

**COMMONWEALTH OF VIRGINIA
Department of Environmental Quality
Piedmont Regional Office**

STATEMENT OF LEGAL AND FACTUAL BASIS

INGENCO Wholesale Power, LLC – King and Queen Plant
King and Queen County, Virginia
Permit No. PRO-52148

Title V of the 1990 Clean Air Act Amendments require each state to develop a permit program to ensure that certain facilities have federal Air Pollution Operating Permits, called Title V Operating Permits. As required by 40 CFR Part 70 and 9 VAC 5 Chapter 80, INGENCO Wholesale Power, LLC (INGENCO) King and Queen Plant has applied for a Title V Operating Permit for its King and Queen County facility. The Department of Environmental Quality, Air Quality Division (DEQ) has reviewed the application and has prepared a draft Title V Operating Permit.

Engineer/Permit Contact: _____ Date: _____
"Sparky" H.L. Lisle, Jr.
(804) 527-5148

Air Permit Manager: _____ Date: _____
James E. Kyle, P.E.

Deputy Regional Director: _____ Date: _____
Kyle I. Winter, P.E.

FACILITY INFORMATION

Permittee

INGENCO Wholesale Power, LLC
2250 Dabney Road
Richmond, VA 23230

Facility

INGENCO Wholesale Power, LLC
King and Queen Plant
4443 Iris Road
King and Queen County, VA

Responsible Official

Mr. Charles J. Packard

Contact Person

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

County-Plant Identification Number: 51-097-0020

SOURCE DESCRIPTION

NAICS ID# 221119 –Other Electrical Power Generation
SIC Code: 4931 – Electrical Power Generation

The INGENCO King and Queen Plant is a 16 MW power generation facility using 48 Detroit Diesel Series 60 diesel-electric generators arranged into 8 groups of 6 engines each. The INGENCO King and Queen Plant is located adjacent to the King and Queen Landfill (Registration No. 40937), which supplies landfill gas to the INGENCO King and Queen Plant as one of the fuels for the 48 Detroit Diesel Series 60 diesel-electric generators. All landfill gas consumed by the engines must be processed through the landfill gas treatment system on the INGENCO King and Queen Plant site before usage. The landfill gas treatment system is composed of de-watering, filtration, and compression processes. The INGENCO King and Queen Plant is a Title V major source of Nitrogen Oxides (NO_x) and Carbon Monoxide (CO) and is currently permitted to 240 Tons per Year (TPY) or less for each pollutant. The source is located in an attainment area for all pollutants. The source's permitted emissions for all pollutants are below Prevention of Significant Deterioration (PSD) applicability levels. The facility is currently permitted under the following permits: A State Major New Source Review (NSR) permit issued on August 20, 2008 and amended on July 30, 2012. This permit action pertains to the initial issuance of the Title V Operating Permit. An application for permit was received on June 17, 2008 by the Virginia Department of Environmental Quality (DEQ) and was deemed administratively complete on July 3, 2008. Therefore, the Title V permit application shield remains in place.

COMPLIANCE STATUS

A full compliance evaluation of this facility, including a site visit, was conducted on December 5, 2012. In addition, all reports and other data required by permit conditions or regulations, which are submitted to DEQ, are evaluated for compliance. Based on these compliance evaluations, the King and Queen Plant has not been found to be in violation of any state or federal applicable requirements at this time.

EMISSION UNIT AND CONTROL DEVICE IDENTIFICATION

The emissions units at this facility consist of the following:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
A1-H6	S-1 through S-8	Forty-eight (48) Detroit Diesel Model 6063-TK35 dual-fuel diesel engines constructed in 2004, each driving a 350 kW generator; arranged in eight groups of six engines each. Each group has a separate exhaust stack, e.g. S1 serving group A1-A6, S2 serving group B1-B6, etc.	550 HP and 3.57 MMBtu/hr heat input each, total for 48 engines, 171.36 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 _x , CO, SO _x , VOC, PM, PM-10.	07/30/2012
-	-	Landfill gas treatment and transport system components.	3,000 – 4,500 cfm	N/A	-	-	-
B1	B1	Boiler for space heating	0.156 mmBTU/hr	N/A	-	NO _x , SO ₂ , CO, VOC, PM/PM-10	(Exempt) 10/10/2007

*The Size/Rated capacity and PCD efficiency are provided for informational purposes only, and are not applicable requirements.

EMISSIONS INVENTORY

A copy of the 2011 annual emission update is attached. Emissions are summarized in the following table:

<i>2011 PLANTWIDE EMISSIONS SUMMARY [TONS PER YEAR]</i>	
CRITERIA POLLUTANTS	2011 ACTUAL EMISSIONS
Particulate Matter (PM ₁₀)	8.73
Particulate Matter (PM _{2.5})	8.73
Nitrogen Oxides (NO _x)	20.17
Sulfur Dioxide (SO ₂)	0.06
Carbon Monoxide (CO)	24.39
VOC	11.74

EMISSION UNIT APPLICABLE REQUIREMENTS - [A1-H6, B1]

The permit conditions are taken from the following: a NSR permit dated July 30, 2012; 40 CFR Part 60 MACT Subpart ZZZZ, Standards of Performance for Reciprocating Internal Combustion Engines; 40 CFR 63 MACT JJJJJJ National Emission Standards for Area Sources; Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters; 40 CFR 60 NSPS Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills and 9 VAC 5-80-50 et seq., Part II-Article 1 Federal Operating Permits for Stationary Sources. The facility is subject to 9 VAC 5 Chapter 50-Part II-Article 1 New and Modified Stationary Sources Standards of Performance for Visible Emissions and Fugitive Dust/Emissions (Rule 5-1). Virginia has not currently accepted delegation to enforce the RICE MACT.

Limitations

1. Emissions of NO_x from the engines are limited in Conditions III.A.1, III.A.2, and III.A.3 by using passive controls inherent to the design of the engines and standard operating practice, rather than add-on pollution control devices; from Conditions 2, 3, and 4 of the permit dated July 30, 2012.
2. Carbon Monoxide emissions from the engines are limited in Condition III.A.4 by using standard operating practices regulated by devices inherent to the design of the engines; from Condition 5 of the permit dated July 30, 2012.
3. Uncontrolled releases of treated landfill gas from either, the 48 dual-fuel diesel engines, the landfill gas treatment system, or the treated landfill gas transport system are prohibited in Condition III.A.5; from Condition 6 of the permit dated July 30, 2012.

4. Particulate Matter and Volatile Organic Compounds emissions from the 48 dual-fuel diesel engines are limited in Condition III.A.6 by using good operation and maintenance practices; from Condition 7 of the permit dated July 30, 2012.
5. Condition III.A.7 requires proper operation of the 48 dual-fuel diesel engines, treated landfill gas transport system, and the landfill gas treatment system (as specified in Permit Condition III.A.13) whenever the facility is operating the engines in a dual fuel mode; from Condition 8 of the permit dated July 30, 2012.
6. The heat value of the treated LFG fuel is required to be calculated on a weekly basis by Condition III.A.8. Condition III.A.8 requires logs of the calculated LFG fuel heat values to be kept and for the device to measure methane concentration in the treated LFG fuel to be kept at a minimum; properly maintained, calibrated and operated in accordance with the manufacturer's requirements; from Condition 15 of the permit dated July 30, 2012.
7. Proper operation of the landfill gas treatment system is required whenever LFG fuel is being transferred to any of the engines by Permit Condition III.A.9; from Condition 16 of the permit dated July 30, 2012.
8. Condition III.A.10 lists the approved fuels for the engines; from Condition 17 of the permit dated July 30, 2012.
9. The formula and associated variables for calculating the NO_x and CO emissions based on the type of, ratio of liquid fuel to LFG fuel, and quantity of fuels used, to prevent either criteria pollutant from exceeding the permit limits of 240 tpy or PSD thresholds is defined in Condition III.A.11; from Condition 18 of the permit dated July 30, 2012.
10. The fuel specifications to be used in the engines are defined in Condition III.A.12; from Condition 19 of the permit dated July 30, 2012.
11. The source of LFG fuel for the facility and the minimum treatment specifications for the LFG fuel are defined in Condition III.A.13; from Condition 20 of the permit dated July 30, 2012.
12. Emissions of criteria pollutants from each engine on a pound of pollutant per million BTU basis are limited by Condition III.A.14. Compliance with the established limits will be determined by stack testing of the engines; from Condition 22 of the permit dated July 30, 2012.
13. Hourly and annual emissions from the King and Queen Plant, whether operated in single or dual fuel mode, are limited by Condition IV.A.1; from Condition 23 of the permit dated July 30, 2012. Compliance with these limits may be determined as stated in Condition numbers III.A.1 through III.A.7, III.A.10, III.A.11, III.A.12 and III.A.13.

14. Visible emissions from the engines' stacks are limited to 10% opacity when operated in single fuel mode and 20% opacity when operated in dual fuel mode by Condition III.A.15; from Condition 24 of the permit dated July 30, 2012. The startup, shut down, and malfunction opacity exclusion listed in 9 VAC 5-40-20 A.4 cannot be included in any Title V permit (Last sentence exclusion removed from Title V draft permit condition).
15. Operating and maintenance procedures for each engine as stated in 40 CFR 63, Subpart ZZZZ Table 2d (11) are required by Conditions III.A.16 and III.A.17.
16. Area Source Existing Boiler operating procedures as stated in 40 CFR 63, Subpart JJJJJJ are required by Condition III.A.18 for emissions unit ID #: B1. Maximum Achievable Control Technology (MACT); MACT JJJJJJ – National Emission Standard for Hazardous Air Pollutants for Area Sources; Industrial, Commercial, and Institutional Boilers and Process Heaters: The boiler (B1) meets the applicability which includes being located at an area source of HAPs. A general condition was implemented in this Title V permit as it is in a state of flux. This regulation may have some changes possibly in the near future of which a general condition would allow for no changes to have to be made. As a result, at this time EPA issued a letter on March 13, 2012 of "no action assurance (NAA)" regarding certain deadlines* of this regulation.

*Note on EPA actions: July 18, 2012 - The EPA is extending the March 13, 2012 No Action Assurance to apply to the deadline for submitting the Notification of Compliance Status regarding initial tune-ups in the final Area Source Boiler rule. The EPA is also amending the expiration date of the No Action Assurance so that it will run until either the final reconsideration rule is issued and becomes effective or to December 31, 2012. For details, please see [Area Source NAA EXTENSION MEMO \(PDF\)](#).

Compliance Assurance Monitoring (CAM)

Generally, the requirements of 40 CFR 64, CAM, apply to each emissions unit meeting all three of the following criteria on a pollutant-by-pollutant basis:

- The unit emits or has the potential to emit (in the absence of add-on control devices) quantities of one or more regulated air pollutants that exceed major source thresholds,
- The unit is subject to one or more emission limitations for the regulated air pollutants for which it is major before control, and
- The unit uses a control device to achieve compliance with one or more of these emission limitations.

The INGENCO King and Queen Plant does not meet the third of these requirements as the 48 dual-fuel diesel engines do not have add-on control devices and rely instead on passive controls inherent to the design of the generators.

Periodic Monitoring and Recordkeeping

The EPA periodic monitoring guidance, dated September 18, 1998, states periodic monitoring is required for each emission point at a source, subject to Title V of the Act, which is subject to an applicable requirement. The INGENCO King and Queen Plant emission units are applicable to MACT Subpart ZZZZ, for the 48 dual-fuel diesel generators, MACT Subpart JJJJJJ, for the boiler B1, NSPS Subpart WWW, for the landfill gas treatment and transport system, and the associated monitoring and recordkeeping requirements from these standards.

Periodic monitoring for the INGENCO King and Queen Plant emission units has been determined to consist of obtaining fuel supplier certifications, records to demonstrate compliance with good operating practices, and adhering to a maintenance schedule, all of which are described in State Regulations.

1. Condition III.B.1 requires the continuous measurement and recording of the quantity of each type of allowable fuel consumed by each engine and the proper installation, maintenance, calibration and operation of each monitoring device; from Condition 9 of the permit dated July 30, 2012.
2. Condition III.B.2 requires the continuous measurement of the inlet charge-air temperature for each engine and the proper installation, maintenance, calibration and operation of each monitoring device; from Condition 10 of the permit dated July 30, 2012.
3. Condition III.B.3 requires continuous measurement of the pressure within the LFG transport system and the proper installation, maintenance, calibration and operation of each monitoring device; from Condition 11 of the permit dated July 30, 2012.
4. Continuous monitoring and recording of the LFG fraction and inlet charge-air temperature each engine as well as hourly written logs of each value in the event of a computer malfunction/ failure are required by Condition III.B.4; from Condition 12 of the permit dated July 30, 2012.
5. Hourly observation of devices used to measure the inlet charge-air temperature for each engine while in operation and a daily log of these observations are required by Condition III.B.5; from Condition 13 of the permit dated July 30, 2012.
6. Hourly observation of the devices used to measure the pressure of the treated landfill gas transport system whenever LFG fuel is used in the dual-fuel diesel engines and a daily log of these observations are required by Condition III.B.6; from Condition 14 of the permit dated July 30, 2012.
7. Daily determination and recording of the water remaining after draining each treated LFG polishing tank is required by Condition III.B.7, at least once each day LFG fuel is combusted in the dual-fuel diesel engines; from Condition 31 of the permit dated July 30, 2012.

8. Condition III.B.8 describes how the opacity limits for the engines will be monitored by having a monthly opacity observation schedule providing a reasonable assurance of compliance with the applicable opacity limits; from Condition 34 of the permit dated July 30, 2012.
9. Conditions III.C.1 requires fuel certifications from suppliers of distillate oils; from Condition 21 of the permit dated July 30, 2012.
10. Conditions III.C.2 includes the requirements for maintaining records of all emissions monitoring and operating parameters and testing required by the permit; from Condition 25 of the permit dated July 30, 2012.
11. Condition III.C.3 incorporates by reference the recordkeeping requirements in MACT ZZZZ.
12. Condition III.A.18 and III.C.4 incorporates by reference the recordkeeping requirements in MACT JJJJJ.

Testing

The facility completed the process to amend the permit to allow several ways to fuel switch and also reduce emissions. The full range of testing conditions are applicable to ongoing verification that emission reductions from modified ECM128 modules, cams and injectors for Detroit Diesel Series 60 diesel engines; also allow fuel switch to emulsified diesel oil (reduces fuel BTU flow rate, reduces engine temperature based on cooling from water and results in reduced maximum emissions). PM-2.5 testing is now included because an approved method is available. The facility has completed the initial performance test for the 36 installed engines (10/24/2008) The facility is permitted to install an additional 12 engines as part of a phased construction plan that evaluates the BACT at that time (when LFG flow is sufficient).

1. Condition III.D.1 requires performance tests to demonstrate compliance with NO_x, CO and PM-2.5 emissions limits after commencement of using emulsified number 2 fuel oil; from Condition 26 of the permit dated July 30, 2012.
2. Condition III.D.2 requires performance tests to demonstrate compliance with NO_x, CO and PM-2.5, VOC and PM10 emissions limits from 98% LFG fraction use; from Condition 27 of the permit dated July 30, 2012.
3. Condition III.D.3 requires performance tests to demonstrate compliance with NO_x, CO and PM-2.5 emissions limits after commencement of using bio-diesel in the engines while operating in single fuel mode from Condition 28 of the permit dated July 30, 2012.
4. Condition III.D.4 requires the determination of the moisture content of the LFG to be performed concurrent with the performance tests being conducted in Conditions III.D.1 through III.D.2; from Condition 29 of the NSR.

5. Condition III.D.5 requires VEEs to be performed concurrent with the performance tests being conducted in Conditions III.D.1 through III.D.3; from Condition 30 of the permit dated July 30, 2012.
6. Condition III.D.6 requires each set of six engines to be performance tested in continual rotation so that every set is tested every Title V Permit term; from Condition 32 of the Permit dated July 30, 2012.
7. Condition III.D.7 requires the operator to provide testing and monitoring ports and use appropriate test method(s) in accordance with procedures approved by the Department; from Condition 33 of the Permit dated July 30, 2012.

The 40 CFR 63 Subpart ZZZZ standards for these LFG engines do not contain periodic stack testing requirements at this time. The 40 CFR 63 Subpart JJJJJ standards for the boiler (B1) do not contain periodic stack testing requirements at this time.

Reporting

1. Condition III.E.1 requires written notification of the anticipated and actual dates of any modification or change to any of the engine control modules and subsequent start up dates for the modified engines; from Condition 35 of the permit dated July 30, 2012.
2. Notification for any removal of the engines passive control equipment is required by Condition III.E.2; from Condition 36 of the permit dated July 30, 2012.
3. Notification of malfunctions and report of estimated excess emissions are required by Condition III.E.3; from Condition 37 of the permit dated July 30, 2012.
4. Notification of request for extension should continuous construction be delayed as required by Condition III.E.4; from Condition 38 of the permit dated July 30, 2012.
5. Notification of analysis for phased construction as required by Condition III.E.5; from Condition 39 of the permit dated July 30, 2012.
6. Evaluation of emission controls for phased construction as required by Condition III.E.6; from Condition 40 of the permit dated July 30, 2012.
7. Condition III.E.7 incorporates by reference submission 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).
8. Condition III.E.8 incorporates by reference the reporting requirements specified in Table 7(2) of 40 CFR 63 Subpart ZZZZ.
9. Condition III.A.18 and III.C.4 incorporates by reference the reporting requirements in MACT JJJJJ.

Streamlined Requirements

Conditions 41-47 of the permit, dated July 30, 2012, have been streamlined out as they duplicate the general conditions of the Title V permit for the facility.

FACILITY WIDE CONDITIONS

The facility has facility wide emission limits to keep it from being PSD applicable for NOx and CO. Hourly and annual emissions from the King and Queen Plant, whether operated in single or dual fuel mode, are limited by Condition IV.A.1; from Condition 23 of the permit dated July 30, 2012. The requirements listed in the Title V permit for the individual units are valid for facility wide emissions and do not need to be repeated in this section. Only the emissions limits need to be listed

GENERAL CONDITIONS

The permit contains general conditions required by 40 CFR Part 70 and 9 VAC 5-80-110 that apply to all Federal-operating permitted sources. These include requirements for submitting semi-annual monitoring reports and an annual compliance certification report. The permit also requires notification of deviations from permit requirements or any excess emissions.

Comments on General Conditions

B. Permit Expiration

This condition refers to the Board taking action on a permit application. The Board is the State Air Pollution Control Board. The authority to take action on permit application(s) has been delegated to the Regions as allowed by §2.2-604 and § 10.1-1185 of the *Code of Virginia*, and the "Department of Environmental Quality Agency Policy Statement No. 2-09".

This general condition cite(s) the Article(s) that follow(s):
Article 1 (9 VAC 5-80-50 et seq.), Part II of 9 VAC 5 Chapter 80.

Federal Operating Permits for Stationary Sources

This general condition cites the sections that follow:

9 VAC 5-80-80. Application

9 VAC 5-80-140. Permit Shield

9 VAC 5-80-150. Action on Permit Applications

F. Failure/Malfunction Reporting

Section 9 VAC 5-20-180 requires notification of malfunction and excess emissions within four hours of discovery. Section 9 VAC 5-80-250 of the Title V regulations also requires malfunction reporting; however, reporting is required within two days. Section 9 VAC 5-20-180 is from the general regulations. All affected facilities are subject to section 9 VAC 5-20-180 including Title V facilities. Section 9 VAC 5-80-250 is from the Title V regulations. Title V facilities are subject to both sections. A facility may make a single report that meets the requirements of 9 VAC 5-20-180 and 9 VAC 5-80-250. The report must be made within four daytime business hours of discovery of the malfunction.

J. Permit Modification

This general condition cites the sections that follow:

9 VAC 5-80-50. Applicability, Federal Operating Permit For Stationary Sources

9 VAC 5-80-190. Changes to Permits.

9 VAC 5-80-260. Enforcement.

9 VAC 5-80-1100. Applicability, Permits for New and Modified Stationary Sources

9 VAC 5-80-1790. Applicability, Permits for Major Stationary Sources and Modifications Located in Prevention of Significant Deterioration Areas

9 VAC 5-80-2000. Applicability, Permits for Major Stationary Sources and Major Modifications Locating in Nonattainment Areas

U. Malfunction as an Affirmative Defense

The regulations contain two reporting requirements for malfunctions that coincide. The reporting requirements are listed in sections 9 VAC 5-80-250 and 9 VAC 5-20-180. The malfunction requirements are listed in General Condition U and General Condition F. For further explanation see the comments on general condition F.

This general condition cites the sections that follow:

9 VAC 5-20-180. Facility and Control Equipment Maintenance or Malfunction

9 VAC 5-80-110. Permit Content

Y. Asbestos Requirements

The Virginia Department of Labor and Industry under Section 40.1-51.20 of the Code of Virginia also holds authority to enforce 40 CFR 61 Subpart M, National Emission Standards for Asbestos.

This general condition contains a citation from the Code of Federal Regulations that follow:

40 CFR 61.145, NESHAP Subpart M. National Emissions Standards for Asbestos as it applies to demolition and renovation.

40 CFR 61.148, NESHAP Subpart M. National Emissions Standards for Asbestos as it applies to insulating materials.

40 CFR 61.150, NESHAP Subpart M. National Emissions Standards for Asbestos as it applies to waste disposal.

This general condition cites the regulatory sections that follow:

9 VAC 5-60-70. Designated Emissions Standards

9 VAC 5-80-110. Permit Content

STATE ONLY APPLICABLE REQUIREMENTS

The following Virginia Administrative Codes have specific requirements only enforceable by the State and have been identified as applicable by the applicant:

9 VAC 5-50-310, Odorous Emissions

INAPPLICABLE REQUIREMENTS

The Existing Source Rule 4-8, NSPS Subpart IIII, Compliance Assurance Monitoring, Title V Greenhouse Gas Tailoring Rule, Phase 1 and NSPS Subpart Kb do not apply to the facility. In addition, certain portions of NSPS Subpart WWW, MACT Subpart AAAA, and MACT Subpart A do not apply. An explanation for the determination is provided in the following:

Existing Source Rule 4-8 does not apply (9 VAC 5-40-880)

"E. The provisions of this article do not apply to stationary internal combustion engines."

NSPS Subpart IIII does not apply until the diesel engines are modified in accordance with 40 CFR 60, NSPS Subpart IIII. The engine configuration and controls were last set by the permit dated July 30, 2012.

“Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

What This Subpart Covers § 60.4200 Am I subject to this subpart?

(a) The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (3) of this section.

For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.

(1) Manufacturers of stationary CI ICE with a displacement of less than 30 liters per cylinder where the model year is:

(i) 2007 or later, for engines that are not fire pump engines,

(ii) The model year listed in table 3 to this subpart or later model year, for fire pump engines.

(2) Owners and operators of stationary CI ICE that commence construction after July 11, 2005 where the stationary CI ICE are:

(i) Manufactured after April 1, 2006 and are not fire pump engines, or

(ii) Manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006. “

“(3) Owners and operators of stationary CI ICE that modify or reconstruct their stationary CI ICE after July 11, 2005.”

Compliance Assurance Monitoring, 40 CFR Part 64, does not apply to the facility as the CI RICE do not have add-on pollution control devices.

Title V Greenhouse Gas Tailoring Rule, Phase 1, 40 CFR Parts 51,52,70 and 71, does not apply to the facility as it is an existing source not currently subject to PSD for any pollutant.

NSPS Subpart Kb does not apply based on the size of the tanks, largest being 30,000 gallons, and from recordkeeping requirements as revised on October 13, 2003.

NSPS Subpart WWW requirements pertaining to the collection and destruction of the landfill gas are inapplicable to the INGENCO King and Queen Plant as long as the INGENCO King and Queen Plant's treatment of the landfill gas meets the requirements listed in 40 CFR, Part 60.752(b)(2)(iii)(C).

NSPS Subpart AAAA requirements pertaining to the collection and destruction of the landfill gas are inapplicable to the INGENCO King and Queen Plant as long as the INGENCO King and Queen Plant's treatment of the landfill gas meets the requirements listed in 40 CFR, Part 60.752(b)(2)(iii)(C).

Certain MACT Subpart A requirements do not apply to the King and Queen Plant. The inapplicable sections are 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.

The startup, shut down, and malfunction opacity exclusion listed in 9 VAC 5-40-20 A.4 cannot be included in any Title V permit. This portion of the regulation is not part of the federally approved state implementation plan. The opacity standard applies to existing sources at all times including startup, shutdown, and malfunction. Opacity exceedances during malfunction can be affirmatively defended provided all requirements of the affirmative defense section of this permit are met. Opacity exceedances during startup and shut down will be reviewed with enforcement discretion using the requirements of 9 VAC 5-40-20 E, which state that "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."

COMPLIANCE PLAN

There is no compliance plan for the permit.

INSIGNIFICANT EMISSION UNITS

The insignificant emission units are presumed to be in compliance with all requirements of the 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.

Insignificant emission units include the following:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720B)	Rated Capacity (9 VAC 5-80-720C)
T1	Fuel oil storage tank	9 VAC 5-80-720 B.	VOC	30,000 Gallon
T2	Fuel oil storage tank	9 VAC 5-80-720 B.	VOC	30,000 Gallon
T3	Lubricating oil storage tank	9 VAC 5-80-720 B.	VOC	1,000 Gallon
T4	Used Lubricating oil storage tank	9 VAC 5-80-720 B.	VOC	1,000 Gallon

¹The citation criteria for insignificant activities are as follows:

9 VAC 5-80-720 A - Listed Insignificant Activity, Not Included in Permit Application

9 VAC 5-80-720 B - Insignificant due to emission levels

9 VAC 5-80-720 C - Insignificant due to size or production rate

CONFIDENTIAL INFORMATION

The permittee did not submit a request for confidentiality. All portions of the Title V application are suitable for public review.

PUBLIC PARTICIPATION

The proposed permit was placed on public notice in The Tidewater Review from December 19, 2012 to January 18, 2013. No comments were received from the public during the public notice period. The US EPA concurrent review ended on January 23, 2013 with an email from EPA Region III declining to comment on the Title V permit or this SOB.