



# COMMONWEALTH of VIRGINIA

Douglas W. Domenech  
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY  
Blue Ridge Regional Office  
www.deq.virginia.gov

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Regional Director

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August 11, 2011

Mr. Cory Redifer  
President  
Old Virginia Brick Company, Inc.  
Post Office Box 508  
Salem, Virginia 24153

Location: Salem  
Registration No. 20302  
State-County-Plant No.: 51-775-0001

Dear Mr. Redifer:

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 civil penalty. Please read all conditions carefully.

This approval to operate does not relieve Old Virginia Brick Company – Salem Plant of the responsibility to comply with all other local, state, and federal permit regulations.

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 Pamela J. Derk at 540-562-6732 or by email at [Pamela.Derk@deq.virginia.gov](mailto:Pamela.Derk@deq.virginia.gov). Your dedication to Virginia's environment is appreciated.

Sincerely,



Robert J. Weld  
Regional Director

RJW/pjd/20302 OLD VA BRICK T5 renewal cover letter

Attachments: Title V Permit  
Title V Statement of Basis

cc: Director, OAPP (electronic file submission)  
Manager, Data Analysis (electronic file submission)  
Chief, Air Enforcement Branch (3AP13), U.S. EPA, Region III  
Manager/Inspector, Air Compliance





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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:	Old Virginia Brick Company, Inc.
Facility Name:	Old Virginia Brick Company, Inc.
Facility Location:	2500 West Main Street, Salem, Virginia 24153
Registration Number:	20302
Permit Number:	BRRO-20302

This permit includes the following programs:

- **Federally Enforceable Requirements - Clean Air Act (Sections I through IX)**

August 11, 2011  
Effective Date

Robert J. Weld - Regional Director

August 11, 2016  
Expiration Date

8/11/11

Signature Date

Table of Contents, 2 pages; Permit Conditions, 25 pages

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## **I. Facility Information**

### **Permittee**

Old Virginia Brick Company, Inc.  
Post Office Box 508  
Salem, Virginia 24153

### **Responsible Official**

Mr. Cory Redifer  
President

### **Facility**

Old Virginia Brick Company, Inc. – Salem Plant  
2500 West Main Street  
Salem, Virginia 24153

### **Contact Person**

Mr. Roy Johnson  
Technical Services Manager  
(540) 389-2357

**County-Plant Identification Number:** 51-775-00001

**Facility Description:** NAICS code 327331 – Brick manufacturing. This plant primarily manufactures common face bricks, as well as small amounts of glazed brick and specially-shaped brick. DEQ's files indicate the plant has been a registered source since 1972, and in operation since 1890.

## II. 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
<b>Fuel Burning Equipment</b>							
SD	02	Plant 3 gas-fired sand dryer (rotary dryer); 1987	0.875 MMBtu/hr	Torit Model TT770 baghouse (serial BB1919; 1987)	02	PM / PM10	10/2/87
DRY3	13-15	Plant 3 gas-fired batch drying ovens (3 ovens); 1987	4 MMBtu/hr input				
DRY4	16-19	Plant 4 gas-fired batch drying ovens (2 ovens / 2 stacks each); 1960	4 MMBtu/hr input				
KIL3	09-10	Plant 3 gas-fired tunnel kiln; 1960	26 MMBtu/hr input				9/13/04
KIL4	11-12	Plant 4 gas-fired kiln dryer and tunnel kiln; 1965	26 MMBtu/hr input				9/13/04
<b>Process Equipment</b>							
CRSC	01	Clay crushing, screening & storage equipment: McLanahan 30x42 jaw crusher, belt conveyors, screens & covered storage tank; pre-1972	32 tons/hr & 100,000 tons/yr raw material output	Donaldson Baghouse; date unknown	01	PM/PM10	
SD	02	Maxon gas-fired sand dryer (rotary dryer); 1987	2 tons/hr sand input	Torit Model TT770 baghouse (serial BB 1919); 1987	02	PM/PM10	10/2/87
DG	02 (Ball Mill & Fluidizer)	Drying and Grinding Equipment (sand plant); elevator, scalping screen, ball mill, fluidizer; unknown mfg. & date.	2 tons/hr sand output	Torit Model TT770 baghouse (serial BB 1919); 1987	02	PM/PM10	10/2/87
BM	02	Blending & mixing equipment (sand plant); weight batcher, blender, fluidizer; unknown mfg. & date.	2 tons/hr sand output	Torit Model TT770 baghouse (serial BB 1919); 1987	02	PM/PM10	10/2/87
BM	03-06 (4 silos only)	4 silos, 2 receivers (sand plant); unknown mfg. & date.	2 tons/hr sand output	4 Griffin 361S bin vent baghouses (one for each silo); 1987	03. 04. 05. 06	PM / PM10	10/2/87

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
DRY3	13-15	Plant 3 gas-fired batch drying ovens (3 ovens); 1987	17.5 tons/hr wet brick input to DRY3 & 120,000 tpy input to both DRY3 & DRY4				
MOLD3	07	Plant 3 brick molding machine 1987	17.5 tons/hr wet brick input to DRY3 & 120,000 tpy input to both DRY3 & DRY4	Baghouse; unknown mfg. & date	07	PM / PM10	
DRY4	16-19	Plant 4 gas-fired batch drying ovens (2 ovens, with 2 stacks each); 1965	19 tons/hr wet brick input to DRY4 & 120,000 tpy input to both DRY3 & DRY4				
MOLD4	08	Plant 4 brick molding machine; 1965	19 tons/hr wet brick input to DRY4 & 120,000 tpy input to both DRY3 & DRY4	Torit baghouse; 2000	08	PM/PM10	
KIL3	09-10	Plant 3 gas-fired tunnel kiln; 1960	200 tons/24 hr cycle dry brick output from KIL3; 100,000 tons/yr output from both Kilns (KIL3 & KIL4)				9/13/2004
KIL4	11-12	Plant 4 gas-fired tunnel kiln; 1965	200 tons/24 hr cycle dry brick output from KIL3; 100,000 tons/yr output from both Kilns (KIL3 & KIL4)				9/13/2004

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

### III. Fuel Burning Equipment Requirements – (emission unit ID#s SD, DRY3, DRY4, KIL3 and KIL4)

#### A. Limitations

1. The approved fuel for the sand dryer, batch drying ovens and tunnel kilns is natural gas. A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-110 and Condition 6 of the 9/13/04 Permit)

2. Emissions from the operation of the sand dryer (SD) shall not exceed the limits specified below:

PM-10	1.7	lbs/hr	1.8	tons/yr
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Annual emissions from the sand dryer shall be calculated as the sum of each consecutive twelve (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 5-50-260, 9 VAC 5-80-110 and Condition 5 of the 10/2/87 Permit)

3. Emissions from the operation of each tunnel kiln (KIL3 & KIL4) shall not exceed the limits specified below:

Particulate Matter	11.4	lbs/hr
PM-10	11.4	lbs/hr
Sulfur Dioxide	8.0	lbs/hr
Nitrogen Oxides (as NO <sub>2</sub> )	4.2	lbs/hr
Carbon Monoxide	14.3	lbs/hr
Volatile Organic Compounds	0.3	lbs/hr
Lead	1.8 x 10 <sup>-3</sup>	lbs/hr
Hydrogen Fluoride	4.4	lbs/hr
Hydrogen Chloride	2.0	lbs/hr

These emissions are derived from the estimated overall contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers III.B.1 and IV.A.3 of this permit.

(9 VAC 5-40-260, 9 VAC 5-40-280, 9 VAC 5-80-110 and Condition 7 of the 9/13/04 Permit)

4. Emissions from the operation of the two tunnel kilns (combined) (KIL3 & KIL4) shall not exceed the limits specified below:

Particulate Matter	57.6	tons/yr
PM-10	57.6	tons/yr
Sulfur Dioxide	40.2	tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )	21.0	tons/yr
Carbon Monoxide	72.0	tons/yr
Volatile Organic Compounds	1.4	tons/yr
Lead	9.0 x 10 <sup>-3</sup>	tons/yr
Hydrogen Fluoride	22.2	tons/yr
Hydrogen Chloride	10.2	tons/yr

These emissions are derived from the estimated overall contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers III.B.1. and IV.A.4. of this permit.

(9 VAC 5-40-260, 9 VAC 5-40-280, 9 VAC 5-80-110 and Condition 8 of the 9/13/04 Permit)

5. Visible Emissions from the sand dryer and related equipment (emissions units SD, DG & BM) shall not exceed five percent (5%) opacity as determined by EPA Method 9 (reference 40 CFR 60 – Appendix A).  
(9 VAC 5-50-260, 9 VAC 5-80-110 and Conditions 5 and 6 of 10/2/87 Permit)
6. Visible Emissions from the batch drying ovens (emission units DRY3) shall not exceed twenty percent (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 thirty percent (30%) opacity.  
(9 VAC 5-50-80 and 9 VAC 5-80-110)
7. Visible Emissions from the batch drying ovens (emission units DRY4) shall not exceed twenty percent (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 sixty percent (60%) opacity.  
(9 VAC 5-40-80 and 9 VAC 5-80-110)
8. Visible Emissions from the tunnel kilns (emission units KIL3 and KIL4) shall not exceed twenty percent (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 sixty percent (60%) opacity.  
(9 VAC 5-40-80, 9 VAC 5-80-110 and Condition 10 of the 9/13/04 permit)

9. Sand dryer, batch drying ovens and kiln emissions shall be controlled by proper operation and maintenance. Operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at a minimum.

(9 VAC 5-80-110)

#### **B. Recordkeeping**

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Blue Ridge Regional Office. These records shall include, but are not limited to:
  - a. The monthly annual throughput of natural gas (in million cubic feet) to the two tunnel kilns (combined). The annual throughput shall be calculated monthly as the sum of each consecutive twelve (12) month period.
  - b. Method 22 visual observations and Method 9 visible emissions evaluations conducted pursuant to Condition number V.A.1. of this permit.
  - c. The pollutant-specific emission factors relied upon for the purpose of calculating actual emissions rates, and associated equations.

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

(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition 11 of the 9/13/04 permit)

2. The permittee shall maintain records of the required training (Condition III.A.9.) including a statement of time, place and nature training provided. The permittee shall have available good written operating procedures and a maintenance schedule. 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)

#### **C. Testing**

1. 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 shall be provided at the appropriate locations.

(9 VAC 5-40-30, 9 VAC 5-50-30 and 9 VAC 5-80-110)

2. 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)



40 CFR 60, Appendix A) except during one six-minute period in any one hour in which visible emissions shall not exceed thirty percent (30%) opacity.

(9 VAC 5-50-80 and 9 VAC 5-80-110)

## **B. Monitoring**

1. Fabric Filters – Each fabric filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter when the fabric filter is in operation. The device shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times when the fabric filter is in operation.  
(9 VAC 5-50-80 and 9 VAC 5-80-110)
2. Operation and Maintenance Procedures – 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. Develop an inspection schedule, monthly at a minimum, to insure the operational integrity of the air pollution control equipment and maintain records of inspection results.
  - c. Have available written operating procedures for the air pollution control equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
  - d. Train operators in the proper operation of all air pollution control 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 nature of the training.
  - e. Maintain an inventory of spare parts that are needed in order to maintain the air pollution control equipment in proper working order.

Records of maintenance, inspections and training shall be maintained on site for a period of five (5) years and shall be made available to DEQ personnel upon request.  
(9 VAC 5-40-20, 9 VAC 5-50-20 and 9 VAC 5-80-110)

## **C. Recordkeeping**

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of

such records shall be arranged with the Director, Blue Ridge Regional Office. These records shall include, but are not limited to:

- a. Hourly throughput of bricks to DRY3 and DRY4;
- b. Hourly production of fired bricks from each kiln, calculated monthly as a 12-month rolling average as defined in Condition Number IV.A.3. of this permit;
- c. Annual production of fired bricks from both kilns (combined), calculated monthly as the sum of each consecutive 12-month period;
- d. The monthly throughput of sand to the sand dryer;
- e. The annual throughput of sand to the dryer, calculated monthly as the sum of each consecutive 12-month period;
- f. A written log of weekly pressure drop readings from each fabric filter for each week the fabric filter is in operation, pursuant to Condition IV.B.1. of this permit;
- g. Method 22 visual observations and Method 9 visible emissions evaluations conducted pursuant to Condition number V.A.1. of this permit; and
- h. The pollutant-specific emission factors relied upon for the purpose of calculating actual emission rates, and associated equations.

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

(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition 11 of the 9/13/04 Permit)

## **V. Facility Wide Conditions**

### **A. Monitoring**

1. Visible Emissions – Each emission unit with a visible emission requirement in this permit shall be observed visually at least once per calendar week in which the emission unit operates. The visual observations shall be conducted using 40 CFR 60 Appendix A. Method 22 techniques (condensed water vapor / steam is not a visible emission) for at least 15 seconds to only identify the presence of visible emissions. Each emission unit in the Method 22 technique observation having visible emissions shall be evaluated by conducting a 40 CFR 60 Appendix A Method 9 visible emissions evaluation (VEE) for at least six (6) minutes, unless corrective action is taken that achieves no visible emissions. 40 CFR 60 Appendix A Method 9 requires the observer to have a Method 9 certification that is current at the time of the VEE. If any of these six (6) minute VEE averages exceed the unit's opacity limitation, a VEE

shall be conducted on these emissions for at least 3 six-minute periods (at least 18 minutes). All visible emission observations, VEE results, and corrective actions taken shall be recorded.

(9 VAC 5-80-110E)

## **B. Testing**

1. The permittee shall develop and implement an annual sampling program of the feed material for each kiln. The collected sample shall be representative of input to each kiln, and the permittee shall analyze the sample for total sulfur and fluorine content using methods specified in the approved sampling program. Initial sampling shall begin within 180 days of the effective date of this permit, with subsequent sampling annually. The sampling program shall be submitted to the Air Compliance Manager, Blue Ridge Regional Office, for review and approval prior to commencement of the sampling program. The sampling program shall be submitted within 90 days after the effective date of this permit. Failure to complete sampling as identified in the approved plan may be considered a violation of this permit. The DEQ may request additional sampling at any time.

(9 VAC 5-80-110)

2. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. This includes constructing the facility such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and providing stack or duct that is free from cyclonic flow. Upon request from the Department, test ports shall be provided at the appropriate locations.

(9 VAC 5-40-30, 9 VAC 5-50-30, 9 VAC 5-80-110 and Condition 3 of the 9/13/04 Permit)

3. 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)

## **C. Recordkeeping**

1. The permittee shall keep records of the origin and components of raw material used for brick formation for the sampling program as stated in Condition V.B.1. Records including the approved sampling program, sample identification, and sampling results shall be maintained on site for inspection by the DEQ, and shall be kept on-site for a minimum of five years.

(9 VAC 5-40-20 and 9 VAC 5-80-110)

**D. Reporting**

1. The permittee shall submit one copy of report results from the annual sampling program as stated in Condition V.B.1. to the Air Compliance Manager, Blue Ridge Regional Office, The results shall be submitted no more than 60 days after the completion of the corresponding four consecutive week sampling period, with data reported and reduced as approved by appropriate methods.

(9 VAC 5-40-50 and 9 VAC 5-80-110)

**VI. 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 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
	None identified			

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.

**VII. 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
9 VAC 5-40 Article 8	Existing Source Standards for Existing Fuel Burning Units	Not applicable - Kilns not a fuel burning unit or installation by definition.
9 VAC 5-40 Article 14	Existing Source Standards for Existing Stone and Gravel Processing Operations	Not applicable – not a stone and gravel processing facility by definition.
40 CFR Part 64	Compliance Assurance Monitoring	Not applicable – does not meet applicability criteria 64.2(b).

40 CFR 60.670 et. seq.	NSPS OOO	Not applicable – equipment pre-dates NSPS 1983 applicability date.
40 CFR 60.730 et. seq.	NSPS Subpart UUU	Not applicable to wet-formed brick. Sand dryer manufactured in 1972.

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)

## VIII. General Conditions

### A. 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)

### B. 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.

1. 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.
2. 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.
3. 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.
4. 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.
5. 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)

**C. Recordkeeping and Reporting**

1. 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)
2. 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)
3. 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 purpose 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 (CAM) 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)

#### **D. 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:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. 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.
6. Such other facts as the permit may require to determine the compliance status of the source.
7. 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)

#### **E. Permit Deviation Reporting**

The permittee shall notify the Director, Blue Ridge 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. [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. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VIII.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

#### **F. 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, Blue Ridge 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, Blue Ridge Regional Office.

(9 VAC 5-20-180 C)

#### **G. 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)

#### **H. 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)

#### **I. 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)

**J. 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)

**K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.

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

**L. Duty to Submit Information**

1. 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)

2. 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)

**M. 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.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

**N. 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:

1. 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;
2. 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;
3. 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;
4. 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,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

**O. 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 and 9 VAC 5-40-20 E)

**P. 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)

**Q. 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:

1. 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.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. 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)

#### **R. 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.

1. 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.
2. 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.
3. 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)

#### **S. 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)

**T. Transfer of Permits**

1. 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)
2. 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)
3. 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)

**U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. 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.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. 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)

#### **V. 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)

#### **W. 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)

#### **X. 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)

#### **Y. 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)

**Z. 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)

**AA. 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)

**BB. 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:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. 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.
3. 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)

