

## **Federal Operating Permit Article 3**

This permit is based upon Federal Clean Air Act acid rain permitting requirements of Title IV, federal operating permit requirements of Title V; and Chapter 80, Article 3 and Chapter 140 of the State Air Pollution Control Board 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, 9 VAC 5-80-360 through 9 VAC 5-80-700, and 9 VAC 5-140-10 through 9 VAC 5-140-900 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:	Dominion
Facility Name:	VEPCo-Mecklenburg Power Station
Facility Location:	204 Co-Gen Drive, Clarksville, Virginia 23927
Registration Number:	30861
Permit Number:	SCRO30861

This permit includes the following programs:

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

**Federally Enforceable Requirements - Title IV Acid Rain (Section XIII)**

**Federally Enforceable Requirements - NO<sub>x</sub> Budget Trading Requirements (Section XIV)**

**Federally Enforceable Requirements - Clean Air Interstate Rule (Section XV)**

December 27, 2006

Effective Date

December 26, 2011

Expiration Date

November 19, 2007

Minor Modification Date

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Regional Director, South Central Regional Office

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Permit Conditions, 39 pages

Attachment A, CAM plan, 1 page

Attachment B, Title IV, Phase II Acid Rain Permit including the NO<sub>x</sub> Compliance Plan, 11 pages

Attachment C, CAIR Permit, 7 pages

Dominion - Mecklenburg Power Station

Permit Number SCRO30861

Signature Date: November 19, 2007

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## **I. Facility Information**

### **Permittee**

Dominion  
5000 Dominion Boulevard  
Glenn Allen, VA 23060

### **Responsible Official**

Donnie C. Craft  
Station Director

### **Acid Rain Designated Representative**

J. David Rives  
Vice President - Fossil & Hydro System Operations  
USEPA ATS-AAR ID # 2920

### **NO<sub>x</sub> Budget Trading Authorized Account Representative**

J. David Rives  
USEPA AAR ID # 2099

### **Facility**

VEPCo-Mecklenburg Power Station  
204 Co-Gen Drive  
Clarksville, Virginia 23927

### **Contact Person**

Cathy C. Taylor  
Director, Electric Environmental Services  
804-273-2929

**County-Plant Identification Number:** 51-117-0051

**ORIS Code:** 52007

NATS Facility ID Number: 052007000001, 052007000002

**Facility Description:** NAICS 221112 – Mecklenburg Power Station (Mecklenburg) combusts coal in pulverized coal-fired boilers to generate steam and electricity for sale.

## 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>							
U-1	1/2/A	Foster-Wheeler coal/distillate oil-fired, dry bottom boiler, 1991	834.5x10 <sup>6</sup> BTU/hr (heat input at 114% of max. continuous rating)	ABB Flakt Model #HP-266-15, 10 zone, 3.4:1 air/cloth ratio, 213,078 acfm 1 fabric filter, 1991	U1FF	PM, PM-10	3/24/03
				ABB Flakt Project # 718, 63.1 gallons/min of lime/ash slurry, 92% efficiency flue gas desulfurization, 1991	U1FGD	SO <sub>2</sub> , H <sub>2</sub> SO <sub>4</sub> , fluoride	
				Foster Wheeler, low NOx and advance over-fire air burner, design emission rating of 0.33 lbs/10 <sup>6</sup> Btu, 1991	U1 LNBOF A	NOx	
U-2	1/2/A	Foster-Wheeler coal/distillate oil-fired, dry bottom boiler, 1991	834.5x10 <sup>6</sup> BTU/hr (heat input at 114% of max. continuous rating)	ABB Flakt Model #HP-266-15, 10 zone, 3.4:1 air/cloth ratio, 213,078 acfm 1 fabric filter, 1991	U2FF	PM, PM-10	3/24/03
				ABB Flakt Project # 718, 63.1 gallons/min of lime/ash slurry, 92% efficiency flue gas desulfurization, 1991	U2FGD	SO <sub>2</sub> , H <sub>2</sub> SO <sub>4</sub> , fluoride	
				Foster Wheeler, low NOx and advance over-fire air burner, design emission rating of 0.33 lbs/10 <sup>6</sup> Btu, 1991	U2 LNBOF A	NOx	
A	1/2/A	Zurn Industries distillate oil-fired auxiliary boiler, 1991	94.86 x 10 <sup>6</sup> BTU/hr (heat input)	none	none	none	3/24/03

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>Coal Handling and Storage</b>							
C-1	fugitive	Active and inactive coal storage piles	Active-23,000 tons and inactive-54,000 tons	Wet suppression	none	PM, PM10	3/24/03
C-2	C2BH	Pennsylvania Crusher coal crusher, 1991	450 ton/hr	DCE Model #DLMV30/15F6 fabric filter, 1991	C2BH	PM, PM10	3/24/03
C-3	fugitive	Detroit Stoker railcar unloading building, 1991	450 ton/hr	Wet suppression	none	PM, PM10	3/24/03
C-4	fugitive	Detroit Stoker belt conveyors from railcar unloading to crusher and from crusher to coal stockpile, 1991	450 ton/hr	Wet suppression	none	PM, PM10	3/24/03
C-5	fugitive	Detroit Stoker belt conveyors from coal stockpile to coal bunker, 1991	2 @250 ton/hr	Wet suppression	none	PM, PM10	3/24/03
C-6a	C6BH	6 - Detroit Stoker coal bunkers, 1991	235 tons, each	6 - DCE Model #DLMV9/15F1 fabric filters, 1991	C6BH	PM, PM10	3/24/03
C-6b	fugitive	6 - Williams Crusher coal pulverizers	16 ton/hr, each	Enclosure	none	PM, PM10	3/24/03

<b>Emission Unit ID</b>	<b>Stack ID</b>	<b>Emission Unit Description</b>	<b>Size/Rated Capacity</b>	<b>Pollution Control Device (PCD) Description</b>	<b>PCD ID</b>	<b>Pollutant Controlled</b>	<b>Applicable Permit Date</b>
<b>Lime Handling System</b>							
LS-1	LS-1	Chemco lime storage silo, 1991	178-ton	DCE Model #DLMV9/15K3 fabric filter, 1994	LS1BH	PM, PM10	3/24/03
LS-2	LS-2	Chemco lime storage silo, 1991	178-ton	DCE Model #DLMV9/15K3 fabric filter, 1994	LS2BH	PM, PM10	3/24/03
<b>Ash Handling System</b>							
A-1	A-1	Detroit Stoker boiler ash silo, 1991	1,000-ton	Beckert & Hiester Model 4-160-16-845-2G fabric filter, 1991	A1BH	PM, PM10	3/24/03
A-6a	A-6a	Detroit Stoker recycle ash silo, 1991	49-ton	Flex Clean Model #58-BVBS-16 fabric filter bin vent, 1991	A6aBH	PM, PM10	3/24/03
A-7a	fugitive	Detroit Stoker ash truck loading, 1991	120 ton/hr	Wet suppression and/or total enclosure with closed loop air system	none	PM, PM10	3/24/03
A-8	fugitive	Ash Tech bottom ash conveying, storage, and truck loading, 1991	20 ton/hr	Wet suppression and/or total enclosure with closed loop air system	none	PM, PM10	3/24/03
<b>Distillate Oil Storage Tank</b>							
FOST	fugitive	Unknown, 1991	90,000-gal	None	none	VOC	3/24/03

### III. Primary Boiler Requirements - (Ref. No. U1 and U2)

#### A. Limitations

1. Table III.A.1 Boilers U1 and U2

Unit ID	Condition No.	PM-10 <sup>1</sup>		NOx <sup>1</sup>		SO <sup>2</sup> <sup>1</sup>		CO <sup>1</sup>		VOC <sup>1</sup>		HF	H <sub>2</sub> SO <sub>4</sub>
		lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/day	lb/day
U-1	SPC #17	15.0	NA	275.4	NA	143.5	NA	166.9	NA	2.3	NA	11.7	266.5
U-2	SPC #17	15.0	NA	275.4	NA	143.5	NA	166.9	NA	2.3	NA	11.7	266.5
U1 & U2	SPC #18	NA	120.8	NA	2,013.3	NA	859.0	NA	1342.2	NA	18.1	N/A	N/A

<sup>1</sup>Ton/yr calculated monthly as the sum of each consecutive twelve month period.

(9 VAC 5-80-490 B&C, Specific Permit Conditions (SPC) #17 and #18 of permit dated 3/24/03)

2. Table III.A.2 Primary Boiler Emission Limits (Ref. No. U1, U2)

Regulated Pollutant	Limitation/Standard		Applicable Requirement
	BACT Limit	NSPS Standard/Limit	
PM	0.020 lb/10 <sup>6</sup> Btu	0.03 lb/10 <sup>6</sup> Btu	SPC #17 dated 3/24/2003
PM-10	0.018 lb/10 <sup>6</sup> Btu	N/A	SPC #17 dated 3/24/2003
Opacity	10% opacity, with 1-6 min/hr >10%but 27%	20% opacity, with 1-6 min/hr >20%but < 27%	SPC #20 dated 3/24/2003
SO <sub>2</sub>	0.172 lb/10 <sup>6</sup> Btu rolling 30 day average	1.20 lb./10 <sup>6</sup> Btu rolling 30 day average	SPC #17 dated 3/24/2003
SO <sub>2</sub>	2,503 lbs per 3-hour	N/A	SPC #32 dated 3/24/2003
NOx	0.33 lb/10 <sup>6</sup> Btu rolling 30 day average	0.60 lb./10 <sup>6</sup> Btu rolling 30 day average	SPC #17 dated 3/24/2003
CO	0.20 lb/10 <sup>6</sup> Btu	N/A	SPC #17 dated 3/24/2003
VOC	0.0027 lb/10 <sup>6</sup> Btu	N/A	SPC #17 dated 3/24/2003

(9 VAC 5-50-260, 9 VAC 5-80-490 B&C and 40 CFR 60 Subpart Da)

#### B. Primary Boiler Specific Permit Conditions

- The approved operating fuels for the primary boilers (Ref. No. U1 & U2) are bituminous coal and distillate oil. Distillate oil is defined as oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396 "Standard Specification for Fuel Oils". A change in fuel may require a permit to modify and operate.

(9 VAC 5-80-490 B&C and SPC #24 from permit dated 3/24/03)

2. The annual consumption of coal in primary boilers (Ref. No. U1 & U2) shall not exceed 536,884 tons, calculated monthly as the sum of each consecutive 12 month period.  
(9 VAC 5-80-490 B&C and SPC #16 of the permit dated 3/24/03)
3. The maximum sulfur content of the coal shall not exceed 1.3% by weight per shipment.  
(9 VAC 5-80-490 B&C and SPC # 25 of the permit dated 3/24/03)
4. The maximum sulfur content of the distillate oil shall not exceed 0.3% by weight per shipment.  
(9 VAC 5-80-490 B&C and SPC # 27 of the permit dated 3/24/03)
5. The maximum annual average sulfur content of the distillate oil shall not exceed 0.2% by weight, calculated monthly as the average of each consecutive 12 month period.  
(9 VAC 5-80-490 B&C and SPC #28 of the permit dated 3/24/03)
6. Particulate emissions from the primary coal boilers (Ref. No. U1 & U2) shall be controlled by a fabric filter rated at 99.9 percent (99.9%) control efficiency. The fabric filters may be bypassed during distillate oil boiler start-ups to alleviate potential moisture damage to fabric filters at low start-up temperatures. The fabric filters shall be provided with adequate access for inspection.  
(9 VAC 5-80-490 B&C and SPC #4 of the permit dated 3/24/03)
7. Sulfur dioxide emissions from the primary coal boilers (Ref. No. U1 & U2) shall be controlled by water-lime injection spray dryer and fabric filter combination having a minimum of 92 percent control efficiency.  
(9 VAC 5-80-490 B&C and SPC # 6 of the permit dated 3/24/03)
8. The maximum SO<sub>2</sub> emissions from the primary coal boilers (Ref. No. U1 & U2) shall not exceed 2,503 pounds per 3 hours. The 3 hour SO<sub>2</sub> emissions shall be calculated from data obtained from the SO<sub>2</sub> continuous emissions monitoring system (CEMS) and stack gas flowmeter in accordance to the provisions of 40 CFR 75 Appendix F.  
(9 VAC 5-80-490 B&C and SPC # 32 of the permit dated 3/24/03)
9. Nitrogen oxide emissions from the primary coal boilers (Ref. No. U1 & U2) shall be controlled by low NO<sub>x</sub> burners and advance overfire air system.  
(9 VAC 5-80-490 B&C and SPC #7 of the permit dated 3/24/03)
10. The visible emissions from the primary boiler (Ref. No. U1 & U2) stack (Ref. No. 1 / 2 / A) shall not exceed ten (10) percent opacity, except during one (1) six (6) minute period per hour which shall not exceed twenty-seven (27) percent opacity as

determined by EPA Method 9 (reference 40 CFR 60 Appendix A), except during periods of startup, shutdown, or malfunction.

(9 VAC 5-80-490 B&C and SPC #20 from permit dated 3/24/03)

11. The permittee shall minimize the carbon monoxide and volatile organic compound emissions from the primary boilers by proper maintenance and good operating procedures. The permittee shall maintain records of scheduled and non-scheduled maintenance to the primary boilers.

(9 VAC 5-80-490)

12. Except where the permit requirements are more restrictive than the applicable NSPS requirements, the primary boilers (Ref. No. U1 & U2) shall comply with the provision of 40 CFR 60 Subpart Da and 40 CFR 60 Subpart A.

(9 VAC 5-80-490)

13. Air pollutant emissions from the primary boilers (Ref. No. U1 & U2) shall be controlled by good operating practices.

(9 VAC 5-80-490 B&C, and SPC #35 of the permit dated 3/24/03 )

### **C. Primary Boiler Performance Testing**

1. At a frequency not to exceed five years, the permittee shall conduct a stack test for particulate matter from one of the primary boilers (Ref. No. U1 and U2) to demonstrate compliance with the pound per million Btu (heat input) emission limit contained in Table III.A.2 of this permit. The initial test shall be performed within 180 days after the effective date of this permit.
2. The test shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30. The details of the tests shall be arranged with the South Central Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the South Central Regional Office within 60 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-80-490 E&F)

### **D. Primary Boiler Monitoring**

1. A continuous emission monitoring system (CEMS) consisting of a NO<sub>x</sub> monitor and an oxygen or carbon dioxide monitor shall be used to monitor the two 834.5 x 10<sup>6</sup> Btu/hr primary boiler's (Ref. No. U1 and U2) NO<sub>x</sub> emissions. The monitoring system shall comply with the provisions of 40 CFR 60 Subpart Da and 40 CFR 60 Subpart A.

(9 VAC 5-80-490 and SPC #29 of permit dated 3/24/03)

2. A continuous emission monitoring system (CEMS) consisting of a SO<sub>2</sub> monitor on the inlet and outlet of the flue gas desulfurization system shall be used to monitor the two 834.5 x 10<sup>6</sup> Btu/hr primary boiler's (Ref. No. U1 and U2) SO<sub>2</sub> emissions and flue gas desulfurization efficiency. The monitoring system shall comply with the provisions of 40 CFR 60 Subpart Da and 40 CFR 60 Subpart A.  
(9 VAC 5-80-490 and SPC #29 of permit dated 3/24/03)
3. A continuous opacity monitoring system (COMS) shall be used to monitor the two primary boilers (Ref. No. U1 and U2). The monitoring system shall comply with the provisions of 40 CFR Subpart 60 Da and 40 CFR 60 Subpart A.  
(9 VAC 5-80-490 E and SPC #29 of permit dated 3/24/03)
4. A flowmeter shall be used to measure the stack gas airflow from the two primary boilers (Ref. No. U1 and U2). The stack gas flowmeter shall be installed, operated, and maintained in accordance with the provisions of 40 CFR 75 Appendices A and B, with the exception that the relative accuracy test audit (RATA) be performed at least once every four (4) consecutive calendar quarters.  
(9 VAC 5-80-490 E and SPC #32 of permit dated 3/24/03)
5. The boiler continuous emissions monitors required by this permit are subject to such data capture requirements and/or quality assurance requirements as may be deemed appropriate by the Board (refer to 40 CFR 60.13 and Appendices B and F).  
(9 VAC 5-80-490 E and SPC #33 of permit dated 3/24/03)
6. Each fabric filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. 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.  
(9 VAC 5-80-490 E and SPC #4 of permit dated 3/24/03)
7. The permittee shall conduct monitoring of the primary boilers (Ref. No. U1 and U2), using COMS as specified in the Compliance Assurance Monitoring (CAM) Plan (Attachment A).  
(9 VAC 5-80-490 E and 40 CFR 64.3(d))

#### **E. Primary Boiler Reporting**

1. The permittee shall submit reports in accordance with 40 CFR 60 Subpart Da and 40 CFR Subpart A.
2. The permittee shall submit stack gas flowmeter reports as required by 40 CFR 75 Appendices A and B.

(9 VAC 5-80-490 F and SPC #31 of permit dated 3/24/03)

3. The permittee shall submit applicable monitoring that satisfies the design requirements in 40 CFR 64.3 and general reporting requirements of the CAM plan per 40 CFR 64.9.

The information listed above may be included in the reports required by Condition XII.C.3.

(9 VAC 5-80-490 and 40 CFR 64.9)

#### **F. Primary Boiler Recordkeeping**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the South Central Regional Office. These records shall include, but are not limited to:

1. Consumption of bituminous coal (in tons) for each primary boiler (Ref. No. U1 & U2) on a monthly and annual basis. Annual consumption is calculated monthly as the sum of each consecutive twelve month period.
2. All coal shipments purchased, indicating the maximum sulfur and ash content of each coal shipment.
3. Annual SO<sub>2</sub> emissions in tons. The CEMS shall be used to determine compliance with the annual SO<sub>2</sub> emission standards basis in accordance with Table III.A.1. Annual SO<sub>2</sub> emissions are to be calculated monthly as the sum of each consecutive twelve month period.
4. Annual NO<sub>x</sub> emissions in tons. The CEMS shall be used to determine compliance with the annual NO<sub>x</sub> emission standards basis in accordance with Table III.A.1. Annual NO<sub>x</sub> emissions are to be calculated monthly as the sum of each consecutive twelve month period.
5. Gallons of distillate oil consumed in each primary boiler (Ref. No. U1 & U2) on a monthly and annual basis. Annual consumption is to be calculated monthly as the sum of each consecutive twelve month period.
6. All reports required by 40 CFR 60 Subpart Da and 40 CFR 60 Subpart A. The permittee shall maintain records of the pollutant-specific emission factors, "F" factor, and the equations used to determine compliance to lb/10<sup>6</sup> Btu emission limits.
7. All stack gas flowmeter reports required by 40 CFR 75 Appendices A and B.
8. Records of malfunctions of equipment which would cause a violation of any part of this permit.

9. Records of scheduled and unscheduled maintenance to the boilers or burners.
10. All fuel supplier certifications.
11. Documentation to satisfy CAM recordkeeping requirements per 40 CFR 64.9.

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 5-80-490 F, 40 CFR 64.9, and General Permit Condition (GPC) #6 of permit dated 3/24/03)

#### IV. Auxiliary Boiler (Ref. No. A)

##### A. Limitations

##### 1. Table IV.A.1 Auxiliary Boiler Hourly and Annual Emission Limits

Unit ID	Condition No.	PM-10 <sup>1</sup>		NOx <sup>1</sup>		SO <sub>2</sub> <sup>1</sup>		CO <sup>1</sup>		VOC <sup>1</sup>	
		lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr
A <sup>2</sup>	SPC #19	0.95	4.2	37.9	166.0	29.40	128.8	18.97	83.1	0.95	4.2

<sup>1</sup>Ton/yr calculated monthly as the sum of each consecutive twelve month period.

<sup>2</sup>Auxiliary boiler (Ref. No. A) annual emissions based on 95.8 MM Btu/hr capacity. SO<sub>2</sub> hourly emissions based on 0.3%S, SO<sub>2</sub> annual emissions based on 0.2%S.

(9 VAC 5-80-490 B and SPC #19 of permit dated 3/24/03)

##### 2. Table IV.A.2 Auxiliary Boiler Emission Limits

Regulated Pollutant	Limitation/Standard		Applicable Requirement
	BACT Limit	NSPS Standard/Limit	
PM	0.01 lb/10 <sup>6</sup> Btu	20% opacity, with 1-6 min/hr >20%but < 27%	SPC #19 dated 3/24/2003
PM-10	0.01 lb/10 <sup>6</sup> Btu	NA	SPC #19 dated 3/24/2003
SO <sub>2</sub>	0.31lb/106 Btu rolling 30 day average	0.5 lb./106 Btu rolling 30 day average	SPC #19 dated 3/24/2003
SO <sub>2</sub>	≤ 0.3 % (wt) sulfur	≤ 0.5 % (wt) sulfur	SPC #27 dated 3/24/2003
NOx	0.40 lb/10 <sup>6</sup> Btu	NA	SPC #19 dated 3/24/2003
CO	0.20 lb/10 <sup>6</sup> Btu	N/A	SPC #19 dated 3/24/2003
VOC	0.01 lb/10 <sup>6</sup> Btu	N/A	SPC #19 dated 3/24/2003

(9 VAC 5-50-260, 9 VAC 5-80-490 B and 40 CFR 60 Subpart Dc)

## **B. Auxiliary Boiler Specific Permit Conditions**

1. The approved operating fuel for the auxiliary boiler (Ref. No. A) is distillate fuel oil. Distillate oil is defined as oil that meets the specifications for fuel oil numbers 1 and 2 under the American Society for Testing and Materials, ASTM D396 "Standard Specification for Fuel Oils". A change in fuel may require a permit to modify and operate.  
(9 VAC 5-80-490 B, and SPC #26 of the permit dated 3/24/03)
2. The maximum sulfur content of the distillate fuel oil shall not exceed 0.3% by weight per shipment.  
(9 VAC 5-80-490 B and SPC #27 of the permit dated 3/24/03)
3. The maximum annual average sulfur content of the distillate fuel oil shall not exceed 0.2% by weight, calculated monthly as the average of each consecutive twelve month period.  
(9 VAC 5-80-490 B and SPC #28 of the permit dated 3/24/03)
4. Air pollutant emissions from the auxiliary boiler (Ref. No. A) shall be controlled by good operating practices and proper maintenance. The permittee shall maintain records of all scheduled and unscheduled maintenance to the auxiliary boiler and burner assembly.  
(9 VAC 5-80-490 C and SPC #8 of the permit dated 3/24/03)
5. The visible emissions from the auxiliary boiler (Ref. No. A) stack (Ref. No. 1 / 2 / A) shall not exceed ten (10) percent opacity, except during one (1) six (6) minute period per hour which shall not exceed twenty-seven (27) percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except during periods of startup, shutdown, or malfunction.  
( 9 VAC 5-80-490 B and SPC #20 of the permit dated 3/24/03)
6. The requirements of 40 CFR 60 Subpart Dc apply to the auxiliary boiler (Ref. No. A).  
(9 VAC 5-80-490)

## **C. Auxiliary Boiler Performance Testing**

1. If the distillate oil consumption exceeds 50% of the annual fuel consumption limit, then a performance test for PM from the auxiliary boiler (Ref. No. A) shall be required within 120 days of the determination of this exceedance to determine compliance with the emission limits contained in Table IV.A.2.

2. The annual fuel consumption limit of the auxiliary boiler (Ref. No. A) is determined by dividing  $94.86 \times 10^6$  Btu/hr (max. heat input) by 138,000 Btu/gal (Btu value of the distillate oil) and multiplying by 8,760 hours/yr to obtain gallons/yr (6,021,548 gal/yr). If required, this test shall be performed once each five year permit term.
3. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30, and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests are to be arranged with the Director, South Central Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the South Central Regional Office within 60 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-80-490 E & F)

#### **D. Auxiliary Boiler Periodic Monitoring**

1. At least one time per calendar week, an observation of the presence of visible emissions from the auxiliary boiler's stack (Ref. No. A) shall be made. If visible emissions are observed the permittee shall:
  - a. Take timely corrective action such that the boiler resumes operation with no visible emissions, or,
  - b. Perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the boiler stack do not exceed 10 percent opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 10 percent, the VEE shall be conducted for a total of 60 minutes. As an alternative to the VEE, the COMS data may be used to demonstrate compliance to the 10 percent opacity limit. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the boiler resumes operation with visible emissions of 10 percent or less.
2. The permittee shall maintain a boiler observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings and any necessary corrective action. If the boiler has not been operated during the week, it shall be noted in the boiler log book and that a visual observation was not required.

(9 VAC 5-80-490 E & F)

### **E. Auxiliary Boiler Reporting**

1. The permittee shall submit reports in accordance with 40 CFR 60 Subpart Dc and 40 CFR 60 Subpart A.  
(9 VAC 5-80-490)
2. The permittee shall submit fuel quality reports to the South Central Regional Office within thirty (30) days after the end of each calendar quarter. If no shipments of distillate oil were received during the calendar quarter, the quarterly report shall consist of the dates included in the calendar quarter and a statement that no oil was received during the calendar quarter. If distillate oil was received during the calendar quarter the reports shall include:
  - a. The dates included in the calendar quarter,
  - b. A copy of all fuel supplier certifications for all shipments of distillate oil received during the calendar quarter or a quarterly summary from each fuel supplier that includes the information specified in Condition IX.A.7 and 40 CFR 60 Subpart Dc, for each shipment of distillate oil, and
  - c. A signed statement from the owner or operator of the facility that the fuel supplier certifications or summaries of fuel supplier certifications represent all of the distillate oil burned or received at the facility.

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 5-80-490 F and 9 VAC 5-50-410)

### **F. Auxiliary Boiler Recordkeeping**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the South Central Regional Office. These records shall include, but are not limited to:

1. Daily, monthly, and annual consumption of distillate oil, in gallons in the auxiliary boiler (Ref. No. A). Annual consumption is to be calculated monthly as the sum of each consecutive twelve month period.
2. All distillate oil shipments purchased, indicating the maximum sulfur content of each oil shipment, and certifications required by 40 CFR 60 Subpart Dc.
3. Annual distillate oil sulfur content in weight percent. Annual sulfur content is to be calculated monthly as the average of each consecutive twelve month period.

4. Visual emission observation reports for the auxiliary boiler.
5. Emissions and excess emissions reports in accordance with 40 CFR 60 Subpart Dc and Subpart A. The permittee shall maintain records of the pollutant-specific emission factors, "F" factor, and the equations used to determine compliance to lb/10<sup>6</sup> Btu emission limits.
6. All fuel supplier certifications.
7. Records of malfunctions of equipment which would cause a violation of any part of this permit.
8. Records of scheduled and unscheduled maintenance to the boiler or burner assembly.

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 5-80-490 F, and GPC #6 of permit dated 3/24/03)

## **V. Coal Handling System (Ref. No. C1-C6)**

### **A. Coal Handling System Specific Conditions**

1. Fugitive dust emissions from coal unloading, feeding, and conveying (Ref. No. C1, C3, C4, & C5), shall be controlled by wet suppression with surfactant as necessary. Railcars unloading coal shall be housed in an open-ended shelter. Unloading of coal to the storage piles shall be via a stacker tube.  
(9 VAC 5-80-490 C and SPC #9 of the permit dated 3/24/03)
2. The coal crusher and pulverizers (Ref. No. C2 & C6b) shall be enclosed to prevent fugitive dust emissions.  
(9 VAC 5-80-490 C and SPC #11 of the permit dated 3/24/03)
3. All conveyor belts (Ref. No. C4 & C5) shall be covered and all returns equipped with a scraper system. Scraping shall be returned in an enclosed manner to the main flow of material.  
(9 VAC 5-80-490 C and SPC #12 of the permit dated 3/24/03)
4. Coal stockpiles (Ref. No. C1) shall be moistened or treated (wet suppression and surfactant) and the stockpile surfaces shall be kept moist or treated at all times to minimize emissions during storage and handling.  
(9 VAC 5-80-490 C and SPC # 14 of the permit dated 3/24/03)

5. Particulate emissions from coal crusher (Ref. No. C2) and storage bunkers (Ref. No. C6a) shall be controlled by fabric filters. The fabric filters shall be provided with adequate access for inspection.  
(9 VAC 5-80-490 C and SPC #5 of the permit dated 3/24/03)
6. Visible emissions from the coal crusher (Ref. No. C2) building and coal bunkers (Ref. No. C6a) tripper room exhaust vents shall not exceed five percent (5%) opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except during periods of startup, shutdown, or malfunction.  
(9 VAC 5-80-490 B and SPC #21 of the permit dated 3/24/03)
7. Fugitive emissions from coal unloading, belt conveyor transfers, and pulverizers (Ref. No. C3, C4, C5, C6b) shall not exhibit twenty percent (20%) or greater opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except during periods of startup, shutdown, or malfunction.  
(9 VAC 5-80-490 B and 40 CFR 60.252(c))
8. Unless otherwise specified in this permit, the permittee shall operate the coal handling, crushing, and storage facilities (Ref. No. C2-C6) in compliance with New Source Performance Standards Subpart Y, "Standards of Performance for Coal Preparation Plants".  
(9 VAC 5-80-490)

#### **B. Coal Handling System Monitoring**

1. The fabric filters on the coal crusher and each coal storage bunker (Ref. No. C2, C6a) shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. 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.
2. The wet suppression spray system on the rail car unloading system and conveyor handling system (Ref. No. C3, C4, & C5) shall be operated at optimum design, and pressure gauges shall be installed (with adequate access for inspection of the pressure gauges) to indicate system operating pressures.

(9 VAC 5-80-490 E)

#### **C. Coal Handling System Periodic Monitoring**

1. At least one time per calendar week, an observation of the presence of visible emissions from each of the coal handling systems with fugitive emissions shall be made. Observations shall be made at building vent for coal handling systems located within enclosed structures. Visible emission observations shall be made at

the Coal Crusher building vent for C2, the Coal Bunker Room vents for C5 and C6a, and the Boiler Turbine Building vent for C6b. If visible emissions are observed the permittee shall:

- a. take timely corrective action such that the coal handling systems with fugitive emissions (Ref. No. C1, C3, C4) and building vent emissions (Ref. No. C2, C5, C6a, C6b) resume operation with no visible emissions, or,
  - b. perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the coal handling system with fugitive emissions (Ref. No. C1, C3, and C4) do not exhibit 20 percent or greater opacity limits. The VEE shall be conducted for a minimum of six minutes. If any of the observations exhibit 20 percent or greater, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the coal handling systems with fugitive emissions (Ref. No. C1, C3, and C4) resume operation with visible emissions of less than 20 percent opacity.
  - c. perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from building vents (Ref. No. C2, C5, C6a and C6b) do not exceed 5 percent opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 5 percent opacity or greater, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the building vents (Ref. No. C2, C5, C6a and C6b) resume operation with visible emissions of less than 5 percent opacity.
2. The permittee shall maintain a visual observation log for the coal handling systems with fugitive emissions (Ref. No. C1, C3 and C4) and building vents (Ref. No. C2, C5, C6a and C6b) to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings and any necessary corrective action.

(9 VAC 5-80-490 E)

#### **D. Coal Handling System Recordkeeping**

The permittee shall maintain records of all emissions data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the South Central Regional Office. These records shall include, but not limited to:

1. The results of the weekly opacity observation of all emissions points as required in Condition V.C., along with any corrective actions.
2. All records and copies of all reports required by 40 CFR 60 Subpart Y and 40 CFR

60 Subpart A.

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 5-80-490 F and GPC #6 of the permit dated 3/24/03)

## **VI. Lime Handling System (Ref. No. LS1 & LS2)**

### **A. Lime Handling System Specific Conditions**

1. Particulate emissions from lime storage silos (Ref. No. LS1 & LS2) shall be controlled by fabric filters. The fabric filters shall be provided with adequate access for inspection.  
(9 VAC 5-80-490 C and SPC #5 of the permit dated 3/24/03)
2. The lime slaker emissions shall be controlled by a dust suppression aspirator and water jet spray system. The aspirator vapor discharge shall be piped directly to the slurry tank for complete enclosure of all dust particles during the slaking process.  
(9 VAC 5-80-490 C and SPC #10 of the permit dated 3/24/03)
3. Visible emissions from both lime silo (Ref. No. LS1 & LS2) fabric filters shall not exceed five percent (5%) opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except during periods of startup, shutdown, or malfunction.  
(9 VAC 5-80-490 B and SPC #21 of the permit dated 3/24/03)
4. Fugitive emissions from the lime handling system (Ref. No. LS1 & LS2) shall not exceed twenty percent (20%) opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent (30%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except during periods of startup, shutdown, or malfunction.  
(9 VAC 5-80-490 B)

### **B. Lime Handling System Monitoring**

1. The fabric filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. 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.  
(9 VAC 5-80-490 E)
2. The water aspirator shall be equipped with a device to continuously measure pressure of the water aspirator system. 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.

(9 VAC 5-80-490 E and SPC #10 of the permit dated 3/24/03)

### **C. Lime Handling System Periodic Monitoring**

1. At least one time per calendar week, an observation of the presence of visible emissions from each of the lime handling system (Ref. No. LS1 & LS2) emission points and processing equipment enclosures shall be made. If visible emissions are observed the permittee shall:
  - a. Take timely corrective action such that the lime handling system (Ref. No. LS1 & LS2) emission points and processing equipment enclosures resumes operation with no visible emissions, or,
  - b. Perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the lime handling system (Ref. No. LS1 & LS2) emission points controlled by fabric filters do not exceed 5 percent opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 5 percent or greater, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the lime handling system emission points enclosures which are controlled by fabric filter resumes operation with visible emissions of less than 5 percent opacity.
  - c. Perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the lime handling system (Ref. No. LS1 & LS2) emission points with fugitive emissions do not exceed 20 percent or greater opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 20 percent or greater, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the lime handling system (Ref. No. LS1 & LS2) emission points enclosures with fugitive emissions resumes operation with visible emissions of less than 20 percent opacity.
2. The permittee shall maintain a visual observation log for the lime handling system (Ref. No. LS1 & LS2) emission points and processing equipment enclosures to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings and any necessary corrective action.

(9 VAC 5-80-490 E)

### **D. Lime Handling System Recordkeeping**

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

records shall be arranged with the South Central Regional Office. These records shall include, but not limited to the results of the weekly visual observation of all emissions points and process enclosures, along with any corrective actions

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 5-80-490 F and GPC #6 of the permit dated 3/24/03)

## **VII. Ash Handling System (Ref. No. A1-A8)**

### **A. Ash Handling System Specific Conditions**

1. Particulate emissions from recycle ash and ash storage silos (Ref. No. A1 & A6a) shall be controlled by fabric filters. The fabric filters shall be provided with adequate access for inspection.  
(9 VAC 5-80-490 C and SPC #5 of the permit dated 3/24/03)
2. Fugitive dust emissions from the ash and flue gas desulfurization product storage silo (Ref. No. A7a & A8) shall be controlled by mixing the discharge with water or by total enclosure and close looping the displaced air back to the fabric filter per the submittal dated September 10, 1999.  
(9 VAC 5-80-490 C and SPC #13 of the permit dated 3/24/03)
3. Visible emissions from recycle ash and ash storage silos (Ref. No. A1& A6a) fabric filters (Ref. No. A1BH & A6aBH) shall not exceed five percent (5%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except during periods of startup, shutdown, or malfunction.  
(9 VAC 5-80-490 B and SPC #21 of the permit dated 3/24/03)
4. Fugitive emissions from the ash handling system (Ref. No. A7a & A8) shall not exceed twenty percent (20%) opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent (30%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except during periods of startup, shutdown, or malfunction.  
(9 VAC 5-80-490 B)

### **B. Ash Handling System Monitoring**

The fabric filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. 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.

(9 VAC 5-80-490 E)

### **C. Ash Handling System Periodic Monitoring**

1. At least one time per calendar week, an observation of the presence of visible emissions from each of the ash handling system (Ref. No. A1-A8) emission points shall be made. If visible emissions are observed the permittee shall:
  - a. Take timely corrective action such that the ash handling system emission points resumes operation with no visible emissions, or,
  - b. Perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the ash handling system emission points do not exceed 5 percent opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 5 percent or greater, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the ash handling system emission (Ref. No. A1-A8) points resumes operation with visible emissions of less than 5 percent opacity.
  - c. Perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the ash handling system (Ref. No. A1-A8) emission points with fugitive emissions do not exceed 20 percent or greater opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 20 percent or greater, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the ash handling system emission points enclosures with fugitive emissions resumes operation with visible emissions of less than 20 percent opacity.
2. The permittee shall maintain a visual observation log for the ash handling system (Ref. No. A1-A8) emission points and processing equipment enclosures to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings and any necessary corrective action.

(9 VAC 5-80-490 E)

### **D. Ash Handling System Recordkeeping**

The permittee shall maintain records of all emissions data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the South Central Regional Office. These records shall include, but not be limited to the results of the weekly visual observation of all emissions

points and process enclosures, along with any corrective actions. 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 5-80-490 F)

### **VIII. Distillate Fuel Oil Storage Tank (Ref. No. FOST) Recordkeeping**

The permittee shall maintain records showing the dimensions of the 90,000-gallon distillate fuel oil storage tank (Ref. No. FOST) and an analysis showing the capacity of the storage vessel per subsection 60.116b of NSPS Subpart Kb. These records are to be kept for the life of the distillate fuel storage tank.

(9 VAC 5-80-490 F)

### **IX. Facility Wide Conditions**

#### **A. Facility-Wide Specific Conditions**

1. Fugitive emissions from all external or frequently traveled facility access roads shall be controlled by paving.  
(9 VAC 5-80-490 C and SPC #15 of the permit dated 3/24/03)
2. The permitted facility shall be designed and constructed to allow emissions testing using appropriate methods upon reasonable notice at any time.  
(9 VAC 5-80-490 E & F and GPC #4 of the permit dated 3/24/03)
3. The permittee shall develop, maintain, and have available to all operators good written operating procedures for all air pollution control equipment and significant emissions units. A maintenance schedule for all such equipment shall be established and made available to the South Central Regional Office, for review. Records of service, visual emission observations, and maintenance shall be maintained on file by the source for the most current five (5) years.  
(9 VAC 5-80-490 C and GPC #7 of the permit dated 3/24/03)
4. The permittee shall retain records of all emission data and operating parameters required, to include process throughputs, by the terms of this permit. These records shall be maintained by the source for the most current five year period.  
(9 VAC 5-80-490 F and GPC #6 of the permit dated 3/24/03)
5. The permitted facility is to be constructed and operated as represented in the permit application dated February 3, 1989, included amendments dated March 8, 1990, May 11, 1989, October 3, 1989, January 2, 1990, January 22, 1990, February 14, 1990, February 5, 1990, March 2, 1990, March 7, 1990, March 9, 1990, April 20, 1990, May 11, 1990, and July 23, 1999.  
(9 VAC 5-80-490 and SPC #2 and GPC #10 of the permit dated 3/24/03)

6. Mecklenburg shall maintain a spare parts inventory for equipment associated with all air pollution control and monitoring equipment to minimize down time during periods of malfunction. In the event that any pollution control equipment on any of the main boilers malfunctions or has unscheduled maintenance in such a manner as to cause a violation of any emission standard set forth in this permit for more than one hour, Mecklenburg shall notify the South Central Regional Office, by telephone or telegraph as soon as practicable but no later than four business hours after becoming aware of the occurrence. If, after three hours, the exceedence cannot be corrected, Mecklenburg shall immediately shut down the affected boiler in a controlled fashion. When the condition causing the failure, malfunction, or unscheduled maintenance has been corrected and the air pollution control equipment and the main boiler is again operating, Mecklenburg shall notify the South Central Regional Office.

(9 VAC 5-80-490 and SPC #35 of the permit dated 3/24/03)

7. The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:
- a. The name of the fuel supplier;
  - b. The date on which the distillate oil was received;
  - c. The volume of distillate oil delivered in the shipment;
  - d. A statement that the distillate oil complies with the American Society for Testing and Materials specifications D396 for numbers 1 or 2 fuel oil, and
  - e. The sulfur content of the distillate oil.

(9 VAC 5-80-490 and SPC #30 of the permit dated 3/24/03)

**X. 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:

<b>Emission Unit No.</b>	<b>Emission Unit Description</b>	<b>Citation (9 VAC-)</b>	<b>Pollutant Emitted (9 VAC 5-80-720 B)</b>	<b>Rated Capacity (9 VAC 5-80-720 C)</b>
	Turbine oil vapor extraction line vent	5-80-720B.2	VOC	---
	Turbine oil defoaming return vent	5-80-720B.2	VOC	---

<b>Emission Unit No.</b>	<b>Emission Unit Description</b>	<b>Citation (9 VAC-)</b>	<b>Pollutant Emitted (9 VAC 5-80-720 B)</b>	<b>Rated Capacity (9 VAC 5-80-720 C)</b>
	Cooling tower sodium hypochlorite tank vent	5-80-720.A.40	---	---
	Cooling tower sodium bromide tank vent	5-80-720.A.40	---	---
	Cooling tower dispersant tank vent	5-80-720.A.40	---	---
	Cooling tower phosphate/polymer tank vent	5-80-720.A.40	---	---
	Water treatment bulk sulfuric acid vent	5-80-720.B.6	H <sub>2</sub> SO <sub>4</sub> < 1,000 lb	---
	Water treatment bulk caustic vent	5-80-720.B.1	PM-10	
	Water treatment ferric sulfate vent	5-80-720.B.1	PM-10	
	Distillate oil tanks 300-gallon fire pump	5-80-720.B.2	VOC	
	Distillate oil tanks 280-gallon refueling	5-80-720.B.2	VOC	
	Ash vacuum blower exhaust	5-80-720.B.1	PM-10	
	Lime storage silo pressure relief valve	5-80-720.A.13	PM-10	
	Recycle ash silo pressure relief valve	5-80-720.A.13	PM-10	
	Ash storage silo pressure relief valve	5-80-720.A.13	PM-10	
	Diesel-powered emergency fire pump	5-80-720.C.4.b	---	235 hp

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 5-80-490 C, E, and F.

**XI. 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		

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 and 9 VAC 5-80-500)

**XII. 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 5-80-490 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 3, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-800-510.

3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D 9 VAC 5-80-430 for a renewal permit, except in compliance with a permit issued under Article 3, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-430 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 5-80-500, 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 5-80-430 shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-430 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 5-80-430 B, C and F, 9 VAC 5-80-490 D and 9 VAC 5-80-530 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 5-80-490 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 5-80-490 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 5-80-430 G and shall include:
  - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
  - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
    - (1) Exceedance of emissions limitations or operational restrictions;
    - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
    - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
  - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-490 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. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-430 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 5-80-490 E, the method or methods used for determining the compliance status of the source at the time of certification and over the certification period.
6. The status of compliance with the terms and conditions of this permit for the certification period.
7. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U. S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

(9 VAC 5-80-490 K.5)

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

The permittee shall notify the Director, South Central Regional 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 C.3 above of this permit.

(9 VAC 5-80-490 F.2)

#### **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, South Central Region 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, South Central Region.

(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 5-80-490 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 grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-490 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 5-80-490 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 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-490 G and L)

**K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9 VAC 5-80-490 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 5-80-490 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 and 9 VAC 5-80-430 G.9.  
(9 VAC 5-80-490 K.1)

**M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-360 through 9 VAC 5-80-700 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 et seq. 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 5-80-490 H)

**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 other 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 5-50-50 and 9 VAC 5-50-90)

**O. Startup, Shutdown, and Malfunction**

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

(9 VAC 5-40-20 E and 9 VAC 5-50-20 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 5-80-500 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 3.

(9 VAC 5-80- 490 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 5-80-490 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 5-80-430 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 5-80-490 D.

(9 VAC 5-80-490 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 5-80-510 G)

#### **T. Transfer of Permits**

1. No person shall transfer a permit from one location to another or from one piece of equipment to another.  
(9 VAC 5-80-520)
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 5-80-560.

(9 VAC 5-80-520)

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 5-80-560.  
(9 VAC 5-80-520)

#### **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 5-80-490 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 5-80-650)

**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 Chapter 80 Article 3. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-490 G & L, 9 VAC 5-80-640 and 9 VAC 5-80-660)

**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 5-80-430 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 5-80-490 A)

**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 5-80-490 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 and 9 VAC 5-80-490, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 and 9 VAC 5-80-500 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 5-80-360 through 9 VAC 5-80-700.

(9 VAC 5-80-490 I)

### **XIII. Title IV (Phase II Acid Rain) Permit Allowances and Requirements**

Phase II Permit - The attached Phase II permit (Attachment B) is incorporated into this permit by reference, including the attached NO<sub>x</sub> Compliance Plan. The owners and operators of the source shall comply with the standard requirements and special provisions set forth in the application.

(9 VAC 5-80-440 and 9 VAC 5-80-490 A.4.a and c, B, C, E, F, M, O and P)

### **XIV. NO<sub>x</sub> Budget Trading Program Requirements**

#### **A. NO<sub>x</sub> Budget Permit General Conditions**

1. A review of the air emission units included in this permit approval has determined that the equipment listed in the following table meets the definition of a NO<sub>x</sub> Budget Unit and falls subject to the NO<sub>x</sub> Budget emission limitations under 9 VAC 5-140-40 or for opt-in sources 9 VAC 5-140-800. As required by 9 VAC 5-140-200 A, each NO<sub>x</sub> Budget source is required to have a federally enforceable permit. This section of the document represents the NO<sub>x</sub> Budget permit

(9 VAC 5-140-40) or (9 VAC 5-140-800)

2. The NO<sub>x</sub> Budget permit will be administrated by the VADEQ under the authority of 9 VAC 5-80-360 et seq., and 9 VAC 5-140-10 et seq.  
(9 VAC 5-140-200 A)
  
3. The following air emission units have been determined to meet the applicability requirements as provided in 9 VAC 5-140-40 A.1 and A.2. Units that do not meet this definition, are not defined as 25-Ton Exemption Units and are not permanently shutdown can be included in the NO<sub>x</sub> Budget Trading program as “opt-in” air emission sources.

<b>Table XIII – 1 Facility NO<sub>x</sub> Budget Units</b>				
<b>Facility Unit ID</b>	<b>NATS ACCOUNT No.</b>	<b>Unit Name and description</b>	<b>Maximum Heat Capacity (MMBtu/hr)</b>	<b>Nominal Net Generation Capacity (megawatts)</b>
U-1	052007000001	Foster-Wheeler coal/distillate oil-fired, dry bottom boiler, 1991	834.5x10 <sup>6</sup> BTU/hr (heat input at 114% of max. continuous rating)	72
U-2	052007000002	Foster-Wheeler coal/distillate oil-fired, dry bottom boiler, 1991	834.5x10 <sup>6</sup> BTU/hr (heat input at 114% of max. continuous rating)	72

(9 VAC 5-140-40)

4. This NO<sub>x</sub> Budget Trading permit became effective May 31, 2004.  
(9 VAC 5-140-240.1)

**B. Standard Requirements**

**1. Continuous monitoring requirements**

- a. The owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall comply with the monitoring requirements of 9 VAC 5-140-700 et seq.
  
- b. The emissions measurements recorded and reported in accordance with (9 VAC 5-140-700 et seq.) (subparts H of 40 CFR 75 and 40 CFR 97) shall be used to determine compliance by the unit with the NO<sub>x</sub> Budget emissions limitation under paragraphs B.2.a. through B.2.h.

(9 VAC 5-140-60 B.1 and 9 VAC 5-140-60 B.2)

**2. Nitrogen oxides requirements**

- a. The owners and operators of each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall hold NO<sub>x</sub> allowances available for compliance deductions under 9 VAC 5-140-540 A, B, E, or F, as of the NO<sub>x</sub> allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO<sub>x</sub> emissions for the control period from the unit, as determined in accordance with Article 8 (9 VAC 5-140-700 et seq.), plus any amount necessary to account for actual utilization under 9 VAC 5-140-420 E for the control period or to account for excess emissions for a prior control period under 9 VAC 5-140-540 D or to account for withdrawal from the NO<sub>x</sub> Budget Trading Program, or a change in regulatory status, of a NO<sub>x</sub> Budget opt-in unit under 9 VAC 5-140-860 or 9 VAC 5-140-870.  
(9 VAC 5-140-60 C.1)
- b. Each ton of nitrogen oxides emitted in excess of the NO<sub>x</sub> Budget emissions limitation shall constitute a separate violation of the Clean Air Act, and Virginia Air Pollution Control Law.  
(9 VAC 5-140-60 C.2)
- c. A NO<sub>x</sub> Budget unit shall be subject to the requirements under 9 VAC 5-140-60 C.1 starting on May 31, 2004.  
(9 VAC 5-140-60 C.3)
- d. NO<sub>x</sub> allowances shall be held in, deducted from, or transferred among NO<sub>x</sub> Allowance Tracking System accounts in accordance with 9 VAC 5-140-400 et seq., 9 VAC 5-140-500 et seq., 9 VAC 5-140-600 et seq., and 9 VAC 5-140-800 et seq.  
(9 VAC 5-140-60 C.4)
- e. A NO<sub>x</sub> allowance shall not be deducted in order to comply with the requirements under 9 VAC 5-140-60 C.1 for a control period in a year prior to the year for which the NO<sub>x</sub> allowance was allocated.  
(9 VAC 5-140-60 C.5)
- f. A NO<sub>x</sub> allowance allocated by the permitting authority or the administrator under the NO<sub>x</sub> Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO<sub>x</sub> Budget Trading Program. No provision of the NO<sub>x</sub> Budget Trading Program, the NO<sub>x</sub> Budget permit application, the NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.  
(9 VAC 5-140-60 C.6)
- g. A NO<sub>x</sub> allowance allocated by the permitting authority or the administrator under

the NO<sub>x</sub> Budget Trading Program does not constitute a property right.

(9 VAC 5-140-60 C.7)

- h. Upon recordation by the administrator under 9 VAC 5-140-500 et seq., 9 VAC 5-140-600 et seq., or 9 VAC 5-140-800 et seq., every allocation, transfer, or deduction of a NO<sub>x</sub> allowance to or from a NO<sub>x</sub> Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO<sub>x</sub> Budget permit of the NO<sub>x</sub> Budget unit by operation of law without any further review.

(9 VAC 5-140-60 C.8)

**3. Excess emissions requirements.**

The owners and operators of a NO<sub>x</sub> Budget unit that has excess emissions in any control period shall:

- a. Surrender the NO<sub>x</sub> allowances required for deduction under 9 VAC 5-140-540 D 1; and,
- b. Pay any fine, penalty, or assessment or comply with any other remedy imposed under 9 VAC 5-140-540 D 3.

(9 VAC 5-140-60 D)

**C. Recordkeeping and Reporting Requirements**

The following requirements concerning recordkeeping and reporting shall apply:

1. Unless otherwise provided, the owners and operators of the NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the permitting authority or the administrator.

(9 VAC 5-140-60E.1)

- a. The account certificate of representation for the NO<sub>x</sub> authorized account representative for the source and each NO<sub>x</sub> Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9 VAC 5-140-130; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO<sub>x</sub> authorized account representative.

(9 VAC 5-140-60 E.1)

- b. All emissions monitoring information, in accordance with 9 VAC 5-140-700 et

seq. of this part; provided that to the extent that 9 VAC 5-140-700 et seq., provides for a three-year period for recordkeeping, the three-year period shall apply.

(9 VAC 5-140-60 E.1)

- c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO<sub>x</sub> Budget Trading Program.

(9 VAC 5-140-60 E.1)

- d. Copies of all documents used to complete a NO<sub>x</sub> Budget permit application and any other submission under the NO<sub>x</sub> Budget Trading Program or to demonstrate compliance with the requirements of the NO<sub>x</sub> Budget Trading Program.

(9 VAC 5-140-60 E.1)

- 2. The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall submit the reports and compliance certifications required under the NO<sub>x</sub> Budget Trading Program, including those under 9 VAC 5-140-300 et seq., 9 VAC 5-140-700 et seq., or 9 VAC 5-140-800 et seq.

(9 VAC 5-140-60 E.2)

#### **D. Emission 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 will be provided at the appropriate locations.

(9 VAC 5-50-30 and 9 VAC 5-140-710)

#### **E. Liability**

- 1. Any person who knowingly violates any requirement or prohibition of the NO<sub>x</sub> Budget Trading Program, a NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 shall be subject to enforcement pursuant to applicable State or Federal law.

(9 VAC 5-140-60 F.1)

- 2. Any person who knowingly makes a false material statement in any record, submission, or report under the NO<sub>x</sub> Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.

(9 VAC 5-140-60 F.2)

- 3. No permit revision shall excuse any violation of the requirements of the NO<sub>x</sub> Budget Trading Program that occurs prior to the date that the revision takes effect.

(9 VAC 5-140-60 F.3)

- 4. Each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit shall meet the requirements of

the NO<sub>x</sub> Budget Trading Program.

(9 VAC 5-140-60 F.4)

5. Any provision of the NO<sub>x</sub> Budget Trading Program that applies to a NO<sub>x</sub> Budget source or the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source shall also apply to the owners and operators of such source and of the NO<sub>x</sub> Budget units at the source.

(9 VAC 5-140-60 F.5)

6. Any provision of the NO<sub>x</sub> Budget Trading Program that applies to a NO<sub>x</sub> Budget unit or the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Article 8 (9 VAC 5-140-700 *et seq.*), the owners and operators and the NO<sub>x</sub> authorized account representative of one NO<sub>x</sub> Budget unit shall not be liable for any violation by any other NO<sub>x</sub> Budget unit of which they are not owners or operators or the NO<sub>x</sub> authorized account representative and that is located at a source of which they are not owners or operators or the NO<sub>x</sub> authorized account representative.

(9 VAC 5-140-60 F.6)

#### **F. Effect on Other Authorities**

No provision of the NO<sub>x</sub> Budget Trading Program, a NO<sub>x</sub> Budget permit application, a NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source or NO<sub>x</sub> Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

(9 VAC 5-140-60 G)

### **XV. Clean Air Interstate Rule (CAIR) Requirements**

The permittee shall comply with all applicable CAIR requirements (9 VAC 5-140-1010 *et seq.*, 9 VAC 5-140-2010 *et seq.*, 9 VAC 5-140-3010 *et seq.*, 9 VAC 5-140-5010 *et seq.*, and 40 CFR Part 96) by the compliance date in the respective Part of 9 VAC 5 Chapter 140, as contained in the CAIR Permit. The CAIR Permit is Attachment C to this document and expires upon expiration of this Title V permit.

(9 VAC 5-80-490, 40 CFR Part 96, and 9 VAC 5 Chapter 140)

## Attachment A: Compliance Assurance Monitoring Plan

<b>Emission Unit</b>	<b>Primary Boilers U1 &amp; U2</b>
<b>Description</b>	Foster-Wheeler coal/distillate oil-fired dry bottom boilers
<b>Control Device</b>	Fabric filters
<b>Applicable Requirement</b>	9 VAC 5-80-1800
<b>Regulated Pollutant</b>	PM, PM10
<b>Emission Limit</b>	The visible emissions shall not exceed ten (10) percent opacity, except during one (1) six (6) minute period per hour which shall not exceed twenty-seven (27) percent opacity.
<b>I. CAM Indicator</b>	A continuous opacity monitoring system (COMS) for each boiler stack.
<b>Measurement Approach</b>	Continuous values are reduced to six-minute block averages and compared to visible emission limit.
<b>Monitoring Frequency</b>	Continuous
<b>Justification</b>	COMS satisfies applicable monitoring requirements and performance specifications as specified in 40 CFR 64.3, "Special criteria for the use of continuous emission, opacity or predictive monitoring systems".
<b>II. Indicator Range</b>	Continuous operation between 0% - 10% opacity per hour, with no six-minute period > 27%.
<b>III. Performance Criteria</b>	Location and installation of monitors is per 40 CFR 60, Appendix B, Performance Specification 1 (PS-1).
<b>Data Representativeness</b>	
<b>QA/QC Practices and Criteria</b>	COMS was installed and evaluated in accordance with PS-1. Zero and span drift are checked daily and filter audits are performed in accordance with PS-1.
<b>Data Collection Procedures</b>	Data are collected by computerized data acquisition and handling system (DAHS). The system collects and retains all relevant opacity data.
<b>Averaging period</b>	Six-minute block basis.



COMMONWEALTH of VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.  
Secretary of Natural Resources

SOUTH CENTRAL REGIONAL OFFICE  
7705 Timberlake Road, Lynchburg, Virginia 24502  
(434) 582-5120 Fax (434) 582-5125  
www.deq.virginia.gov

Robert C. Burnley  
Director

Thomas L. Henderson  
Regional Director

December 14, 2004

Mr. David A. Heacock  
Vice President, Fossil and Hydro  
Virginia Electric and Power Company  
5000 Dominion Blvd.  
Glen Allen, VA 23060

DEQ Registration Number: SCRO30861  
NATS number: 52007  
ORIS code: 52007  
AFS ID. No.: 51-117-00051

Dear Mr. Heacock:

Attached is a Phase II Acid Rain permit to operate the Mecklenburg Power Station in accordance with the provisions of the Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution.

The permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and civil penalty. Please read all permit conditions and references carefully.

In the course of evaluating the application and arriving at a final decision to approve the permit, the Department of Environmental Quality (DEQ) solicited written public comments by placing a newspaper advertisements in the Mecklenburg Sun on September 29, 2004. The thirty day comment period (provided for in 9 VAC 5-80-670 A) expired on October 28, 2004, with no comments having been received in this office.

This approval to operate shall not relieve Virginia Electric and Power Company of the responsibility to comply with all other local, state and federal permit regulations.

9 VAC 5-20-90 of the Board's Regulations provides that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this case decision notice was mailed or delivered to you. Please consult the relevant regulations for additional requirements for such requests.

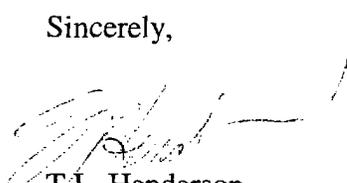
Additionally, as provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal to court by filing a Notice of Appeal with:

Robert G. Burnley  
Department of Environmental Quality  
P.O. Box 10009  
Richmond, Virginia 23240-0009

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 call the regional office at (434) 582-5120.

Sincerely,



T.L. Henderson  
Regional Director

TLH:DJS

Attachments:

1. Permit
2. NOx Compliance Plan
3. Permit Application
4. Certificate of Representation

cc: Ms. Pamela Faggert (Virginia Electric and Power)  
Mr. Glenn Burney (Mecklenburg Power Station)  
Director, OPATS (electronic file submission)  
Manager, Data Analysis (electronic file submission)  
Director, Air, Radiation and Toxics Division (3AT00), U.S. EPA, Region III



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DEPARTMENT OF ENVIRONMENTAL QUALITY

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Secretary of Natural Resources

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www.deq.virginia.gov

Robert G. Burnley  
Director

Thomas L. Henderson  
Regional Director

**PHASE II ACID RAIN PERMIT**

Issued to: Mecklenburg Power Station  
Operated by: Virginia Electric and Power Company  
Location: Mecklenburg County  
Registration No.: SCRO30861  
AFS ID No.: 51-117-0051  
ORIS code: 52007  
Effective: January 1, 2005  
Expires: December 31, 2009

**Acid Rain Permit Contents**

1. Statement of Basis.
2. SO<sub>2</sub> allowances allocated under this permit and NO<sub>x</sub> requirements for each affected unit.
3. Additional requirements or conditions, and any comments, notes and justifications regarding permit decisions and changes made to the permit application forms during the review process.
4. The permit application submitted for this source.

**Permit Approval**

Approved on: December 14, 2004

A handwritten signature in black ink, appearing to read 'Robert G. Burnley'.

Robert G. Burnley  
Director

Permit consists of a total of 11 pages, including the attached permit application, certificates of representation, and the attached NO<sub>x</sub> compliance plan.

**1. Statement of Basis.** (9 VAC 5-80-490 B.2)

Statutory and Regulatory Authorities: In accordance with the Air Pollution Control Law of Virginia §10.1-1308 and §10.1-1322, the Environmental Protection Agency (EPA) Final Full Approval of the Operating Permits Program (Titles IV and V) published in the Federal Register December 4, 2001, Volume 66, Number 233, Rules and Regulations, Pages 62961-62967 and effective November 30, 2001, and Title 40, the Code of Federal Regulations §§72.1 through 76.16, the Commonwealth of Virginia Department of Environmental Quality issues this permit pursuant to 9 VAC 5 Chapter 80, Article 3 of the Virginia Regulations for the Control and Abatement of Air Pollution (Acid Rain Operating Permits).

**2. SO<sub>2</sub> Allowance Allocations and NO<sub>x</sub> Requirements for affected units.** (9 VAC 5-80-490 A.4)

Unit 1	SO <sub>2</sub> allowances, under Table 2, 40 CFR Part 73. (0 tons)	The owners and operators of this unit remain obligated to hold sufficient allowances to account for SO <sub>2</sub> emissions from this unit in accordance with 40 CFR 72.9(c)(1).
	NO <sub>x</sub> limit	<p>Pursuant to 40 CFR Part 76, the Commonwealth of Virginia Department of Environmental Quality approves a standard NO<sub>x</sub> compliance plan for Unit 1, effective upon the deadline for monitor certification per 40 CFR 75.4(c)(2). Under the NO<sub>x</sub> compliance plan, this unit's annual average NO<sub>x</sub> emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under 40 CFR 76.7(a)(2), of 0.46 lb/MMBtu of heat input for dry bottom wall-fired boilers not applying cell burner technology.</p> <p>In addition to the described compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO<sub>x</sub> compliance plan and requirements covering excess emissions.</p>

Unit 2	SO <sub>2</sub> allowances, under Table 2, 40 CFR Part 73. (0 tons)	The owners and operators of this unit remain obligated to hold sufficient allowances to account for SO <sub>2</sub> emissions from this unit in accordance with 40 CFR 72.9(c)(1).
	NO <sub>x</sub> limit	<p>Pursuant to 40 CFR Part 76, the Commonwealth of Virginia Department of Environmental Quality approves a standard NO<sub>x</sub> compliance plan for Unit 2, effective upon the deadline for monitor certification per 40 CFR 75.4(c)(2). Under the NO<sub>x</sub> compliance plan, this unit's annual average NO<sub>x</sub> emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under 40 CFR 76.7(a)(2), of 0.46 lb/MMBtu of heat input for dry bottom wall-fired boilers not applying cell burner technology.</p> <p>In addition to the described compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO<sub>x</sub> compliance plan and requirements covering excess emissions.</p>

**3. Additional Requirements, Notes, Comments, and Justifications.**

**A. Additional Requirements:**

- (1) Mecklenburg Power Station shall submit a complete permit application that includes all of the information required under 40 CFR §§72.21 and 72.31 and includes a complete NO<sub>x</sub> compliance plan in accordance with 40 CFR §76.9(c) at least 6 months, but no earlier than 18 months, prior to the date of expiration of the existing Phase II Acid Rain permit. EPA forms shall be used.  
 (9 VAC 5-80-430 C.5)

**B. Notes.**

- (1) SO<sub>2</sub> allowances may be acquired from other sources in addition to those allocated by U.S. EPA. No revision to this permit is necessary in order for the owners and operators of this unit to hold additional allowances recorded in accordance with 40 CFR Part 73.  
 (9 VAC 5-80-420 C.1 and H.1 and 9 VAC 5-80-490 O)

**4. Phase II Acid Rain Permit Application.** The attached permit application is incorporated into the Phase II Acid Rain permit by reference, including the attached NO<sub>x</sub> Compliance Plan. The owners and operators of the source shall comply with the standard requirements and special provisions set forth in the application.  
 (9 VAC 5-80-440 and 9 VAC 5-80-490 A.4.a and c, B, C, E, F, M, O and P)



# Phase II NO<sub>x</sub> Compliance Plan

Page  of

For more information, see instructions and refer to 40 CFR 76.9

This submission is:  New  Revised

**STEP 1**  
Indicate plant name, State, and ORIS code from NADB, if applicable

MECKLENBURG POWER STATION	VA	52007
Plant Name	State	ORIS Code

**STEP 2**

Identify each affected Group 1 and Group 2 boiler using the boiler ID# from NADB, if applicable. Indicate boiler type: "CB" for cell burner, "CY" for cyclone, "DBW" for dry bottom wall-fired, "T" for tangentially fired, "V" for vertically fired, and "WB" for wet bottom. Indicate the compliance option selected for each unit.

ID# 1	ID# 2	ID#	ID#	ID#	ID#
Type DBW	Type DBW	Type	Type	Type	Type

(a) Standard annual average emission limitation of 0.50 lb/mmBtu (for Phase I dry bottom wall-fired boilers)

<input type="checkbox"/>					
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(b) Standard annual average emission limitation of 0.45 lb/mmBtu (for Phase I tangentially fired boilers)

<input type="checkbox"/>					
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(c) EPA-approved early election plan under 40 CFR 76.8 through 12/31/07 (also indicate above emission limit specified in plan)

<input type="checkbox"/>					
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(d) Standard annual average emission limitation of 0.46 lb/mmBtu (for Phase II dry bottom wall-fired boilers)

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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(e) Standard annual average emission limitation of 0.40 lb/mmBtu (for Phase II tangentially fired boilers)

<input type="checkbox"/>					
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(f) Standard annual average emission limitation of 0.68 lb/mmBtu (for cell burner boilers)

<input type="checkbox"/>					
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(g) Standard annual average emission limitation of 0.86 lb/mmBtu (for cyclone boilers)

<input type="checkbox"/>					
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(h) Standard annual average emission limitation of 0.80 lb/mmBtu (for vertically fired boilers)

<input type="checkbox"/>					
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(i) Standard annual average emission limitation of 0.84 lb/mmBtu (for wet bottom boilers)

<input type="checkbox"/>					
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(j) NO<sub>x</sub> Averaging Plan (include NO<sub>x</sub> Averaging form)

<input type="checkbox"/>					
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

(k) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(A) (check the standard emission limitation box above for most stringent limitation applicable to any unit utilizing stack)

<input type="checkbox"/>					
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(l) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(B) with NO<sub>x</sub> Averaging (check the NO<sub>x</sub> Averaging Plan box and include NO<sub>x</sub> Averaging form)

<input type="checkbox"/>					
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**MECKLENBURG POWER STATION**  
 Plant Name (from Step 1)

STEP 2, cont'd.

ID# 1	ID# 2	ID#	ID#	ID#	ID#
Type DBW	Type DBW	Type	Type	Type	Type

(m) EPA-approved common stack apportionment method pursuant to 40 CFR 75.17 (a)(2)(i)(C), (a)(2)(iii)(B), or (b)(2)

(n) AEL (include Phase II AEL Demonstration Period, Final AEL Petition, or AEL Renewal form as appropriate)

(o) Petition for AEL demonstration period or final AEL under review by U.S. EPA or demonstration period ongoing

(p) Repowering extension plan approved or under review

**STEP 3**  
 Read the standard requirements and certification, enter the name of the designated representative, sign & date.

**Standard Requirements**

General. This source is subject to the standard requirements in 40 CFR 72.9 (consistent with 40 CFR 76.8(e)(1)(i)). These requirements are listed in this source's Acid Rain Permit.

**Special Provisions for Early Election Units**

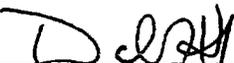
Nitrogen Oxides. A unit that is governed by an approved early election plan shall be subject to an emissions limitation for NO<sub>x</sub> as provided under 40 CFR 76.8(a)(2) except as provided under 40 CFR 76.8(e)(3)(iii).

Liability. The owners and operators of a unit governed by an approved early election plan shall be liable for any violation of the plan or 40 CFR 76.8 at that unit. The owners and operators shall be liable, beginning January 1, 2000, for fulfilling the obligations specified in 40 CFR Part 77.

Termination. An approved early election plan shall be in effect only until the earlier of January 1, 2008 or January 1 of the calendar year for which a termination of the plan takes effect. If the designated representative of the unit under an approved early election plan fails to demonstrate compliance with the applicable emissions limitation under 40 CFR 76.5 for any year during the period beginning January 1 of the first year the early election takes effect and ending December 31, 2007, the permitting authority will terminate the plan. The termination will take effect beginning January 1 of the year after the year for which there is a failure to demonstrate compliance, and the designated representative may not submit a new early election plan. The designated representative of the unit under an approved early election plan may terminate the plan any year prior to 2008 but may not submit a new early election plan. In order to terminate the plan, the designated representative must submit a notice under 40 CFR 72.40(d) by January 1 of the year for which the termination is to take effect. If an early election plan is terminated any year prior to 2000, the unit shall meet, beginning January 1, 2000, the applicable emissions limitation for NO<sub>x</sub> for Phase II units with Group 1 boilers under 40 CFR 76.7. If an early election plan is terminated on or after 2000, the unit shall meet, beginning on the effective date of the termination, the applicable emissions limitation for NO<sub>x</sub> for Phase II units with Group 1 boilers under 40 CFR 76.7.

**Certification**

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name DAVID A. HEACOCK, V.P., FOSSIL & HYDRO	
Signature 	Date 9-17-04



**Permit Requirements****STEP 3**

Read the  
standard  
requirements

- (1) The designated representative of each affected source and each affected unit at the source shall:
  - (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
  - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each affected source and each affected unit at the source shall:
  - (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
  - (ii) Have an Acid Rain Permit.

**Monitoring Requirements**

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

**Sulfur Dioxide Requirements**

- (1) The owners and operators of each source and each affected unit at the source shall:
  - (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)), or in the compliance subaccount of another affected unit at the same source to the extent provided in 40 CFR 73.35(b)(3), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
  - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
  - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
  - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

STEP 3,  
Cont'd.

**Nitrogen Oxides Requirements** The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

**Excess Emissions Requirements**

- (1) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
- (2) The owners and operators of an affected unit that has excess emissions in any calendar year shall:
  - (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
  - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

**Recordkeeping and Reporting Requirements**

- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
  - (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
  - (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
  - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
  - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

**Liability**

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.

Step 3,  
Cont'd.

**Liability, Cont'd.**

(5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.

(6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO<sub>x</sub> averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.

(7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

**Effect on Other Authorities**

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

(1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;

(2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;

(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;

(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,

(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

**Certification**

STEP 4

Read the  
certification  
statement,  
sign, and  
date

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name <b>David A. Heacock, Vice President, Fossil &amp; Hydro</b>	
Signature 	Date <b>9-16-04</b>



# Certificate of Representation Page 1

For more information, see instructions and refer to 40 CFR 72.24

This submission is: •  New    ✕  Revised (revised submissions must be complete; see instructions)

**STEP 1**  
Identify the source by plant name, State, and ORIS code.

Plant Name	Mecklenburg Cogeneration Facility	State	VA	ORIS Code	52007
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**STEP 2**  
Enter requested information for the designated representative.

Name	William Poleway				
Address	JAE Mecklenburg Cogeneration LP c/o DPC Power Operations Corp. 50 Tice Blvd. Woodcliff Lake, NJ 07677				
Phone Number	201-307-8989 x176	Fax Number	201-307-1020		
E-mail address (if available)	wpoleway@deltapower.com				

**STEP 3**  
Enter requested information for the alternate designated representative, if applicable.

Name	Tony Creson				
Phone Number	434-374-6036 x6078	Fax Number	206-600-4622		
E-mail address (if available)	TonyCreson@pobox.com				

**STEP 4:** Complete Steps 5 and 6, read the certifications, sign and date.

I certify that I was selected as the designated representative or alternate designated representative, as applicable, by an agreement binding on the owners and operators of the affected source and each affected unit at the source.

I certify that I have given notice of the agreement, selecting me as the 'designated representative' for the affected source and each affected unit at the source identified in this certificate of representation, in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice.

I certify that I have all necessary authority to carry out my duties and responsibilities under the Acid Rain Program on behalf of the owners and operators of the affected source and of each affected unit at the source and that each such owner and operator shall be fully bound by my actions, inactions, or submissions.

I certify that I shall abide by any fiduciary responsibilities imposed by the agreement by which I was selected as designated representative or alternate designated representative, as applicable.

I certify that the owners and operators of the affected source and of each affected unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, an affected unit, or where a utility or industrial customer purchases power from an affected unit under life-of-the-unit, firm power contractual arrangements, I certify that:

I have given a written notice of my selection as the designated representative or alternate designated representative, as applicable, and of the agreement by which I was selected to each owner and operator of the affected source and of each affected unit at the source; and

Allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement or, if such multiple holders have expressly provided for a different distribution of allowances by contract, that allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in accordance with the contract.

The agreement by which I was selected as the alternate designated representative, if applicable, includes a procedure for the owners and operators of the source and affected units at the source to authorize the alternate designated representative to act in lieu of the designated representative.

Mecklenburg Cogeneration Facility  
Plant Name (from Step 1)

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

<i>W. H. Taylor</i> Signature (designated representative)	Date 8/6/04
<i>Tony Reed</i> Signature (alternate designated representative)	Date 04Aug2004

**STEP 5**  
Provide the name of every owner and operator of the source and identify each affected unit they own and/or operate.

UAE Mecklenburg Cogeneration LP					<input checked="" type="checkbox"/> Owner	<input checked="" type="checkbox"/> Operator
Name	ID# 1	ID# 2	ID#	ID#	ID#	ID#
ID#	ID#	ID#	ID#	ID#	ID#	ID#
ID#	ID#	ID#	ID#	ID#	ID#	ID#

Name					<input type="checkbox"/> Owner	<input type="checkbox"/> Operator
ID#	ID#	ID#	ID#	ID#	ID#	ID#
ID#	ID#	ID#	ID#	ID#	ID#	ID#

Name					<input type="checkbox"/> Owner	<input type="checkbox"/> Operator
ID#	ID#	ID#	ID#	ID#	ID#	ID#
ID#	ID#	ID#	ID#	ID#	ID#	ID#

**STEP 6**  
For any new affected units listed at STEP 5 that have not commenced commercial operation, enter the projected date on which the unit is expected to commence commercial operation.

ID#	Projected Commence Commercial Operation Date:
ID#	Projected Commence Commercial Operation Date:
ID#	Projected Commence Commercial Operation Date:
ID#	Projected Commence Commercial Operation Date: