



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHWEST REGIONAL OFFICE
355-A Deadmore Street, Abingdon, Virginia 24210
Phone (276) 676-4800 Fax (276) 676-4899
www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Allen J. Newman, P.E.
Regional Director

February 2, 2016

Ms. Tabitha Crowder
City Manager
City of Bristol, Virginia
300 Lee Street
Bristol, Virginia 24201

Location: City of Bristol
Registration No. 11184

Dear Ms. Crowder:

Attached is a renewal Title V permit to operate your facility pursuant to 9 VAC 5 Chapter 80 of the Virginia Regulations for the Control and Abatement of Air Pollution.

This permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and/or civil charges. Please read all conditions carefully.

In evaluating the application and arriving at a final decision to renew the permit, the Department deemed the application complete on October 23, 2015, and solicited written public comments by placing a newspaper advertisement in the *Bristol Herald Courier* on December 17, 2015. The 30-day comment period (provided for in 9 VAC 5-80-270) expired on January 19, 2016.

This approval to operate does not relieve the City of Bristol, Virginia of the responsibility to comply with all other local, state, and federal permit regulations.

Your facility is affected under the New Source Performance Standards (NSPS) of 40 CFR 60 Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills and the Maximum Achievable Control Technology (MACT) standards of 40 CFR 63, Subpart AAAA – National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills. You are therefore, subject to owner/operator requirements of the NSPS and MACT standards. The provisions of NSPS Subpart WWW can be found at

Ms. Tabitha Crowder
February 2, 2016
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<http://www3.epa.gov/ttn/atw/landfill/landflpg.html>. The provisions of MACT Subpart AAAA can be found at <http://www3.epa.gov/airtoxics/landfill/lnfillpg.html>.

Issuance of this permit is a case decision. The Regulations, at 9 VAC 5-170-200, provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this permit is mailed or delivered to you. Please consult that and other relevant provisions for additional requirements for such requests.

Additionally, as provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal to court by filing a Notice of Appeal with:

Mr. David K. Paylor, Director
Department of Environmental Quality
P. O. Box 1105
Richmond, VA 23218

In the event that you receive this permit by mail, three days are added to the period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for additional information including filing dates and the required content of the Notice of Appeal.

If you have any questions concerning this permit, please contact me at (276) 676-4835.

Sincerely,

Rob Feagins
Air Permit Manger

GRF/ABM/11184VA.FNL-16

Attachments: Permit

cc: Director, OAPP (electronic file submission)
Manager, Data Analysis (electronic file submission)
Director, Office of Permits and Air Toxics (3AP10), U.S. EPA, Region III (electronic file submission)



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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:	City of Bristol, Virginia
Facility Name:	City of Bristol Integrated Solid Waste Management Facility
Facility Location:	2125 Shakesville, Road, Bristol, Virginia 24201
Registration Number:	11184
Permit Number:	SWRO11184

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Pages 1 through 25)

March 13, 2016
Effective Date

March 12, 2021
Expiration Date

Allen J. Newman, P.E.
Regional Director

February 2, 2016
Signature Date

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Facility Information

Permittee
City of Bristol, Virginia
300 Lee Street
Bristol, Virginia 24201

Responsible Official
Ms. Tabitha Crowder
City Manager

Facility
City of Bristol Integrated Solid Waste Management Facility
2125 Shakesville Road
Bristol, Virginia 24201

Contact Person
Mr. Mark A. Campbell
E&S Compliance Officer
(276) 645-3788

County-Plant Identification Number: 51-520-00160

Facility Description: NAICS 562212 – Collection and disposal of non-hazardous solid waste.

The City of Bristol Integrated Solid Waste Management Facility consists of three landfill units (cells) located on contiguous property and separated by landfill haul roads. All three landfill units have accepted only municipal solid waste and non-hazardous special waste.

The first landfill unit designated by Solid Waste Permit Number 221, accepted waste from 1977 to 1986. This unit is closed.

The second landfill unit designated by Solid Waste Permit Number 498, accepted waste from 1986 to present. The waste acceptance rate of this unit is minimal. Wastes in Landfill No. 498 are being reclaimed through landfill mining. Excavated material is screened to separate the waste from daily/intermediate cover and recyclable materials, such as ferrous and non-ferrous metals. The waste is then disposed in the third landfill unit. Excavated soil is used elsewhere in the facility and the recyclable materials are processed appropriately.

The third landfill unit designated by Solid Waste Permit Number 588 began accepting waste in March of 1998 and is currently active.

A gas collection system has been constructed and is currently operating at each landfill unit (221, 498 and 588). Construction of the gas collection system for unit 588 is ongoing with the

progression of waste filling. Collected gas from each landfill unit is combusted in a Parnel Biogas open utility flare.

Emissions from the landfill units include non-methane organic compounds (NMOC), volatile organic compounds (VOC), hazardous air pollutants (HAP), greenhouse gases (GHG), fugitive dust and products of combustion from the utility flare.

The facility is permitted under a minor new source review (NSR) permit issued on July 7, 2003 (as amended November 13, 2003, October 13, 2004 and September 30, 2015).

Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Municipal Solid Waste (MSW) Landfill							
P01	S01	Closed MSW landfill unit, Solid Waste Permit No. 221	694,700 yd ³	Parnel Biogas utility flare	PCD-01	NMOC and VOC	7/7/03 (as amended 11/13/03, 10/13/04 and 9/30/15)
		MSW landfill unit, Solid Waste Permit No. 498	1,199,224 yd ³				
		MSW landfill unit, Solid Waste Permit No. 588	7,700,000 yd ³				
Landfill Surface and Haul Roads							
P03	---	Landfill surface and haul roads	---	Wet Suppression	---	PM	7/7/03 (as amended 11/13/03, 10/13/04 and 9/30/15)

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

Process Equipment Requirements - (emission unit ID: P01, P03 & PCD-01)

1. **Process Equipment Requirements - (emission unit ID: P01) - Limitations** - The Integrated Solid Waste Management Facility consists of three (3) municipal solid waste (MSW) landfill units that make up P01, with the following capacities:

- Closed MSW Landfill Permit No. 221 – 694,700 cubic yards;
- Active MSW Landfill Permit No. 498 – 1,199,224 cubic yards; and
- Active MSW Landfill Permit No. 588 – 7,700,000 cubic yards.

The total design capacity of the municipal solid waste landfill, P01, is 9,593,924 cubic yards. A change in the design capacity may require a new or amended permit. (9 VAC 5-80-110, 9 VAC 5-50-390, 9 VAC 5-50-410 Subpart WWW, 9 VAC 5-60-100 Subpart AAAA, 40 CFR 60.757(a), 40 CFR 63.1955(a)(1) and Condition 1 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))

2. **Process Equipment Requirements - (emission unit ID: P01, P03 & PCD-01) - Limitations** - The permittee shall construct and operate a landfill gas (LFG) collection and control system which:

- a. Is designed to handle the maximum expected gas flow rate from the entire area of the landfill, P01, that warrants control over the intended use period of the gas control or treatment system equipment;
- b. Collects gas from each area, cell or group of cells where initial solid waste has been in place for a period of:
 - i. Five years or more if active; or,
 - ii. Two years or more if closed or at final grade;
- c. Collects gas at a sufficient extraction rate;
- d. Is operated with each wellhead under negative pressure except as provided in 40 CFR 60.753(b);
- e. Is operated with each interior wellhead in the collection system having a landfill gas temperature less than 55 °C and having either:
 - i. A nitrogen content less than 20% as determined by EPA Method 3C (reference 40 CFR 60, Appendix A) unless an alternative test method is established as allowed by 40 CFR 60.752(b)(2)(i); or

- ii. An oxygen content less than 5% as determined by an oxygen meter using EPA Method 3A or 3C (reference 40 CFR 60, Appendix A) except as specified in 40 CFR 60.753(c)(2), unless an alternative test method is established as allowed by 40 CFR 60.752(b)(2)(i).

A higher operating temperature, nitrogen, or oxygen value at a particular well may be established. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens;

- f. Is designed to minimize off-site migration of subsurface gas;
- g. Routes all collected gas to a control system that complies with the requirements in either i, ii or iii below:
 - i. An open flare designed and operated in accordance with 40 CFR 60.18;
 - ii. A control system designed and operated to reduce non-methane organic compounds (NMOC) by 98 weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by 98 weight-percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume (ppmv), dry basis as hexane at 3 percent oxygen. The reduction efficiency or parts per million volume shall be established by an initial performance test to be completed no later than 180 days after the initial startup of the approved control system using the test methods specified in 40 CFR 60.754(d).
 - (1) If a boiler or process heater is used as the control device, the landfill gas stream shall be introduced into the flame zone.
 - (2) The control device shall be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in Condition 10 of this permit.
 - iii. A treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of Condition 2.g.i or Condition 2.g.ii of this permit; and
- h. Maintains the methane concentration at the surface of the landfill at less than 500 ppmv above the background level.
(9 VAC 5-80-110, 9 VAC 5-50-410 Subpart WWW, 9 VAC 5-60-100 Subpart AAAA, 40 CFR 60.752(b)(2)(ii)(A) and (b)(2)(iii), 40 CFR 60.753 and Condition 2 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))

3. **Process Equipment Requirements - (emission unit ID: P01) - Limitations** - The gas control system shall be in operation at all times when the collected gas is routed to the system. In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within 1 hour.
(9 VAC 5-80-110, 9 VAC 5-50-410 Subpart WWW, 9 VAC 5-60-100 Subpart AAAA, 40 CFR 63.1955(a)(1), 40 CFR 60.753(e) and (f), and Condition 3 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))
4. **Process Equipment Requirements - (emission unit ID: PCD-01) - Limitations** - The open flare shall meet the criteria in 40 CFR 60.18.
(9 VAC 5-80-110, 9 VAC 5-50-410 Subparts A and WWW, 9 VAC 5-60-100 Subpart AAAA, 40 CFR 60.752(b)(2)(iii)(A), 40 CFR 63.1955(a)(1), and Condition 4 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))
5. **Process Equipment Requirements - (emission unit ID: P03) - Limitations** - Fugitive dust controls shall include the following, or equivalent, as approved by DEQ:
 - a. Dust from grading, unit (cell) construction, waste compaction, application of daily cover, storage piles, material handling, load-outs and traffic areas shall be controlled by wet suppression or equivalent control measures (as approved by 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 shall be controlled by wet suppression and prompt removal of dried sediment resulting from soil erosion and dirt spilled or tracked onto paved surfaces within the landfill.
 - 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 to prevent particulate matter from becoming airborne.
(9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-90, 9 VAC 5-50-90 and Condition 5 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))
6. **Process Equipment Requirements - (emission unit ID: PCD-01) - Limitations** - The open flare shall be operated with no visible emissions, as determined by EPA Method 22 (reference 40 CFR 60, Appendix A), except for periods not to exceed a total of five minutes during two consecutive hours. 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 Subparts A and WWW, 9 VAC 5-60-100 Subpart AAAA, 40 CFR 63.1955(a)(1), 40 CFR 60.752(b)(2)(iii)(A) and Condition 10 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))

7. **Process Equipment Requirements - (emission unit ID: P01) - Limitations** - Except where this permit is more restrictive than the applicable requirement, the municipal solid waste landfill shall be constructed and operated in compliance with the requirements of 40 CFR 60, Subpart WWW and 40 CFR 63, Subpart AAAA.
(9 VAC 5-80-110, 9 VAC 5-50-410, 40 CFR 60 Subpart WWW, 40 CFR 63 Subpart AAAA and Condition 12 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))

8. **Process Equipment Requirements - (emission unit ID: P01, P03 & PCD-01) - 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 and process equipment which affect such emissions:
 - 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 such equipment and familiarize the operators with the written operating procedures, prior to their first operation of such equipment. The permittee shall maintain records of the training provided including the name of trainees, the date of training and the nature of the training.
 - e. Develop and implement a written startup, shutdown and malfunction plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown and malfunction, and a program of corrective action for malfunctioning process and air pollution control and monitoring equipment used to comply with the relevant standard.
 - f. During periods of startup, shutdown and malfunction, the permittee shall operate and maintain the affected source (including associated air pollution control and monitoring equipment) in accordance with the procedures specified in the startup, shutdown and malfunction plan.
(9 VAC 5-80-110, 9 VAC 5-50-20 E, 40 CFR 63.1960, 40 CFR 63.10(b)(2)(iii) and Condition 19 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))

9. **Process Equipment Requirements - (emission unit ID: P01 & P03) - Monitoring** - The operation of the gas collection system shall be monitored as follows:
 - a. The following items shall be monitored each month:
 - i. Gauge pressure in the collection header at each individual well.

- ii. LFG temperature in each well.
- iii. Nitrogen concentration or oxygen concentration in each well.
- iv. Cover integrity of the landfill.

- b. The methane concentration at the landfill surface shall be monitored in accordance with 40 CFR 60.755(c), and 40 CFR 60.756(f). All components of the leachate collection system that penetrate the surface of the landfill shall be included in the surface monitoring program.

(9 VAC 5-80-110, 9 VAC 5-50-410 Subpart WWW, 9 VAC 5-60-100 Subpart AAAA, 40 CFR 63.1955(a)(1), 40 CFR 60.755, 40 CFR 60.756(a) and (f) and Condition 6 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))

10. **Process Equipment Requirements - (emission unit ID: P01) - Monitoring** - The operation of the gas control system shall be monitored as follows:

- a. Calibrate, maintain and operate according to manufacturer's specifications a device that records gas flow rate to or bypass of each control device. Gas flow to each control device shall be recorded at least every 15 minutes or each bypass line valve shall be secured in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of each seal or closure mechanism shall be performed at least once every month.
- b. When using an enclosed combustor as a control device: calibrate, maintain and operate according to manufacturer's specifications a temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius or ± 0.5 degrees Celsius, whichever is greater.
- c. When using an open flare as a control device: calibrate, maintain and operate according to the manufacturer's specifications a heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame.

(9 VAC 5-80-110, 9 VAC 5-50-410 Subpart WWW, 9 VAC 5-60-100 Subpart AAAA, 40 CFR 63.1955(a)(1), 40 CFR 60.756(b) and (c), and Condition 7 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))

11. **Process Equipment Requirements - (emission unit ID: P01, P03 & PCD-01) - Monitoring** - If monitoring demonstrates that the requirements of Condition 2 of this permit are not being met, corrective actions shall be taken as specified in 40 CFR 755(a)(3)

through (a)(5) or 40 CFR 60.755(c). If corrective actions are taken as specified in 40 CFR 60.755(c)(4), the monitored exceedance is not a violation of the operational requirements of this permit or 40 CFR 60, Subpart WWW.

(9 VAC 5-80-110, 9 VAC 5-50-410 Subpart WWW, 9 VAC 5-60-100 Subpart AAAA, 40 CFR 63.1955(a)(1), 40 CFR 60.753(g) and Condition 8 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))

12. **Process Equipment Requirements - (emission unit ID: P01 & PCD-01) - Monitoring -**

After the installation of a gas collection and control system in compliance with 40 CFR 60.755, the permittee shall calculate the NMOC emission rate for purposes of determining when the system can be removed as provided in 40 CFR 60.752(b)(2)(v), using the following equation:

$MNMOC = 1.89 \times 10^{-3}(QLFG)(CNMOC)$, where,

MNMOC = mass emission rate of NMOC, megagrams per year,

QLFG = flow rate of landfill gas, cubic meters per minute, and

CNMOC = NMOC concentration, parts per million by volume as hexane.

a. The flow rate of landfill gas, QLFG, shall be determined by measuring the total landfill gas flow rate at the common header pipe that leads to the control device using a gas flow measuring device calibrated according to the provisions of section 4 of 40 CFR Part 60, Appendix A, Method 2E.

b. The average NMOC concentration, CNMOC, shall be determined by collecting and analyzing landfill gas sampled from the common header pipe before the gas moving or condensate removal equipment using the procedures in Method 25C or Method 18 of 40 CFR Part 60, Appendix A. If using 40 CFR Part 60, Appendix A, Method 18, the minimum list of compounds to be tested shall be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42). The sample location on the common header pipe shall be before any condensate removal or other gas refining units. The permittee shall divide the NMOC concentration from 40 CFR Part 60, Appendix A, Method 25C by six to convert from CNMOC as carbon to CNMOC as hexane.

c. The permittee may use another method to determine landfill gas flow rate and NMOC concentration if the method has been approved by the DEQ.

(9 VAC 5-80-110, 9 VAC 5-50-410, 9 VAC 5-60-100 Subpart AAAA, 40 CFR 63.1955(a)(1), 40 CFR 60.754(b) and Condition 11 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))

13. **Process Equipment Requirements - (emission unit ID: PCD-01) - Monitoring -** The permittee shall perform a visible emissions observation on the open flare once each calendar month when the unit is operating. Each visible emissions observation shall be

performed for a sufficient period of time to identify the presence of visible emissions. If visible emissions (condensed water vapor/steam is not a visible emission) are observed during any of the visible emissions observations, the permittee shall take appropriate action to correct the cause of opacity. If such action fails to eliminate visible emissions, the permittee shall conduct a visible emissions observation in accordance with 40 CFR Part 60, Appendix A, Method 22 for a minimum of 6 minutes. If visible emissions are observed within the 6-minute observation period, the Method 22 observation shall continue for two hours to determine compliance with the opacity limit as specified in Condition 6 of this permit. The permittee shall record the details of each visible emissions observation, which shall include, at a minimum, the date and time of the observation, whether there were visible emissions, and any corrective action. The permittee shall record the details of each Method 22 observation, which shall include, at a minimum, data required by 40 CFR Part 60, Appendix A, Method 22.
(9 VAC 5-80-110)

14. **Process Equipment Requirements - (emission unit ID: P01, P03 & PCD-01) - Recordkeeping** - The permittee shall maintain records of all emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall be maintained for each landfill unit and shall include, but are not limited to:
- a. The design capacity report which made applicable 40 CFR 60.752(b), the current amount of solid waste in place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.
 - b. Vendor specifications of each LFG control device.
 - c. Description, location, amount and placement date of all non-degradable refuse, including asbestos and demolition refuse placed in landfill areas which are excluded from landfill gas estimation and landfill gas collection and control.
 - d. Installation date and location of all installed collectors as specified under 40 CFR 60.755(b).
 - e. Plot map showing each existing and planned collector in the gas collection system with each collector uniquely identified.
 - f. The maximum expected LFG generation flow rate as calculated in 40 CFR 60.755(a)(1). Another method may be used to determine the maximum gas generation flow rate, if approved by DEQ.

- g. The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in 40 CFR 60.759(a)(1).
- h. Parameters monitored in Conditions 9 and 10 of this permit and records of operation during which the parameter boundaries established during the most recent performance test are exceeded.
- i. For the open flare: the flare type, all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance tests as specified in 40 CFR 60.18, continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operation during which the pilot flame of the flare flame is absent.
- j. Continuous records of the indication of LFG flow to each control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under Condition 10.a of this permit.
- k. All collection and control system exceedances of the operational standards in 40 CFR 60.753, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.
- l. Age of the landfill.
- m. Scheduled and unscheduled maintenance, operating procedures and operator training as required by Condition 8 of this permit.
- n. The occurrence and duration of each startup, shutdown or malfunction of operation (i.e., process equipment).
- o. The occurrence and duration of each malfunction of the required air pollution control and monitoring equipment.
- p. Actions taken during periods of startup, shutdown and malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) when such actions are different from the procedures specified in the startup, shutdown and malfunction plan.
- q. All information necessary to demonstrate conformance with the startup, shutdown and malfunction plan when all actions taken during periods of startup, shutdown and malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation)

are consistent with the procedures specified in the startup, shutdown and malfunction plan.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years unless otherwise required.

(9 VAC 5-50-50, 9 VAC 5-80-110, 9 VAC 5-50-410 Subpart WWW, 9 VAC 5-60-100 Subpart AAAA, 40 CFR 63.1980(a) and (b), 40 CFR 60.758 and Conditions 13 and 19 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))

15. **Process Equipment Requirements - (emission unit ID: P01, P03 & PCD-01) - Testing -**
The permitted facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time using appropriate methods. Sampling ports shall be provided when requested at the appropriate locations and safe sampling platforms and access shall be provided.
(9 VAC 5-80-110, 9 VAC 5-50-30 F and Condition 9 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))
16. **Process Equipment Requirements - (emission unit ID: P01, P03 & PCD-01) - 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)
17. **Process Equipment Requirements - (emission unit ID: P01, P03 & PCD-01) - Reporting -** As required by 40 CFR 60, Subpart WWW and 40 CFR 63, Subpart AAAA, the permittee shall submit to the Director, Southwest Regional Office a semi-annual compliance report of the collection and control system. The report shall contain the following:
 - a. Value and length of time for exceedance of applicable parameters monitored under 40 CFR 60.756(a), (b), (c) and (d);
 - b. Description and duration of all periods when the gas stream is diverted from each control device through a bypass line or the indication of bypass flow as specified under 40 CFR 60.756;
 - c. Description and duration of all periods when each control device was not operating for a period exceeding one hour and the length of time each control device was not operating;
 - d. All periods when the collection system was not operating in excess of five days;
 - e. The location of each exceedance of the 500 parts per million surface methane concentration, and the concentration recorded at each location for which an exceedance was recorded, as provided in 40 CFR 60.755(c); and

- f. The date of installation and the location of each well or collection system expansion added pursuant to 40 CFR 60.755(a)(3), 40 CFR 60.755(b) and 40 CFR 60.755(c)(4).

Each report shall cover the previous six months period and shall be submitted no later than March 1, and September 1, of each calendar year. One copy of each compliance report shall be submitted to the U.S. Environmental Protection Agency at the following address:

Associate Director
Office of Air Enforcement and Compliance Assistance, 3AP20
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(9 VAC 5-80-110, 9 VAC 5-50-50 H, 9 VAC 5-50-410 Subpart WWW, 9 VAC 5-60-100 Subpart AAAA, 40 CFR 63.1980(a) and (b), 40 CFR 60.757(f) and Condition 14 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))

18. **Process Equipment Requirements - (emission unit ID: P01, P03 & PCD-01) - Reporting** - Any time an action taken by the permittee during a startup, shutdown, or malfunction (including actions to correct a malfunction) is not consistent with the procedures of the startup, shutdown and malfunction plan, and the source exceeds any applicable emission limitation in the relevant emission standard, the permittee shall report the actions taken for the event to the Director, Southwest Regional Office by telephone or facsimile transmission within 2 working days after commencing such actions. The permittee shall report to the Director, Southwest Regional Office by letter, delivered or postmarked within 7 working days after the end of the event, explaining the circumstances of the event, the reasons for not following the startup, shutdown and malfunction plan, and describing all excess emissions and/or parameter monitoring exceedances which are believed to have occurred. The letter shall contain the name, title and signature of the responsible official certifying its accuracy. One copy of each report shall be submitted to the U.S. Environmental Protection Agency at the address indicated in Condition 17 of this permit.
(9 VAC 5-80-110, 9 VAC 5-60-100 Subpart AAAA, 40 CFR 63.1980(b) and 40 CFR 63.10(d)(5)(ii))

19. **Process Equipment Requirements - (emission unit ID: P01, P03 & PCD-01) - Reporting** - The permittee shall submit to the Director, Southwest Regional Office a semi-annual startup, shutdown and malfunction report containing the following:
- a. Actions taken during a startup, shutdown, or malfunction of an affected source (including actions taken to correct a malfunction) that are consistent with the procedures specified in the startup, shutdown and malfunction plan;

- b. Actions taken during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) of an affected source that are not consistent with the procedures specified in the startup, shutdown and malfunction plan, but the source does not exceed any applicable emission limitation in the relevant emission standard;
- c. The number, duration and a brief description of each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded;
- d. The name, title and signature of the responsible official who is certifying the accuracy of the report.

Reports are only required if a startup, shutdown, or malfunction occurred during the reporting period. The startup, shutdown and malfunction report shall be submitted no later than March 1 and September 1 of each calendar year. The time periods to be addressed are January 1 to June 30, and July 1 to December 31. One copy of each report shall be submitted to the U.S. Environmental Protection Agency at the address indicated in Condition 17 of this permit:

(9 VAC 5-80-110, 9 VAC 5-60-100 Subpart AAAA, 40 CFR 63.1980(b) and 40 CFR 63.10(d)(5)(i))

- 20. **Process Equipment Requirements - (emission unit ID: P01, P03 & PCD-01) - Reporting** - Within 30 days of the date the MSW landfill stopped accepting waste, the permittee shall submit a closure report to the Director, Southwest Regional Office. One copy of each report shall be submitted to the U.S. Environmental Protection Agency at the address indicated in Condition 17 of this permit.
(9 VAC 5-80-110, 9 VAC 5-50-410 Subpart WWW, 9 VAC 5-60-100 Subpart AAAA, 40 CFR 63.1980(a), 40 CFR 60.757(d) and Condition 15 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))
- 21. **Process Equipment Requirements - (emission unit ID: P01, P03 & PCD-01) - Reporting** - At least 30 days prior to the removal or cessation of operation of the control equipment, the permittee shall submit an equipment removal report to the Director, Southwest Regional Office. The report shall be submitted in accordance with 40 CFR 60.757(e) and shall demonstrate to the satisfaction of the DEQ that the remaining affected facility will be in compliance with 9 VAC 5-50-260, Standard for stationary sources. One copy of each report shall be submitted to the U.S. Environmental Protection Agency at the address indicated in Condition 17 of this permit.
(9 VAC 5-80-110, 9 VAC 5-50-410 Subpart WWW, 9 VAC 5-60-100 Subpart AAAA, 40 CFR 63.1980(a), 40 CFR 60.757(e) and Condition 16 of 7/7/03 Permit (as amended 11/13/03, 10/13/04 and 9/30/15))

Insignificant Emission Units

22. **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	Pollutant(s) Emitted (9 VAC 5-80-720B)	Rated Capacity (9 VAC 5-80-720C)
P04	Leachate collection and storage	9 VAC 5-80-720 B.	NMOC and VOC	N/A
P05	Tire shredding	9 VAC 5-80-720 B.	PM	N/A
---	Small storage tanks	9 VAC 5-80-720 B.	NMOC and VOC	N/A

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

23. **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 which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
None identified	N/A	N/A

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

24. **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)
25. **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.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
26. **General Conditions - Permit Expiration** - 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.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
27. **General Conditions - Permit Expiration** - 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.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
28. **General Conditions - Permit Expiration** - 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.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
29. **General Conditions - Permit Expiration** - 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 the 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.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
30. **General Conditions - Permit Expiration** - 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)

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

32. **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.
(9 VAC 5-80-110 F)

33. **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; and
 - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - i. Exceedance of emissions limitations or operational restrictions;

- ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - iii. 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)

34. **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 for the period ending December 31. 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. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. 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 the permit may require to determine the compliance status of the source; and

- 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)

35. **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 preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 33 of this permit. (9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)
36. **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)
37. **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)
38. **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 ground 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)

39. **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)
40. **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 5-80-1605, 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)
41. **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)
42. **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)
43. **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)
44. **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 in addition to an annual permit maintenance fee consistent with the requirements of 9 VAC 5-80-2310 through 9 VAC 5-80-2350. 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)

45. **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 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)
46. **General Conditions - Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, and 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 E)
47. **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)

48. **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)

49. **General Conditions - 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 years or more. Such reopening shall be completed no 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. The conditions for reopening a permit are as follows:

- 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)

50. **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)
51. **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)
52. **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)
53. **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)
54. **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 stated in Condition 55 are met.
(9 VAC 5-80-250)
55. **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 requirement under 9 VAC 5-20-180 C.

(9 VAC 5-80-250)

56. **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)
57. **General Conditions - Malfunction as an Affirmative Defense** - The provisions of Conditions 54 - 56 are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-250)
58. **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 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)
59. **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)
60. **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)

61. **General Conditions - Asbestos Requirements** - The permittee shall comply with the requirements of National Emissions 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)
62. **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 by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68. (40 CFR Part 68)
63. **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)
64. **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 5-80-110 I)