



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
TIDEWATER REGIONAL OFFICE
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Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Maria R. Nold
Regional Director

March 22, 2016

Mr. Scott Lawton
Director, Electric Environmental Business Support
Dominion Resource Services, Inc.
5000 Dominion Boulevard
Glen Allen, Virginia 23060

Location: Chesapeake
Registration No: 60163

Subject: Title V Federal Operating Permit Renewal for Chesapeake Energy Center

Dear Mr. Lawton:

Attached is a renewal of the Title V permit to operate your facility pursuant to 9 VAC 5 Chapter 80 of the Virginia Regulations for the Control and Abatement of Air Pollution.

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

This approval to operate does not relieve Dominion Generation - Chesapeake Energy Center of the responsibility to comply with all other local, state, and federal permit regulations.

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

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

Mr. David K. Paylor, Director
Department of Environmental Quality
PO Box 1105
Richmond, VA 23218-1105

In the event that you receive this permit by mail, three days are added to the period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for additional information including filing dates and the required content of the Notice of Appeal.

If you have any questions concerning this permit, please contact Ms. Laura D. Corl by phone at (757) 518-2178 or by e-mail at laura.corl@deq.virginia.gov.

Sincerely,

Maria R. Nold
Regional Director

MRN/LDC/60163_024_16_cvrltr_T5Renewal_Dominion-Chesapeake Energy Center.docx

Attachment: Permit

Link to 40 CFR for NSPS IIII, NSPS JJJJ and MACT ZZZZ:
http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl

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



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Federal Operating Permit Article 3

This permit is based upon Federal Clean Air Act acid rain permitting requirements of Title IV, federal operating permit requirements of Title V and Chapter 80, Article 3. 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 9VAC5-80-360 through 9VAC5-80-700.

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

Permittee Name:	Virginia Electric and Power Company
Facility Name:	Dominion Generation - Chesapeake Energy Center
Facility Location:	2701 Vepco Street Chesapeake, Virginia
Registration Number:	60163
Permit Number:	TRO-60163

This permit includes the following programs:

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

Federally Enforceable Requirements - Title IV Acid Rain (Section X)

Federally Enforceable Requirements – Cross State Air Pollution Rule (CSAPR) (Section XI)

March 22, 2016
Effective Date

December 31, 2020
Expiration Date

Maria R. Nold

March 22, 2016
Signature Date

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I. Facility Information

Permittee

Virginia Electric and Power Company
5000 Dominion Boulevard
Glen Allen, Virginia 23060

Responsible Official

Kenneth J. Lazzaro
Station Director, Dominion - Chesapeake Energy Center

Acid Rain Designated Representative

David Craymer
Vice President - Power Generation
USEPA ATS-AAR ID Number 607952

Facility

Dominion - Chesapeake Energy Center
2701 Vepco Street
Chesapeake, Virginia 23323

Facility Contact Person

Scott Lawton
Director, Electric Environmental Business Support
(804) 273-2600

AFS Identification Number: 51-550-00026

ORIS Code: 3803

NATS Facility Identification Number: 003803000001

Facility Description (provided for informational purposes only): NAICS Code 221112 – Electrical Power Generation - Fossil fuel. The facility produces electrical power using four single cycle combustion turbines each of which is capable of burning either natural gas or diesel fuel / distillate oil. There is a gasoline dispensing facility onsite that is for fueling company vehicles. There are two emergency generators (one propane and one diesel) which have been replaced with 2014 and 2015 models.

The facility shut down four coal-fired boilers and the associated coal and ash handling operations along with the carbon burn out unit on December 23, 2014.

The facility is currently operating under a consent decree from EPA entered on October 3, 2003, however the units cited in the consent decree have been retired and have been dismantled (2015). EPA Region III permitting was contacted to find out if the consent decree should still be part of the permit. They contacted their legal department and we were informed that as long as the units are shutdown, the consent decree is no longer applicable to this facility. Therefore, the EPA consent decree is no longer an attachment to this permit.

The facility is now a Title V major source for NO_x, CO, and SO₂ and is a PSD size source. Due the facility retiring the coal fired boilers, the facility is now an area source of HAP. Although the coal fired boilers have been retired under the Acid Rain program, the facility is still subject to 40 CFR 72.7, 72.8 and Part 73, Subpart B, and 40 CFR 97.405, 505 and 605, so this permit is a Federal Operating Permit being written under 9VAC5 Chapter 80, Article 3.

This source is located in an attainment area for all pollutants. The facility is currently permitted by a State Operating Permit dated 9/3/96.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<i>Turbines</i>							
ES-5	EP-5	Unit 1 - Pratt & Whitney combustion turbine constructed in 1967. Fires diesel fuel / distillate oil or natural gas.	281 x 10 ⁶ BTU/hr (nominal)	-	-	-	9/3/96
ES-6	EP-6	Unit 2 - Westinghouse 191 combustion turbine constructed in 1969. Fires diesel fuel / distillate oil or natural gas.	263 x 10 ⁶ BTU/hr (nominal)	-	-	-	9/3/96
ES-7	EP-7	Unit 4 - Westinghouse 191 combustion turbine constructed in 1969. Fires diesel fuel / distillate oil or natural gas.	263 x 10 ⁶ BTU/hr (nominal)	-	-	-	9/3/96
ES-8	EP-8	Unit 6 - Westinghouse 191 combustion turbine constructed in 1969. Fires diesel fuel / distillate oil or natural gas.	263 x 10 ⁶ BTU/hr (nominal)	-	-	-	9/3/96
<i>Internal Combustion Engines</i>							
ES-15	-	Allis Chalmers Model 25000 black-start engine for ES-6 (CT Unit 2) (1969) 40 CFR 63, Subpart ZZZZ - Fires diesel fuel / distillate oil	450 HP	-	-	-	-
ES-16	-	Cummins NTA 855C black-start engine for ES-7 (CT unit 4) (1990) 40 CFR 63, Subpart ZZZZ - Fires diesel fuel / distillate oil	360 HP	-	-	-	-
ES-17	-	Cummins NTA 855C black-start engine for ES-8 (CT unit 6) (1992) 40 CFR 63, Subpart ZZZZ - Fires diesel fuel / distillate oil	360 HP	-	-	-	-
ES-18	-	Caterpillar 3304 Serial # 4B10168 fire pump (1975) 40 CFR 63 ZZZZ Fires diesel fuel / distillate oil	155 HP	-	-	-	-
ES-22	-	Cummins C25 N6 propane emergency generator engine at microwave tower (2014), NSPS JJJJ and MACT ZZZZ	0.32 mmBtu/hr 25 kW, 43.5 HP	-	-	-	-
ES-23	-	CAT C9 emergency generator engine, (2015) NSPS IIII and MACT ZZZZ - Fires diesel fuel / distillate oil	3.2 mmBtu/hr ≤ 300 kW, 375 HP	-	-	-	-
<i>Gas Fueling Station</i>							
ES-24	-	Gasoline Fueling Station and Above Ground Storage Tank , MACT CCCCCC (Installed prior to November 9, 2006)	3,000 gallons	-	-	-	-

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

III. Turbine Requirements – (Units ES-5 thru ES-8)

A. Limitations

1. **Turbine Requirements – Limitations** - The approved fuels are listed in the table below. A change in the fuels may require a permit to modify and operate.

Reference No.	Equipment Description	Approved Fuels
ES-5	Combustion Turbine	Natural Gas or Diesel Fuel / Distillate Oil
ES-6	Combustion Turbine	Natural Gas or Diesel Fuel / Distillate Oil
ES-7	Combustion Turbine	Natural Gas or Diesel Fuel / Distillate Oil
ES-8	Combustion Turbine	Natural Gas or Diesel Fuel / Distillate Oil

(9VAC5-80-490 B & C)

2. **Turbine Requirements – (Units ES-5, ES-6, ES-7 and ES-8) - Limitations** – Visible emissions from the combustion turbines shall not exceed 20% opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).

(9VAC5-80-490 B & C and 9VAC5-40-80)

3. **Turbine Requirements - (Units ES-5, ES-6, ES-7 and ES-8) - Limitations** - Particulate Matter (PM) emissions from the combustion turbines (combined) shall not exceed the following limit:

Emissions Unit	Heat Input (mmBtu/hr)	Combined Heat Input (mmBtu/hr)	Allocated Particulates (lbs/mmBtu)
Unit ES-5	281.0	1070	0.1785**
Unit ES-6	263.0		
Unit ES-7	263.0		
Unit ES-8	263.0		

For fuel burning equipment installations with total capacity between 10 million and 10 billion Btu per hour, the maximum allowable emission ration, E, in pounds of particulate per million Btu input, shall be determined by the following equation:

$$E = 1.0906H^{-0.2594}, \text{ where H is the total capacity in millions of Btu per hour.}$$

Particulate emissions allocations may be revised by the permittee in accordance with 9VAC5-40-910.

** Compliance with this emission limit may be determined by calculation.

(9VAC5-80-490 B & C and 9VAC5-40-900 and 910)

4. **Turbine Requirements – (Units ES-5, ES-6, ES-7 and ES-8) - Limitations** – Sulfur dioxide (SO₂) emissions from the combustion turbines, combined, shall not exceed the following limit:

Emissions Unit	Heat Input (mmBtu/hr)	Combined Heat Input (mmBtu/hr)	SO ₂ Emissions Limit (lbs/hr)
Unit ES-5	281.0	1070	2825**
Unit ES-6	263.0		
Unit ES-7	263.0		
Unit ES-8	263.0		

The maximum emissions shall be determined by the equation:

$$S=2.64K,$$

where

S = allowable emission of sulfur dioxide expressed in pounds per hour and

K = heat input capacity expressed in million Btu per hour.

** Compliance with this emission limit may be determined by calculation.
(9VAC5-80-490 B & C and 9VAC5-40-930)

B. Monitoring

5. **Turbine Requirements – (Units ES-5, ES-6, ES-7 and ES-8) - Monitoring** – The permittee shall perform visible emissions observations (VEOs) on the exhaust stack of each combustion turbine according to the following schedule:

Operating Schedule/History	Observation Frequency
< 20 hrs / yr*	No Evaluations Required
20 hrs / yr < hours operated < 200 hrs / yr*	Once per year*
hours operated > 200 hrs / yr*	Once every 200 hours

*year means calendar year

Each VEO shall be performed for a sufficient period of time to identify the presence of visible emissions. If no visible emissions are observed, no action shall be required. However, if visible emissions are observed, a visible emissions evaluation (VEE) shall be conducted using 40 CFR Part 60, Appendix A, Method 9 for a period of not less than 6-minutes. If the average opacity exceeds 20%, modifications and/or repairs shall be performed to correct the problem and the corrective measures shall be recorded. If such corrective action fails to remedy the opacity problem, a VEE in accordance with 40 CFR Part 60, Appendix A, Method 9, shall be performed for a period of at least 18 minutes to determine compliance with the opacity limits specified in Condition A.2 of this permit. The VEE observer shall be currently Method 9 certified. The permittee shall record the details of the visual observations, VEE, and any maintenance actions to reduce opacity.
(9VAC5-80-490 E)

C. Recordkeeping

- 6. **Turbine Requirements – (Units ES-5, ES-6, ES-7, ES-8) - Recordkeeping** - The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include, but are not limited to:
 - a. Annual throughput of fuel to the turbines, calculated monthly as the sum of each consecutive 12-month period, on a calendar year basis.
 - b. All fuel supplier certifications (Condition 26).
 - c. Records of the combustion turbine visible emissions log and all records for Method 9 evaluations.

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

(9VAC5-80-490 F and 9VAC5-50-50)

IV. Internal Combustion Engine Requirements

- 7. **Internal Combustion Engine Requirements – Limitations - Approved Fuels** - The approved fuels are listed in the table below. A change in the fuels may require a permit to modify and operate.

Reference No.	Equipment Description	Approved Fuels
<i>ES-15</i>	<i>Black Start Engine (for ES-6)</i>	<i>Diesel Fuel / Distillate Oil</i>
<i>ES-16</i>	<i>Black Start Engine (for ES-7)</i>	<i>Diesel Fuel / Distillate Oil</i>
<i>ES-17</i>	<i>Black Start Engine (for ES-8)</i>	<i>Diesel Fuel / Distillate Oil</i>
<i>ES-18</i>	<i>Fire Pump Engine</i>	<i>Diesel Fuel / Distillate Oil</i>
<i>ES-22</i>	<i>Emergency Generator</i>	<i>Propane</i>
<i>ES-23</i>	<i>Emergency Generator</i>	<i>Diesel Fuel / Distillate Oil</i>

(9VAC5-80-490 B & C)

- 8. **Internal Combustion Engine Requirements – Limitations - (Units ES-15)** - Visible emissions from the black start engine (ES-15) shall not exceed 20% opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).
(9VAC5-80-490 B & C and 9VAC5-40-80)
- 9. **Internal Combustion Engine Requirements – Limitations - (Units ES-16, ES-17, ES-18, ES-22 and ES-23)** - Visible emissions from the each of the internal combustions engines (ES-16, ES-17, ES-18, ES-22 and ES-23) shall not exceed 20% opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).
(9VAC5-80-490 B & C and 9VAC5-50-80)

10. **Internal Combustion Engine Requirements - (Units ES-15, ES-16, ES-17 and ES-18) - MACT ZZZZ** - Existing black start engines \leq 500 HP and the existing fire pump engine (Units ES-15, ES-16, ES-17 and ES-18) shall be in compliance with 40 CFR Part 63, Subpart ZZZZ. These units shall comply with the applicable requirements as listed below:
- a. Work Practices as specified in 40 CFR 63.6603(a), Table 2d;
 - i. Change oil and filter every 500 hours of operation or annually, whichever comes first¹;
 - ii. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first; and,
 - iii. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.
 - b. Requirements of the General Provisions listed in 40 CFR Part 63, Subpart A, except per 63.6645(a)(5), the following do not apply: 63.7(b) and (c), 63.8(e), (f)(4) and (f)(6), and 63.9(b)-(e), (g) and (h).
- ¹Sources have the option to utilize an oil analysis program as described in §63.6625(i) or (j) in order to extend the specified oil change requirement in Table 2d of 40 CFR Part 63, Subpart ZZZZ.
(9VAC5-80-490, 9VAC5-60-100 and 40 CFR 63, Subpart ZZZZ)
11. **Internal Combustion Engine Requirements - (Units ES-15, ES-16, ES-17 and ES-18) - MACT ZZZZ** - The permittee shall minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.
(9VAC5-80-490, 9VAC5-60-100 and 40 CFR 63, Subpart ZZZZ 63.6602)
12. **Internal Combustion Engine Requirements - (Unit ES-22) - MACT ZZZZ & NSPS JJJJ** - The emergency SI generator engine (Unit ES-22) shall be in compliance with 40 CFR Part 63, Subpart ZZZZ by complying with 40 CFR Part 60, Subpart JJJJ as follows:
- a. The emergency engine (Unit ES-22) shall comply with the emission limitations of 40 CFR 60.4231(c) for the entire life of the engine.
 - b. The emergency engine (Unit ES-22) shall be installed with a non-resettable hour meter.
 - c. The permittee shall comply with paragraph a. above in accordance with 40 CFR 60.4243 (a)(1) and (d). Operation for non-emergency purposes may require a permit to modify and operate pursuant to 9VAC5-80 Article 6.
 - d. The permittee shall maintain records and submit reports as required in 40 CFR 60.4245 (a), (b), and (e).
 - e. The permittee shall comply with the applicable requirements of 40 CFR 60 Subpart A as listed in 40 CFR 60 Subpart JJJJ Table 3.
(9VAC5-80-490 and 40 CFR 60.4233(e), 60.4234, 60.4237(c), 60.4243, 60.4245 and 60.4246)
13. **Internal Combustion Engine Requirements - (Unit ES-23) - MACT ZZZZ & NSPS IIII** - The emergency CI generator engine (Unit ES-23) shall be in compliance with 40 CFR Part 63, Subpart ZZZZ by complying with 40 CFR Part 60, Subpart IIII as follows:
- a. The emergency engine (Unit ES-23) shall comply with the emission limitations of 40 CFR 60.4202 (a) for the entire life of the engine.

- b. The emergency engine (Unit ES-23) shall be installed with a non-resettable hour meter.
- c. The permittee shall use diesel fuel/distillate oil that meets the requirements of 40 CFR 80.510(b) for non-road diesel fuel.
- d. The permittee shall comply with paragraph a. above in accordance with 40 CFR 60.4210 (a), (c) and (d) as applicable. Operation for non-emergency purposes may require a permit to modify and operate pursuant to 9VAC5-80 Article 6.
- e. The permittee shall comply with the emission standards by operating in accordance with 40 CFR 60.4211 (f) and the following:
 - i. Operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's emission-related written instructions;
 - ii. Change only those emission-related settings that are permitted by the manufacturer; and
 - iii. Meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply.
- f. The permittee shall maintain records and submit reports as required in 40 CFR 60.4214 (b).
- g. The permittee shall comply with the applicable requirements of 40 CFR 60 Subpart A as listed in 40 CFR 60 Subpart III Table 8.
(9VAC5-80-490 and 40 CFR 60.4202(a), 60.4206, 60.4207, 60.4209, 60.4211, 60.4214 and 60.4218)

B. Monitoring

14. **Internal Combustion Engine Requirements -MACT Subpart ZZZZ – Monitoring** - The following units shall comply with the applicable requirements as listed below:

Units ES-15, ES-16, ES-17 and ES-18: Existing emergency stationary RICE and black start engines ≤ 500 HP:

- a. Monitoring, operation and maintenance requirements as specified in 40 CFR 63.6625(e), (f), (h), and (i);
- b. Continuous compliance requirements as specified in 40 CFR 63.6605 and 63.6640; and
- c. Requirements of the General Provisions listed in 40 CFR Subpart A, except per 63.6645(a)(5), the following do not apply: 63.7(b) and (c), 63.8(e), (f)(4) and (f)(6), and 63.9(b)-(e), (g) and (h).
(9VAC5-80-490, 9VAC5-60-100 and 40 CFR 63, Subpart ZZZZ)

15. **Internal Combustion Engine Requirements - (Units ES-15, ES-16, ES-17, ES-18, ES-22 and ES-23) - Monitoring** – The permittee shall perform visible emissions observations (VEOs) on the exhaust stack of each internal combustion engine according to the following schedule:

Operating Schedule/History	Observation Frequency
< 20 hrs / yr*	No Evaluations Required
20 hrs / yr < hours operated < 200 hrs / yr*	Once per year*
hours operated > 200 hrs / yr*	Once every 200 hours
*year means calendar year	

Each VEO shall be performed for a sufficient period of time to identify the presence of visible emissions. If no visible emissions are observed, no action shall be required. However, if visible emissions are observed, a visible emissions evaluation (VEE) shall be conducted using 40 CFR Part 60, Appendix A, Method 9 for a period of not less than 6 minutes. If the average opacity exceeds 20%, modifications and/or repairs shall be performed to correct the problem and the corrective measures shall be recorded. If such corrective action fails to remedy the opacity problem, a VEE in accordance with 40 CFR Part 60, Appendix A, Method 9, shall be performed for a period of at least 18 minutes to determine compliance with the opacity limits specified in Conditions 8 and 9 of this permit. The VEE observer shall be currently Method 9 certified. The permittee shall record the details of the visual observations, VEE, and any maintenance actions to reduce opacity.
(9VAC5-80-490 E)

C. Recordkeeping and Reporting

16. **Internal Combustion Engine Requirements - (Units ES-15, 16, 17 and 18) - Recordkeeping and Reporting** - The units shall comply with the applicable requirements as listed below:
- a. Recordkeeping requirements as specified in 63.6655 (except 63.6655(c));
 - b. Reporting requirements as specified in the Footnote 1 of Table 2c;
 - c. Requirements of the General Provisions listed in 40 CFR Subpart A, except per 63.6645(a)(5), the following do not apply: 63.7(b) and (c), 63.8(e), (f)(4) and (f)(6), and 63.9(b)-(e), (g) and (h); and
 - d. Records of the black start and fire pump engines visible emissions logs and all records for Method 9 evaluations.

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

(9VAC5-80-490, 9VAC5-60-100 and 40 CFR 63, Subpart ZZZZ)

17. **Internal Combustion Engine Requirements – (Units ES-22 and 23) - Recordkeeping** - The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include, but are not limited to:
- a. Records to show compliance with NSPS IIII (60.4214) and NSPS JJJJ (60.4245) for applicable IC engines.

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

(9VAC5-80-490 F and 9VAC5-50-50)

V. Gasoline Dispensing Facility (GDF) Requirements (ES-24)

18. **MACT CCCCCC GDF Requirements - Limitations** - If the monthly throughput of the permittee is less than 10,000 gallons of gasoline, the permittee must comply with the requirements in §63.11116 as follows:
- a. Gasoline shall not be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:
 - i. Minimize gasoline spills;
 - ii. Clean up spills as expeditiously as practicable;
 - iii. Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use; and
 - iv. Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.
 - b. Portable gasoline containers that meet the requirements of 40 CFR part 59, subpart F, are considered acceptable for compliance with paragraph (a)(iii) above.
(9VAC5-80-490, 9VAC5-60-100 and 40 CFR 63.11111(b))
19. **MACT CCCCCC GDF Requirements - Limitations** - If the throughput ever exceeds 10,000 gallons per month, the permittee will be required to comply with the associated sections of 40 CFR 63, Subpart CCCCCC and will remain subject to the requirements for sources above the 10,000 gallon per month threshold that were affected, even if the throughput later falls below the applicable throughput threshold.
(9VAC5-80-490, 9VAC5-60-100 and 40 CFR 63.11111(i))
20. **MACT CCCCCC GDF Requirements - Limitations** - The permittee must, at all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, and inspection of the source.
9VAC5-80-490, 9VAC5-60-100 and 40 CFR 63.11115(a))

B. Monitoring

21. **MACT CCCCCC GDF Requirements - Monitoring** - The permittee shall monitor the monthly throughput of gasoline to the GDF. Monthly throughput is the total volume of gasoline loaded into, or dispensed from, all the gasoline storage tanks located at a single affected GDF. If an area source has two or more GDF at separate locations within the area source, each GDF is treated as a separate affected source.
(9VAC5-80-490, 9VAC5-60-100 and 40 CFR 63.11111(h))

C. Recordkeeping and Reporting

22. **MACT CCCCCC GDF Requirements - Recordkeeping and Reporting** - The permittee is not required to submit notifications or reports as specified in §63.11125, §63.11126, or subpart A of 40 CFR Part 63, but must have records available within 24 hours of a request by the Administrator to document the gasoline throughput.
(9VAC5-80-490, 9VAC5-60-100 and 40 CFR 63.11111(b))
23. **MACT CCCCCC GDF Requirements - Recordkeeping** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include, but are not limited to the monthly and annual throughput of gasoline in gallons, calculated monthly as the sum of each consecutive 12-month period, on a calendar year basis. These records shall be available for inspection by the DEQ and shall be current for the most recent five years.
(9VAC5-80-490)

VI. Facility Wide Conditions

A. Limitations

24. **Facility Wide - Combined NO_x Limitations** - The total nitrogen oxide (NO_x) emissions from Virginia Power's Dominion - Chesapeake Energy Center and Dominion - Yorktown Power Station combined shall not exceed 5,000 tons from June 1 to August 31 (inclusive) per calendar year, starting in the year 2008.
(9VAC5-80-490 and Condition 4 of the 9/3/96 Ozone Season permit)

B. Monitoring

25. **Facility Wide - Monitoring** - The permittee shall determine the actual NO_x emissions released from the Dominion - Chesapeake Energy Center from June 1 to August 31 of each calendar year. Emissions from units equipped with continuous emission monitors shall be determined by the use of emission rates in lbs/10⁶ Btu collected in accordance with the provisions of 40 CFR 75, and the total heat input during the period for each unit (from fuel combustion and fuel analysis data). Emissions from units not equipped with continuous emission monitors shall be determined by the use of appropriate factors from EPA Publication AP-42. The results and any supporting data the Department may request shall be submitted to the Director, Tidewater Regional Office by October 15 of each calendar year.
(9VAC5-80-490 E and Condition 3 of the 9/3/96 Ozone Season permit)

26. **Facility Wide - Monitoring - Distillate Oil Shipments -**

- a. For each diesel fuel / distillate oil shipment received, the permittee shall obtain a copy of the manifest for each truck. Dominion defines a diesel fuel / distillate oil shipment as a series of truck transport loads from any source within a 30-day period. The manifest shall include:
 - i. The name of the fuel supplier,
 - ii. The date on which the diesel fuel / distillate oil was received, and
 - iii. The volume of diesel fuel / distillate oil delivered in the shipment.
- b. After each shipment of diesel fuel / distillate oil, the permittee shall:
 - i. Certify that the diesel fuel / distillate oil in the diesel fuel / distillate oil storage tank (IS-21) complies with the ASTM specifications for fuel oil number 2,
 - ii. Calculate the total volume of diesel fuel / distillate oil received in the shipment, and
 - iii. Test the diesel fuel / distillate oil in the diesel fuel / distillate oil storage tank (IS-21) for sulfur content, if testing is requested by DEQ. Diesel fuel / distillate oil sulfur content shall be determined using ASTM D396 or other approved method incorporated into 40 CFR by reference.

Records of diesel fuel / distillate oil shipments shall be maintained on-site for a period of 5 years and shall be made available to DEQ personnel upon request.
(9VAC5-80-490F)

C. Recordkeeping and Reporting

27. **Facility Wide - (Units ES-5, ES-6, ES-7, ES-8) - Recordkeeping -** The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include, but are not limited to:

- a. Records of calculated or measured ozone season (June 1 to August 31 inclusive) NO_x emissions in tons.

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

(9VAC5-80-490 F, 9VAC5-50-50 and Condition 4 of the 9/3/96 permit)

28. **Facility Wide - (Units ES-5, ES-6, ES-7 and ES-8) - Reporting -** The permittee shall submit the results and any supporting data related to ozone season NO_x measurements or calculations to the Tidewater Regional Office postmarked by October 15 of each calendar year.
(9VAC5-80-490 and Conditions 3 and 4 of the 9/3/96 Ozone Season permit)

D. Testing

29. **Facility Wide - Testing** - The permitted facility shall be constructed to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9VAC5-40-30 or 9VAC5-50-30 and 9VAC5-80-490)

VII. Insignificant Emission Units

30. **Insignificant Emission Units** - The following emission units at the facility are identified in the application as insignificant emission units under 9VAC5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutants Emitted (9VAC5-80-720 B)	Rated Capacity (9VAC5-80-720 C)
IS-8	Combustion Turbine Diesel Fuel / Distillate Oil Handling Systems	9VAC5-80-720 B	VOC	40 to 75 gallons
IS-9	Combustion Turbine Lube Oil Systems	9VAC5-80-720 B	VOC	151 to 2,000 gallons
IS-21	Station Diesel Fuel / Distillate Oil Tank No. 2	9VAC5-80-720 B	VOC	434,921 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 9VAC5-80-490.

VIII. Permit Shield & Inapplicable Requirements

31. **Permit Shield & Inapplicable Requirements** - Compliance with the provisions of this permit shall be deemed in 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
40 CFR Part 60, Subparts D, Da, Db and Dc	Standards of Performance for boilers, electrical utility steam generating units and industrial-commercial-institutional steam generating units.	There are no longer any units on site that are applicable to these regulations.
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.	No emissions sources at this facility are subject to this regulation.
40 CFR Part 60 Subparts GG and KKKK	Standards of Performance for Stationary Gas Turbines and Standards of Performance for Stationary Combustion Turbines.	The turbines were constructed prior to October 3, 1977, the applicability date of GG and February 18, 2005, the applicability date of KKKK.
40 CFR Part 60, Subpart Y	Standards of Performance for Coal Preparation and Processing Plants.	This facility no longer has equipment that meets the applicability of this Subpart.
40 CFR Part 63, Subpart UUUUU	National Emission Standards for Hazardous Air Pollutants: Coal and Oil-Fired Electric Utility Steam Generating Units.	Source is no longer a major source of HAP and has retired the coal fired units. Combustion turbines are exempt under 63.9983(a).
40 CFR Part 63, Subpart YYYY	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.	Source is no longer a major source of HAP.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by:

- (i) the administrator pursuant to §114 of the federal Clean Air Act,
 - (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law, or
 - (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
- (9VAC5-80-140)

IX. General Conditions

32. **General Conditions - Federal Enforceability** - All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9VAC5-80-490 N)
33. **General Conditions - Permit Expiration** - This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9VAC5-80-430, the right of the facility to operate shall be terminated upon permit expiration.
(9VAC5-80-430 B, C, and F, 9VAC5-80-490 D and 9VAC5-80-530)
34. **General Conditions - Permit Expiration** - The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
(9VAC5-80-80 B, C, and F, 9VAC5-80-490 D and 9VAC5-80-530)
35. **General Conditions - Permit Expiration** - If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 3, Part II of 9VAC5 Chapter 80, until the Board takes final action on the application under 9VAC5-80-510.
(9VAC5-80-80 B, C, and F, 9VAC5-80-490 D and 9VAC5-80-530)
36. **General Conditions - Permit Expiration** - No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9VAC5-80-430 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9VAC5 Chapter 80.
(9VAC5-80-80 B, C, and F, 9VAC5-80-490 D and 9VAC5-80-530)
37. **General Conditions - Permit Expiration** - If an applicant submits a timely and complete application under section 9VAC5-80-430 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9VAC5-80-500, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
(9VAC5-80-430 B, C, and F, 9VAC5-80-490 D and 9VAC5-80-530)
38. **General Conditions - Permit Expiration** - The protection under subsections F 1 and F 5 (ii) of section 9VAC5-80-430 shall cease to apply if, subsequent to the completeness determination made pursuant section 9VAC5-80-430 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9VAC5-80-80 B, C, and F, 9VAC5-80-490 D and 9VAC5-80-530)

39. **General Conditions - Recordkeeping and Reporting** - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
- The date, place as defined in the permit, and time of sampling or measurements;
 - The date(s) analyses were performed;
 - The company or entity that performed the analyses;
 - The analytical techniques or methods used;
 - The results of such analyses; and
 - The operating conditions existing at the time of sampling or measurement.
- (9VAC5-80-490 F)
40. **General Conditions - Recordkeeping and Reporting** - Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
- (9VAC5-80-490 F)
41. **General Conditions - Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9VAC5-80-430 G, and shall include:
- 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.
 - All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - Exceedance of emissions limitations or operational restrictions;
 - 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,
 - Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - 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.”
- (9VAC5-80-490 F)

42. **General Conditions - Annual Compliance Certification** - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9VAC5-80-430 G, and shall include:
- a. The time period included in the certification. The time period to be addressed is January 1 to December 31.
 - b. The identification of each term or condition of the permit that is the basis of the certification.
 - c. The compliance status.
 - d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
 - e. Consistent with subsection 9VAC5-80-490 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
 - f. Such other facts as the permit may require to determine the compliance status of the source.
 - g. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

[R3 APD Permits@epa.gov](mailto:R3_APD_Permits@epa.gov)
- (9VAC5-80-490 K.5)
43. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the Tidewater Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 41 of this permit.
 (9VAC5-80-490 F.2 and 9VAC5-80-650)
44. **General Conditions - Failure/Malfunction Reporting** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Tidewater Regional Office by electronic mail, facsimile transmission or telephone 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 Tidewater Regional Office.
 (9VAC5-20-180 C)

45. **General Conditions - Severability** - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9VAC5-80-490 G.1)
46. **General Conditions - Duty to Comply** - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9VAC5-80-490 G.2)
47. **General Conditions - Need to Halt or Reduce Activity not a Defense** - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9VAC5-80-490 G.3)
48. **General Conditions - Permit Modification** - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9VAC5-80-50, 9VAC5-80-1100, 9VAC5-80-1605, or 9VAC5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9VAC5-80-550 and 9VAC5-80-660)
49. **General Conditions - Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.
(9VAC5-80-490 G.5)
50. **General Conditions - Duty to Submit Information** - The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9VAC5-80-490 G.6)
51. **General Conditions - Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9VAC5-80-430 G.
(9VAC5-80-490 K.1)

52. **General Conditions - Duty to Pay Permit Fees** - The owner of any source for which a permit under 9VAC5-80-360 through 9VAC5-80-705 was issued shall pay permit fees consistent with the requirements of 9VAC5-80-310 through 9VAC5-80-350 in addition to an annual permit maintenance fee consistent with the requirements of 9VAC5-80-2310 through 9VAC5-80-2350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. The amount of the annual permit maintenance fee shall be the largest applicable base permit maintenance fee amount from Table 8-11A in 9VAC5-80-2340, adjusted annually by the change in the Consumer Price Index.
(9VAC5-80-490 H, 9VAC5-80-340 C and 9VAC5-80-2340 B)
53. **General Conditions - Fugitive Dust Emission Standards** - During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
 - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
 - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
 - d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
 - e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
(9VAC5-40-90 and 9VAC5-50-90)
54. **General Conditions - Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, 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.
(9VAC5-50-20 E and 9VAC5-40-20 E)

55. **General Conditions - Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9VAC5-80-500 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9VAC5 Chapter 80, Article 3.
(9VAC5-80-490 J)
56. **General Conditions - Inspection and Entry Requirements** - The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:
- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
 - b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
 - c. Inspect, at reasonable times, any facility's equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
 - d. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
(9VAC5-80-490 K.2)
57. **General Conditions - Reopening For Cause** - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9VAC5-80-430 F. The conditions for reopening a permit are as follows:
- a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
 - c. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9VAC5-80-490 D.
(9VAC5-80-490 L)
58. **General Conditions - Permit Availability** - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9VAC5-80-510 G)

59. **General Conditions - Transfer of Permits** - No person shall transfer a permit from one location to another, unless authorized under 9VAC5-80-520, or from one piece of equipment to another.
(9VAC5-80-520)
60. **General Conditions - Transfer of Permits** - In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9VAC5-80-560.
(9VAC5-80-520)
61. **General Conditions - Transfer of Permits** - In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9VAC5-80-560.
(9VAC5-80-520)
62. **General Conditions - Malfunction as an Affirmative Defense** - A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements stated in Condition 63 are met.
(9VAC5-80-650)
63. **General Conditions - Malfunction as an Affirmative Defense** - The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
- a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9VAC5-80-490 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9VAC5-20-180 C.
(9VAC5-80-650)
64. **General Conditions - Malfunction as an Affirmative Defense** - In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
(9VAC5-80-650)

65. **General Conditions - Malfunction as an Affirmative Defense** - The provisions of Conditions 62, 63, and 64 are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9VAC5-80-250)
66. **General Conditions - Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9VAC5 Chapter 80, Article 3. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.
(9VAC5-80-550 and 9VAC5-80-660)
67. **General Conditions - Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9VAC5-80-430 E)
68. **General Conditions - Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)
69. **General Condition - 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).
(9VAC5-60-70 and 9VAC5-80-490 A.1)
70. **General Condition - 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 under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)
71. **General Conditions - Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9VAC5-80-490 I)

72. **General Conditions - Emissions Trading** - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
- a. All terms and conditions required under 9VAC5-80-490, except subsection N, shall be included to determine compliance.
 - b. The permit shield described in 9VAC5-80-500 shall extend to all terms and conditions that allow such increases and decreases in emissions.
 - c. The owner shall meet all applicable requirements including the requirements of 9VAC5-80-360 through 9VAC5-80-705.
(9VAC5-80-490 I)

X. Title IV (Phase II Acid Rain) Permit Allowances and Requirements (Retired Units 1-4)

A. Statutory and Regulatory Authorities

73. **Acid Rain Requirements - Statutory and Regulatory Authorities - (Retired Units 1, 2, 3, and 4)** - In accordance with the Air Pollution Control Law of Virginia §10.1-1308 and §10.1-1322, the Environmental Protection Agency (EPA) Final Full Approval of the Operating Permits Program (Titles IV and V) published in the Federal Register December 4, 2001, Volume 66, Number 233, Rules and Regulations, Pages 62961-62967 and effective November 30, 2001, and Title 40, the Code of Federal Regulations §72.1 through 76.16, the Commonwealth of Virginia Department of Environmental Quality issues this permit pursuant to 9VAC5 Chapter 80, Article 3 of the Virginia Regulations for the Control and Abatement of Air Pollution (Federal Operating Permit Article 3).
(9VAC5-80-490 B.2)

Years		2013	2014	2015	2016	2017
Unit 1	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	764	764	764	764	764
Unit 2	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	1000	1000	1000	1000	1000
Unit 3	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	4567	4567	4567	4567	4567
Unit 4	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	5861	5861	5861	5861	5861

B. Additional Requirements

74. **Acid Rain Requirements - Additional Requirements and Notes:**
- a. Any affected unit that is permanently retired shall be exempt from the Acid Rain Program, except for the provisions of 40CFR 72.8, 72.2 through 72.6, 72.10 through 72.13, and Subpart B of 40 CFR Part 73.
(9VAC5-80-490 and 40 CFR Part 72)

XI. Cross-State Air Pollution Rule (CSAPR) (Retired Units 1-4)

75. **CSAPR - (Retired Units 1, 2, 3, and 4)** - The permittee shall comply with all applicable cross-state air pollution rule (CSAPR) requirements (40 CFR Part 97, Subparts AAAAA-CCCCC) by the compliance date specified in 40 CFR 97, Subparts AAAAA-CCCCC, as amended.
- a. For the TR NO_x Annual Trading Program, the facility will comply with 40 CFR Part 97, Subpart AAAAA as retired units;
 - b. For the TR NO_x Ozone Season Trading Program, the facility will comply with 40 CFR Part 97, Subpart BBBBB as retired units; and,
 - c. For the TR SO₂ Group I Trading Program, the facility will comply with 40 CFR Part 97, Subpart CCCCC as retired units.
 - d. If a unit provided an allocation in the notice of data availability issued under paragraphs 97.411(a)(1), 97.511(a)(1), and/or 97.611(a)(1) does not operate, starting after 2014, during the control period in two consecutive years, such unit will not be allocated the allowances provided in such notice for the unit for the control periods in the fifth year after the first such year and in each year after that fifth year. All allowances that would otherwise have been allocated to such unit will be allocated to the new unit set-aside for the State where such unit is located and for the respective years involved. If such unit resumes operation, the Administrator will allocate the program allowances to the unit in accordance with the new units section of each program (97.411(b), 97.511(b), and 97.611(b)).

(9VAC5-80-490 and 40 CFR Part 97, Subparts AAAAA-CCCCC)

XII.State-Only Enforceable Requirements

76. **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 9VAC5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.
- a. Odor (9VAC5 Chapter 40, Article 2 and 9VAC5 Chapter 50, Article 2)
 - b. State toxics rule (9VAC5 Chapter 60, Articles 4 & 5)
- (9VAC5-80-490 N and 9VAC5-80-300)