, the board and DEQ have the authority to "promulgate regulations, including emergency regulations, abating, controlling and prohibiting air pollution throughout or in any part of the Commonwealth in accordance with the provisions of the Administrative Process Act (Va. Code § 2.2-4000 et seq.)." However, any proposed regulation which is "more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the regulation are most properly referable." As stated above, there is a reason why referral to the General Assembly was written into the law.

The Virginia statute was never intended to be used to regulate a "pollutant" in this manner. CO₂ is not a criteria pollutant, and therefore has no air quality standards which have been set to ensure air quality or public health. There is a reason that the statute requires interaction with the legislature. It is inappropriate for the executive branch to regulate in this area without the General Assembly passing an appropriate bill authorizing DEQ to do so.

RESPONSE: The board and DEQ do indeed have the authority under statute to promulgate regulations. The board and DEQ are also obligated under statute to inform the General Assembly when there is need for regulations beyond federal requirements, and have always met this obligation. The Virginia statute is not intended to impose adherence to federal rules (or lack thereof) when a Virginia-specific rule is appropriate for Virginia citizens. The board and DEQ recognize and respect the role of elected officials in the development of regulations, and the current process is no different.

Nothing in Virginia statute limits the board to regulating only criteria pollutants. In addition to regulating non-criteria pollutants as established by the Clean Air Act (such as § 112 hazardous and § 111 designated pollutants), Virginia regulates certain pollutants and processes on its own (such as odor and certain toxics). The commenter's statement that CO₂ is not a criteria pollutant is correct. However, it has been recognized by EPA as a pollutant since 2010 and regulated by both EPA and the states ever since.

13. SUBJECT: Global nature of CO₂ versus local and regional regulation.

COMMENTER: ODEC/Association of Electric Cooperatives

TEXT: Because of the global nature of CO₂, regulation should not be set at a local or state level. Regulating CO₂ at a state level would increase the effective cost of generation in Virginia and thus encourage importing energy from other states. It could very well result in higher costs with no measurable CO₂ reduction or even a CO₂ increase when measured regionally. Depending on how CO₂ is regulated in Virginia, it may cause relatively more efficient plants in Virginia to generate less while relatively less efficient plants outside of Virginia to generate more. Virginia's regulating carbon for the sake of regulating carbon could, as some fear, provide a net negative impact to the economy.

The current stay of the federal carbon standards and the impact on the still-pending and undetermined litigation create an environment full of uncertainty and multiple variables.

It would be unwise for Virginia to attempt to regulate in this environment—there are simply too many unknowns. It is unknown exactly how EPA will "wind down" the Obama Administration regulatory proposals, but it will take at least some time and another rulemaking cycle. It is unknown exactly how the federal litigation will proceed. Any new regulatory action at EPA, whether a repeal, reconsideration, or a replacement rulemaking, will almost certainly be subject to challenge by environmental groups and other stakeholders. Regulating carbon in this environment, without knowing what federal standards will be imposed, without knowing the economic and practical impacts of such state regulations much less any future federal regulations and doing so when most surrounding states are not regulating carbon would be imprudent. Virginia should not make that attempt.

Further, if there is no national program or large regional program for Virginia to trade in, the overall impacts could be very costly to Virginians without realizing any real benefit.

Again, the Executive Directive 11, directs the DEQ to propose regulations that would make Virginia "trading-ready." further supporting the idea that if Virginia is going to regulate CO₂, it should be working as part of a larger reduction program.

RESPONSE: DEQ concurs that uncertainty currently exists at the federal level as to how carbon should be controlled at the national level, and agrees that a coherent national policy on the issue is important. However, it is inaccurate to state that there are no large regional programs in which Virginia may participate; for example, the ED 57 work group examined the possibility of Virginia joining the Regional Greenhouse Gas Initiative (RGGI). As noted by the commenter, ED 11 directs DEQ to propose regulations that would make Virginia "trading-ready," thus participation in RGGI or perhaps some other program will be considered during the regulatory development process pursuant to ED 11 and, as such, subject to public participation weighing in on the pros and cons of such an approach.

14. SUBJECT: Complexity of the electric system and regional markets.

COMMENTER: ODEC/Association of Electric Cooperatives

TEXT: Regulating CO₂ at the state level is not as effective as a broad regional or national approach. There are numerous unintended consequences that may arise from such a market distortion. By putting this additional burden on Virginia generation, the effect will be encouraging imports from other states, potentially requiring the construction of additional transmission infrastructure to maintain reliability. An example of this is already occurring where the RGGI regulation in Maryland has contributed to the construction of new transmission lines to facilitate the import of power from adjoining non-RGGI states.

Inconsistent state CO₂ policies among states within a regional power market such as PJM also create distortions in generation dispatch that can increase regional emissions. For example, in Maryland, the cost of CO₂ allowances from the RGGI program can discourage a low-emitting in-state natural gas plant from operating, only to make way for imported coal power from a neighboring state simply because the out-of-state plants do not incur CO₂ cost. While these shifts in dispatch may reduce in-state emissions, they increase the net emissions including the non-CO₂ regulated states. Therefore Virginia should not move forward with CO₂ regulation unless all neighboring states also do so on a coordinated basis.

RESPONSE: DEQ concurs that coordination among states is important, and plan to consider this issue during the regulatory development process.

15. SUBJECT: Preservation of fuel diversity.

COMMENTER: ODEC/Association of Electric Cooperatives

TEXT: We are concerned with the significant changes in fuel diversity and the growing reliance on capacity resources that are intermittent in nature. Consideration should be given to the value of preserving dispatchable generation, and in particular coal generation, during the winter season. While reduced annual dispatch from coal would be key to any CO₂ regulation, utilities in PJM have historically been exposed to extremely high costs during extreme cold events. Coal facilities have been key in maintaining reliability and reducing utility customers' exposure to volatile winter cost increases.

RESPONSE: DEQ acknowledges that reliability is an important issue. Fuel diversity will be considered during the ED 11 regulatory development process.

16. SUBJECT: Reliability.

COMMENTER: ODEC/Association of Electric Cooperatives

TEXT: The reduction of CO₂ emissions from electric generating plants ultimately involves and assumes replacement of higher-emitting sources with lower or zero-emitting generation. While ODEC has worked to increase its purchases from carbon-free and renewable sources of generation such as wind and solar generation, the fact still remains that we cannot replace all the baseload generation with renewable generation that is intermittent in nature. A heavy influx of intermittent resources over a relatively short period of time could have significant impacts on the operations and potentially the reliability of the electric grid. For example, California and Texas have experienced substantial challenges to the operation of their respective systems due to incorporation of more intermittent renewable resources.

If new regulations are developed, they must contain a safety valve that would assure that reliability is not harmed due to the impacts of such regulations. Such a safety valve would involve at the most basic level a scaling back or postponement of such regulations if reliability is projected to deteriorate.

RESPONSE: Reliability is an important issue, and DEQ agrees that impacts to the grid must be minimized. This issue will be considered during the ED 11 regulatory development process.

17. SUBJECT: Resource affordability and stranded assets.

COMMENTER: ODEC/Association of Electric Cooperatives

TEXT: The Petitioner suggests that "clean energy sources like solar, wind, and energy efficiency are now as affordable as, or more affordable than conventional carbon-based energy resources." While ODEC agrees that the cost of some cleaner energy sources have dropped dramatically, and ODEC and the other utilities in Virginia have added such resources to their capacity mix, the situation is not nearly that simple or conclusory. For decades (and in some cases over a century) utilities have operated under a fundamental regulatory compact where utilities such as ODEC and its members have an obligation to serve their retail member customers no matter what their electric needs are, on a 24x7x365 basis, and, in exchange they are given the regulatory approval to build or purchase from the least cost resources and collect the cost of such resources for their anticipated useful life. This has resulted in fossil-based assets being constructed that still have significant remaining life and new regulations that make these resources uneconomic create a significant economic harm to the owners of such assets. While some investor-owned utilities may be able to write off such economic problems, electric cooperatives do not have the luxury of doing so since they have no separate stockholders apart from their member-owner ratepayers.

When one says that clean energy sources are cost-competitive with fossil-fuel based resources, such a comparison must take into account that existing resources cannot just be turned off with no consideration for the economic implications (such as paying off the remaining debt and the loss of high-quality jobs).

Additionally, the most cost-effective clean energy resources (wind and solar) are intermittent in nature, meaning they do not generate electricity whenever needed, only when the wind blows or the sun shines. Managing a system with significant intermittent resources requires dispatchable resources to balance the minute-by-minute and hour-by-hour load deviations. While storage devices may be helpful in managing such a situation, they add significant costs making the combination more expensive than typical fossil fuel generation.

ODEC is confident that as the cost of intermittent resources continues to become more economical, it and the other utilities in the state are and will continue to be add more of such resources to the mix. But forcing such action prematurely without consideration of the costs of existing resources and the need for maintaining reliability will create many unintended consequences to the cost-effective and reliable operation of the electric systems in Virginia and the region.

RESPONSE: The costs of existing resources and the need for maintaining reliability are indeed important and will be considered during the ED 11 regulatory development process.

18. SUBJECT: Flexibility.

COMMENTER: ODEC/Association of Electric Cooperatives

TEXT: While there are no real details behind how the Petitioner expects to attain a reduction of 30% from current CO₂ emission levels by 2030, this appears to be more aggressive than those proposed under the Clean Power Plan or the Paris Accord. This proposal fails to acknowledge the significant accomplishments to date. By setting targets based on the current or recent level of emissions, the significant effort in plant retirements and more efficient, cleaner plant additions that has taken place is ignored. If any new carbon reduction regulations are developed, it is imperative that they include both a cost-based and a reliability-based safety valve. If costs were to rise above certain thresholds due to the implications of such regulations, the regulations should be postponed, reduced or otherwise modified to lessen the impact. The same concept should be put in place for any potential reliability concerns that result from the carbon reduction regulations.

RESPONSE: As discussed elsewhere, DEQ agrees that costs and reliability and important concepts to be addressed during the ED 11 regulatory development process.

19. SUBJECT: General support for the petition.

COMMENTER: 117 concerned citizens/Sierra Club Virginia Chapter

TEXT: I support the citizen's petition filed by Susan Coleman, a Virginia nurse, urging a 30% by 2030 reduction in carbon pollution from Virginia power plants. Carbon pollution is contributing to climate change, causing an immediate threat to human health, the environment and the economy.

The consequences of warmer temperatures can be minimized with swift action. We have the solutions to reduce the pollution that is driving climate change, increasing ozone, threatening plant and animal life, and leading to coastal flooding due to sea level rise. Renewable energy solutions should be implemented quickly to provide for Virginia's energy needs.

With a climate denier in the White House, it is critical for action to be taken at the state level to continue progress on climate action. This reduction is an important step toward developing a sustainable, clean energy economy. In the future, Virginia should set even more aggressive goals to ensure the worst impacts of climate change are avoided.

RESPONSE: The commenter's concerns are appreciated. As discussed in the response to comment 5, developing a regulation in compliance with ED 11 will ensure that Virginia's approach to progress on climate action will continue.

20. SUBJECT: Necessity of the petition.

COMMENTER: Virginia Manufacturers Association (VMA)

TEXT: VMA believes the board should reject the petition. As a procedural matter, it is unnecessary. At the direction of the Governor, DEQ has already initiated a board rulemaking "to develop a regulation, in accordance with Executive Directive 11 (2017), 'Reducing Carbon Dioxide Emissions from Electric Power Facilities and Growing Virginia's Clean Energy Economy'." 33 Va. Reg. 2423 (June 26, 2017). As the title clearly indicates, one of the principle aims of the regulation outlined in the Governor's Directive is the reduction of CO₂ emissions from EGUs throughout Virginia. This rulemaking, already underway, obviates any need for the Board to consider the petition.

RESPONSE: As discussed in the response to comment 5, DEQ concurs that the board rulemaking currently underway is the best approach to meeting the Governor's mandate to control carbon.

21. SUBJECT: Cost-effective regulation.

COMMENTER: VMA

TEXT: As a substantive matter, VMA believes the regulatory action the petition seeks is ill-advised. A regulatory mandate for the state's EGUs to reduce CO₂ emissions by 30% by 2030 is totally arbitrary. Furthermore, the rationale behind such a mandate, that CO₂ emission reductions from Virginia's EGUs are necessary to ameliorate the effects of man-made carbon emissions on global warming, is flawed. Even if Virginia's EGUs reduced CO₂ emissions by 30% in 13 years, it would have no discernible impact on global temperatures and, consequently, no discernible effect on sea levels, animal and crop production, or national security. But the impacts on Virginia's citizens and businesses would be obvious and deleterious. Caps on CO₂ emissions from Virginia's EGUs could lead to the curtailment of power generation, i.e., blackouts or brownouts at critical times, e.g., during periods of high summer temperatures or low winter temperatures. In any event, Virginia's citizens and businesses would feel the effect of the regulation in the form of higher electric utility rates for years to come. For Virginia businesses, this higher cost would create a competitive disadvantage compared to other states against which Virginia competes for new and expanded business opportunities. High cost with no discernible effect is the exact opposite of cost-effective regulation.

RESPONSE: As discussed elsewhere, we believe that the full regulatory process will enable the department and the board to craft a regulation that meets the carbon control requirements of ED 11 in the safest, most cost-effective way possible.

22. SUBJECT: Member companies.

COMMENTER: VMA

TEXT: Several of VMA's member companies, including members who own and operate EGUs throughout the Commonwealth, are commenting in detail on the petition. VMA thoroughly supports their comments on the petition.

RESPONSE: The commenters concerns are appreciated and responded to elsewhere in this document.

Recommendation: Governor McAuliffe issued Executive Order 57 (EO 57) on June 28, 2016. Under EO 57, he directed the Secretary of Natural Resources to convene a work group to study and recommend methods to reduce CO₂ emissions from electric power facilities and grow the clean energy economy within existing state authority. The group consisted of the Secretary of Natural Resources, the Secretary of Commerce and Trade, the Director of DEQ, the Director of the Virginia Department of Mines, Minerals and Energy, and the Deputy Attorney General for Commerce, Environment, and Technology.

The group facilitated extensive stakeholder engagement over the last year, including 6 monthly meetings that began on August 31, 2016 and ended on February 28, 2017. Each public meeting lasted between two and three hours, and the meetings consisted of presentations from members of the public. The presentations were voluntary, and all members of the public were invited to send suggested topics and present information to the Secretary of Natural Resources' office. In total, the Work Group received over 40 presentations. In addition to the public meetings, the group also facilitated a 3-month public comment period from February 1 to April 30, 2017. In total, the group received over 8,000 written comments.

The Work Group compiled its recommendations and submitted a final report to the Governor on May 12, 2017. The first recommendation of the "Report and Final Recommendations to the Governor" was that the Governor consider taking action via a regulatory process to establish a "trading-ready" carbon emissions reduction program for fossil fuel-fired electric generating facilities that will enable participation in a broader, multi-state carbon market.

Subsequently, Governor McAuliffe issued Executive Directive 11 (ED 11), "Reducing Carbon Dioxide Emissions from the Electric Power Sector and Growing Virginia's Clean Energy Economy" on May 16, 2017. ED 11 directs the Director of DEQ, in coordination with the Secretary of Natural Resources, to take the following actions in accordance with the provisions and requirements of Virginia Code § 10.1-1300 et seq., and Virginia Code § 2.2-4000, et seq.:

1. Develop a proposed regulation for the State Air Pollution Control Board's consideration to abate, control, or limit CO₂ from electric power facilities that:

- a. Includes provisions to ensure that Virginia's regulation is "trading-ready" to allow for the use of market-based mechanisms and the trading of CO₂ allowances through a multi-state trading program; and
- b. Establishes abatement mechanisms providing for a corresponding level of stringency to limits on CO₂ emissions imposed in other states with such limits.

2. By no later than December 31, 2017, present the proposed regulation to the State Air Pollution Control Board for consideration for approval for public comment in accordance with the Board's authority pursuant to Virginia Code § 10.1-1308.

In order to meet the Governor's directive in a manner that affords the public the maximum opportunity for participation, the department has initiated a regulatory development process in accordance with the Administrative Process Act (APA) that will meet the Governor's stated deadline of December 2017. As part of this process, DEQ established and convened a regulatory advisory panel (RAP) representing interests from a cross-section of stakeholders to solicit input and provide assistance to the department in the development of proposed regulations. Once the RAP has completed its work, and a proposal is available for public comment, a clearer picture of the best path forward will emerge and inform the details of any final decisions.

In light of ED 11 and the ongoing rulemaking associated with that directive, it is not appropriate at this time to promulgate either emergency or formal rulemaking in order to impose CO₂ reductions in the Commonwealth by 30% by 2030 from electric generating units. Therefore, the department is recommending that the board deny the petitioner's request.

High Priority Violations (HPVs) for the Third Quarter 2017:

NOV's Issued from April through June

BRRO	Dynax America Corp USA Roanoke, Virginia Registration No. 21279	Discovery Date: 5/9/2017 Alleged Violation: Constructed new process line prior to DEQ issuance of a permit.	NOV: Issued 6/1/2017
BRRO	Radford Army Ammunitions Plant Radford, Virginia Registration No. 20656	Discovery Date: 2/10/2017 Alleged Violation: Failed stack test for PM, HCL and CO.	NOV: Issued 4/21/2017
BRRO	Radford Army Ammunitions Plant Radford, Virginia Registration No. 20656	Discovery Date: 2/10/2017 Alleged Violation: Exceeded opacity limits from coal boilers for First Quarter 2017.	NOV: Issued 5/11/2017
BRRO	Radford Army Ammunitions Plant	Discovery Date: 6/21/2017 Alleged Violation:	NOV: Issued 6/22/2017

	Radford, Virginia Registration No. 20656	Exceeded opacity limits from coal boilers for Second Quarter 2017.	
BRRO	Volvo Group North America LLC – NRV Plant Dublin, Virginia Registration No. 20765	Discovery Date: 2/23/2017 Alleged Violation: Failed to meet 100% capture requirement per PSD permit, failed to meet hourly CO emission limit in PSD permit.	NOV: Issued 4/19/2017
NRO	Kinder Morgan Southeast Terminals – Newington 2 Lorton, Virginia Registration No. 70234	Discovery Date: 12/7/2016 Alleged Violation: Excess VOC emissions due to failure to reset legs on tank after maintenance.	NOV: Issued 6/21/2017
PRO	Kinder Morgan Southeast Terminals – Richmond Terminal Richmond, Virginia Reg. No. - 50258	Discovery Date: 12/7/2016 Alleged violation: Excess VOC emissions due to failure to reset legs on tank after maintenance.	NOV: Issued 4/21/2017
SWRO	INGENCO Bristol Plant Bristol, Virginia Registration No. 11733	Discovery Date: 3/29/2017 Alleged Violation: Reported exceedance of SO2 limit in Annual Title V Report.	NOV: Issued 4/14/2017
VRO	O-N Minerals (Chemstone) Company – Winchester Lime Plant Clear Brook, Virginia Registration No. 80504	Discovery Date: 3/30/2017 Alleged Violation: Exceeded annual limestone throughput.	NOV: Issued 5/31/2017

Consent Orders issued from April through June

BRRO	Goodyear Tire and Rubber Company Danville, Virginia Registration No. 30106	Discovery Date: 9/12/2016 Alleged Violations: Failed to monitor differential pressure readings on dust collectors and scrubbers for 31 days during reporting period.	NOV: Issued 9/15/2016 Consent Order effective 5/31/2017 including \$7,630.00 civil charge.
BRRO	Radford Army Ammunitions Plant Radford, Virginia Registration No. 20656	Discovery Date: 11/24/2015 Alleged Violation: Exceeded opacity limits for Second, Third and Fourth Quarters of 2016.	NOV: Issued 12/13/2016, 2/8/2017 Consent order effective 4/13/2017 including \$79,334.00 civil charge.

Consent Orders in Development – Previously Reported NOV's

BRRO	Ingevity Virginia Corporation Covington, Virginia Registration No. 20329	Discovery Date: 7/8/2016 Alleged Violations: Failed to meet required control efficiency for the valveless regenerative thermal oxidizers during stack test.	NOV: Issued 10/25/2016
BRRO	Radford Army Ammunitions Plant Radford, Virginia	Discovery Date: 11/24/2015 Alleged Violation: Failed to meet MACT DDDDD	NOV: Issued 2/15/2017

	Registration No. 20656	deadline.	
BRRO	Wolverine Advanced Materials - Blacksburg Blacksburg, Virginia Registration No. 20763	Discovery Date: 10/6/2016 Alleged Violations: Failure to provide temperature records for thermal oxidizers on Lines 2 and 4 for 174 days out of 182 day reporting period.	NOV: Issued 10/26/2016
BRRO	Wolverine Advanced Materials – Cedar Run Blacksburg, Virginia Registration No. 21240	Discovery Date: 10/6/2016 Alleged Violations: Failure to provide temperature records for 106 days for Line 5 catalytic oxidizer and for 151 days of the Line 6 catalytic oxidizer out of 182 day reporting period.	NOV: Issued 10/26/2016
NRO	Dominion – Leesburg Compressor Station Leesburg, Virginia Registration No. 71978	Discovery Date: 12/9/2016 Alleged Violation: Failed stack test for Formaldehyde.	NOV: Issued 2/2/2017
NRO	Trae-Fuels LTD Bumpass, Virginia Registration No. 41057	Discovery Date: 6/9/2015 Alleged Violations: PM emissions from 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	NOV: Issued 6/19/2015, 1/28/2016
PRO	Chaparral Virginia Incorporated Petersburg, Virginia Registration No. 51264	Discovery Date: 4/25/2016 Alleged Violation: Failed to provide operational, compliance (including emissions) and maintenance records, substantially interfering with DEQ’s ability to determine compliance with TV permit.	NOV: Issued 6/29/2016
SWRO	INGENCO Bristol Plant Bristol, Virginia Registration No. 11733	Discovery Date: 3/29/2017 Alleged Violation: Reported exceedance of SO2 limit in Annual Title V Report	NOV: Issued 4/14/2017
VRO	O-N- Minerals (Chemstone) Co. – Winchester Lime Plant Clear Brook, Virginia Registration No. 80504	Discovery Date: 9/15/2016 Alleged Violation: Failed stack test for PM10 and PM2.5.	NOV: Issued 2/17/2017