

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR DIVISION**

**INTRA AGENCY MEMORANDUM**

**TO:** File

**FROM:** Gary Graham  
Regulatory Analyst

**SUBJECT:** Meeting Minutes - Regulatory Ad Hoc Advisory Group Concerning Permits for New and Modified Sources (Rev. H05)

**DATE:** March 2, 2006

**INTRODUCTION**

At 10:00 a.m., February 24, 2006, a meeting of the ad hoc advisory group concerning permits for new and modified sources (minor new source review) was held in the Eighth Floor Conference Room, Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. A record of meeting attendees is included as Attachment A.

**SUMMARY OF DISCUSSION**

The group generated a list of outstanding issues based upon the Revision K04 minor NSR proposal that was first suspended and then withdrawn by the board on September 25, 2005. The group then discussed each of the issues, with the intent of elaborating on the issues enough to guide the Department in generating an initial working document and to guide later discussions. The group agreed that additional thought and discussion was necessary on each of the following issues:

1. Starting with the text of revision K04, produce a proposed regulation for revision H05 as follows:
  - Publish the provisions of revision K04 as revision H05 without changes as fast as possible, or
  - Amend revision K04 to resolve issues with K04 as determined by the group (i.e. to improve clarity, to repair any perceived holes in the permitting "safety net", and to address debottlenecking and other applicability issues).
  
2. Review each use of the term "facility" in Chapter 80, Article 6 and Chapter 50, Article 4 in order to replace this overly broad term with something more specific that matches what was actually intended by the provision, such as:
  - "stationary source",
  - "emissions unit",
  - some other term that is closer to the intention of the provision, such as "source", "building", or "process" etc.

3. Review exemption language to resolve issues concerning the following:
  - Whether exemptions by emission rate should be determined on an emissions unit basis or on a source basis.
  - Whether exempt emission rates for new sources should be used to determine exemptions for a “greenfield source” only, or for all new emissions units at an existing source.
4. Whether or not to include language in Chapter 80, Article 6 to clarify how “debottlenecked” emissions units will be treated for applicability or exemption purposes.
5. Review Chapter 50 and Chapter 80, Article 6 together to make sure that they mesh properly in their use of terms such as “facility”, “affected facility”, or “emissions unit”.
6. Review regulatory requirements to determine if additional language is necessary to make sure that the notification to the General Assembly concerning any regulatory requirement that is more restrictive than the federal requirement is fulfilled, or if the existing regulatory process meets that requirement.
7. Revise the regulatory language to either replace all the section and subsection references with the text of the regulation referred to, or to augment those references with sufficient language that makes the text clear as to which requirements are being cited.
8. Determine if, and to what extent, Chapter 80, Article 6 needs to be revised to clarify the intended implementation of MACT provisions through that Article (over and above that change to move the implementing language to 9 VAC 5-80-1120 H to 9 VAC 5-80-1100 H).
9. Review what would be necessary to add exemptions for temporary emissions units such as package boilers, peaking generators, pilot plants and process trials (and to possibly to revise the portable stationary source procedures). Also review what needs to be changed concerning these exemptions to protect the local public’s right to participate in that permit, exemption or relocation decision.
10. Revise the definition of “emissions unit” for use in minor NSR to be more specific about how much of a source is the emissions unit, given the fact that the definition is specified for major NSR, or lacking the ability to change the definition, whether a “meeting of the minds” within the group on the meaning of the term can be thereafter incorporated into permit guidance.
11. Review Chapter 80, Article 6 to see if regulatory Title V language from Articles 1 and 3 should be incorporated into Article 6 clarifying:
  - How the timing of an application for a revised Title V permit works after the issuance of new minor NSR permit requirements.
  - How compliance with both the new minor NSR permit requirements and the existing Title V permit works.
  - How certification of compliance with the Title V federal requirements applies to the new minor NSR permit requirements that have not yet been incorporated into the

Title V permit.

The group agreed to follow up on these issues at the next meeting. The group also agreed upon possible future meeting dates through the first week in April, to be finalized later when the availability of meeting rooms can be determined.

#### DOCUMENT DISTRIBUTION

The following documents were distributed to the group prior to or at the meeting:

1. Agenda for the meeting.
2. Public Participation Report to Intended Regulatory Action concerning Regulation Revision H05 covering Permits for New and Modified Sources, dated January 5, 2006.
3. DEQ Advisory Group Protocol, dated May 10, 2004.

TEMPLATES\PROPOSED\AH08  
REG\DEV\H05-AH08-1

Attendees:

Gary Graham  
Dan Holmes  
Andy Gates  
Tom Knauer  
John Cline  
Bob Mann  
Richard Rasmussen  
Terry Darten  
Janardan Pandey  
Bob Ramsey  
Jaime Bauer