

Standing Rules and Procedures of the Virginia Air Pollution Control Board

I. Schedule, Time and Place of Meetings

A. Regular meetings of the Air Pollution Control Board ("Board") will be held at least four times a year. The schedule of meetings for each calendar year shall be adopted at the last meeting of the prior calendar year and may be amended at any time during the year as determined to be appropriate by the Board. Regular meetings will normally begin at 9:30 a.m. in the General Assembly Building or at DEQ offices at 6th and Main Streets in Richmond; provided, however, that meetings may be held in other parts of the state at times determined to be appropriate by the Board for the circumstances. Regular meetings shall not extend beyond 5:00 p.m. unless extended by a majority vote of the Board.

B. If the Chair, or Vice Chair if the Chair is unavailable or unable to act, in consultation with the Director of the Department of Environmental Quality ("Director") finds that the weather or other conditions are such that it is hazardous for Board members and the public to attend a regular meeting, the meeting shall be postponed. Notice to Board members, persons with matters before the Board, the media and the public will be provided as quickly as possible. The Chair shall establish a new date for the meeting upon consultation with other members and the Director.

C. Additional meetings of the Board shall be held as determined to be necessary (1) by the Board, (2) by the Chair in consultation with the Director or (3) upon the call of any two members of the Board. The Chair shall establish a date for the meeting after consultation with other members and the Director. In the case of an additional meeting called by individual members, the date of the meeting shall be not less than two weeks after the date that the call is received. Any call for an additional meeting by individual members of the Board shall be in writing or by e-mail, addressed to the Chair and the Director, and shall specify the purpose of the meeting. No matter not specified in the call for the meeting shall be considered at that meeting unless all members are present and consent to the consideration of other matters.

II. Conduct of Meetings

A. The adoption of these Standing Rules and Procedures is for the sole purpose of providing for orderly and efficient meetings of the Board and shall not be deemed to create or bestow on any party substantive rights or duties. Failure of the Board to adhere to the rules governing conduct of meetings shall not affect the validity of any action taken by the Board.

B. For any meeting, a majority of the members of the Board shall constitute a quorum. If a quorum has not been achieved within one-half hour from the time that the meeting was proposed to begin, then the meeting shall be deemed to have been canceled; provided, however, that the Chair may extend the time to two hours if one or more members sufficient to make the quorum has indicated that they will be present by the revised start time.

C. The Chair of the Board shall conduct the meetings and shall rule on the interpretation and application of these standing rules. Any member of the Board may appeal from a decision of the Chair interpreting or applying these standing rules. Such an appeal requires a second and will be determined by majority vote.

D. The Vice-Chair shall preside over meetings of the Board in the absence of the Chair. In the event that neither the Chair nor Vice-Chair of the Board should be in attendance at a meeting where a quorum is nonetheless present, any member of the Board may call the meeting to order, and the members present shall elect a Chair pro tempore to preside over the meeting until the Chair or Vice-Chair arrives.

E. Members of the Board must be recognized by the Chair before proceeding to speak. After being recognized by the Chair, a member of the Board shall not be interrupted during the time allowed for him to speak, except when a point of order is called or when being requested to yield the floor by another member.

F. No member shall hold the floor longer than five minutes without yielding to another member's request for the floor. These five minutes do not include time reasonably expended in asking for and receiving information from staff or other presenters.

G. In debate, each member may speak as often as he or she wishes on any question but cannot make a subsequent speech if any other member desires the floor who has spoken a fewer number of times on the question.

H. The Chair may participate in the discussion and vote on any matter before the Board without being required to relinquish the chair.

I. All actions and decisions of the Board shall be made upon the motion of a member, duly seconded by another member and approved by a majority of the members who are present and voting.

J. A main motion is one that addresses the primary issue or matter that the Board is addressing. A pending main motion is subject to a motion to amend the main motion or a substitute motion which must be germane to and further the same general purpose of the main motion. A motion to amend or a substitute motion must be seconded and is debatable. If approved, the motion as amended or the substitute motion becomes the main motion pending before the Board. Any pending main motion is also subject to a motion to table or to postpone to a subsequent time.

K. Any question submitted to the Board, including a motion to close debate, shall be determined by the majority of the members voting on the question, unless the requirements of state law specify a greater than majority vote. The Chair shall put the question to the Board for a voice vote, unless otherwise provided by law. Any member of the Board present at the time of a vote who wishes to abstain or otherwise not participate in the vote must affirmatively so state prior to the Board's consideration of the matter or at the time the vote is taken. The Chair shall call for a vote only after determining that there are no more Board member comments or after approval of a motion to close debate. There will be no further discussion or comment on a matter once the Chair has called for a vote. Any member who may not participate in the Board's consideration of a matter under the Conflicts of Interests Act must comply with the disclosure requirements of the Act and not participate in the discussion or vote on that matter. If it appears to the Chair, upon the voice vote being taken, that the members of the Board are divided on any question, he or she shall determine the vote of the individual members of the Board by roll call. A tie vote on any matter defeats the motion, resolution, or issue upon which the vote is taken. No member may change his or her vote on any matter, except through a reconsideration of the vote by the Board. At the conclusion of the vote on each motion, the Chair shall announce whether the motion has been adopted or defeated.

L. A motion which has already been voted on may be brought back at the same meeting for further consideration through the adoption of a Motion to Reconsider. Nothing provided herein shall, however, be deemed to prevent the Board from considering at any time a matter or issue upon which it has previously taken action, following such notice and public hearings as may be required by law.

M. The Chair shall order the removal of any person whose behavior is so unruly or disruptive as to prevent the orderly conduct of the meeting.

III. Agendas

A. The agenda for regular meetings of the Board will normally include items for (1) review and approval of the agenda, (2) review and approval of minutes from the previous meeting, (3) review and action, when appropriate, on pending regulatory matters, (4) review and action, when appropriate, on pending permitting matters before the Board, (5) a high priority violators report, (6) a status report on anticipated regulatory actions (7) a status report on applications for permits anticipated to come before the Board, (8) a public forum (8) a closed session for consultation with legal counsel or and other purposes authorized by the Freedom of Information Act and (9) other business.

B. The proposed agenda for any meeting shall be determined by the Chair in consultation with the Director. In addition, any two members may cause an item to be included on the agenda. Such a request shall be directed in writing or by e-mail to the Chair and the Director no less than two weeks prior to the scheduled date of the meeting.

C. Public Forum is an opportunity for any person to present comments and information to the Board regarding any matter within the scope of the Board's authority that is not on the agenda for that meeting. Any person who desires to speak will be asked to provide his or her name and the matter to be addressed. During Public Forum, each speaker shall be permitted to speak for up to three minutes. In the event that the number of citizens' comments should exceed the time allotted on the agenda for Public Forum, the Chair may request that the citizens return at the next regular meeting of the Board or may consult with the Board as to whether to extend the time for Public Forum or schedule a public hearing on the matter being discussed.

IV. Election of Chair and Vice Chair

A. The Board shall elect a chair and vice chair at the conclusion of the last meeting of each odd numbered calendar year to serve for two year terms beginning on January 1 of even numbered calendar years. Persons holding these positions shall continue to serve after the expiration of their terms until there has been an election and may be re-elected, except that the maximum service of a person in each position is 2 full terms.

B. The Chair shall preside over the election of the chair by opening the floor for nominations and shall note the nominations in the order in which they are made. Nominations may be closed by the Chair only after assuring that there are no further nominations to be made. If more than one person has been nominated for chair, then the Chair shall request an indication of affirmative votes by members of the Board for each nominee in the order of the nominations. The first nominee to receive an affirmative vote from a majority of the members of the Board present and voting shall be deemed to have been elected. In the event that no

nominee receives an affirmative vote from a majority of the members present and voting, the name of the nominee receiving the fewest votes shall be withdrawn, and votes shall be recast. In the event of a midterm vacancy in the position of chair or vice chair, this procedure shall be used to elect a member to fill the vacancy for the remainder of the term.

C. The vice-chair shall be elected in the manner prescribed above.

V. Board Member Requests for Staff Assistance

Any Board member request for staff assistance shall be made through and coordinated by the Director or designee. After the initial request has been made through the Director, follow up questions or requests for information may be made directly to the staff person assigned by the Director to handle the Board member's request.

VI. Board and Department of Environmental Quality Policies and Guidance

In addition to regulations adopted by the Board, there are numerous documents which provide information or guidance of a general nature to agency staff or the public to interpret or implement statutes or regulations. These documents are generally referred to as guidance documents. The guidance documents which address matters of the Board are available on-line through a link to the Virginia Regulatory Town Hall located on the Citizen Board web page at: <http://www.deq.virginia.gov/cboards/homepage.html>.

VII. Board Assumption of Permitting Decisions

Section 10.1-1322.01 establishes the conditions under which the Board makes a final determination on a permit to be issued under the regulations for the control and abatement of air pollution. The regulatory citation for incorporation of the law into the Board's regulations is 9VAC5-80, Part I. In addition a guidance document has been prepared. The regulation and guidance document are available on-line through a link to the Virginia Regulatory Town Hall located on the Citizen Board web page at: <http://www.deq.virginia.gov/cboards/homepage.html>.

VIII. State Advisory Board on Air Pollution

The State Advisory Board on Air Pollution (SAB) shall aid the State Air Pollution Control Board (SAPCB) and the DEQ in meeting its mandate under the provisions of the Code of Virginia by identifying and analyzing air-related issues involving health, environmental impact, and quality of life. The SAB is authorized under the provisions of § 10.1-1313 of the Code of Virginia. The Board-approved State Advisory Board on Air Pollution Charter, as well as information on members and reports, is available on line at: <http://www.deq.virginia.gov/air/sab.html>.