

REVISED TENTATIVE AGENDA
STATE AIR POLLUTION CONTROL BOARD MEETING

FRIDAY, DECEMBER 17, 2010
 HOUSE ROOM C
 GENERAL ASSEMBLY BUILDING
 9TH & BROAD STREETS
 RICHMOND, VIRGINIA

Convene – 10:30 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.

State Advisory Board on Air Pollution - Reports: Reports are available upon request from the Department Staff Contact listed above.

Dominion Virginia Power Warren County Power Station: Material is not currently available for this permit action. Material on the draft permit, permit application, and public comments are available at: http://www.deq.virginia.gov/air/permitting/PSD_Permit_Info.html.

Transportation Conformity (9VAC5 Chapter 151, Rev. E10) - Request for Board Action: The federal Clean Air Act requires that federally-funded transportation plans, programs and projects conform to state air quality implementation plans (SIPs). Metropolitan planning organizations and the United States Department of Transportation must demonstrate that such plans, programs, and projects conform to Virginia's SIP. "Conformity" means that the activity conforms to the SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards (NAAQS) and achieving expeditious attainment of such standards, and will not (i) cause or contribute to any new violation of any standard, (ii) increase the frequency or severity of any existing violation of any standard, or (iii) delay timely attainment of any standard or any required interim emission reductions or other milestones. Under 40 CFR 51.390, Virginia is required to submit to the U.S. Environmental Protection Agency (EPA) a revision to the SIP that establishes conformity criteria and procedures consistent with the transportation conformity regulation promulgated by EPA at 40 CFR Part 93.

EPA promulgated amendments to the federal transportation regulation on March 24, 2010 (75 FR 14260). In this action, EPA amended the transportation conformity rule to finalize provisions that were proposed on May 15, 2009 and to address hot-spot analyses as a result of a remand from the Court of Appeals for the District of Columbia Circuit. EPA updated the transportation conformity regulation in light of the October 17, 2006 final rule that strengthened the 24-hour PM_{2.5} national ambient air quality standard (NAAQS) and revoked the annual PM₁₀ NAAQS (71 FR 61144). However, the October 2006 rule did not revoke the 1997 annual or 24-hr PM_{2.5} NAAQS; therefore, the designations for the 2006 PM_{2.5} NAAQS remain separate from the existing designations for the 1997 PM_{2.5} NAAQS. Transportation conformity applies for the NAAQS for which an area is designated nonattainment; the transportation conformity regulation must address all PM_{2.5} designations.

The federal transportation conformity regulations address the following: (i) determining the baseline year for certain 2006 PM_{2.5} nonattainment areas (ii) regional conformity tests in 2006 PM_{2.5} nonattainment areas that do not have adequate or approved SIP budgets for the 1997 PM_{2.5} NAAQS, (iii) regional conformity tests in 2006 PM_{2.5} areas that have 1997 PM_{2.5} SIP budgets, (iv) other conformity requirements for 2006 PM_{2.5} areas, (v) transportation conformity in PM₁₀ nonattainment and maintenance areas in light of the revocation of the annual PM₁₀ NAAQS, and (vi) response to the December 2007 hot-spot court decision.

In order to implement the federal transportation conformity requirements, the Virginia regulation must reflect the recent revisions made to the federal regulations. To this end, 9VAC5 Chapter 151 of the regulations needs to be amended to include the most recent federal revisions.

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

Below is a brief summary of the substantive amendments the department is recommending be made to the regulation.

1. The general section [9VAC5-51-40] incorporates by reference portions of the EPA Regulation for Transportation Conformity (40 CFR Part 93) into the state regulation. This section also indicates that the specific version of the provisions adopted by reference are those contained in the most currently available CFR in effect as published on July 1, 2008. Changes have been made to update the CFR reference to July 1, 2010, which includes the recent Federal Register notice of March 24, 2010.
2. The consultation section [9VAC5-151-70] outlines specifically how the various government agencies, federal, state and local, will interact with and consult with each other and the general public in the development of transportation plans and associated conformity determinations. One change has been made; the reference in 9VAC5-151-70 D 1 has been changed from 40 CFR 93.109(l)(2)(iii) to 40 CFR 93.109(n)(2)(iii).

General Conformity (9VAC5-160, Rev. F10) - Request for Board Action on Exempt Final Regulation: The federal Clean Air Act requires that federal plans, programs and projects conform to state and federal air quality implementation plans. That is, federal agencies must make determinations that general federal actions, such as prescribed burning, military base closings, and real estate developments, conform to Virginia's state implementation plan (SIP). On July 17, 2006 (71 FR 40420), EPA revised its general conformity regulations to add PM_{2.5} de minimis emission levels for general conformity applicability. On April 5, 2010 (75 FR 17254), EPA further revised its general conformity requirements in order to address a number of implementation issues, and to improve the program's ability to facilitate federal agency compliance with conforming their activities to the SIPs, thereby preventing violations of the national

ambient air quality standards (NAAQS). EPA deleted 40 CFR 51.850 and 40 CFR 51.51.852 through 51.860, since those sections merely repeated the language in 40 CFR 93.150 and 40 CFR 93.152 through 93.160. EPA then included a requirement in 40 CFR 51.851 that the general conformity SIP must meet the requirements in 40 CFR Part 93, subpart B, which were in turn revised to effect the needed program changes. The Virginia general conformity regulation must now be revised in order to meet these new federal requirements.

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

Below is a brief summary of the substantive changes the department is recommending be made to the regulation.

1. Various revisions and additions have been made to the definitions. [9VAC5-160-20]
2. The general criteria for applicability of the regulation based on nonattainment status has been revised to specify that new nonattainment/maintenance areas have 1 year to comply after designation. [9VAC5-160-30 A]
3. Fine particulate matter (PM_{2.5}) has been added to list of general criteria for applicability of the regulation based on emission of criteria pollutants. [9VAC5-160-30 B]
4. Requirements for particulate matter have been added to the specific criteria for applicability of the regulation based on emission of criteria pollutants. [9VAC5-160-30 C 2 and 3]
5. A formatting change needed to meet Registrar of Regulations requirements has been added to the section that specifies that transportation conformity determinations are governed by transportation conformity rules. [9VAC5-160-30 D]
6. The emissions rates of criteria pollutants for determination of applicability have been revised, including addition of PM_{2.5} levels. [9VAC5-160-30 E]
7. Air traffic control activities have been added to the list of excluded actions which would result in no emissions increase or an increase in emissions that is clearly de minimis. [9VAC5-160-30 F]
8. Various revisions have been made to additional excluded actions. [9VAC5-160-30 G 1 and 2]
9. Additional notification and determination procedures have been added to the description of exempted federal actions. [9VAC5-160-30 H 2 and 3]
10. General activities that are presumed to conform have been revised in order to operate properly with the presumption of conformity provisions of subsection J. [9VAC5-160-30 I]
11. Specific activities that are presumed to conform have been revised in order to require specific demonstration of conformity and state concurrence. [9VAC5-160-30 J]
12. Various revisions relevant to project identification and notification have been made. [9VAC5-160-30 K]
13. The description of a regionally significant action has been replaced with further activities that are presumed to conform. [9VAC5-160-30 L and M]
14. The exemption for actions where a NEPA or other environmental assessment was conducted has been deleted. [9VAC5-160-110 C]
15. A provision has been added to specify that conformity must be evaluated for each area when emissions originate in more than one nonattainment or maintenance area. [9VAC5-160-110 E]
16. Various revisions have been made to the description of federal agency conformity responsibility, to reporting requirements, and to public participation requirements. [9VAC5-160-120, pp. 21-22; 9VAC5-160-130, page 22; 9VAC5-160-140]

17. Provisions concerning the frequency of conformity determinations have been revised, particularly how and when to conduct re-evaluation. [9VAC5-160-150]
18. The criteria for making conformity determinations have been revised. [9VAC5-160-160]
19. The procedures for making conformity determinations have been revised. [9VAC5-160-170]
20. Procedures for the mitigation of air quality impacts have been revised. [9VAC5-160-180 E, F and G]
21. New requirements for the development and adoption of facility-wide emission budgets have been added. [9VAC5-160-181]
22. New requirements for the development and consideration of emissions beyond the time period covered by the plan have been added. [9VAC5-160-182]
23. New requirements for the development and approval of offsets and mitigation measures have been added. [9VAC5-160-183]
24. New requirements for inter-precursor mitigation measures and offsets have been added. [9VAC5-160-184]
25. New provisions allowing for the development of early emission reduction credit programs at federal facilities and installation subject to federal oversight have been added. [9VAC5-160-185]
26. Various revisions have been made to the savings provision. [9VAC5-160-190]
27. The regulation-specific review and confirmation of the chapter by the board has been conducted and is no longer needed. [9VAC5-160-200]

Federal Documents Incorporated by Reference (Rev. G10) - Request for Board Action on Exempt Final

Regulation: The purpose of the proposed action is to amend the regulations to incorporate newly promulgated federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and national emission standards for hazardous air pollutants for source categories (Maximum Achievable Control Technology, or MACT), Rules 5-5, 6-1, and Rule 6-2, respectively, of the board's regulations.

The board needs to incorporate newly promulgated NSPS, NESHAP, and MACT standards in order for the department to obtain authority from the U.S. Environmental Protection Agency (EPA) to enforce these standards. If the board does not do so, authority to enforce the standards remains with the federal government. Further, the standards reflect the most current technical research on the subjects addressed by the standards. To continue to follow the old standards would mean relying on inaccurate and outdated information.

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.

The regulation amendments update state regulations that incorporate by reference certain federal regulations to reflect the Code of Federal Regulations as published on July 1, 2010. Below is a list of the new standards the department is recommending be incorporated into the state regulations by reference:

1. No new NSPSs are being incorporated; new provisions to the current standard for Coal Preparation and Processing Plants (Subpart Y) have been added and the title has been modified. The date of the Code of Federal Regulations book being incorporated by reference is also being updated to the latest version.
2. No new NESHAPs are being incorporated. The date of the Code of Federal Regulations book being incorporated by reference is being updated to the latest version.
3. Five new MACTs are being incorporated: Chemical Manufacturing Area Sources (Subpart VVVVVV, 40 CFR 63.11494-11503, Asphalt Processing and Asphalt Roofing Manufacturing Area Sources (Subpart AAAAAAA, 40

CFR 63.11559-11567), Paints and Allied Products Manufacturing Area Sources (Subpart CCCCCC, 40 CFR 63.11599-11638), Chemical Preparations Industry Area Sources (Subpart BBBBBBB, 40 CFR 63.11579-11588), and Prepared Feeds Manufacturing Area Sources (Subpart DDDDDDD, 40 CFR 63.11619-11638). The date of the Code of Federal Regulations book being incorporated by reference is being updated to the latest version.

Major Source Permits (9VAC5 Chapter 80, Rev. L07) - Request for Board Action on Exempt Final Regulation:

On May 1, 2007 (72 FR 24060), EPA promulgated a final rule revising the federal new source review (NSR) permitting program for PSD (attainment) and nonattainment areas, and the Title V operating permit program. The revisions affect 40 CFR 51.165, 40 CFR 51.166, and 40 CFR 70.2. The new source review regulations have been changed by revising the definitions of "major stationary source" and the lists of exempted facilities to exclude chemical processing plants that are ethanol production facilities that produce ethanol by natural fermentation. In doing so, the applicability level changes from 100 tons per year to 250 tons per year for the ethanol production facilities. A similar change is made in the federal operating permit (Title V) regulation to the definition of "major source."

In Virginia, where the state is administering the NSR program under an approved SIP, the state may adopt and submit revisions to the SIP to reflect the rule revisions. The revised SIP should be the same as or equivalent to the revised federal program. Virginia's federal operating permit program (Title V) is also a state-run program that should be consistent with the federal. Adoption of these changes will continue the current practice of keeping the state permitting program consistent with the federal program.

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.

At the board's request, the department prepared an analysis on the potential practical impact the amended regulation would have on air quality. The analysis determined that adoption of the rule would have no effect on air quality, and bring little change to the way public participation, site suitability, or air quality analysis requirements are addressed under the existing rules.

To solicit comment from the public on the proposed regulation amendments as well as the department analysis, the department issued a notice that provided for receiving informal comment during a period from February 6 to March 11, 2009. The notice requested comment on 1) the analysis prepared by the department on the potential practical impact the amended regulation would have on air quality, 2) effects of the regulation on farm and forest land preservation, and 3) impacts on small businesses. No comment was received.

The following substantive amendments have been made to the regulation:

1. The definition of "major source" has been amended to revise the reference to chemical process plants in order to exclude chemical process plants that are ethanol production facilities. [9VAC5-80-60 C, subdivision b (20) of the definition of "major source"]
2. The definition of "major stationary source" has been amended to revise the reference to chemical process plants in order to exclude chemical process plants that are ethanol production facilities. [9VAC5-80-1615 C, subdivisions (a)(1)(w) and (c)(20) of the definition of "major stationary source"]
3. The list of exemptions has been amended to revise the reference to chemical process plants in order to exclude chemical process plants that are ethanol production facilities. [9VAC5-80-1695 A 1 v]
4. The definition of "major stationary source" has been amended to refine the reference to chemical process plants in order to exclude chemical process plants that are ethanol production facilities. [9VAC5-80-2010 C, subdivision c (22) of the definition of "major stationary source"]
5. The list of exemptions has been amended to revise the reference to chemical process plants in order to exclude chemical process plants that are ethanol production facilities. [subdivision 22 of 9VAC5-80-2140]
6. A number of format changes and minor corrections have been made.

General Permit concerning Electric Generator Voluntary Demand Response (9VAC5 Chapter 530, Rev. Dg) - Regulation Development Report and Request to Publish Proposal for Public Comment: The General Assembly adopted legislation (§10.1-1307.02 B 4) which mandates that the Board develop a general permit for the construction, installation, and operation of distillate oil, natural gas, liquid propane gas, and bio-diesel fired electric generating facilities that participate in a voluntary demand response program (i.e., load curtailment, demand response, peak shaving or like program) and that qualify as non-major facilities under the federal Clean Air Act. The proposed general permit regulation includes emissions limits for both compression and spark ignition electric generating sources.

The Department is requesting approval of a proposal for public comment that meets state statutory and regulatory requirements. Approval of the proposal will ensure that the Commonwealth will be able to administer the general permit for electric generating facilities that participate in a voluntary demand response program in an efficient and effective manner.

To solicit comment from the public on the notice of intended regulatory action, the Department issued a notice that provided for receiving comment during a comment period. To assist in the development of the proposal, the Department formed a technical advisory committee consisting of representatives from the general public, environmental groups, industry, and Department staff (both the central and regional offices). Information gathered from the federal statutes, regulations and policies, its own analysis and input from the advisory committee forms the basis for the Department recommendation. A summary of the technical advisory committee's activities is attached.

Summary of draft general permit:

1. Definitions used in the regulation are identified [9VAC5-530-20].
2. General provisions are established which cover the overall basis [9VAC5-530-30], applicability designation of affected unit [9VAC5-530-40], general requirements of the general permit [9VAC5-530-50], circumvention, suspension or revocation [9VAC5-530-60], compliance [9VAC5-530-70], and enforcement of a general permit [9VAC5-530-80].
3. Procedures for obtaining the general permit are described and provide requirements for granting an authorization to operate under the general permit [9VAC5-530-90], applications for coverage under the general permit [9VAC5-530-100], required information for initial applications [9VAC5-530-110], authorization to operate under the general permit [9VAC5-530-120], and transfer of authorization to operate [9VAC5-130].
4. General permit terms and conditions for using fuel throughput for compliance demonstration are established [9VAC5-530-140 and 9VAC5-530-150] and include monitoring requirements [9VAC5-530-160], operating schedule [9VAC5-530-170], emissions limits [9VAC5-530-180], testing requirements [9VAC5-530-190], recordkeeping requirements [9VAC5-530-200] and reporting requirements [9VAC5-530-210].
5. General permit terms and conditions for using hours of operation for compliance demonstration are established [9VAC5-530-220 and 9VAC5-530-230] and include monitoring requirements [9VAC5-530-240], operating schedule [9VAC5-530-250], emissions limits [9VAC5-530-260], testing requirements [9VAC5-530-270], recordkeeping requirements [9VAC5-530-280] and reporting requirements [9VAC5-530-290].

Comparison Of General Permit With Technical Advisory Committee Proposal: There are no substantive differences between the Department recommendation and that of the technical advisory committee; consensus was achieved in all areas of the proposed regulation.

General Permit concerning Emergency Generator (9VAC5 Chapter 540, Rev. Eg) - Regulation Development Report and Request to Publish Proposal for Public Comment: The General Assembly adopted legislation (10.1-1307.02 a) which mandates that the Board develop a general permit to authorize the construction, installation, reconstruction, modification, and operation of emergency generation sources during independent service operator (ISO) declared emergencies. It includes the definition of "emergency generation source" as a stationary internal combustion engine that operates according to the procedures in the ISO's emergency operations manual during an ISO-declared emergency. It includes emissions limits for both compression ignition (CI) and spark ignition (SI) engines and provides more stringent emission limits for those sources operating in nonattainment areas (i.e., Northern Virginia).

The Department is requesting approval of a proposal for public comment that meets state statutory and regulatory requirements. Approval of the proposal will ensure that the Commonwealth will be able to administer the general permit for back-up generation during ISO-declared emergencies in an efficient and effective manner.

To solicit comment from the public on the notice of intended regulatory action, the Department issued a notice that provided for receiving comment during a comment period. To assist in the development of the proposal, the Department formed a technical advisory committee consisting of representatives from the general public, environmental groups, industry, and Department staff (both the central and regional offices). Information gathered from the federal statutes, regulations and policies, its own analysis and input from the advisory committee forms the basis for the Department recommendation. A summary of the technical advisory committee's activities is attached.

Summary of draft general permit

1. Definitions used in the regulation are identified [9AVC5-540-20].
2. General provisions are established which cover the overall basis [9VAC5-540-30], applicability [9VAC5-540-40], general requirements of the general permit [9VAC5-540-50], circumvention, suspension or revocation [9VAC5-540-60], compliance authority [9VAC5-540-70] and general enforcement of a general permit [9VAC5-540-80].
3. General permit administrative procedures are established for granting and authorization an authorization to operate under the general permit [9VAC5-540-90], applications for coverage under the general permit [9VAC5-540-100], required information for initial applications [9AVC5-540-120], authorization to operate [9VAC5-540-120], and transfer of authorization to construct and operate [9VAC5-540-130].
4. General permit terms and conditions are established [9VAC5-540-140 and 9VAC5-540-150]. They include monitoring requirements [9VAC5-540-160], operating schedule [9VAC5-540-170], emissions limits for both CI and SI engines in attainment and nonattainment areas [9VAC5-540-180], testing requirements [9VAC5-540-190], recordkeeping requirements [9VAC5-540-200], reporting requirements [9VAC5-540-210], and enforcement provisions [9VAC5-540-220].

Comparison of general permit with technical advisory committee proposal: There are no substantive differences between the Department recommendation and that of the technical advisory committee; consensus was achieved in all areas of the proposed regulation.

Report To The State Air Pollution Control Board Concerning High Priority Violators (Hpv's) For The Fourth Quarter, 2010

NOV's Issued from June through September 2010.

DEQ Region	Facility	Brief Description	Status
NRO	<p>Mirant Mid-Atlantic LLC / Mirant Potomac River Generating Station</p> <p>Alexandria, Virginia</p> <p>Registration No. 70228</p> <p>SIC 4911 Electrical Services NAICS 221112 Utilities – Electric Power Generation, Transmission and Distribution</p>	<p>Discovery date: 06/28/2010</p> <p>Alleged violations:</p> <p>Exceeding the visible emissions limit of 20% opacity.</p> <p>Failure to maintain and operate in a manner consistent with air pollution control practices for minimizing emissions.</p>	<p>3rd NOV - Issued 07/08/2010 (Previous NOV's issued on 04/06/2010 and 05/12/2010 are outlined on Page 4)</p> <p>Additional Information:</p> <p>This action will be incorporated with the two previous NOV's into the CO currently in development.</p>

VRO	Neuman Aluminum Impact Extrusion, Inc. Waynesboro, Virginia Registration No. 81346 SIC 3411 Metal Cans NAICS 332431 Fabricated Metal Product Manufacturing	Discovery date: 05/10/2010 Alleged violation: Failure to meet trichloroethylene (TCE) emissions limit by the May 3, 2010 compliance deadline.	NOV - Issued 09/13/2010 Additional Information: On October 13, 2010 DEQ received response from the Facility outlining actions taken to ensure compliance.
NRO	King George Landfill, Inc. King George, Virginia Registration No. 40903 SIC 4953 Refuse Systems NAICS 562212 Administrative and Support Waste Management	Discovery date: 09/07/2010 Alleged violation: Test Results demonstrate excess SO2 emissions from the three Solar Centaur Combustion Turbines.	NOV - Issued 09/15/2010 CO - In Development

CO's Issued from June through September 2010.

TRO	Royal Fumigation Inc. Suffolk City, Virginia Registration No. 61579 SIC 4959 Sanitary Services, NEC NAICS 488119 Transportation and Warehousing	Discovery dates – 11/30/2009 Alleged violations: Construction and operation of a fumigation facility without acquiring the appropriate permits.	NOV - Issued 12/21/2009 CO -Issued 06/22/2010 Civil Charge - \$51,270.00 (paid) Additional Information: On April 30, 2010, DEQ received the Facility "Case-by-case MACT determination" as required by Section 112G of the 1970 Clean Air Act (42 USC §7401 <i>et seq.</i>).
TRO	Western Fumigation /Western Industries-North, LLC Suffolk City, Virginia Registration No. 61580 SIC 4959 Sanitary Services, NEC NAICS 488119 Transportation and Warehousing	Discovery dates – 01/11/2010 Alleged violations: Construction and operation of a fumigation facility without acquiring the appropriate permits.	NOV - Issued 02/05/2010 CO -Issued 06/22/2010 Civil Charge - \$51,270.00 (paid) Additional Information: On April 30, 2010, DEQ received the Facility "Case-by-case MACT determination" as required by Section 112G of the 1970 Clean Air Act (42 USC §7401 <i>et seq.</i>).
VRO	Merck Sharp & Dohme Corporation Rockingham County, Virginia Registration No. 80524	Discovery dates – 01/28/2010 Alleged violations: Process modifications to the cyanide destruction system resulting in increases in	NOV - Issued 04/28/2010 CO - Issued 07/21/2010 Civil Charge - \$16, 705.00 (paid)

	SIC 2834 & 2899 Pharmaceutical Preparations, Chemicals & Chem Prep, NEC NAICS 325412 Pharmaceutical and Medicine Manufacturing	chloroform, HAPs, PM and HCL emissions. Improper chloroform emission calculations. Failure to conduct Visible Emissions Evaluation for the Thermal Oxidizer.	
BRRO	Celanese Acetate LLC Narrows, Virginia Registration No. 20304 SIC 2823 & 2869 Cellulosic Man-Made Fibers, Industrial Organic Chemicals NEC NAICS 325221 & 325199 Cellulosic Organic Fiber and Organic Chemical Manufacturing	Discovery date – 04/21/2010 Alleged violations: Failure to properly implement and monitor the Leak Detection and Repair Program (LDAR) as required.	NOV - Issued 05/26/2010 CO - Issued 08/05/2010 Civil Charge - \$15,715.70 (paid) Additional Information: The Facility will be submitting documentation and reports regarding LDAR, NSPS VV and Subpart H through 1/31/2011.
TRO	Wheelabrator (aka Southeastern Public Service Authority - Refuse Derived Fuel Plant) Portsmouth, Virginia Portsmouth City Registration No. 61018 SIC 4961 & 4953 Steam & Air Conditioning sup, & Refuse systems NAICS 221330, 562213 & 562219 Utilities, Solid Waste Combustor, Waste Treatment and Disposal	Discovery date – 04/23/2009 Alleged violation: Quarterly Excess Emissions Reports (EERs), document CO limits being exceeded during 6 different quarterly reports since July 2005.	NOV - Issued 04/23/2009 CO - Issued 08/25/2010 Civil Charge - \$60,620.00 (Actual Payment of \$15,155.00 with \$45,465.00 applied to SEP) Additional Information: The Facility will submit quarterly reports as part of the Control Plan regarding CO, SO2 and VE. Boiler Modifications and upgrades are to be complete by 06/30/2012. SEP –the Elizabeth River Project – “Living River Restoration Trust” for the Paradise Creek Nature Park

CO's In Development – Previously Reported NOV's

NRO	Mirant Mid-Atlantic LLC / Mirant Potomac River Generating Station Alexandria, Virginia Registration No. 70228 SIC 4911 Electrical Services NAICS 221112 Utilities – Electric Power Generation, Transmission and	Discovery dates: 1st NOV – 02/04/2010 2nd NOV – 03/08/2010 3rd NOV – 07/08/2010 Alleged violations: Failure to maintain and operate in a manner consistent with air pollution control practices for minimizing emissions. 1st NOV Failure to provide all required	1st NOV - Issued 04/06/2010 2nd NOV - Issued 05/12/2010 3rd NOV - Issued 07/28/2010 CO - <i>In Development</i>
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	Distribution	<p>data in quarterly Continuous Emissions Monitoring (CEM) Report.</p> <p>Exceeded permitted limits for particulate matter (PM) emissions (including condensable).</p> <p>2nd NOV Exceeding the visible emissions limit of 20% opacity.</p> <p>3rd NOV Exceeding the visible emissions limit of 20% opacity.</p>	
NRO	<p>Kinder Morgan Southeast Terminals LLC – Newington Terminal</p> <p>Newington, Virginia</p> <p>Registration No. 70087</p> <p>SIC 5171 Petroleum Bulk Stations & Term NAICS 424710 Petroleum Bulk Stations & Terminals</p>	<p>Discovery dates – 04/14/2010</p> <p>Alleged violations:</p> <p>Exceeded annual allowable throughput of reformulated gasoline (RFG) as per the facility's minor NSR permit.</p>	<p>NOV - Issued 05/10/2010 CO - <i>In Development</i></p>

EPA NOV's Issued from June through September 2010.

**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:</p> <p>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>
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EPA CD's In Development – Previously Reported NOV's

<p><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></p>			
**EPA	<p>Ashland Aqualon Functional Ingredients (Hercules)</p> <p>Hopewell, Virginia Hopewell City</p>	<p>Discovery date – 11/08/2007</p> <p>Alleged violations:</p> <p>Alleged violations of the Cellulose MACT (40 CFR 63</p>	<p>EPA NOV - Issued 04/02/2009</p> <p>Additional Information:</p> <p>7/8/09 - NOV Meeting was held with EPA, DEQ, and the</p>

	<p>Registration No. 50363</p> <p>SIC 2869 Industr. Organic Chemical NEC NAICS 325199 Chemical Mfg.</p>	<p>Subpart UUUU) and the associated Leak Detection and Repair (LDAR) program.</p>	<p>Responsible Party</p>
**EPA	<p>Hopewell Regional Wastewater Treatment Facility (WWTP)</p> <p>Hopewell, Virginia Hopewell City</p> <p>Registration No. 50735</p> <p>SIC 4952 Sewage Systems NAICS 221320 Utilities, Water, Sewage and Other Systems</p>	<p>Discovery dates – 11/07/2007</p> <p>Alleged violations:</p> <p>Violations of 40 CFR 63 Subpart VVV (Publically Owned Treatment Works - POTW) and Reasonably Available Control Technology (RACT) that include failure the to provide appropriate notification, meet control requirements, conduct inspections and monitoring, properly calculate emission values.</p>	<p>NOV - Issued 07/06/2009</p> <p>Additional Information:</p> <p>9/23/09 - NOV Meeting was held with EPA, DEQ, and the Responsible Party</p>
**EPA	<p>DuPont Teijin Films</p> <p>Hopewell, Virginia Chesterfield County</p> <p>Registration No. 50418</p> <p>SIC 2821 Plastic Material/Synthetic resins NAICS 325211 Chemical - resin, Synthetic rubber, and artificial synthetic fibers.</p>	<p>Discovery dates – 04/18/2008</p> <p>Alleged violations:</p> <p>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.</p>	<p>NOV - Issued 07/17/2009</p> <p>Additional Information:</p> <p>9/10/09 - NOV Meeting was held with EPA, DEQ, and the Responsible Party</p> <p>3/1/2010 – EPA requested mor e information via 114(a) of the CAA.</p>
**EPA	<p>Honeywell International Inc.</p> <p>Hopewell, Virginia Hopewell City</p> <p>Registration No. 50232</p> <p>SIC 2869, 2899, 2819 Industr. Organic Chemical NEC, Chemical & Chem. Prep, NEC, Industrial</p>	<p>Discovery date – 11/06/2007</p> <p>Alleged violations:</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</p>	<p>EPA 1st NOV - Issued 03/10/2009</p> <p>EPA 2nd NOV - Issued 08/21/2009</p> <p>Additional Information:</p> <p>NOV Meetings have been held with EPA, DEQ, and the Responsible Party on 5/27/09, 11/17/09, 03/25/10, and 11/10/10.</p>

	Inorganic Chemicals NAICS 325199 Chemical Mfg.	CFR 63 Subpart H) 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.	
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