



State Air Pollution Control Board

Permits and Variances for Stationary Sources, Localities Particularly Affected (Revision E20)

Final Regulation

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Background

- Chapter 1110 of the 2020 Acts of Assembly
 - Amends § 10.1-1307.01 to add new public participation requirements for permits and variances
 - Covers certain facility types with the potential to have an impact on a particular locality
 - “Locality particularly affected” = any locality that bears any identified disproportionate material air quality impact that would not be experienced by other localities

Affected facilities

- A new fossil fuel-fired generating facility with a capacity of 500 megawatts or more
- A major modification to an existing source that is a fossil fuel-fired generating facility with a capacity of 500 megawatts or more
- A new fossil fuel-fired compressor station facility used to transport natural gas
- A major modification to an existing source that is a fossil fuel-fired compressor station facility used to transport natural gas

New requirements

- Applicant must publish a notice at least 60 days prior to the close of the public comment period
- Notice must be mailed to local elected officials and planning district commission, local public libraries and schools, local property owners
- Written comments must be accepted for at least 30 days after the public hearing

Today's action

- Amends the following rules to meet the requirements of Chapter 1110:
 - Article 6 (minor new source review or NSR) of 9VAC5-80
 - Article 7 (NSR for hazardous air pollutants) of 9VAC5-80
 - Article 8 (Prevention of Significant Deterioration NSR) of 9VAC5-80
 - Article 9 (nonattainment NSR) of 9VAC5-80
 - 9VAC5-170-140 (variances) of 9VAC5-170

Adoption Process

- The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 4 a of the Administrative Process Act because they are necessary to conform to Virginia statutory law.

Department Recommendation

- That the board adopt the proposal with an effective date consistent with the Administrative Process Act
- In adopting this proposal, the board affirms that it will receive, consider, and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 2.2-4006 B of the Administrative Process Act