

## MINUTES

### STATE AIR POLLUTION CONTROL BOARD MEETING MONDAY, MARCH 29, 2004

HOUSE ROOM C, GENERAL ASSEMBLY BUILDING  
9<sup>TH</sup> & BROAD STREETS  
RICHMOND, VIRGINIA

Board Members Present: Gary Baise - Chairman  
Karlynn W. Bucher - Vice-Chairman  
Vivian Thomson  
Richard D. Langford

Board Members Absent: Smita Siddhanti

Department of Environmental Quality  
Staff: Robert G. Burnley, Director  
Richard F. Weeks, Deputy Director  
Cindy M. Berndt

Attorney General's Office: Carl Josephson

- 1) The following minutes summarize activities, which took place at this Board meeting.
- 2) The meeting was convened at 1:07 p.m. on Monday, March 29, 2004. The meeting recessed at 2:25 p.m., reconvened at 2:35 p.m. and was adjourned at 3:45 p.m.

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#### **Minute No. 1 - High Priority Violators Report**

Mr. Michael G. Down, Air Enforcement Manager, presented a report on high priority violators. The report covered the fourth quarter of 2003.

#### **Minute No. 2 - Federal Documents Incorporated by Reference (9 VAC 5 Chapters 50 and 60, Rev. I03)**

Ms. Karen G. Sabasteanski, Office of Air Regulatory Development, presented for final approval amendments to Chapters 50 and 60 concerning federal documents incorporated by reference. Ms. Sabasteanski explained that the amendments 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.

Based on the Board book material, staff presentation and Board discussions, on a motion by Ms. Bucher, the Board unanimously adopted the amendments with an effective date of June 1, 2004; affirmed that it will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision; and directed that the amendment be submitted to EPA in order to retain delegation of authority

*Approved June 29, 2004*

to enforce the EPA regulations.

**Minute No. 3 - Control Technology Determinations for Major Sources of Hazardous Air Pollution (Rev. J03)**

Mr. Robert A. Mann, Director, Office of Air Regulatory Development, presented for final approval amendments to Chapter 60 concerning control technology determinations for major sources of hazardous air pollutants. Mr. Mann explained that the amendments were necessary to conform the Board's regulation to changes promulgated by the Environmental Protection Agency to the federal program. He explained that the amendments establish a new timetable for the submission of section 112(j) Part 2 applications; modify the content requirements for Part 2 applications; establish revised procedures for requests for applicability determinations previously submitted under the section 112(j) rule and for section 112(j) applications submitted by sources that previously obtained a case-by-case determination under Clean Air Act 112(g).

Based on the Board book material, staff presentation and Board discussions, the Board, on a motion by Ms. Thomson, unanimously adopted the amendments with an effective date of July 1, 2004 and affirmed that it will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision.

**Minute No. 4 - Public Forum**

No one appeared during the public forum.

**Minute No. 5 - Warren County - CPV Permit**

Mr. Burnley briefed the Board on the background surrounding the proposed issuance of a permit to CPV Warren for a gas-fired power generating facility in Warren County and a request that the Board make the decision on whether the permit should be issued. Mr. Jeff Gleason from the Southern Environmental Law Center and Mr. August Wallmeyer from the Virginia Energy Providers Association addressed the Board on whether the permit should be acted on by the Board instead of the staff.

The Board, after discussion, advised that they would look to staff to deal with this issue and bring the matter to the Board's attention to the extent staff determines is necessary.

**Minute No. 6 - Nonattainment Area Designation Activities Related to Particulate Matter (PM2.5) and 8-Hour Ozone Air Quality Standards**

Mr. Tom Ballou, Office of Air Data Analysis, briefed the Board on the status of nonattainment area designation activities concerning the particulate matter and 8-hour ozone air quality standards.

**Minute No. 7 - Appointments to the State Advisory Board on Air Pollution**

Mr. John Daniel, Jr., Air Division Director, presented reappointment and new appointment recommendations to the Board.

Based on the Board book material, staff presentation and Board discussion, the Board, on a motion by Ms. Bucher, unanimously reappointed L. Evans Drake, Melanie D. Davenport, Sanat N. Bhavsar, Ronald B. Shifflett, Robert J. Robinson, Gerald L. Pellett, Sheryl Raulston, Paul R. Thomson, Jr., James

Christman, Chris Bagley, Dr. James Cisek, and Gerald F. Ramsey to terms expiring December 31, 2005; and appointed Paige W. Holt and Bob Blankenship to terms expiring December 31, 2005.

**Minute No. 8 - Report on Air Quality Program Activities**

The Board received the report, as contained in the Board book, on air quality program activities.

**Minute No. 9 - Minutes**

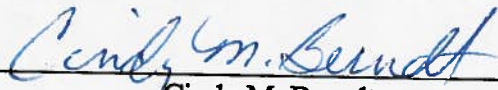
The Board, on a motion by Mr. Langford, unanimously approved the minutes from the Board's meetings on November 5, 2003 and December 8, 2003.

**Minute No. 10 - Power Plant Report**


Mr. John Daniel, Jr., Air Division Director, presented a report on power plant emissions in Virginia.

**Minute No. 11 - Future Meetings**

The Board set June 23, 2004 or June 24, 2004 as the date of the next meeting, depending on the availability of Ms. Siddhanti. The Board also discussed, but did not establish, a date for the annual meeting with the Advisory Board.

  
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Cindy M. Berndt

[Note: the date of the next regular meeting was changed to June 29, 2004.]

  
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Cindy M. Berndt