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SENATE BILL NO. 748

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on February 4, 2008)

(Patron Prior to Substitute—Senator Vogel)

A BILL to amend and reenact § 10.1-1322.4 of the Code of Virginia, relating to alternative fuels and air emissions.

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1322.4 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1322.4. Permit modifications for alternative fuels or raw materials.

Unless required by ~~the federal government~~ *law or regulation*, no additional permit or permit modifications shall be required by the Board, for the use, by any source, of an alternative fuel or raw material, if the owner demonstrates to the Board that as a result of trial burns at ~~their~~ *his* facility or other facilities or other sufficient data that the emissions resulting from the use of the alternative fuel or raw material supply are decreased. *To the extent allowed by federal law or regulation, no demonstration shall be required for the use of processed animal fat, processed fish oil, processed vegetable oil, distillate oil, or any mixture thereof in place of the same quantity of residual oil to fire industrial boilers.*

2. That the Air Pollution Control Board shall adopt regulations within 180 days after enactment providing that: (i) when determining whether a physical or operational change at an existing stationary source requires a permit or permit amendment under the minor new source review regulations, any change in emissions shall be calculated as the difference between the source's pre-change and postchange annual uncontrolled emission rates; and (ii) such regulations shall remain in effect until the Board changes those provisions of its minor new source regulations concerning the manner in which such change in emissions is calculated. For purposes of clause (i), the term "uncontrolled emission rate" means the emission rate from an emissions unit when operating at maximum capacity without air pollution control equipment. Air pollution control equipment includes control equipment that is not vital to its operation, except that its use enables the owner to conform to applicable air pollution control laws and regulations. Annual uncontrolled emissions shall be based on the maximum annual rated capacity (based on 8,760 hours of operation per year) of the emissions unit, unless the emissions unit or stationary source is subject to state and federally enforceable permit conditions that limit the annual hours or operation. Enforceable permit conditions on the type or amount of material combusted, stored, or processed may be used in determining the uncontrolled emission rate of an emissions unit or stationary source. The uncontrolled emission rate of a stationary source is the sum of the uncontrolled emission rates of the individual emissions units. Secondary emissions do not count in determining the uncontrolled emission rate of a stationary source.