



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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Douglas W. Domenech  
Secretary of Natural Resources

David K. Paylor  
Director

Michael P. Murphy  
Regional Director

July 6, 2012

Mr. Robert L. Greene, Ph. D.  
Environmental Compliance Manager  
Dinwiddie Power, LLC  
Dinwiddie Plant  
2250 Dabney Road  
Richmond, Virginia 23230

Location: Dinwiddie County  
Registration No: 51083  
County-Plant No.: 053-0087

Dear Mr. Greene:

Attached is your Title V permit to operate your power generation facility pursuant to 9 VAC 5 Chapter 80 of the Virginia Regulations for the Control and Abatement of Air Pollution. This permit incorporates provisions from the permit dated March 30, 2012.

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

In evaluating the application and arriving at a final decision to issue this permit, the Department deemed the application complete on March 26, 2012.

This amended approval to operate does not relieve Dinwiddie Power, LLC of the responsibility to comply with all other local, state, and federal permit regulations.

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

Mr. Robert L. Greene, Ph. D.  
July 6, 2012  
Page 2

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 of this decision by filing a Notice of Appeal with:

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

If this permit was delivered to you by mail, three days are added to the thirty-day period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this permit, please call the regional office at 804-527-5020.

Sincerely,

Kyle Ivar Winter, P.E.  
Deputy Regional Director

JEK/hll/51083TVCover Letter07062012.docx

Attachment: Permit

cc: Director, OAPP (electronic file submission)  
Manager, Data Analysis (electronic file submission)  
Chief, Air Enforcement Branch (3AT13), U.S. EPA, Region III



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Douglas W. Domenech  
 Secretary of Natural Resources

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 Director

Michael P. Murphy  
 Regional Director

**Federal Operating Permit  
 Article 1**

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

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

Permittee Name: Mr. Charles J. Packard, President  
 Facility Name: Industrial Power Generating Company, LLC - Dinwiddie Plant  
 Facility Location: 25505 Weakly Road  
 Petersburg, VA  
 Registration Number: 51083  
 Permit Number: PRO-51083

This permit includes the following programs:

**Federally Enforceable Requirements - Clean Air Act (Sections I through VII)  
 State Only Enforceable Requirements (Section VIII)**

July 6, 2012  
 Effective Date  
July 6, 2017  
 Expiration Date

\_\_\_\_\_  
 Deputy Regional Director

\_\_\_\_\_  
 Signature Date

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## **I. Facility Information**

**Permittee:**

Industrial Power Generating Company, LLC  
Dinwiddie Plant

**Facility:**

Industrial Power Generating Company, LLC  
Dinwiddie City Plant  
25505 Weakly Road  
Petersburg, VA 23803

**Responsible Official:**

Mr. Charles J. Packard  
President

**Contact Person:**

Mr. Robert L. Greene, PhD  
Environmental Compliance Manager  
Phone: (804) 521-3557  
Fax: (804) 521-3583  
E-mail: [rgreene@ingenco.com](mailto:rgreene@ingenco.com)

**County-Plant Identification Number:** 053-0087

**Facility Description:**

NAICS ID# 221112 – Fossil Fuel Electric Power Generation  
SIC Code: 4911-Electrical Services

The facility is an 11.9 MW power generation facility consisting of 34 Detroit Diesel Series 60 engines each coupled with a 350 kW generator. Industrial Power Generating Company, LLC (INGENCO), Dinwiddie Plant is one of several facilities in the region operated by INGENCO Distributed Energy. The Dinwiddie Plant is approved to burn multiple fuels which include Numbers 1 and 2 distillate fuel oil, Number 4 fuel oil or natural gas. It is located in an ozone maintenance and NO<sub>x</sub> control area at the time of public notice. The facility is a major source for NO<sub>x</sub> and CO emissions and permitted emissions for all pollutants are below PSD applicability levels. The facility is currently permitted under the following permits: A Title V Operating Permit initially issued on December 22, 2005 and a minor NSR minor amendment permit issued on March 30, 2012 which superseded the minor NSR permit issued October 5, 2005. This permit action pertains to the renewal of the current Title V Operating Permit.

An application for permit renewal was received on March 19, 2010 by the Virginia Department of Environmental Quality (the Department) and was deemed administratively complete March 26, 2010.

## II. Emission Units and Control Device Information

Equipment to be operated consists of:

Reference No.	Stack Id.	Equipment Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
E1 – E34	S-1 through S-7	Thirty-four (34) Detroit Diesel Model 6063-TK35 dual-fuel diesel engines, each driving a 350 kW generator; arranged in one group of ten engines in Building D1 and six groups of four engines in Building D2. Building D1 has one exhaust stack, S1, with S1 serving group E1-E10. Building 2 has a separate exhaust stack, S2-S7, for each group of four engines with S2 serving group E11-E14, etc.	550 HP and 3.57 MMBtu/hr heat input each; total for 34 engines, 121.4 MMBtu/hr heat input.	N/A Passive controls: air-to-fuel ratio control, turbo-charging, custom built after coolers and charge-air cooling systems, engine control modules.	-	NO <sub>x</sub> , CO, SO <sub>x</sub> , VOC, PM, PM-10	March 30, 2012

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

### **III. Fuel Burning Equipment Requirements – (Emission Units E1-E34)**

#### **A. Limitations**

1. The minimum height of the building D1 and building D2 generator stacks shall be 40 feet and 26 feet above ground level, respectively, for the Detroit Diesel Series 6063-TK35 engines. The stacks shall not be lowered for any reason without prior written approval of the Director, Piedmont Region.

(9 VAC 5-80-110 and Condition 2 of the minor NSR permit dated March 30, 2012)

2. Nitrogen oxides emissions from the 34 dual-fuel diesel engines (E1-E34) shall be controlled by the original equipment manufacturers air-to-fuel ratio control, turbo-charging and charge-air cooling systems or a change to the engine control module (ECM). The air-to-fuel ratio shall be controlled by a separate engine control module for each engine.

(9 VAC 5-80-110 and Condition 3 of the minor NSR permit dated March 30, 2012)

3. Nitrogen oxides emissions from the 34 dual-fuel diesel engines (E1-E34) shall also be controlled by supplementary inlet charge-air water-to-air cooling and oversized inlet charge and exhaust ducts. The cooling system shall be capable of maintaining an inlet charge-air temperature, measured at the inlet to the engines, of an average of 150°F for any one hour period of operation. Any change in the location of the temperature indicator may require a permit to modify and operate. Water shall be provided continuously to each engine's inlet charge-air cooler and each engine shall have independent temperature measurement capabilities. The inlet charge-air cooler shall be provided with adequate access for inspection and shall be in operation when any of the 34 dual-fuel diesel engines (E1-E34) are operating.

(9 VAC 5-80-110 and Condition 4 of the minor NSR permit dated March 30, 2012)

4. Nitrogen oxides emissions from the 34 dual-fuel diesel engines (E1-E34) shall be controlled by the combustion of natural gas whenever any of the engines are operated in the dual fuel mode. The extent to which the dual fuel operations control nitrogen oxides emissions is dependent upon the heat substitution rate supplied by the natural gas.

(9 VAC 5-80-110 and Condition 5 of the minor NSR permit dated March 30, 2012)

5. Sulfur Dioxide emissions from the 34 dual-fuel diesel engines (E1-E34) shall be controlled by the combustion of natural gas whenever any of the engines are operated in the dual fuel mode. The extent to which the dual fuel operations control Sulfur Dioxide emissions is dependent upon the heat substitution rate supplied by the natural gas and its low-sulfur content. Sulfur Dioxide emissions from the burning of liquid fuels in the diesel engines shall be controlled by the use of low-sulfur fuels.

(9 VAC 5-80-110 and Condition 6 of the minor NSR permit dated March 30, 2012)

6. Carbon monoxide emissions from the 34 dual-fuel diesel engines (E1-E34) shall be controlled by limiting the ratio of natural gas heat input to total fuel heat input to not greater than 96% for each period of continuous dual-fuel operation. This is accomplished by setting the assumed liquid fuel flow in MMBtus to the compliment of the assumed gas flow rate in Btus. An increase in the heat input ratio to the 34 dual-fuel diesel engines (E1-E34) to greater than 96% gas fraction or a change to the engine control module (ECM) may require a permit to modify and operate. The permittee may, on prior approval from the Piedmont Regional Office, operate for short periods at heat input ratios greater than 96% or a change to the engine control module (ECM) for the purposes of research and development.

(9 VAC 5-80-110 and Condition 7 of the minor NSR permit dated March 30, 2012)

7. Particulate matter and volatile organic compounds (VOC) emissions from the 34 dual-fuel diesel engines (E1-E34) shall be controlled by proper engine maintenance practices. The engines shall be repaired and maintained to prevent excess emissions of particulate matter (in the form of PM and PM-10) and VOCs.

(9 VAC 5-80-110 and Condition 8 of the minor NSR permit dated March 30, 2012)

8. The approved fuels for the engines (E1-E34) are Numbers 1 and 2 distillate fuel oil, Number 4 fuel oil and natural gas. A change in the fuel may require a permit to modify and operate.

(9 VAC 5-80-110 and Condition 13 of the minor NSR permit dated March 30, 2012)

9. The facility shall limit consumption of fuel such that neither the total nitrogen oxides (NO<sub>x</sub>) nor total carbon monoxide (CO) emissions exceed 240.0 tons, for any consecutive 12-month period. The emissions shall be calculated monthly as the sum of each consecutive 12-month period according to the following equations:

Given:

$$\text{NO}_x = \frac{\left[ \left( \frac{A \times CV_{\text{liq}} \times 1\text{MMBtu}}{1,000,000\text{Btu}} \right) \times \text{ENO}_x(\text{l}) 11\text{bs/MMBtu} \right] + \left[ \left( \frac{B \times CV_{\text{NG}} \times 1\text{MMBtu}}{1,000,000\text{Btu}} \right) \times \text{ENO}_x(\text{NG}) \times 1\text{b/MMBtu} \right]}{2000\text{lb/ton}}$$

$$\text{CO} = \frac{\left[ \left( \frac{A \times CV_{\text{liq}} \times 1\text{MMBtu}}{1,000,000\text{Btu}} \right) \times \text{ECO}_x(\text{l}) 11\text{bs/MMBtu} \right] + \left[ \left( \frac{B \times CV_{\text{NG}} \times 1\text{MMBtu}}{1,000,000\text{Btu}} \right) \times \text{ECO}_x(\text{NG}) \times 1\text{b/MMBtu} \right]}{2000\text{lb/ton}}$$

Where:

A = gallons of liquid fuel consumed as Numbers 1 and 2 distillate fuel oil, or Number 4 fuel oil.

B = cubic feet of natural gas consumed.

CV<sub>liq</sub> = calorific value (heat content) in Btu/gallon of the corresponding liquid fuel as distillate oil or Number 4 fuel oil specified in Condition III.A.10.

CV<sub>NG</sub> = calorific value (heat content) in Btu/cubic foot of natural gas as determined by Condition III.A.10.

ENO<sub>x</sub> (l) = Emissions factor for NO<sub>x</sub> from liquid fuel as shown in the table below

ENO<sub>x</sub>(ng) = Emissions factor for NO<sub>x</sub> from natural gas as shown in the table below.

ECO(l) = Emissions factor for CO from liquid fuel as shown in the table below

ECO(ng) = Emissions factor for CO from natural gas as shown in the table below:

Emission Factors:

Natural Gas Substitution Range (NO <sub>x</sub> )	ENO <sub>x</sub> (l)	ENO <sub>x</sub> (ng)
0%-30%	2.15	- 0.40
31%-80%	1.50	1.50
81%-96%	5.00	0.70

Natural Gas Substitution Range (CO)	ECO(l)	ECO(ng)
0%-54%	0.26	5.25
55%-96%	5.60	0.80

Such that:

$NO_x \leq 240$  tons/yr calculated as the sum of each consecutive 12-month period as a product of the heat input contribution from each fuel source.

$CO \leq 240$  tons/yr calculated as the sum of each consecutive 12-month period as a product of the heat input contribution from each fuel source.

Each equation is valid only if the total heat input contribution from natural gas heat input is less than or equal to 96% of the total heat input for any period of continuous dual-fuel operation, expressed as the ratio of natural gas heat input to total fuel heat input (For each period of continuous dual-fuel operation), according to the following equation:

$$HI_{LFG} = \frac{B \times CV_{NG}}{A \times CV_{liq} + B \times CV_{NG}} \times 100 \leq 96\%$$

(9 VAC 5-80-110 and Condition 14 of the minor NSR permit dated March 30, 2012)

10. The liquid fuels and natural gas shall meet these specifications:

Distillate oils which meet the ASTM D396 specification for numbers 1 and 2 fuel oil:

Maximum sulfur content per shipment: 0.5%  
 Heat content: 137,000 BTU/gallon\*

Residual oil which meets the ASTM [D396] specifications for number 4 fuel oil:  
 Maximum sulfur content per shipment: 0.5%  
 Heat content: 144,000 BTU/gallon

Natural gas:  
 Heat content: 1,050 Btu/scf

The heat and sulfur content of each fuel listed shall be used to calculate the facility's emissions as defined by the emission factors and limits found in Conditions III.A.9, III.A.11 and IV.A.1.

(9 VAC 5-80-110 and Condition 15 of the minor NSR permit dated March 30, 2012)

11. Emissions from the operation of any of the 34 dual-fuel diesel engines (E1-E34) when the facility is operated in either the single fuel or the dual fuel mode shall not exceed the limits specified below:

Particulate Matter	0.3	lb/MMBtu
PM-10	0.3	lb/MMBtu
PM-2.5	0.3	lb/MMBtu
Sulfur Dioxide	0.5	lb/MMBtu
Nitrogen Oxides (as NO <sub>x</sub> )	2.3	lb/MMBtu
Carbon Monoxide	3.0	lb/MMBtu
Volatile Organic Compounds	0.4	lb/MMBtu

Compliance with the lb/MMBtu limits for PM, PM-10, NO<sub>x</sub>, CO, and VOC shall be determined by stack testing. All other emission limits are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers III.A.2 through III.A.7, III.A.9 and III.A.10.

(9 VAC 5-80-110 and Condition 17 of the minor NSR permit dated March 30, 2012)

12. Visible emissions from the 34 dual-fuel diesel engines' (E1-E34) stacks (S1-S7) shall not exceed 10% opacity whenever the engines are operated in a single fuel mode except during one six-minute period in any one hour in which visible emissions shall not exceed 20% opacity. Visible emissions from the 34 dual-fuel diesel engines' (E1-E34) stacks (S1-S7) shall not exceed 20% opacity whenever the engines are operated in a dual fuel mode except during one six-minute period in any one hour in which visible emissions shall not exceed 30% opacity. All visible emissions rates shall be determined by EPA Method 9 (reference 40 CFR 60, Appendix A).

(9 VAC 5-80-110 and Condition 19 of the minor NSR permit dated March 30, 2012)

13. As stated in the National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines (RICE MACT, Subpart ZZZZ), the facility shall, limit the concentration of CO in the stationary RICE exhaust to 49 ppmvd at 15 % O<sub>2</sub>; or reduce CO emissions by 70 % or more after the compliance date of May 13th 2013. If the facility is using an oxidation catalyst to meet the requirement to reduce CO emissions the facility shall, maintain the oxidation catalyst so the pressure drop across the catalyst does not change by more than 2 inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst that was measured during the initial performance test; and maintain the temperature of the stationary RICE exhaust so the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350 °F. If the facility is not using an oxidation catalyst to comply with the requirement to reduce CO emissions the facility shall, comply with any operating limitations approved by the Administrator.

(9 VAC 5-80-110, 40 CFR §§63.6603 (a), 40 CFR §§63.6603 (b), Table 2b(1), Table 2b(2) and Table 2d (3) of 40 CFR 63 Subpart ZZZZ)

## **B. Monitoring**

1. The facility shall be equipped with devices to continuously measure and record natural gas, distillate oil and Number 4 fuel oil consumption by the 34 dual-fuel diesel engines (E1-E34). Each device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, at a minimum, the manufacturer's written requirements or recommendations. Each device shall be provided with adequate access for inspection and shall be in operation when the facility is operating.

(9 VAC 5-80-110 and Condition 9 of the minor NSR permit dated March 30, 2012)

2. Each of the 34 dual-fuel diesel engines (E1-E34) shall be equipped with a device to continuously measure engine inlet charge-air temperature. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the 34 dual-fuel diesel engines are operating.

(9 VAC 5-80-110 and Condition 10 of the minor NSR permit dated March 30, 2012)

3. The monitoring devices used to measure natural gas, distillate oil and No.4 fuel oil consumption shall be observed by the permittee after each period of continuous operation when using any form of liquid fuel and then again once the engines have ceased operation. In addition, when the engines are operated in dual-fuel mode, the monitoring devices shall be read each time natural gas is used at the facility and then again whenever the engines are returned to single fuel operations. The permittee shall keep a daily log of the observations from each of the monitoring devices, to include each set of readings that define each period of dual-fuel operations.

(9 VAC 5-80-110 and Condition 11 of the minor NSR permit dated March 30, 2012)

4. The monitoring devices used to measure inlet charge-air temperature shall be observed by the permittee with a frequency of not less than hourly whenever the engines are operating. The permittee shall keep a daily log of the temperature observations from the monitoring devices including the time the observation was recorded.

(9 VAC 5-80-110 and Condition 12 of the minor NSR permit dated March 30, 2012)

5. Once per month, the permittee shall conduct an observation of the presence of visible emissions from the operating 34 engines (E1-E34). If visible emissions are observed, the permittee shall take timely corrective action such that the units resume operation with no visible emissions, or perform a visible emissions evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from any of the 34 engines (E1-E34) does not exceed 10% opacity whenever the engines are operated in a single fuel mode, except during one six-minute period in any one hour in which visible emissions shall not exceed 20% opacity and visible emissions from the 34 dual-fuel diesel engines (E1-E34) stacks (S1-S7) shall not exceed 20% opacity whenever the engines are operated in a dual fuel mode except during one six-minute period in any one hour in which visible emissions shall not exceed 30.0% opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceeds 10% opacity, the VEE shall be conducted for sixty minutes. If compliance is not demonstrated by the VEE, timely corrective action shall be taken such that the operating engines resumes operation in compliance with the opacity limit for single or dual fuel mode as appropriate. The permittee shall maintain an observation log to demonstrate compliance. The log shall include the date and time of the observation, single or dual fuel operations, whether or not there were visible emissions, any VEE recordings and necessary corrective actions. Upon request by the Department, the permittee shall conduct additional visible emission evaluations from the 34 engines (E1-E34) to demonstrate compliance with the visible emission limits contained in this permit. The details of the tests shall be arranged with the Director, Piedmont Region.

(9 VAC 5-80-110 and Condition 24 of the minor NSR permit dated March 30, 2012)

### **C. Recordkeeping**

1. The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil and Number 4 fuel oil. Each fuel supplier certification shall include the following:
  - a. The name of the fuel supplier;
  - b. The date on which the oil was received;
  - c. The volume of oil delivered in the shipment;
  - d. A statement that the distillate oil complies with the American Society for Testing and Materials specifications [D396-78] for numbers 1 or 2 fuel oil and number 4;
  - e. The sulfur content of the oil.

(9 VAC 5-80-110 and Condition 16 of the minor NSR permit dated March 30, 2012)

2. The facility shall maintain records of all emissions data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Piedmont Region. These records shall include, but are not limited to:
  - a. Annual consumption of natural gas, numbers 1 and 2 distillate oil and number 4 fuel residual oil, calculated monthly as the sum of each consecutive 12-month period;
  - b. Daily records of fuel consumption for every period of operation to verify compliance with Condition numbers III.A.6, III.A.9 and III.A.10;
  - c. Hourly records of engine inlet charge-air temperature reading to verify compliance with Condition III.A.3;
  - d. All 1 hour periods of operation during which the charge-air temperature as described in Condition III.A.3 exceeds the average charge-air temperature limit of 150° F;

- e. Monthly and annual emissions (in tons) using calculation methods approved by the Piedmont Regional Office to verify compliance with emission limitations in Conditions III.A.11 and IV.A.1. Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period;
- f. Results of all stack tests, visible emissions evaluations (VEE), monthly visible emissions evaluations log, and performance evaluations;
- g. All fuel supplier certifications;
- h. Monthly calculations of average sulfur content of all liquid fuels combined, including fuel sampling results.
- i. Scheduled and unscheduled maintenance on the engines;
- j. Operating procedures and operator training records for the engines;

These records shall be available on site for inspection by the Department and shall be current for the most recent five years.

(9 VAC 5-80-110 and Condition 20 of the minor NSR permit dated March 30, 2012)

- 3. The facility shall maintain all records required by MACT, Subpart ZZZZ, as applicable to the 34 dual-fuel diesel engines (E1-E34) which include the following:
  - a. A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in §63.10(b)(2)(xiv).
  - b. Records of the occurrence and duration of each malfunction of operation ( *i.e.*, process equipment) or the air pollution control and monitoring equipment.
  - c. Records of performance tests and performance evaluations as required in §63.10(b)(2)(viii).
  - d. Records of all required maintenance performed on the air pollution control and monitoring equipment.
  - e. Records of actions taken during periods of malfunction to minimize emissions in accordance with §63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

- f. A copy of a site specific maintenance and operation plan for the engines that is consistent with good air pollution control for minimizing emissions in accordance with 40 CFR §63.6655(e)(3) and Table 6 (9.a.ii).

(9 VAC 5-80-110 §63.6605(a-c), §63.6655(e)(3) and Table 6 (9.a.ii))

#### **D. Testing**

1. A performance test shall be conducted for nitrogen oxides, carbon monoxide and PM-2.5 from the 34 engines (E1-E34), within 60 days of the Piedmont Regional Office receiving notice of the combustion of No. 4 fuel oil, to determine compliance with the emission limits contained in Conditions III.A.9, III.A.11, and IV.A.1. Separate tests shall be performed while operating in single fuel mode using 100% No. 4 fuel oil and in dual fuel mode using at a minimum 20% and 35% quantities of natural gas and balance as No. 4 fuel oil, and also with one point near 80% and one point within 4% of the 96% end point. The tests shall be performed at no less than 80% for single fuel mode and 65% for dual fuel mode of the rated capacity of the electrical output on a minimum of one set of ten engines (D1) or one set of four engines (D2). The tests shall be performed, and demonstrate compliance within 60 days of the Piedmont Regional Office receiving notice of the combustion of No. 4 fuel oil. The 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, Piedmont Region. 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 Director, Piedmont Region within 60 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-80-110 and Condition 21 of the minor NSR permit dated March 30, 2012)

2. Concurrently with the performance test required in Conditions III.D.1, Visible Emission Evaluations (VEE) in accordance with 40 CFR Part 60, Appendix A, Method 9, shall also be conducted by the facility on those engines tested. Each test shall consist of 30 sets of 24 consecutive observations (at 15 second intervals) to yield a six minute average. The details of the tests are to be arranged with the Director, Piedmont Region. The facility shall submit a test protocol at least 30 days prior to testing. Should conditions prevent concurrent opacity observations, the Director, Piedmont Region shall be notified in writing, within seven days, and visible emissions testing shall be rescheduled within 30 days. Rescheduled testing shall be conducted under the same conditions (as possible) as the initial performance tests. Two copies of the test result shall be submitted to the Director, Piedmont Region within 60 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-80-110 and Condition 22 of the minor NSR permit dated March 30, 2012)

3. The performance tests required in Condition III.D.1 shall at a minimum be conducted once every five years on all seven stacks and before the operating permit renewal application for nitrogen oxides, carbon monoxide and PM-2.5, starting from the completion date of the testing as required in Condition III.D.1. In addition, separate tests on all stacks shall be performed while operating in single fuel mode using 100% liquid fuel and in dual fuel mode using various quantities of natural gas and liquid fuel as described in Condition III.D.1, once combustion of Natural Gas with any other oil has an initial performance test. Each testing cycle shall evaluate the performance of all stacks to ensure the accuracy of the equations in Condition III.A.9. The 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, Piedmont Region. 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 Director, Piedmont Region within 60 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-80-110 and Condition 23 of the minor NSR permit dated March 30, 2012)

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

(9 VAC 5-80-110 and Condition 25 of the minor NSR permit dated March 30, 2012)

5. The permitted facility shall perform an initial performance tests within 180 days after the compliance date of May 13th, 2013 to demonstrate compliance with the requirement to reduce CO emissions. The performance tests will measure O2 and CO at the inlet and outlet of the control device using a portable CO and O2 analyzer using ASTM D6522-00. Three separate testing runs, each lasting at least 1 hour, must be performed. Measurements to determine O2 concentration must be made at the same time as the measurements to determine CO concentration. The CO concentration must be measured at 15 percent O2, dry basis in order to satisfy the requirements for the performance testing.

(9 VAC 5-80-110 §63.6612 and Table 4(1))

6. The permitted facility shall conduct subsequent performance tests to demonstrate compliance with the requirement to limit or reduce CO emissions every 8760 hours of engine operation or 3 years, whichever comes first. The criteria for the performance tests shall be the same as the initial performance test described in condition III.D.5.

(9 VAC 5-80-110 §63.6615 and Table 3(4))

#### **E. Reporting**

1. The permittee shall furnish written notification to the Director, Piedmont Regional Office of:
  - a. The actual date on which modification or a change to the engine control module (ECM) of the 34 dual-fuel diesel engines (E1-E34), or six pack, or single engine commenced within 30 days after such date. The projected information for items b. and d. may be included in the letter for item a.
  - b. The anticipated start-up date of the modification or a change to the engine control module (ECM) of the 34 dual-fuel diesel engines (E1-E34) or six pack or single engine postmarked not more than 60 days or less than 30 days prior to such date.
  - c. The actual start-up date of the modification or a change to the engine control module (ECM) of the 34 dual-fuel diesel engines (E1-E34) or six-pack or single engine within 15 days after such date.
  - d. The anticipated date of the modification or a change to the engine control module (ECM) of the 34 dual-fuel diesel engines (E1-E34) or six pack or single engine combusting natural gas postmarked not more than 60 days or less than 30 days prior to such date.

- e. The actual date of the modification or a change to the engine control module (ECM) of the 34 dual-fuel diesel engines (E1-E34) initially combusting natural gas, postmarked within 15 days after such date. The information for items c. and any changes to item b. may be included in the letter for item e. This will allow for the required reports to be completed using two letters instead of five.

(9 VAC 5-80-110 and Condition 26 of the minor NSR permit dated March 30, 2012)

- 2. The facility shall furnish notification to the Director, Piedmont Region of the date of removal or cessation of operation of the control equipment 30 days prior to such date.

(9 VAC 5-80-110 and Condition 27 of the minor NSR permit dated March 30, 2012)

- 3. The facility shall submit all of the notifications in 40 CFR §§63.7 (b) and (c), 63.8 (e), (f)(4) and (f)(6), 63.9(b) through (e), and (g) and (h) that apply by the dates specified. The facility shall submit the notices to the following:

Associate Director  
Office of Enforcement and Compliance Assistance  
Mail Code: 3AP20  
EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

(9 VAC 5-80-110 and 40 CFR §§63.6645 (a)(2) and 63.6665)

#### **IV. Facility Wide Conditions**

##### **A. Limitations**

- 1. Total emissions from the facility whether it is operated in the single fuel or the dual fuel mode shall not exceed the limits specified below, calculated monthly as the sum of each consecutive 12 month period:

Particulate Matter	36.4 lbs/hr	72.6 tons/yr
PM-10	36.4 lbs/hr	72.6 tons/yr
PM-2.5	36.4 lbs/hr	72.6 tons/yr
Sulfur Dioxide	61.3 lbs/hr	28.1 tons/yr

Nitrogen Dioxide	279.2 lbs/hr	240.0 tons/yr
Carbon Monoxide	359.3 lbs/hr	240.0 tons/yr
Volatile Organic Compounds	48.6 lbs/hr	96.8 tons/yr

Compliance with the lb/hr limits may be determined by additional stack testing or other appropriate means upon request of the Department. All other emissions limits are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers III.A.2 through III.A.7, III.A.9 and III.A.10.

(9 VAC 5-80-110 and Condition 24 of the minor NSR permit dated March 30, 2012)

### V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
T-1	Fuel oil storage tank	5-80-720 B.	VOC	11,000 gallons
T-2	Fuel oil storage tank	5-80-720 B.	VOC	11,000gallons
T-3	Fuel oil storage tank	5-80-720 B.	VOC	17,000 gallons
T-4	Fuel oil storage tank	5-80-720 B.	VOC	17,000 gallons
T-5	Fuel oil storage tank	5-80-720 B.	VOC	15,000gallons
T-6	Fuel oil storage tank	5-80-720 B.	VOC	15,000 gallons
T-7	Fuel oil storage tank	5-80-720 B.	VOC	15,000 gallons
T-8	Fuel oil storage tank	5-80-720 B.	VOC	16,000 gallons

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

## VI. 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
9VAC5-40-880 through 9 VAC 5-40-1050	Emission Standards for Fuel Burning Equipment (Rule 4-8)	Rule 4-8 does not apply to stationary internal combustion engines as stated in 9 VAC 5-40-880.E.
40 CFR Part 60 Subpart IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	The CI RICEs were constructed before the applicability date of July 11, 2005, and have not been modified.
40 CFR Part 64	Compliance Assurance Monitoring	The CI RICEs do not have add-on pollution control devices.
40 CFR Part 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984	The facility is exempt from the standard based on size, largest tanks are 32,000 gallons, and from the Subpart Kb recordkeeping requirements as revised on October 13, 2003.

MACT Subpart A - 40 CFR Part 63.6(d), 63.6(e), 63.6(h), 63.7(e)(1), 63.8(a)(4), 63.8(c)(5), 63.9(d), 63.10(b)(2)(i)-(v), 63.10(d)(3), 63.1(e)(2)(ii), 63.10(e)(4), and 63.11	General Provisions	Facility is exempted by complying with MACT Subpart ZZZZ requirements.
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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 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)

## VII. General Conditions

### A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

### B. Permit Expiration

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

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5

Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F.1 and F.5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80.D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

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

### **C. Recordkeeping and Reporting**

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements;
  - b. The date(s) analyses were performed;
  - c. The company or entity that performed the analyses;
  - d. The analytical techniques or methods used;
  - e. The results of such analyses;
  - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to the Department no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
  - a. The time period included in the report. The time periods to be addressed are, January 1 to June 30, and July 1 to December 31.
  - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
    - (1) Exceedance of emissions limitations or operational restrictions;
    - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
    - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
  - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and the Department no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending **December 31**. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy

of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31;
2. The identification of each term or condition of the permit that is the basis of the certification;
3. The compliance status;
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;
6. Such other facts as the permit may require to determine the compliance status of the source;
7. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

[R3\\_APD\\_Permits@epa.gov](mailto:R3_APD_Permits@epa.gov)

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

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

The permittee shall notify the Director, Piedmont Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VII.C.3 of this permit.

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

#### **F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Piedmont Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Piedmont Regional Office.

(9 VAC 5-20-180 C)

#### **G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

#### **H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

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

#### **I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

#### **J. Permit Modification**

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

#### **K. Property Rights**

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

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

#### **L. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

#### **M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

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

## **N. Fugitive Dust Emission Standards**

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

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

( 9 VAC 5-50-90)

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

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

(9 VAC 5-50-20 E and 40 CFR § 63.6605)

**P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

**Q. Inspection and Entry Requirements**

The permittee shall allow the Department, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
4. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

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

**R. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

#### **S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to the Department upon request.

(9 VAC 5-80-150 E)

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

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.

(9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

#### **U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
  - d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

#### **V. Permit Revocation or Termination for Cause**

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

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

#### **W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

#### **X. Stratospheric Ozone Protection**

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

(40 CFR Part 82, Subparts A-F)

#### **Y. Asbestos Requirements**

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).

(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

## **Z. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

## **AA. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

## **BB. Emissions Trading**

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

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

## **VIII. State-Only Enforceable Requirements**

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

9 VAC 5-50-310, Odorous Emissions