



COMMONWEALTH of VIRGINIA

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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: Hooker Furniture Corp.
Facility Name: Sam Moore Furniture LLC
Facility Location: 1556 Dawn Drive
Bedford, Virginia
Registration Number: 30072
Permit Number: BRRO-30072

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Pages 5 through 35)

December 17, 2013
Effective Date

December 16, 2018
Expiration Date

Regional Director

December 17, 2013
Signature Date

Table of Contents, 1 page
Permit Conditions, Pages 5 through 35

Table of Contents

FACILITY INFORMATION	3
EMISSION UNITS	4
PROCESS EQUIPMENT REQUIREMENTS – FINISHING OPERATION (F003).....	5
LIMITATIONS.....	5
MONITORING	5
RECORDKEEPING.....	7
PROCESS EQUIPMENT REQUIREMENTS – GLUING STATIONS (G006)	7
LIMITATIONS.....	7
MONITORING	8
RECORDKEEPING.....	9
MACT SUBPART JJ – WOOD FURNITURE MANUFACTURING OPERATIONS.....	9
EMISSION STANDARD.....	10
CONTINUOUS COMPLIANCE	11
TESTING.....	13
SUBMITTALS	13
OPERATION AND MAINTENANCE.....	14
WORK PRACTICE STANDARDS	14
RECORDKEEPING.....	19
NOTIFICATION OF COMPLIANCE.....	21
REPORTING	22
FACILITY WIDE CONDITIONS	22
INSIGNIFICANT EMISSION UNITS	24
PERMIT SHIELD & INAPPLICABLE REQUIREMENTS.....	24
GENERAL CONDITIONS	25

Facility Information

Permittee

Hooker Furniture Corp.
440 E. Commonwealth Blvd.
Martinsville, VA 24112

Facility

Sam Moore Furniture LLC
1556 Dawn Drive
Bedford, Virginia

Contact Person

Randy Goad
Safety/Environmental Manager
540-586-8253

County-Plant Identification Number: 51-019-0006

Facility Description: NAICS 337121 - NAICS Code: 337122 – Non-upholstered Wood Household Furniture Manufacturing.

The facility is a “Title V by rule” source. The source received a State Operating Permit on April 15, 2013 limiting their criteria pollutant and Hazardous Air Pollutant (HAP) emissions to below the major source¹ thresholds. The finishing and gluing operations at the facility were subject to MACT JJ – Wood Furniture Manufacturing Operations prior to the source receiving the permit to limit their emissions and continue to be subject to MACT JJ under the EPA’s “Once In/Always In”² policy for facilities subject to a MACT. Virginia regulations (9 VAC 5-80-110.A.2) states that for any source other than a major source subject to this article [Federal Operating Permits for Stationary Sources], the board shall include in the permit all applicable requirements that apply to emissions units that cause the source to be subject to this article. Sam Moore Furniture LLC is not a major source and the finishing and gluing operations are the only emission units that cause the source to be subject to Title V permitting.

¹ “Major Source” is defined in 9 VAC 5-80-60.

² EPA’s March 16, 1995, “Potential to Emit for MACT Standards Guidance on Timing Issues”

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 Dates
Finishing Operations							
F003	S003-008 & S013-021	Eight spray booths; four conventional spray guns, 76 HVLP guns, 18 airless guns and 3 steam heated ovens	21.1 gallons/hr	Overspray particulate control.	-	PM/PM-10	October 26, 2001 minor NSR Permit Document and April 15, 2013 State Operating Permit Document.
Gluing Stations							
G006	S011 & S012	Two (2) hooded glue spraying stations; HVLP spray guns.	2 gallons/hr	Overspray particulate control.	-	PM/PM-10	April 15, 2013 State Operating Permit Document

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

Process Equipment Requirements – Finishing Operation (F003)

Limitations

1. **Finishing Operation (F003) - Limitations** – Particulate emissions from the spray booths shall be controlled by fiberglass filters, or equivalent. The finishing operation shall be provided with adequate access for inspection.
(9 VAC 5-80-110 and Condition 3 of the October 26, 2001 Permit Document)
2. **Finishing Operation (F003) - Limitations** – Visible emissions from the finishing operation spray booths shall not exceed five (5) percent opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).
(9 VAC 5-80-110 and Condition 10 of the October 26, 2001 Permit Document)
3. **Finishing Operation (F003) - Limitations** – Volatile Organic Compound emissions from the spray booths shall be minimized by proper spraying technique, the use of HVLP and air assisted airless spray equipment.
(9 VAC 5-80-110 and Condition 5 of the October 26, 2001 Permit Document)
4. **Finishing Operation (F003) - Limitations** – Emissions from the operation of the finishing spray booths shall not exceed the limits specified below:

Particulate Matter (PM) 3.5 lb/hr 8.9 tons/yr
(Condition 6 of the October 26, 2001 Permit Document)

PM-10 3.5 lb/hr 8.9 tons/yr
(Condition 6 of the October 26, 2001 Permit Document)

Volatile Organic Compounds 94.0 tons/yr
(Condition 8 of the April 15, 2013 Permit Document)

(9 VAC 5-80-110)

Monitoring

5. **Finishing Operation (F003) - Monitoring** – The finishing operation spray booths shall be equipped with devices to continuously measure the differential pressure drop across the filters. The devices 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.
(9 VAC 5-80-110 and Condition 3 of the October 26, 2001 Permit Document)
6. **Finishing Operation (F003) – Visible Emissions Monitoring** - At least one time per day an observation of the presence of visible emissions from each spray booth, that operates that day, shall be made. The presence of visible emissions shall require the permittee to:

- a. take timely corrective action such that the unit resumes operation with no visible emissions, or,
- b. conduct a visible emission evaluation (VEE), in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six (6) minutes, to assure visible emissions from the affected area are 5 percent opacity or less. If any of the 15-second observations exceeds 5 percent opacity, the observation period shall continue for a total of sixty (60) minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the equipment resumes operation with visible emissions less than or equal to 5 percent opacity.

The permittee shall maintain an observation log to demonstrate compliance. The logs shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action, and the name of the observer. If a spray booth was not operated for any period during the day, it shall be noted in the log book.

(9 VAC 5-80-110 and Condition 9 of the October 26, 2001 Permit Document)

7. **Finishing Operation (F003) – Operation & Maintenance Procedures** – The permittee shall take the following measure 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 nonscheduled maintenance.
 - b. Maintain an inventory of spare parts that are needed to minimize durations of air pollution control equipment breakdowns.
 - 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 the nature of the training.

Records of maintenance and training shall be maintained on site for a period of five (5) years and shall be made available to the DEQ personnel upon request.

(9 VAC 5-80-110, and Conditions 17 and 18 of the October 26, 2001 Permit Document)

Recordkeeping

8. **Finishing Operation (F003) – Recordkeeping** – 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 Blue Ridge Regional Office. These records shall include, but are not limited to:
- A monthly and annual material balance including the throughput and emissions of VOC and PM. Annual throughput and emissions shall be calculated monthly as the sum of each consecutive 12 month period. The consecutive 12-month period sums 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. PM emissions shall be based on 50% transfer efficiency and 85% control efficiency. (Condition 13a of the October 26, 2001 Permit Document and Condition 11e of the April 15, 2013 Permit Document)
 - Records documenting the information (e.g. emission factors, transfer and control efficiencies) used in the calculations used to show compliance with the emission limits contained in this permit.
 - Records of visual observations of the spray booths, including corrective actions or Method 9 observations if opacity was observed, as required by Condition 6.
 - Records of maintenance, inspections and training for the glue spray stations as required by Condition 7.

(9 VAC 5-80-110)

Process Equipment Requirements – Gluing Stations (G006)

Limitations

9. **Gluing Stations (G006) - Limitations** – Visible emissions from each of the glue spraying station exhausts shall not exceed twenty (20) percent except during one six-minute period in any one hour in which visible emissions shall not exceed sixty (60) percent opacity. (9 VAC 5-40-80 and 9 VAC 5-80-110)
10. **Gluing Stations (G006) - Limitations** – Emissions from the operation of the Gluing Stations (G006) shall not exceed the limits specified below:

Volatile Organic Compounds	4.8 tons/yr
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These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence

of the exceedance of emission limits. Compliance with this emission limit may be determined as stated in Condition 13.

(9 VAC 5-80-110 and Condition 7 of the April 15, 2013 Permit Document)

Monitoring

11. **Gluing Stations (G006) – Visible Emissions Monitoring** - At least one time per day an observation of the presence of visible emissions from each glue spray station, that operates that day, shall be made. The presence of visible emissions shall require the permittee to:
- a. take timely corrective action such that the unit resumes operation with no visible emissions, or,
 - b. conduct a visible emission evaluation (VEE), in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six (6) minutes, to assure visible emissions from the affected area are 20 percent opacity or less. If any of the 15-second observations exceeds 20 percent opacity, the observation period shall continue for a total of sixty (60) minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the equipment resumes operation with visible emissions less than or equal to 20 percent opacity.

The permittee shall maintain an observation log to demonstrate compliance. The logs shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action, and the name of the observer. If a glue spray station was not operated for any period during the day, it shall be noted in the log book.

(9 VAC 5-80-110 E)

12. **Gluing Stations (G006) – Operation & Maintenance Procedures** – The permittee shall take the following measure 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 nonscheduled maintenance.
 - b. Maintain an inventory of spare parts that are needed to maintain the air pollution control equipment in proper working order.
 - 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 the nature of the training.

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

Recordkeeping

13. **Gluing Stations (G006) – Recordkeeping** – 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 Blue Ridge Regional Office. These records shall include, but are not limited to:
 - a. Monthly and annual material balance for the glues applied on G006 including the throughput, transfer efficiency, and emissions of VOC to show compliance with Condition 10. Annual throughput and emissions shall be calculated monthly as the sum of each consecutive 12 month period. The consecutive 12-month period sums 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.
(Condition 11d of the April 15, 2013 Permit Document)
 - b. Records documenting the information (e.g. emission factors, transfer and control efficiencies) used in the calculations used to show compliance with the emission limits contained in this permit.
 - c. Records of visual observations of the glue stations, including corrective actions or Method 9 observations if opacity was observed, as required by Condition 11.
 - d. Records of maintenance and training for the glue spray stations as required by Condition 12.

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 5-80-110)

MACT Subpart JJ – Wood Furniture Manufacturing Operations

14. **MACT Subpart JJ** - The facility is to be operated in compliance with Federal requirements under 40 CFR Part 63 Subpart JJ, including future revisions. All terms used regarding 40 CFR 63 Subpart JJ shall have the meanings as defined in 40 CFR 63.801 and 40 CFR 63.2.
(9 VAC 5-60-100, 9 VAC 5-80-110, 40 CFR 63 Subpart A and 40 CFR 63.800)

Emission Standard

15. **MACT Subpart JJ – Emission Standard - Volatile Hazardous Air Pollutant (VHAP)** emissions from the facility shall not exceed the following limits:
- a. For finishing operations use any of the following methods:
 - i. Achieve a weighted average VHAP content across all coatings of 1.0 lb VHAP/lb solids, as applied;
 - ii. Use compliant finishing materials that meet the following specifications:
 - (a) Each sealer and topcoat has a VHAP content of no more than 1.0 lb VHAP/lb solids, as applied;
 - (b) Each stain has a VHAP content of no more than 1.0 lb VHAP/lb solids, as applied;
 - (c) Each thinner contains no more than 10.0 percent VHAP by weight except where excluded by (e) of this sub-section. For purposes of calculating thinner content of this section, VHAP equals HAP;
 - (d) Each washcoat, basecoat, and enamel that is purchased pre-made, that is, it is not formulated onsite by thinning another finishing material, has a VHAP content of no more than 1.0 lb VHAP/lb solids, as applied;
 - (e) Each washcoat, basecoat, and enamel that is formulated onsite is formulated using a finishing material containing no more than 1.0 lb VHAP/lb solids and a thinner containing no more than 3.0 percent VHAP by weight;
 - iii. Use any combination of averaging and compliant coatings such that no greater than 1.0 lb of VHAP being emitted per lb of solids used;
 - b. For cleaning operations strippable spray booth coatings shall be used that contain no more than 0.8 lb VOC/lb solids, as applied;
 - c. Compliant contact adhesives shall be used based on the following criteria:
 - i. For aerosol adhesives, as well as hot melt, PVA, and urea-formaldehyde adhesives, and for contact adhesives applied to nonporous substrates there is no limit on the VHAP content of these adhesives;
 - ii. For foam adhesives used in products that meet flammability requirements the VHAP content can be no more than 1.8 lb VHAP/lb solids, as applied;

- iii. For all other contact adhesives the VHAP content can be no more than 1.0 lb VHAP/lb solids, as applied;
- d. By November 21, 2014 limit formaldehyde emissions in all Finishing Operations and Contact Adhesives by complying with the provisions specified in either of the following methods:
 - i. Limit total formaldehyde (F_{total}) use in coatings and contact adhesives to no more than 400 pounds per rolling 12 month period;
 - ii. Use coatings and contact adhesives only if they are low-formaldehyde coatings and contact adhesives, in any wood furniture manufacturing operations.

(9 VAC 5-60-100, 9 VAC 5-80-110 and 40 CFR 63.802)

Continuous Compliance

16. **MACT Subpart JJ – Continuous Compliance** – Continuous compliance with the VHAP emissions limits shall be determined as follows (See Conditions 22 and 23 for content and timing of report submissions and signature requirements.):

- a. For finishing operations when averaging is being used to show continuous compliance, the permittee shall submit the results of the averaging calculation (Equation 1) for each month within that semiannual period and submitting a compliance certification with the semiannual report. The compliance certification shall state that the value of (E), as calculated by Equation 1, is no greater than 1.0. The facility is in violation of the standard if E is greater than 1.0 for any month. A violation of the monthly average is a separate violation of the standard for each day of operation during the month, unless the affected source can demonstrate through records that the violation of the monthly average can be attributed to a particular day or days during the period.

$$E = \frac{(M_{c1}C_{c1} + M_{c2}C_{c2} + * * * + M_{cn}C_{cn} + S_1W_1 + S_2W_2 + * * * + S_nW_n)}{(M_{c1} + M_{c2} + * * * + M_{cn})} \text{ Equation 1}$$

E = the emission limit achieved by an emission point or a set of emission points, in lb VHAP/lb solids.

M_c = the mass of solids in a finishing material or coating (c) used monthly, including exempt finishing materials and coatings, lb solids/month.

C_c = the VHAP content of a finishing material or coating (c), in pounds of VHAP per pound of coating solids.

S = the VHAP content of a solvent, expressed as a weight fraction, added to finishing materials or coatings.

W = the amount of solvent, in pounds, added to finishing materials and coatings during the monthly averaging period.

The Emission Limit (E in lb VHAP / lb solids) equals the sum, for all finishing materials and coatings, of the mass of solids in each material used within that month (M_c in lb solids / month) multiplied by the VHAP content in each material (C_c in lb VHAP / lb solids) plus the sum, for all solvents, of the mass of solvent used monthly (W in lb solvent / month) multiplied by the weight fraction of VHAP in the solvent (S in lb VHAP / lb solvent), with this total being divided by the sum, for all finishing materials and coatings, of the mass of solids in each finishing material and coating used within that month (M_c in lb solids / month).

- b. For finishing operations when compliant coatings are being used to show continuous compliance, the permittee shall use compliant coatings and thinners, maintain records that demonstrate the finishing materials and thinners are compliant, and submit a compliance certification with the semiannual report which states that compliant stains, washcoats, sealers, topcoats, basecoats, enamels, and thinners, as stated in Condition 15, have been used each day in the semiannual reporting period or should otherwise identify the periods of noncompliance and the reasons for noncompliance. The facility is in violation of the standard whenever a noncompliant coating, as demonstrated by records or by a sample of the coating, is used.
- c. For contact adhesive operations when compliant adhesives are being used to show compliance, the permittee shall submit a compliance certification with the semiannual report. The compliance certification shall state that compliant contact and/or foam adhesives have been used each day in the semiannual reporting period, or should otherwise identify each day noncompliant contact and/or foam adhesives were used. Each day a noncompliant contact or foam adhesive is used is a single violation of the standard.
- d. For strippable spray booth coatings the permittee shall submit a compliance certification with the semiannual report. The compliance certification shall state that compliant strippable spray booth coatings have been used each day in the semiannual reporting period, or should otherwise identify each day noncompliant materials were used. Each day a noncompliant strippable booth coating is used is a single violation of the standard.
- e. For work practice standards the permittee shall submit a compliance certification with the semiannual report. The compliance certification shall state that the work practice implementation plan is being followed, or should otherwise identify the provisions of the plan that have not been implemented and each day the provisions were not implemented. During any period of time that the permittee is required to implement

the provisions of the plan, each failure to implement an obligation under the plan during any particular day is a violation and the Administrator may require the permittee to modify the plan (see Condition 20.a).

- f. For formaldehyde emissions the permittee shall demonstrate compliance by one of the following methods:
- i. Calculate total formaldehyde emissions from all finishing materials and contact adhesives used at the facility using Equation 5 and maintain a value of F_{total} no more than 400 pounds per rolling 12 month period.

Equation 5

$$F_{total} = (C_{f1}V_{c1} + C_{f2}V_{c2} + * * * + C_{fn}V_{cn} + G_{f1}V_{g1} + G_{f2}V_{g2} + * * * + G_{fn}V_{gn})$$

- ii. Use of coatings and contact adhesives only if they are low-formaldehyde coatings and adhesives maintaining a certified product data sheet for each coating and contact adhesive used as required by §63.806(b)(1), and submitting a compliance certification with the semiannual report required by §63.807(c).

The compliance certification shall state that low-formaldehyde coatings and contact adhesives, as applicable, have been used each day in the semiannual reporting period or should otherwise identify the periods of noncompliance and the reasons for noncompliance. An affected source is in violation of the standard whenever a coating or contact adhesive that is not low-formaldehyde, as demonstrated by records or by a sample of the coating or contact adhesive, is used. Use of a noncompliant coating or contact adhesive is a separate violation for each day the noncompliant coating or contact adhesive is used.

The compliance certification shall be signed by a responsible official that owns or operates the affected source.

(9 VAC 5-60-100, 9 VAC 5-80-110, 40 CFR 63.8 and 40 CFR 63.804(g) and (h))

Testing

17. **MACT Subpart JJ – Testing** - If compliance testing is conducted the tests shall be conducted using the test methods and procedures as specified in 40 CFR 63.805 of Subpart JJ.
(9 VAC 5-60-100, 9 VAC 5-80-110 and 40 CFR 63.805)

Submittals

18. **MACT Subpart JJ – Submittals** - All submittals regarding 40 CFR 63, Subpart JJ to the Administrator shall be sent to EPA Region III and the Blue Ridge Regional Office at the following addresses:

U.S. Environmental Protection Agency, Region III
Air Protection Division (3AP00)
Attn: Wood Furniture NESHAP Coordinator
1650 Arch Street
Philadelphia, PA 19103-2029

Virginia Department of Environmental Quality
Blue Ridge Regional Office
Attn: Air Compliance Manager
3019 Peters Creek Road
Roanoke, VA 24019

(9 VAC 5-60-100, 9 VAC 5-80-110 and 40 CFR 63.13)

Operation and Maintenance

19. **MACT Subpart JJ – Operations and Maintenance** - The permittee shall meet the following operation and maintenance requirements:

- a. At all times, including periods of startup, shutdown, and malfunction, the permittee shall operate and maintain the facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by all relevant standards.
- b. Malfunctions shall be corrected as soon as practicable after their occurrence.
- c. Operation and maintenance requirements established pursuant to section 112 of the Clean Air Act are enforceable independent of emissions limitations or other requirements in relevant standards.
- d. Determination of whether operation and maintenance procedures are being used will be based on information available to the DEQ which may include, but is not limited to, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(9 VAC 5-60-100, 9 VAC 5-80-110 and 40 CFR 63.6(e))

Work Practice Standards

20. **MACT Subpart JJ – Work Practice Standards** - The permittee shall develop and implement the following work practice standards:

- a. Work practice implementation plan –

- i. The permittee shall prepare and maintain a written work practice implementation plan that defines environmentally desirable work practices for the finishing and gluing operations and addresses each of the work practice standards presented in Conditions b. through l. that follows. The plan shall be developed no more than 60 days after the compliance date.
 - ii. The written work practice implementation plan shall be available for inspection by the Administrator upon request. If the Administrator determines that the work practice implementation plan does not include sufficient mechanisms for ensuring that the work practice standards are being implemented, the Administrator may require the permittee to modify the plan. Revisions or modifications to the plan do not require a revision of the source's Title V permit.
 - iii. The inspection and maintenance plan required by Condition c. and the formulation assessment plan for finishing operation required by Condition l. are also reviewable by the Administrator.
- b. Operator training course – The permittee shall train all new and existing personnel, including contract personnel, who are involved in finishing, gluing, cleaning, and washoff operations, use of manufacturing equipment in these operations, or implementation of the requirements of 40 CFR Part 63 Subpart JJ. All new personnel shall be trained upon hiring. All existing personnel shall be trained within six months of the compliance date. All personnel shall be given refresher training annually. The permittee shall maintain a copy of the training program with the work practice implementation plan. The training program shall include, at a minimum, the following:
- i. A list of all current personnel by name and job description that are required to be trained;
 - ii. An outline of the subjects to be covered in the initial and refresher training for each position or group of personnel;
 - iii. Lesson plans for courses to be given at the initial and the annual refresher training that include, at a minimum, appropriate application techniques, appropriate cleaning and washoff procedures, appropriate equipment setup and adjustment to minimize finishing material usage and overspray, and appropriate management of cleanup wastes, and
 - iv. A description of the methods to be used at the completion of initial or refresher training to demonstrate and document successful completion.
- c. Inspection and maintenance plan – The permittee shall prepare and maintain with the work practice implementation plan a written leak inspection and maintenance plan that specifies:

- i. A minimum visual inspection frequency of once per month for all equipment used to transfer or apply coatings, adhesives, or organic HAP solvents;
 - ii. An inspection schedule;
 - iii. Methods for documenting the date and results for each inspection and any repairs that were made;
 - iv. The timeframe between identifying the leak and making the repair, which adheres, at a minimum, to the following schedule:
 - (a) A first attempt at repair (e.g., tightening of packing glands) shall be made no later than five calendar days after the leak is detected; and
 - (b) Final repairs shall be made within 15 calendar days after the leak is detected, unless the leaking equipment is to be replaced by a new purchase, in which case repairs shall be completed with three months.
- d. Cleaning and washoff solvent accounting system – The permittee shall develop an organic HAP solvent accounting form to record:
- i. The quantity and type of organic HAP solvent used each month for washoff and cleaning, as defined in 40 CFR 63.801;
 - ii. The number of pieces washed off, and the reason for the washoff; and
 - iii. The quantity of spent organic HAP solvent generated from each washoff and cleaning operation each month, and whether it is recycled onsite or disposed offsite.
- e. Chemical composition of cleaning and washoff solvents – The permittee shall not use cleaning or washoff solvents that contain any of the pollutants listed in Table 4 of 40 CFR Part 63 Subpart JJ, in concentrations subject to MSDS reporting as required by OSHA.
- f. Spray booth cleaning – The permittee shall not use compounds containing more than 8.0 percent by weight of VOC for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, or metal filters, or plastic filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is the spray booth coating or other protective material used to cover the booth is being replaced, the permittee shall use no more than 1.0 gallon of organic HAP solvent per booth to prepare the surface of the booth prior to applying the booth coating.

- g. Storage requirements – The permittee shall use normally closed containers for storing finishing, gluing, cleaning, and washoff materials.
- h. Application equipment requirements – As of November 21, 2014, each owner or operator shall not use conventional air spray guns except when all emissions from the finishing application station are routed to a functioning control device. Prior to November 21, 2014, the permittee may use conventional air spray guns to apply finishing materials only under any of the following circumstances:
 - i. To apply finishing materials that have a VOC content no greater than 1.0 lb VOC/lb solids, as applied;
 - ii. For touchup and repair under the following conditions:
 - (a) The touchup and repair occurs after completion of the finishing operation; or
 - (b) The touchup and repair occurs after the application of stain and before the application of any other type of finishing material, and materials used for touchup and repair are applied from a container that has a volume of no more than 2.0 gallons.
 - iii. When spray is automated, that is, the spray gun is aimed and triggered automatically, not manually;
 - iv. When emissions from the finishing application station are directed to a control device;
 - v. The conventional air gun is used to apply finishing materials and the cumulative total usage of that finishing material is no more than 5.0 percent of the total gallons of finishing material used during that semiannual period; or
 - vi. The conventional air gun is used to apply stain on a part for which it is technically or economically infeasible to use any other spray application technology. The permittee shall demonstrate technical or economic unfeasibility by submitting to the Administrator a videotape, a technical report, or other documentation that supports the permittee's claim of technical or economic unfeasibility. The following criteria shall be used, either independently or in combination, to support the permittee's claim of technical or economic unfeasibility:
 - (a) The production speed is too high or the part shape is too complex for one operator to coat the part and the application station is not large enough to accommodate an additional operator; or

- (b) The excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.
- i. Line cleaning – The permittee shall pump or drain all organic HAP solvent used for line cleaning into a normally closed container.
- j. Gun cleaning - The permittee shall collect all organic HAP solvent used to clean spray guns into a normally closed container.
- k. Washoff operations - The permittee shall control emissions from washoff operations by:
 - i. Using normally closed tanks for washoff; and
 - ii. Minimizing dripping by tilting or rotating the part to drain as much solvent as possible.
- l. Formulation assessment plan for finishing operations - The permittee shall prepare and maintain with the work practice implementation plan a formulation assessment plan that:
 - i. Identifies VHAP from the list presented in Table 5 of 40 CFR Part 63 Subpart JJ that are being used in finishing operations;
 - ii. Establishes a baseline level of usage for each VHAP identified. The baseline usage level shall be the highest annual usage from 1994, 1995, or 1996, for each VHAP identified, except for formaldehyde and styrene which shall be determined as specified by 40 CFR 63.803 (1)(2).

For VHAPs that do not have a baseline, one will be established according to Condition (vi) below.
 - iii. Tracks the annual usage of each VHAP identified that is present in amounts subject to MSDS reporting as required by OSHA.
 - iv. If the annual usage of the VHAP identified exceeds its baseline level, then the permittee shall provide a written notification to the Blue Ridge Regional Office that describes the amount of the increase and explains the reasons for exceedance of the baseline level. The following explanations would relieve the owner or operator from further action, unless the affected source is not in compliance with any State regulations or requirements for that VHAP:
 - (a) The exceedance is no more than 15.0 percent above the baseline level;

- (b) Usage of the VHAP is below the *de minimis* level presented in Table 5 of 40 CFR Part 63 Subpart JJ for that VHAP;
 - (c) The affected source is in compliance with its State's air toxic regulations or guidelines for the VHAP; or
 - (d) The source of the pollutant is a finishing material with a VOC content of no more than 1.0 lb VOC/lb solids, as applied.
- v. If none of the explanations listed in Condition 20.1.iv are the reasons for the increase, the permittee shall confer with the Blue Ridge Regional Office, to discuss the reason for the increase and whether there are practical and reasonable technology-based solutions for reducing the usage. The evaluation of whether a technology is reasonable and practical shall be based on cost, quality, and marketability of the product, whether the technology is being used successfully by other wood furniture manufacturing operations, or other criteria mutually agreed upon by the Blue Ridge Regional Office, and the owner or operator. If there are no practical and reasonable solutions, the facility need take no further action. If there are solutions, the owner or operator shall develop a plan to reduce the usage of the pollutant to the extent feasible. The plan shall address the approach to be used to reduce emissions, a timetable for implementing the plan, and a schedule for submitting notification of progress.
- vi. If the permittee uses a VHAP of potential concern listed in Table 6 of 40 CFR Part 63 Subpart JJ for which a baseline level has not been previously established, then the baseline level shall be established as the *de minimis* level provided in that same table for that chemical. The permittee shall track the annual usage of each VHAP of potential concern identified that is present in amounts subject to MSDS reporting as required by OSHA. If usage of the VHAP of potential concern exceeds the *de minimis* level listed in Table 6 of 40 CFR Part 63 Subpart JJ for that chemical, then the permittee shall provide an explanation to the Blue Ridge Regional Office that documents the reason for the exceedance of the *de minimis* level. If the explanation is not one of those listed in Condition 20.1.iv, the affected source shall follow the procedures established in Condition 20.1.iv.

(9 VAC 5-60-100, 9 VAC 5-80-110 and 40 CFR 63.803(a-1))

Recordkeeping

21. **MACT Subpart JJ – Recordkeeping** - The permittee shall maintain records of the following:
- a. For emission limit purposes, the permittee shall maintain the following:

- i. A certified product data sheet for each finishing material, thinner, contact adhesive, and strippable spray booth coating subject to the emission limits in Condition 15,
 - ii. The VHAP content, in lb VHAP/lb solids, as applied, of each finishing material and contact adhesive subject to the emission limits in Condition 15.a and 15.c; and
 - iii. The VOC content, in lb VOC/lb solids, as applied, of each strippable booth coating subject to the emission limits in Condition 15.b.
 - iv. The formaldehyde content, in lb/gal, as applied, of each finishing material and contact adhesive subject to the emission limits in Condition 15.d and chooses to comply with the 400 lb/yr limits on formaldehyde in Condition 15.d.
- b. Following the averaging method the permittee shall maintain copies of the averaging calculation for each month following the compliance date, as well as the data on the quantity of coatings and thinners used that is necessary to support the calculation of E in Equation 1.
- c. The permittee shall maintain onsite the work practice implementation plan and all records associated with fulfilling the requirements of that plan, including, but not limited to:
- i. Records demonstrating that the operator training program required by Condition 20.b is in place;
 - ii. Records collected in accordance with the inspection and maintenance plan required by Condition 20.c;
 - iii. Records associated with the cleaning solvent accounting system required by Condition 20.d;
 - iv. Records associated with the limitation on the use of conventional air spray guns showing total finishing material usage and the percentage of finishing materials applied with conventional air spray guns for each semiannual period required by Condition 20.h;
 - v. Records associated with the formulation assessment plan required by Condition 20.i; and
 - vi. Copies of documentation such as logs developed to demonstrate that the other provisions of the work practice implementation plan are followed.

- d. The permittee shall maintain records of the compliance certifications submitted for each semiannual period following the compliance date.
- e. The permittee shall maintain records of all other information submitted with the compliance status report and the semiannual reports.
- f. The permittee shall maintain files of all information (including all reports and notifications) required, recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be retained on site. The remaining three (3) years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.

(9 VAC 5-60-100, 9 VAC 5-80-110, 40 CFR 63.10(b)(1) and 63.806)

Notification of Compliance

22. **MACT Subpart JJ – Notification of Compliance** - Each time a notification of compliance status is required, the permittee shall submit to the Blue Ridge Regional Office, a notification of compliance status, signed by a responsible official of the company that owns or operates the facility who shall certify its accuracy, attesting to whether the source has complied with 40 CFR Part 63 Subpart JJ. The notification shall list:

- a. The methods that were used to determine compliance;
- b. The results of any performance tests, opacity or visible emission observations, and/or other monitoring procedures or methods that were conducted;
- c. The methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods;
- d. The type and quantity of hazardous air pollutants emitted by the source, reported in units and averaging times and in accordance with the test methods specified;
- e. An analysis demonstrating whether the facility is a major source or an area source (using the emissions generated for this notification);
- f. A statement by the permittee as to whether the facility has complied with Subpart JJ as expressed in this permit.

(9 VAC 5-60-100, 9 VAC 5-80-110 and 40 CFR 63.9(h))

Reporting

23. **MACT Subpart JJ – Reporting** - Reporting not otherwise required by this permit shall consist of the following:
- a. The permittee when demonstrating continuous compliance shall submit a semi-annual report covering the previous six (6) months of wood furniture manufacturing operations:
 - i. The time periods to be addressed are the calendar months January through June and July through December. The reports shall be submitted no later than 30 calendar days after the end of each 6-month period.
 - ii. The semiannual reports shall include the information required by Condition 16, a statement of whether the facility was in compliance or noncompliance, and, if the facility was in noncompliance, the measures taken to bring the facility into compliance.
 - iii. The frequency of the reports required by Condition a. above shall not be reduced from semiannually regardless of the history of the owner's or operator's compliance status.
 - b. The permittee, when required to provide a written notification by Condition 20.i.iv for exceedance of a baseline level, shall include in the notification one or more statements that explains the reasons for the usage increase. The notification shall be submitted no later than 30 calendar days after the end of the annual period in which the usage increase occurred.

Copies of reports shall be submitted to the U.S. Environmental Protection Agency and Virginia DEQ at the addresses given in Condition 18.
(9 VAC 5-60-100, 9 VAC 5-80-110 and 40 CFR 63.10(d) & 63.807)

Facility Wide Conditions

24. **Facility Wide Conditions - Limitations** - Total emissions from the upholstered household furniture manufacturing facility shall not exceed the limits specified below:

Volatile Organic Compounds	99.8 tons/year
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These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition 26.

(9 VAC 5-80-110 and Condition 9 of the April 15, 2013 Permit Document)

25. **Facility Wide Conditions - Limitations** - Hazardous air pollutant (HAP) emissions, as defined by §112(b) of the Clean Air Act, from the upholstered household furniture manufacturing facility shall not exceed 9.5 tons per year of any individual HAP or 24.5 tons per year of any combination, calculated monthly as the sum of each consecutive 12 month period. HAPs which are not accompanied by a specific CAS number shall be calculated as the sum of all compounds containing the named chemical when determining compliance with the individual HAP emissions limitation of 9.5 tons per year. Compliance with these emission limits may be determined as stated in Condition 26.
(9 VAC 5-80-110 and Condition 10 of the April 15, 2013 Permit Document)
26. **Facility Wide Conditions - Recordkeeping** - The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Blue Ridge Regional Office. These records shall include, but are not limited to:
- a. Monthly and annual emissions to verify compliance with the facility wide VOC emission limitation in Condition 24. Annual emissions shall be calculated monthly as the sum of each consecutive 12 month period. The consecutive 12-month period sum 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.
(Condition 11 of the April 15, 2013 Permit Document)
 - b. Monthly and annual emissions to verify compliance with the individual and total HAP emission limitations in Condition 25. Annual emissions shall be calculated monthly as the sum of each consecutive 12 month period. The consecutive 12-month period sums 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. (Condition 11 of the April 15, 2013 Permit Document)
 - c. Records documenting the information (e.g. emission factors, control efficiencies) used in the calculations used to show compliance with the emission limits contained in this permit.
- 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 5-80-110)
27. **Facility Wide Conditions - Testing** - The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30, 9 VAC 5-80-110 and Condition 4 of the October 26, 2001 Permit Document)

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

Insignificant Emission Units

29. **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)
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.

Permit Shield & Inapplicable Requirements

30. **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		

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

31. **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)
32. **General Conditions – Maintenance/Operating Procedures** – At all times, including periods of start-up, shutdown, soot blowing, and malfunction, the permittee shall, to the extent practicable, maintain and operate the affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions.
(9 VAC 5-50-20 E, 9 VAC 5-80-110 and Condition 15 of the April 15, 2013 Permit Document)
33. **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)
34. **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)
35. **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)
36. **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)
37. **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)

38. **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)
39. **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)
40. **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)
41. **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)

42. **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)

- 43. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the Director, Blue 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 41 of this permit. (9 VAC 5-80-110 F.2, 9 VAC 5-80-250 and Condition 16 of the October 26, 2001 Permit Document)
- 44. **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, Blue 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 Regional Office. (9 VAC 5-20-180 C, 9 VAC 5-80-110 and Condition 13 of the April 15, 2013 Permit Document)
- 45. **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)
- 46. **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)

47. **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)
48. **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)
49. **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)
50. **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)
51. **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)
52. **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, 9 VAC 5-80-2340 B and Condition 21 of the October 26, 2001 Permit Document)

53. **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 5-40-90, 9 VAC 5-50-90 and 9 VAC 5-80-110)

54. **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 5-40-20 E, 9 VAC 5-50-20 E and 9 VAC 5-80-110)

55. **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)

56. **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, Condition 15 of the October 26, 2001 Permit Document and Condition 12 of the April 15, 2013 Permit Document)

57. **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)

58. **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)
59. **General Conditions – Permit Copy** – The permittee shall keep a copy of the October 26, 2001 permit document and the April 15, 2013 permit document on the premises of the facility to which it applies.
(9 VAC 5-80-110, Condition 22 of the October 26, 2001 Permit Document and Condition 18 of the April 15, 2013 Permit Document)
60. **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)
61. **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, Condition 20 of the October 26, 2001 Permit Document and Condition 17 of the April 15, 2013 Permit Document)
62. **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)
63. **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 64 are met.
(9 VAC 5-80-250)
64. **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)

65. **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)
66. **General Conditions - Malfunction as an Affirmative Defense** - The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-250)
67. **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, 9 VAC 5-80-260, Condition 14 of the October 26, 2001 Permit Document and Condition 16 of the April 15, 2013 Permit Document)
68. **General Conditions – Violation of Ambient Air Quality Standard** – The permittee shall, upon request of the DEQ, reduce the level of operation or shut down the facility, as

necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.
(9 VAC 5-20-180 I, 9 VAC 5-80-110 and of the April 15, 2013 Permit Document)

69. **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 and 9 VAC 5-80-110)
70. **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)
71. **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)
72. **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)
73. **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)
74. **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)