Federal Operating Permit
Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Dickenson-Russell Coal Company, LLC
Facility Name:	Moss 3 Preparation Plant
Facility Location:	State Route 615, Russell County, Virginia
Registration Number:	10235
Permit Number:	SWRO10235

May 6, 2015
Effective Date

May 7, 2020
Expiration Date

_____
Allen J. Newman, P.E.
Regional Director

May 6, 2015
Signature Date

Table of Contents, 1 page
Permit Conditions, 31 pages
Source Testing Report Format, 1 page

Table of Contents

Facility Information

Permittee
Dickenson-Russell Coal Company, LLC
7546 Gravel Lick Road
Cleveland, VA 24225

Responsible Official
Lawrence S. Smith
President

Facility
Moss 3 Preparation Plant
State Route 615, Russell County, Virginia

Contact Person
Barry H. Spry
Environmental Compliance Manager
(276) 679-7030

AFS Identification Number: 51-167-00006

Facility Description: SIC Code: 1221 - Bituminous Coal Underground Mining - Coal Preparation Plant

The facility cleans and dries coal prior to shipment by railcar and truck. The facility utilizes two coal fired thermal dryers to dry the coal cleaned by the wet preparation plant that includes froth flotation and vacuum filtration.

Air emissions from the facility include particulate matter (PM, includes PM-10 and PM2.5) from all the dry processing units; volatile organic compounds (VOC) from the thermal dryers and wet coal processing; and nitrogen oxides (NO_X), sulfur dioxide (SO_2), carbon monoxide (CO), greenhouse gases (GHGs), and trace amounts of hazardous air pollutants (HAP) from the thermal dryers.

The facility is a Title V major source of PM, PM-10, VOC, greenhouse gases (GHGs), and NO_x. This source is located in an attainment area for all pollutants.

Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
01	-----	Railroad Car Thaw Pit Burners	72.8 MMBtu/hr	Partial Enclosure	D001	PM/PM-10	-----
02A	02-1	ENI Coal Flo #7.5 Dryer - Coal	100 MMBtu/hr	Cyclone Wet Scrubber Mist Eliminator	02-1 02-2 02-3	PM/PM-10, SO_2	-----
02B	02-2	ENI Coal Flo #7.5 Dryer – Natural Gas	12 MMBtu/hr	Cyclone Wet Scrubber Mist Eliminator	02-1 02-2 02-3	PM/PM-10, SO_2	-----
02C	02-2	ENI Coal Flo #7.5 Dryer – Propane	12 MMBtu/hr	Cyclone Wet Scrubber Mist Eliminator	02-1 02-2 02-3	PM/PM-10, SO_2	10/3/03
02D	02-2	ENI Coal Flo #7.5 Dryer – Distillate Oil	12 MMBtu/hr	Cyclone Wet Scrubber Mist Eliminator	02-1 02-2 02-3	PM/PM-10, SO_2	10/3/03
03A	03-1	ENI Coal Flo #10 Dryer – Coal	135 MMBtu/hr	Cyclone Wet Scrubber Mist Eliminator	03-1 03-2 03-3	PM/PM-10, SO_2	-----
03B	03-2	ENI Coal Flo #10 Dryer – Natural Gas	12 MMBtu/hr	Cyclone Wet Scrubber Mist Eliminator	03-1 03-2 03-3	PM/PM-10, SO_2	-----
03C	03-2	ENI Coal Flo #10 Dryer – Propane	12 MMBtu/hr	Cyclone Wet Scrubber Mist Eliminator	03-1 03-2 03-3	PM/PM-10, SO_2	10/3/03

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
03D	03-2	ENI Coal Flo #10 Dryer – Distillate Oil	12 MMBtu/hr	Cyclone Wet Scrubber Mist Eliminator	03-1 03-2 03-3	PM/PM-10, SO_2	10/3/03
04	-----	Crusher Feed Belt	1500 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
05	-----	Impact Belt	1500 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
06	-----	Raw Coal Crusher	1500 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
07	-----	Stockpile Reclaim Belt	1400 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	8/18/03
08	-----	Silo Belt	1500 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
09	-----	Plant Feed Belt	1200 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
10	-----	Met Collecting Belt	850 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
11	-----	Midds Collecting Belt	100 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	12/02/08
12	-----	Met Dryer Feed Belt	550 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
13	-----	Midds Dryer Feed Belt	400 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
14	-----	Met Product Belt	920 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
15	-----	Track 5 Loadout Belt	850 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
16	-----	Midds Loadout Belt	850 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
17	-----	Midds Stockpile Belt	617 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
18	-----	Silo	1500 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
19	-----	Met Stockpile Belt	850 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
20	-----	Met Reclaim Belt #1	460 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
21	-----	Met Reclaim Belt #2	460 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
22	-----	Stockpile (destock)Transfer Belt	350 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	8/18/03
23	-----	Refuse Belt 1	600 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
24	-----	Refuse Collecting Belt	600 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
25	-----	Rotary Car Dump	1500 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
29	-----	AFB Transfer Belt	650 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	8/18/03
30	-----	Gammametrix Belt 1	25 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
31	-----	Gammametrix Belt 2	25 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
32	-----	Met Product Loadout Belt	920 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
33	-----	Refuse Belt 2	600 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
34	-----	Refuse Belt 3	600 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
35	-----	Refuse Belt 4	600 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
36	-----	Refuse Belt 5	600 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
37	-----	Alt. Refuse Belt 4	600 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
38	-----	Alt. Refuse Belt 5	600 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----
39	-----	Refuse Belt 6	600 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	8/18/03
40	-----	Refuse Belt 7	600 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	8/18/03
41	-----	Refuse Belt 8	600 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	8/18/03
44	Z01	Raw Coal Stockpile	1500 TPH	Wet suppression	-----	PM/PM-10	-----
45	Z01	Clean Coal Stockpile	1250 TPH	Wet suppression	-----	PM/PM-10	-----
46	Z01	Roads	90,000 miles/yr	Wet suppression	-----	PM/PM-10	-----
47	Z01	Refuse Pile	600 TPH	Wet suppression	-----	PM/PM-10	-----
81	-----	Truck Dump	400 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	8/18/03

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
82	-----	42” Crusher Belt	400 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	8/18/03
83	-----	Screen	400 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	8/18/03
84	-----	Crusher	400 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	8/18/03
85	-----	Feeder	400 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	8/18/03
86	-----	Loadout Belt	800 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	8/18/03
87	-----	150-Ton Loadout Bin	800 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	8/18/03
88	-----	48” Reclaim Belt	460 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	8/18/03
90	-----	Met Coal Vacuum Filter	800 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	8/18/03
91	-----	Pond Fines Reclaim Belt	160 TPH	Wet suppression and/or enclosure	-----	PM/PM-10	-----

Fuel Burning Equipment - Thermal Dryer Requirements - Unit ID#'s 2A - 2D, and 3A - 3D

Limitations

1. **Fuel Burning Equipment – Thermal Dryers – Limitations -** Emissions from the operation of each thermal dryer shall not exceed the limits specified below:

   Particulate Matter 0.031 gr/dscf
   (9 VAC 5-80-110, 9 VAC 5-50-410 Subpart Y, and 40 CFR 60.252)

2. **Fuel Burning Equipment – Thermal Dryers – Limitations -** Visible emissions from each thermal dryer shall not exceed 20% opacity.
   (9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-410 Subpart Y, 40 CFR 60.252, and Condition 15 of December 2, 2008 NSR (New Source Review) permit)

3. **Fuel Burning Equipment – Thermal Dryers – Limitations -** The approved fuels for the thermal dryers' start-up burners are natural gas, propane and distillate oil. A change in fuels may require a permit to modify and operate.
   (9 VAC 5-80-110, 9 VAC 5-80-850, and Condition 3 of October 3, 2003 SOP (State Operating Permit))

4. **Fuel Burning Equipment – Thermal Dryer – Limitations** - The distillate oil shall meet the American Society for Testing and Materials specifications for numbers 1 and 2 fuel oil:

   Maximum sulfur content (weight percent): 0.5%
   (9 VAC 5-80-110, 9 VAC 5-80-850, and Condition 4 of October 3, 2003 SOP)

5. **Fuel Burning Equipment – Thermal Dryer – Limitations -** Each thermal dryer start-up burner shall consume a total of no more than 193,450 gallons of propane per year and 124,465 gallons of distillate oil per year, calculated monthly as the sum of each consecutive 12 month period.
   (9 VAC 5-80-110, 9 VAC 5-80-850, and Condition 6 of October 3, 2003 SOP)

6. **Fuel Burning Equipment – Thermal Dryer – Limitations -** Emissions from each thermal dryer start-up burner shall not exceed the limits specified below:

Sulfur Dioxide	6.11 lbs/hr	4.42 tons/yr
Nitrogen Oxides	4.25 lbs/hr	3.08 tons/yr

Carbon Monoxide	0.86 lbs/hr	0.62 tons/yr

Annual emissions shall be calculated as the sum of each consecutive 12-month period.
(9 VAC 5-80-110, 9 VAC 5-80-850, and Condition 7 of October 3, 2003 SOP)

7. **Fuel Burning Equipment – Thermal Dryer – Limitations -** Visible emissions from the thermal dryers, when the start-up burners are in use, shall not exceed 20% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A) except during one six-minute period in any one hour in which visible emissions shall not exceed 30% opacity. This condition applies at all times except startup, shutdown, and malfunction.
(9 VAC 5-80-110, 9 VAC 5-80-850, and Condition 8 of October 3, 2003 SOP)

8. **Fuel Burning Equipment – Thermal Dryers – Limitations – Equipment ID Nos. 2A and 3A –** Sulfur dioxide emissions from the thermal dryers utilizing coal for drying shall not exceed a combined total of 620.4 lbs/hr. Compliance with this condition shall be determined by approved methods arranged with the Director, Southwest Regional Office.
(9 VAC 5-80-110 and 9 VAC 5-40-930 A.1.)

9. **Fuel Burning Equipment – Thermal Dryers – Monitoring -** Cyclones: An annual inspection shall be conducted on each cyclone by the permittee to insure structural integrity.
(9 VAC 5-80-110)

10. **Fuel Burning Equipment – Thermal Dryers – Monitoring -** Scrubbers: The permittee shall install, calibrate, maintain and continuously operate the following:

    a. A monitoring device for the measurement of the temperature of the gas stream at the exit of each thermal dryer on a continuous basis. The monitoring devices are to be certified by the manufacturer to be accurate within ±3° Fahrenheit.

    b. A monitoring device for the continuous measurement of the pressure drop through each venturi constriction of the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ±1 inch water gauge.

    c. A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ±5% of design water supply

pressure. The pressure sensor or tap must be located close to the water discharge point.

The monitoring devices listed in a, b and c are to be recalibrated annually in accordance with procedures under §60.13(b).
(9 VAC 5-80-110, 9 VAC 5-50-410 Subpart Y, and 40 CFR 60.3(b)(2) and 40 CFR 64.7(a))

11. **Fuel Burning Equipment – Thermal Dryers – Monitoring -** The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:

    a. The name of the fuel supplier;

    b. The date on which the distillate oil was received;

    c. The volume of distillate oil delivered in the shipment;

    d. A statement that the distillate oil complies with the American Society for Testing and Materials specifications for numbers 1 or 2 fuel oil; and

    e. The sulfur content of the distillate oil.

    (9 VAC 5-80-110, 9 VAC 5-80-850, and Condition 5 of October 3, 2003 SOP)

12. **Fuel Burning Equipment – Thermal Dryers – Monitoring – Equipment ID Nos. 2A and 3A -** The permittee shall analyze the on-site coal supply on a monthly basis for sulfur content, using a representative sample, and specifying the method used for analysis. Details of the analysis shall be arranged with the Director, Southwest Regional Office. A record of these analyses shall be retained for five (5) years.
    (9 VAC 5-80-110 and 9 VAC 5-40-930)

Compliance Assurance Monitoring (CAM)

13. **Fuel Burning Equipment – Thermal Dryers – CAM -** The permittee shall monitor, operate, calibrate and maintain the devices listed in Condition 10 of this permit according to the following:

Thermal Dryers (2A-2D and 3A-3D) Compliance Assurance Monitoring Plan

	Indicator No. 1	Indicator No. 2	Indicator No. 3
I. Indicator	Exhaust Gas Temperature	Pressure Loss	Water Supply Pressure
A. Measurement Approach	Temperature measurement device	Differential pressure gauge	Pressure gauge
II. Indicator Range	130°F - 160°F excluding startup and shutdown	An excursion is defined as a pressure loss through the scrubber of less than 28 inches water column	An excursion is defined as a water supply pressure of less than 25 pounds per square inch gage
III. Performance Criteria A. Data Representativeness	The temperature measurement device monitors the temperature of the gas at the exit of the thermal dryer	The differential pressure gauge monitors the static pressures upstream and downstream of the scrubber's venturi throat	The water pressure gauge monitors water supply pressure to the scrubber. The gauge is to be located close to the water discharge point.
B. Verification of Operational Status	The monitoring device shall be installed and calibrated according to the manufacturer's recommendations prior to the initial performance tests	The monitoring device shall be installed and calibrated according to the manufacturer's recommendations prior to the initial performance tests	The monitoring device shall be installed and calibrated according to the manufacturer's recommendations prior to the initial performance tests
C. QA/QC Practices and Criteria	The device is to be certified by the manufacturer to be accurate within ± 3° Fahrenheit and calibrated annually based on manufacturer's recommendations	The device is to be certified by the manufacturer to be accurate within ± 1 inch water gage and calibrated annually based on manufacturer's recommendations	The device is to be certified by the manufacturer to be accurate within ± 5% of design water supply pressure and calibrated annually based on manufacturer's recommendations
D. Monitoring Frequency	Measure continuously	Measure continuously	Measure continuously
E. Data Collection Procedures	Record continuously on a chart recorder	Record continuously on a chart recorder	Record continuously on a chart recorder
F. Averaging Period	None	None	None

(9 VAC 5-80-110 and 40 CFR 64)

14. **Fuel Burning Equipment – Thermal Dryers - CAM -** The permittee shall conduct the monitoring and fulfill the other obligations specified in 40 CFR 64.7 through 40 CFR 64.9.
(9 VAC 5-80-110 E and 40 CFR 64.6 (c))

15. **Fuel Burning Equipment – Thermal Dryers - CAM -** At all times, the permittee shall maintain the monitoring equipment, including, but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.
(9 VAC 5-80-110 E and 40 CFR 64.7 (b))

16. **Fuel Burning Equipment – Thermal Dryers - CAM -** Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permittee shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the thermal dryer is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of compliance assurance monitoring, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The permittee shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by inadequate maintenance or improper operation are not malfunctions.
(9 VAC 5-80-110 E and 40 CFR 64.7 (c))

17. **Fuel Burning Equipment – Thermal Dryers - CAM -** Upon detecting an excursion or exceedance by a monitoring device, the permittee shall restore operation of the thermal dryer (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup and shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator, designated condition, or below the applicable emission limitation or standard, as applicable.
(9 VAC 5-80-110 E and 40 CFR 64.7 (d)(1))

18. **Fuel Burning Equipment – Thermal Dryers - CAM -** Determination that acceptable procedures were used in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.
(9 VAC 5-80-110 E and 40 CFR 64.7(d)(2))

19. **Fuel Burning Equipment – Thermal Dryers - CAM -** If the permittee identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify the Director, Southwest Regional Office and, if necessary, submit a proposed modification to this permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.
(9 VAC 5-80-110 E and 40 CFR 64.7(e))

20. **Fuel Burning Equipment – Thermal Dryers - CAM -** If the number of exceedances or excursions exceeds 5 percent duration of the operating time for the thermal dryer for a semiannual reporting period, the permittee shall develop, implement and maintain a Quality Improvement Plan (QIP) in accordance with 40 CFR 64.8. If a QIP is required, the permittee shall have it available for inspection. The QIP initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the permittee shall modify the plan to include procedures for conducting one or more of the following, as appropriate:

    a. Improved preventative maintenance practices;

    b. Process operation changes;

    c. Appropriate improvements to control methods;

    d. Other steps appropriate to correct control performance; and

    e. More frequent or improved monitoring.

    (9 VAC 5-80-110 E and 40 CFR 64.8(a) and (b))

Recordkeeping

21. **Fuel Burning Equipment – Thermal Dryers - Recordkeeping -** The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:

    a. Annual consumption of coal, natural gas, propane and distillate oil for each thermal dryer, calculated monthly as the sum of each consecutive 12-month period.

    b. The log of annual inspections for each cyclone.

    c. All fuel supplier certifications.

    d. Hourly consumption of coal for Thermal Dryers 2A and 3A. The hourly consumption shall be calculated as the total coal consumed each month per dryer divided by the total operating hours per month per dryer for that month.

    e. Monthly analyses of the coal sampled, including the method used for analysis; and calculations to show the sulfur dioxide emissions.

    These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
    (9 VAC 5-50-50, 9 VAC 5-80-110, Condition 9 of October 3, 2003 SOP, Condition 16 of NSR Permit dated 12/02/08, and 9 VAC 5-40-930)

Testing

22. **Fuel Burning Equipment – Thermal Dryers – Testing -** A performance test shall be conducted once every five years, within the six months preceeding the submittal of the Title V permit renewal application (if the facility is operating), for particulate matter on each thermal dryer to determine compliance with the emission limit specified in Condition 1 of this permit. The tests shall be conducted while the thermal dryer is in normal operation. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests are to be arranged with the Director, Southwest Regional Office. The permittee shall submit a test protocol at least thirty (30) days prior to testing. Two (2) copies of the test results shall be submitted to the Director, Southwest Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit.
(9 VAC 5-80-110)

Coal Processing Conditions

Limitations

23. **Coal Processing Conditions – Limitations -** Particulate emissions from the coal preparation plant shall be controlled using the following methods:

    a. Dust from material handling, crushers, screens, transfers and load-outs, shall be controlled by wet suppression or equivalent (as approved by the DEQ).

    b. All material being stockpiled shall be kept adequately moist to control dust during storage and handling or covered at all times to minimize emissions.

    c. Dust from haul roads and traffic areas shall be controlled by the application of asphalt, water, suitable chemicals, paving of roadways or equivalent methods approved by the DEQ.

    d. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Dirt, product, or raw material spilled or tracked onto paved surfaces shall be promptly removed by means of a sweeper truck or other appropriate dust control systems to prevent particulate matter from becoming airborne.

e. Operators of the dust control systems at the facility shall be aware of weather conditions that may lead to adverse fugitive dust situations and plan and implement preventive measures accordingly.

(9 VAC 5-80-110, 9 VAC 5-50-90, 9 VAC 5-50-260, and Condition 2 of December 2, 2008 NSR permit)

24. **Coal Processing Conditions – Limitations -** The processing of raw coal for the receiving/blending/loadout facility shall not exceed 2,500,000 tons per year, calculated as the sum of each consecutive 12-month period.
(9 VAC 5-80-110, and Condition 7 of December 2, 2008 NSR permit)

25. **Coal Processing Conditions – Limitations -** The yearly throughput of raw coal to the preparation plant shall not exceed 5,100,000 tons per year, calculated as the sum of each consecutive 12-month period.
(9 VAC 5-80-110, and Condition 8 of December 2, 2008 NSR permit)

26. **Coal Processing Conditions – Limitations -** The yearly production of clean coal from the coal preparation plant shall not exceed 3,475,000 tons per year, calculated as the sum of each consecutive 12-month period.
(9 VAC 5-80-110, and Condition 9 of December 2, 2008 NSR permit)

27. **Coal Processing Conditions – Limitations -** The transfer belt (Ref. #29) shall convey no more than 1,500,000 tons of coal per year, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110, and Condition 10 of December 2, 2008 NSR permit)

28. **Coal Processing Conditions – Limitations -** The stockpile transfer belt (Ref. #22) shall convey no more than 700,000 tons of coal per year, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110, and Condition 11 of December 2, 2008 NSR permit)

29. **Coal Processing Conditions – Limitations -** The throughput of reclaimed pond fines to the pond fines reclaim belt, Ref. No. 91, shall not exceed 1,401,600 tons per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9 VAC 5-80-110 and Condition 3 of December 2, 2008 NSR permit)

30. **Coal Processing Conditions – Limitations -** The throughput of coal to the thermal dryers from the clean coal transfer belt, Ref. No. 11, shall not exceed 259,798 tons per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9 VAC 5-80-110 and Condition 4 of December 2, 2008 NSR permit)

31. **Coal Processing Conditions – Limitations -** The throughput of raw coal to the raw coal transfer belt, Ref. No. 1-2, and raw coal reclaim belt, Ref. No. 1-5, shall not exceed 3,000,000 tons per year, each, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9 VAC 5-80-110 and Condition 5 of December 2, 2008 NSR permit)

32. **Coal Processing Conditions – Limitations -** The throughput of clean coal to the clean coal stacker belt, Ref. No. 1A-8, shall not exceed 1,400,000 tons per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9 VAC 5-80-110 and Condition 6 of December 2, 2008 NSR permit)

33. **Coal Processing Conditions – Limitations -** Emissions from the operation of the pond fines reclaim belt, Ref. No. 91, shall not exceed the limits specified below:

PM-10	0.21 lb/hr	0.92 tons/yr

These emissions are derived from the estimated overall emission contribution from the operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9 VAC 5-50-260 and Condition 13 of December 2, 2008 NSR permit)

34. **Coal Processing Conditions – Limitations -** Emissions from the operation of the raw and clean coal transfer equipment, Ref. Nos. 1-2 through 1-5, and Ref. No. 1A-8, shall not exceed the limits specified below:

PM-10	1.91 lb/hr	2.09 tons/yr

These emissions are derived from the estimated overall emission contribution from the operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9 VAC 5-50-260 and Condition 14 of December 2, 2008 NSR permit)

Facilty-Wide Conditions

Limitations

35. **Facility-Wide Conditions – Limitations –** Except where this permit is more restrictive, visible emissions from all equipment at the facility shall be less than 20% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.
(9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-410 Subpart Y, 40 CFR 60.252, and Condition 15 of December 2, 2008 NSR permit)

36. **Facility-Wide Conditions – Limitations -** Except where this permit is more restrictive than the applicable requirement, equipment subject to the New Source Performance Standards shall be operated in compliance with the requirements of 40 CFR 60, Subpart Y.
(9 VAC 5-80-110, 9 VAC 5-50-400, 9 VAC 5-50-410, and Condition 12 of December 2, 2008 NSR permit)

37. **Facility-Wide Conditions – Limitations -** The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment:

    a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.

    b. Maintain an inventory of spare parts.

    c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer’s recommendations, at a minimum.

d. Train operators in the proper operation of all equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

(9 VAC 5-80-110, 9 VAC 5-50-20 E, and Condition 25 of December 2, 2008 NSR permit)

Monitoring

38. **Facility-Wide Conditions – Monitoring -** The permittee shall perform a visible emission observation on each emissions unit with a visible emissions limit contained in this permit at least once each calendar week when the unit(s) is/are operated for a period of time exceeding the time required for normal start-up. Each visible emissions observation shall be performed for a sufficient period of time to identify the presence of visible emissions. If visible emissions do not appear to exceed 20% opacity, no action shall be required. If the observed visible emissions appear to exceed 20% opacity, a visible emissions evaluation (VEE) in accordance with 40 CFR Part 60, Appendix A, Method 9 shall be conducted for a minimum of six minutes. If the six-minute average opacity exceeds the permitted opacity limit, the Method 9 evaluation shall be immediately continued for a total evaluation time of 18 minutes, or procedures to correct the visible emission condition shall be taken immediately. The corrective action shall be followed by a six minute VEE in accordance with Method 9 to confirm compliance and by an 18 minute evaluation in accordance with Method 9 if the six minute average is observed to be greater than 20%. The visible emissions observer shall be Method 9 certified. If excess emissions are expected for greater than one-hour, DEQ malfunction procedures shall be implemented.
(9 VAC 5-80-110)

39. **Facility-Wide Conditions – Monitoring -** A log shall be maintained that indicates when the sweeper truck, water truck, stockpile water application systems and any other fugitive emissions control equipment are operated. The log shall contain, at a minimum, the dates, times, duration of operations, weather conditions and operator names.
(9 VAC 5-80-110)

Recordkeeping

40. **Facility-Wide Conditions – Recordkeeping -** The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:

a. The annual tonnage of raw coal processed by the receiving/blending/loadout facility, calculated monthly as the sum of each consecutive 12-month period.

b. The annual throughput of raw coal to the preparation plant, calculated monthly as the sum of each consecutive 12-month period.

c. The annual production of clean coal from the coal preparation plant, calculated monthly as the sum of each consecutive 12-month period.

d. The annual tonnage of coal processed by the transfer belt (Ref. #29), calculated monthly as the sum of each consecutive 12-month period.

e. The annual tonnage of coal processed by the stockpile transfer belt (Ref. #22), calculated monthly as the sum of each consecutive 12-month period.

f. Annual throughput of reclaimed pond fines to the pond fines reclaim belt (Ref. No. 91), calculated monthly as the sum of each consecutive 12-month period.

g. Annual throughput of coal to the thermal dryers from the clean coal transfer belt (Ref. No. 11), calculated monthly as the sum of each consecutive 12-month period.

h. Annual throughput of raw coal to the raw coal transfer belt (Ref. No. 1-2) and the raw coal reclaim belt (Ref. No. 1-5), calculated monthly as the sum of each consecutive 12-month period.

i. Annual throughput of clean coal to the clean coal stacker belt (Ref. No. 1A-8), calculated monthly as the sum of each consecutive 12-month period.

j. The log of weekly visible emission observations and the results of all VEE for the coal processing equipment as required in Condition 35.

k. The log of the dates, times, length of operations, weather conditions and operator names regarding the sweeper truck, water truck and stockpile water application systems operation in Condition 39.

l. Scheduled and unscheduled maintenance.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-50-50, 9 VAC 5-80-110, and Condition 16 of December 2, 2008 NSR permit)

41. **Facility-Wide Conditions – Recordkeeping -** The permittee shall maintain records of the required operator training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for all equipment. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.
(9 VAC 5-80-110, and Condition 25 of December 2, 2008 NSR permit)

Testing

42. **Facility-Wide Conditions – Testing -** Visible Emission Evaluations (VEE) in accordance with 40 CFR Part 60, Appendix A, Method 9, shall be conducted by the permittee on the pond fines reclaim belt and apron feeder. Each test shall consist of 30 sets of 24 consecutive observations (at 15 second intervals) to yield a six minute average. The details of the tests are to be arranged with the Director, Southwest Regional Office. The evaluation shall be performed within 60 days after achieving the maximum production rate at which the permitted facility will be operated but in no event later than 180 days after start-up of the permitted facility. Two copies of the test result shall be submitted to the Director, Southwest Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit.
(9 VAC 5-80-110, 9 VAC 5-50-30, 9 VAC 5-80-1200, 9 VAC 5-50-410 Subpart Y, 40 CFR 60.254, and Condition 17 of December 2, 2008 NSR permit)

43. **Facility-Wide Conditions – Testing -** The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-80-110)

44. **Facility-Wide Conditions – Testing -** If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110)

Insignificant Emission Units

45. **Insignificant Emission Units -** The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation[1] (9 VAC)	Pollutant Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
49-74	Storage Tanks	5-80-720 B.2.	VOC	N/A
80	Wastewater Treatment Plant	5-80-720 B.2.	VOC	N/A
77	Moss 3 Plant Building	5-80-720 B.2.	PM-10	N/A
77-A	Steam Vents (2)	5-80-720 A.98	N/A	N/A
30	Gammametrix Belt 1	5-80-720 B.2.	PM-10	25 TPH
31	Gammametrix Belt 2	5-80-720 B.2.	PM-10	25 TPH

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

Permit Shield & Inapplicable Requirements

46. **Permit Shield & Inapplicable Requirements -** Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements that have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
None identified		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

General Conditions

47. **General Conditions – Federal Enforceability -** All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable. (9 VAC 5-80-110 N)

48. **General Conditions – Permit Expiration -** This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

    a. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.

    b. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

    c. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

    d. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

    e. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

    (9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)

49. **General Conditions – Recordkeeping and Reporting -** All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

    a. The date, place as defined in the permit, and time of sampling or measurements.

    b. The date(s) analyses were performed.

    c. The company or entity that performed the analyses.

    d. The analytical techniques or methods used.

    e. The results of such analyses.

    f. The operating conditions existing at the time of sampling or measurement.
    (9 VAC 5-80-110 F)

50. **General Conditions – Recordkeeping and Reporting -** Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
    (9VAC 5-80-110 F)

51. **General Conditions – Recordkeeping and Reporting -** The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

    a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

    b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

        (1) Exceedance of emissions limitations or operational restrictions;

        (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

(3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

52. **General Conditions - Annual Compliance Certification -** Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

a. The time period included in the certification. The time period to be addressed is January 1 to December 31.

b. The identification of each term or condition of the permit that is the basis of the certification.

c. The compliance status.

d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

e. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

f. Such other facts as DEQ may require to determine the compliance status of the source.

g. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3_APD_Permits@epa.gov

(9 VAC 5-80-110 K.5)

53. **General Conditions - Permit Deviation Reporting -** The permittee shall notify the Director, Southwest Regional Office, within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventive measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semiannual compliance monitoring report pursuant to General Condition 51 of this permit.
(9 VAC 5-80-110 F.2)

54. **General Conditions - Failure/Malfunction Reporting -** In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Southwest Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Southwest Regional Office.
(9 VAC 5-20-180 C)

55. **General Conditions - Severability -** The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

56. **General Conditions - Duty to Comply -** The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

57. **General Conditions - Need to Halt or Reduce Activity not a Defense -** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

58. **General Conditions - Permit Modification -** A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

59. **General Conditions - Property Rights -** The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

60. **General Conditions - Duty to Submit Information -** The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential; the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)

61. **General Conditions - Duty to Submit Information -** Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

62. **General Conditions - Duty to Pay Permit Fees -** The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. The amount of the annual permit maintenance fee shall be the largest applicable base permit maintenance fee amount from Table 8-11A in 9 VAC 5-80-2340, adjusted annually by the change in the Consumer Price Index.
(9 VAC 5-80-110 H, 9 VAC 5-80-340 C, and 9 VAC 5-80-2340 B)

63. **General Conditions - Fugitive Dust Emission Standards -** During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

    a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

    b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

    c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;

    d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and

    e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

    (9 VAC 5-50-90)

64. **General Conditions - Startup, Shutdown, and Malfunction -** At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
    (9 VAC 5-50-20)

65. **General Conditions - Alternative Operating Scenarios -** Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative

scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80 Article 1.
(9 VAC 5-80-110 J)

66. **General Conditions - Inspection and Entry Requirements -** The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

d. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

67. **General Condtions - Reopening For Cause -** The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

c. The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

68. **General Conditions - Permit Availability -** Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)

69. **General Conditions - Transfer of Permits -** No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)

70. **General Conditions - Transfer of Permits -** In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

71. **General Conditions - Transfer of Permits -** In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

72. **General Conditions - Malfunction as an Affirmative Defense -** A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of Condition 73 of this permit are met.
(9 VAC 5-80-250)

73. **General Conditions - Malfunction as an Affirmative Defense -** The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

    a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

    b. The permitted facility was at the time being properly operated.

    c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirements under 9 VAC 5-20-180 C.
(9 VAC 5-80-250)

74. **General Conditions - Malfunction as an Affirmative Defense -** In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
(9 VAC 5-80-250)

75. **General Conditions - Malfunction as an Affirmative Defense -** The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-250)

76. **General Conditions - Permit Revocation or Termination for Cause -** A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 C and 9 VAC 5-80-260)

77. **General Conditions - Duty to Supplement or Correct Application -** Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

78. **General Conditions - Stratospheric Ozone Protection -** If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A - F)

79. **General Conditions - Asbestos Requirements -** The permittee shall comply with the requirements of National Emission Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150)
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

80. **General Conditions - Accidental Release Prevention -** If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

81. **General Conditions - Changes to Permits for Emissions Trading -** No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

82. **General Conditions - Emissions Trading -** Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

    a. All terms and conditions required under 9 VAC 5-80-110 except subsection N shall be included to determine compliance.

    b. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

    c. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

    (9 VAC 50-80-110 I)

Source Testing Report Format

Cover
1. Plant name and location
2. Units tested at source (indicate Ref. No. used by source in permit or registration)
3. Tester; name, address and report date

Certification
1. Signed by team leader / certified observer (include certification date)
* 2. Signed by reviewer

Introduction
1. Test purpose
2. Test location, type of process
3. Test dates
* 4. Pollutants tested
5. Test methods used
6. Observers' names (industry and agency)
7. Any other important background information

Summary of Results
1. Pollutant emission results / visible emissions summary
2. Input during test vs. rated capacity
3. Allowable emissions
* 4. Description of collected samples, to include audits when applicable
5. Discussion of errors, both real and apparent

Source Operation
1. Description of process and control devices
2. Process and control equipment flow diagram
3. Process and control equipment data

* Sampling and Analysis Procedures
1. Sampling port location and dimensioned cross section
2. Sampling point description
3. Sampling train description
4. Brief description of sampling procedures with discussion of deviations from standard methods
5. Brief description of analytical procedures with discussion of deviation from standard methods

Appendix
* 1. Process data and emission results example calculations
2. Raw field data
* 3. Laboratory reports
4. Raw production data
* 5. Calibration procedures and results
6. Project participants and titles
7. Related correspondence
8. Standard procedures

_____

* Not applicable to visible emission evaluations.