

TENTATIVE AGENDA
STATE AIR POLLUTION CONTROL BOARD MEETING

WEDNESDAY, MARCH 13, 2013
GENERAL ASSEMBLY BUILDING
HOUSE ROOM C
9TH & BROAD STREETS
RICHMOND, VIRGINIA

Convene – 10:00 a.m.

I.	Review and Approve Agenda		TAB
II.	Minutes (November 30, 2012)		A
III.	Regulations - Final Exempt		
	Major New Source Review Permits - (9VAC5-80, Rev. A13)	Sabasteanski	B
	Major New Source Review - Ambient Air Quality Standards (9VAC5-30, Rev. B13)	Major	C
IV.	High Priority Violators Report	Nicholas	D
V.	Public Forum		
VI.	State Advisory Board Reports		
	District Energy		E
	Minor NSR Exemption Levels		
VII.	State Advisory Board Appointments		
VIII.	Other Business		
	Air Division Director's Report	Dowd	
	Future Meetings		

ADJOURN

NOTE: The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions on the latest status of the agenda should be directed to Cindy M. Berndt at (804) 698-4378.

PUBLIC COMMENTS AT STATE AIR POLLUTION CONTROL BOARD MEETINGS: The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions. These procedures establish the times for the public to provide appropriate comment to the Board for its consideration. For REGULATORY ACTIONS (adoption, amendment or repeal of regulations), public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period). Notice of these comment periods is announced in the Virginia Register, by posting to the Department of Environmental Quality and Virginia Regulatory Town Hall web sites and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

For CASE DECISIONS (issuance and amendment of permits), the Board adopts public participation procedures in the individual regulations which establish the permit programs. As a general rule, public comment is accepted on a draft permit for a period of 30 days. In some cases a public hearing is held at the conclusion of the public comment period on a draft permit. In other cases there may be an additional comment period during which a public hearing is held. In light of these established procedures, the Board accepts public comment on regulatory actions and case decisions, as well as general comments, at Board meetings in accordance with the following:

REGULATORY ACTIONS: Comments on regulatory actions are allowed only when the staff initially presents a regulatory action to the Board for final adoption. At that time, those persons who commented during the public comment period on the proposal are allowed up to 3 minutes to respond to the summary of the comments presented to the Board. Adoption of an emergency regulation is a final adoption for the purposes of this policy. Persons are allowed up to 3 minutes to address the Board on the emergency regulation under consideration.

CASE DECISIONS: Comments on pending case decisions at Board meetings are accepted only when the staff initially presents the pending case decision to the Board for final action. At that time the Board will allow up to 5 minutes for the applicant/owner to make his complete presentation on the pending decision, unless the applicant/owner objects to specific conditions of the decision. In that case, the applicant/owner will be allowed up to 15 minutes to make his complete presentation. The Board will then allow others who commented at the public hearing or during the public comment period up to 3 minutes to exercise their rights to respond to the summary of the prior public comment period presented to the Board. No public comment is allowed on case decisions when a FORMAL HEARING is being held.

POOLING MINUTES: Those persons who commented during the public hearing or public comment period and attend the Board meeting may pool their minutes to allow for a single presentation to the Board that does not exceed the time limitation of 3 minutes times the number of persons pooling minutes, or 15 minutes, whichever is less.

NEW INFORMATION will not be accepted at the meeting. The Board expects comments and information on a regulatory action or pending case decision to be submitted during the established public comment periods. However, the Board recognizes that in rare instances new information may become available after the close of the public comment period. To provide for consideration of and ensure the appropriate review of this new information, persons who commented during the prior public comment period shall submit the new information to the Department of Environmental Quality (Department) staff contact listed below at least 10 days prior to the Board meeting. The Board's decision will be based on the Department-developed official file and discussions at the Board meeting. In the case of a regulatory action, should the Board or Department decide that the new information was not reasonably available during the prior public comment period, is significant to the Board's decision and should be included in the official file, the Department may announce an additional public comment period in order for all interested persons to have an opportunity to participate.

PUBLIC FORUM: The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than those on the agenda, pending regulatory actions or pending case decisions. Those persons wishing to address the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentations to 3 minutes or less.

The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.

Department of Environmental Quality Staff Contact: Cindy M. Berndt, Director, Regulatory Affairs, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, Virginia 23218, phone (804) 698-4378; fax (804) 698-4346; e-mail: cindy.berndt@deq.virginia.gov.

Major New Source Review Permits (VAC5-80, Rev. A13) - Request for Board Action on Exempt Final Regulation: On October 25, 2012 (77 FR 65107), EPA promulgated final amendments revising the new source review (NSR) permitting program for prevention of significant deterioration (PSD) areas. The amendments revise the definition of "regulated NSR pollutant" to remove the term "particulate matter emissions" from the requirement to include the condensable particulate matter fraction. "Particulate matter emissions" refers to the non-criteria indicator for particulate matter (PM) that is regulated under various new source performance standards (NSPSs), using EPA Method 5 for the compliance test. EPA has determined that only PM₁₀ and PM_{2.5}—indicators of PM used for the

national ambient air quality standards—may include condensable PM, unless a specific NSPS or applicable implementation plan otherwise requires the condensable portion to be included.

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.

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 amendments the department is recommending be made to the regulation.

1. In 9VAC5-80-1615 B, a typographical error is being corrected.
2. The definition of "regulated NSR pollutant" in 9VAC5-80-1615 C is being modified to reflect the revisions EPA has made which specify that only PM₁₀ and PM_{2.5} may include condensable PM for NSR purposes.

Ambient Air Quality Standards (9VAC5 Chapter 30, Rev.B13) - Request for Board Action on Exempt Final Regulation: On January 15, 2013 (78 FR 3086), EPA revised the National Ambient Air Quality Standard (NAAQS) for PM_{2.5} (particles in the ambient air with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.) The primary standard has been revised several times since it was originally set at 15 micrograms per cubic meter (ug/m³) in 1997. Phase-out of the PM₁₀ standard occurred July 30, 2004, (69 FR 45595), and a new 24-hour standard was added October 17, 2006, (71 FR 61224). Under this most recent revision, the annual arithmetic mean concentration has been set at 12 ug/m³ and the standard for the 24-hour concentration is being retained at 35 ug/m³.

Chapter 30 contains the specific criteria pollutant standards set out in 40 CFR Part 50. Therefore, this chapter is the action effectively implementing the EPA 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 amendments the department is recommending be made to the regulation.

1. New requirements for reference conditions relative to the new PM_{2.5} standard are added.
2. New requirements for PM_{2.5} are added.

High Priority Violators (HPV's) for the First Quarter, 2013

NOV's Issued from October through December 2012

PRO	Honeywell International Inc. Hopewell, Virginia Hopewell City Registration No. 50232 SIC 2869, 2899, 2819 Industr. Organic Chemical NEC, Chemical & Chem. Prep, NEC, Industrial Inorganic Chemicals NAICS 325199 Chemical Mfg.	Discovery dates: 10/1/2012 Alleged violations: Nitrogen oxides release from disulfonate tower designated as TW-33. Release is estimated by source to have been approximately 1000 lbs	NOV - Issued 11/19/2012
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CO's Issued from October through December 2012

None

CO's In Development – Previously Reported NOV's

PRO	<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 Inorganic Chemicals NAICS 325199 Chemical Mfg.</p>	<p>Discovery dates: 3/14/2012, 5/11/12, 10/1/2012</p> <p>Alleged violations:</p> <p>Excess emissions for PM, PM-10, PM-2.5, and sulfuric acid mist from the Sulfuric Acid Plant (SAP).</p> <p>Excess visible emissions from the molten sulfur storage tank.</p> <p>Excess NOx emissions from TW-33.</p>	<p>NOV - Issued 04/17/2012, 5/22/12, 11/19/2012</p>
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EPA CD's In Development – Previously Reported NOV's

***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.*

**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: Violations of 40 CFR 63 Subpart VVV (Publically Owned Treatment Works - POTW) and Reasonably Available Control Technology (RACT) that include failure to provide appropriate notification, meet control requirements, conduct inspections and monitoring, properly calculate emission values.</p>	<p>EPA 1st NOV - Issued 07/06/2009 EPA 2nd NOV - Issued 12/17/2010</p> <p>Additional Information: NOV Meeting was held with EPA, DEQ, and the Responsible Party on 9/23/09, 03/09/2011 and 8/7/12.</p>
DEQ - PRO		<p>Discovery dates: 02/04/2011</p> <p>Alleged violations: Failure to meet 92% HAP mass removal present in wastewater.</p>	<p>NOV - Issued 05/25/2011</p> <p>Additional Information: This NOV cites the same violations as the EPA NOV issued on 12/17/2010.</p>
**EPA	<p>DuPont Teijin Films</p> <p>Hopewell, Virginia Chesterfield County</p> <p>Registration No. 50418</p>	<p>Discovery dates – 04/18/2008</p> <p>Alleged violations: 1st NOV - Violations of 40 CFR 63 Subpart JJJ (Polymers and Resins</p>	<p>EPA 1st NOV - Issued 07/17/2009 EPA 2nd NOV - Issued 12/7/2010</p> <p>Additional Information: NOV Meetings have been held with EPA, DEQ, and the Responsible Party on</p>

	<p>SIC 2821 Plastic Material/Synthetic resins NAICS 325211 Chemical - resin, Synthetic rubber, and artificial synthetic fibers.</p>	<p>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>2nd NOV – Further violations of 40 CFR 63 Subpart JJJ, and Subpart H that include improper use of emission debits and credits; failure to provide certifications, reports and plans; and improper emission controls.</p>	<p>9/10/09 and 2/2/2011. Draft CD sent to DOJ and EPA Region 3 ORC for review in late September 2012.</p>
**EPA	<p>Smurfit-Stone Container Corp. / Hopewell Mill</p> <p>Hopewell, Virginia</p> <p>Registration No. 50370</p> <p>SIC 2631 Pulp Mills NAICS 322130 Pulp, Paper, and Paperboard Products</p>	<p>Discovery dates – 07/27/2010</p> <p>Alleged violations: Failure to operate in a manner to demonstrate compliance with HAP reduction requirements.</p> <p>Failure to submit periodic startup, shutdown and malfunction reports.</p>	<p>NOV - Issued 09/27/2010</p> <p>Additional Information: NOV meetings were held with EPA, DEQ, and the Responsible Party on 01/31/2011 and 8/7/2012. RP submitted requested information to EPA/DEQ September 2012.</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 Inorganic Chemicals NAICS 325199 Chemical Mfg.</p>	<p>Discovery date – 11/06/2007</p> <p>Alleged violations: 1st NOV - Alleged violations of the Benzene Waste NESHAP (40 CFR 61 Subpart FF) and the associated Leak Detection and Repair (LDAR) program for the Organic HAPs from Equipment Leaks MACT (40 CFR 63 Subpart H)</p> <p>2nd NOV - Annual NOx and PM10 emission limit exceedances in 2004, 2005, 2006, and 2007 at the A, C, D, and E trains of the Area 9 hydroxylamine production unit.</p>	<p>EPA 1st NOV - Issued 03/10/2009 EPA 2nd NOV - Issued 08/21/2009</p> <p>Additional Information: NOV Meetings have been held with EPA, DEQ, and the Responsible Party on 5/27/09, 11/17/09, 03/25/10, 11/10/2010 and 1/26/2011.</p>