

## **MINUTES**

### **STATE AIR POLLUTION CONTROL BOARD MEETING**

**WEDNESDAY, FEBRUARY 27, 2002**

**DEPARTMENT OF ENVIRONMENTAL QUALITY PIEDMONT REGIONAL OFFICE  
4949-A COX ROAD, GLEN ALLEN, VIRGINIA**

Board Members Present: Gary Baise, Chairman  
Karlynn W. Bucher - Vice-Chairman  
JoAnne Scott Webb  
Paul G. Anderson  
Frederick O. Walker

Staff: Robert G. Burnley, Director  
Department of Environmental Quality  
  
Cindy M. Berndt  
Department of Environmental Quality

Attorney General's Office: Carl Josephson

- 1) The attached minutes summarize activities, which took place at this Board meeting.
- 2) The meeting was convened at 10:00 a.m. on Wednesday, February 27, 2002. The meeting was adjourned at 11:45 a.m.

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

The Board received a report from Kathleen O'Connell, Office of Enforcement Coordination, on high priority violations.

#### **Minute No. 2 - Permits for Major Stationary Sources and Major Modifications Locating in Nonattainment Areas (Rev. D00)**

Ms. Karen G. Sabasteanski, Policy Analyst, Office of Air Regulatory Development, presented for final action amendments to Chapter 80 of the air regulations concerning provisions covering permits for major stationary sources and major modifications located in nonattainment areas. Ms. Sabasteanski briefed the Board on the amendments, the public comment received on the proposal, the staff response and revisions made in response to public comment.

Decision: Based on the briefing material and staff presentation and recommendations, the Board unanimously adopted the amendments, with changes presented at the meeting, with a May 1, 2002 effective date and directed that the amendments be submitted to the U.S. Environmental Protection Agency as a State Implementation Plan Revision.

### **Minute No. 3 - Toxic Pollutants (9 VAC 5 Chapters 40 and 50, Rev. G00)**

Dr. Kathleen Sands, Policy Analyst, Office of Air Regulatory Development, presented state toxic pollutant program amendments for final adoption. Dr. Sands explained that the amendments would match the number and type of state-regulated pollutants to those regulated under the federal toxics program and exempt certain sources from state applicability. In addition, the final action would rescind the Air Toxics Program Priority Implementation Policy (AQP-5). Dr. Sands briefed the Board on the public comment received on the proposal, the agency response and any revisions made to the amendments in response to public comment.

Decision: Based on the briefing material and staff presentation and recommendations, the Board unanimously adopted the amendments, with changes presented at the meeting, with an effective date of May 1, 2002 and rescinded the Air Toxics Program Priority Implementation Policy (ADP-5) as of May 1, 2002.

### **Minute No. 4 - NOx Budget Trading Program (9 VAC 5 Chapter 140, Rev. D98)**

Ms. Mary E. Major, Environmental Program Planner, Office of Air Regulatory Development, presented the draft final regulation establishing a NOx budget trading program in Virginia. Ms. Major reminded the Board of discussions on the regulation that occurred at the Board's meeting on January 14, 2002. In addition, Ms. Major explained a change being proposed in the final text since the January 2002 presentation concerning the compliance date for the FIP regulation.

Decision: Based on the briefing material and the staff presentation and recommendations, the Board unanimously adopted the NOx Budget Trading Program with an effective date consistent with the Administrative Process Act and directed that the regulation be submitted to the U.S. Environmental Protection Agency as a State Implementation Plan Revision.

### **Minute No. 5 - Public Forum**

There were no speakers during the public forum.

### **Minute No. 6 - Appointments to the State Advisory Board on Air Pollution**

The Board unanimously approved the following reappointments to the State Advisory Board on Air Pollution for a two-year term expiring on December 31, 2003:

Melanie D. Davenport, Esquire, Mays & Valentine  
James Christman, Esquire, Hunton & Williams  
Sheryl Raulston, Environmental Affairs Manager, International Paper  
Sanat N. Bhavsar, Director of Environmental Health & Safety, Yokohama Tire Corp.  
L. Evans Drake, Leader-Responsible Care, Honeywell Corp.  
Ronald B. Shifflett, Environmental Specialist, E.I. duPont de Nemours Co.  
Robert J. Robinson, Environmental Affairs Manager, American Electric Power  
Dr. Gerald L. Pellett, Scientist, NASA Langley Research Center  
Dr. J. Martin Hughes, PE, Environmental Engineering, VPI&SU  
Donna Reynolds, Director of Communications & Field Services, American Lung Assn.  
Paul R. Thomson, Jr., Esquire, Woods, Rogers & Hazelgrove  
Chris Bagley, HSE Manager, Hickson DanChem Corp.  
Carroll B. Hooper, President, Steam Solutions  
Gerald F. Ramsey, Environmental Engineer, Consolidation Coal Co.  
Dr. James Cisek

**Minute No. 7 - Future Meetings**

The Board set May 21, 2002 as the date for the next meeting.

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Cindy M. Berndt