



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000 Fax (757) 518-2009

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

Maria R. Nold  
Regional Director

April 7, 2014

Mr. James Dugan  
Senior Vice President of Engineering and Operations  
TransMontaigne Operating Company, L.P.  
PO Box 5660  
Denver, Colorado 80217-5660

Location: Chesapeake  
**Registration No.: 60242**  
AFS Id. No.: 51-550-00035

Dear Mr. Dugan:

Attached is a permit to operate a bulk petroleum liquids storage and distribution facility pursuant to 9 VAC 5 Chapter 80 of the Virginia Regulations for the Control and Abatement of Air Pollution. This permit incorporates provisions from the permit dated October 17, 2013.

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

In evaluating the application and arriving at a final decision to issue this permit, the Department deemed the application complete on October 17, 2013 and solicited written public comments by placing a newspaper advertisement in The Virginian-Pilot newspaper on Thursday, February 20, 2014. The thirty day comment period (provided for in 9 VAC 5-80-270) expired on Monday, March 24, 2014, with no comments having been received in this office.

This approval to operate does not relieve TransMontaigne Operating Company, L.P. of the responsibility to comply with all other local, state, and federal permit regulations.

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

Mr. James Dugan  
TransMontaigne Operating Company, L.P.  
Norfolk Terminal  
April 7, 2014  
Page 2

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:

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 Rule 2A 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 Lindsey Evans by phone at (757) 518-2168 or by e-mail at [lindsey.evans@deq.virginia.gov](mailto:lindsey.evans@deq.virginia.gov).

Sincerely,

Troy D. Breathwaite  
Regional Air Permits Manager

TDB/LME/60242\_015\_14\_T5FOPnew\_TransMontaigneNT\_CoverLtr.docx

Attachment: Permit

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



# COMMONWEALTH of VIRGINIA

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## Federal Operating Permit Article 1

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

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

Permittee Name:	TransMontaigne Operating Company, L.P.
Facility Name:	TransMontaigne Operating Company, L.P. - Norfolk Terminal
Facility Location:	7600 Halifax Lane Chesapeake, Virginia
Registration Number:	60242
Permit Number:	TRO-60242

This permit includes the following programs:

**Federally Enforceable Requirements - Clean Air Act (Pages 3 through 73)**  
**State Only Enforceable Requirements (Page 74) (Optional)**

**April 7, 2014**

Effective Date

**April 6, 2019**

Expiration Date

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Maria R. Nold

**April 7, 2014**

Signature Date

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## I. Facility Information

### **Permittee**

TransMontaigne Operating Company, L.P.  
PO Box 5660  
Denver, Colorado 80217-5660

### **Responsible Official**

James Dugan  
Senior Vice President of Engineering and Operations

### **Facility**

TransMontaigne Operating Company, L.P. – Norfolk Terminal  
7600 Halifax Lane  
Chesapeake, Virginia 23324

### **Contact Person**

Kevin Kickham  
Air Quality Specialist  
(303) 860-5128

**County-Plant Identification Number:** 51-550-00035

**Facility Description:** NAICS 424710 - The source is a bulk petroleum liquids storage and distribution facility. The facility consists of thirty-eight (38) storage tanks, two (2) truck loading racks, and one (1) marine vessel loading operation. The source also operates two (2) distillate oil-fired boilers/hot oil heaters, two (2) diesel emergency generators, and one (1) diesel emergency fire pump. Truck loading rack LR-1 and marine vessel loading rack ML-1 are each equipped with a Vapor Combustion Unit (VCU-1 and MVCU-1) for the control of VOC/HAP emissions.

Tanks 1, 2, 3, 4, 11, 13, 101, 102, 103, 104, 105, and 109 and truck loading rack LR-1 are subject to the requirements of 40 CFR 63, Subpart BBBBBB (Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk, Plants, and Pipeline Facilities) when in gasoline service. Tanks 4 and 109 are also subject to the requirements of 40 CFR 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) when in gasoline service. In addition, truck loading rack LR-1 is subject to the requirements of 40 CFR 60, Subpart XX (Standards of Performance for Bulk Gasoline Terminals) when in gasoline service. As an area source of HAP emissions, the source is exempt from the requirements of 40 CFR 63, Subpart R (National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) under §63.420(a)(2) but must maintain records to demonstrate its continued exempt status.

Tanks 1, 2, 3, 4, 11, 13, 101, 102, 103, 104, 105, and 109 and truck loading rack LR-1 are subject to the requirements of Virginia Rule 4-37 (9 VAC 5-40-5200 et al: Emission Standards For Petroleum Liquid Storage and Transfer Operations) when storing or loading petroleum products subject to the rule.

The boilers/hot oil heaters are subject to the requirements of 40 CFR 63, Subpart JJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources). The emergency generators are subject to the requirements of 40 CFR 63, Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines) and 40 CFR 63, Subpart ZZZZ (National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines). As new stationary RICE located at an area source, the emergency generators must meet the requirements of 40 CFR 63, Subpart ZZZZ by meeting the requirements of 40 CFR 60, Subpart IIII. No further requirements apply for these engines under 40 CFR 63, Subpart ZZZZ.

The facility is a Title V major source of VOC but a synthetic minor (area) source of HAP. This source is located in an attainment area for all pollutants, and is a PSD minor source. The facility is currently permitted under a State Major NSR Permit issued on April 22, 2010, and modified on August 27, 2012 and October 17, 2013.

## II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>Storage Tanks</b>							
Tank 1	N/A	Storage tank (constructed 1946) MACT, Subpart BBBBBB Rule 4-37 (gasoline storage)	2,037,504 gallons	External floating roof with mechanical shoe primary seal and rim mounted secondary seal	---	VOC, HAP	October 17, 2013
Tank 2	N/A	Storage tank (constructed 1946) MACT, Subpart BBBBBB Rule 4-37 (gasoline storage)	2,820,090 gallons	External floating roof with mechanical shoe primary seal and rim mounted secondary seal	---	VOC, HAP	October 17, 2013
Tank 3	N/A	Storage tank (constructed 1946) MACT, Subpart BBBBBB Rule 4-37 (gasoline storage)	2,820,090 gallons	External floating roof with mechanical shoe primary seal and rim mounted secondary seal	---	VOC, HAP	October 17, 2013

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Tank 4	N/A	Storage tank (constructed 1946)  After Modification: NSPS, Subpart Kb MACT, Subpart BBBBBB Rule 4-37 (gasoline storage)	3,412,290 gallons	After modification: Internal floating roof with seal system that meets the requirements of NSPS Kb and MACT BBBBBB for the storage of gasoline or lower vapor pressure petroleum products <b>(TO BE INSTALLED)</b>	---	VOC, HAP	October 17, 2013
Tank 5	N/A	Storage tank (constructed 1946)	2,012,892 gallons	---	---	---	October 17, 2013
Tank 6	N/A	Storage tank (constructed 1949)	3,384,108 gallons	---	---	---	October 17, 2013
Tank 7	N/A	Storage tank (constructed 1949)	3,384,108 gallons	---	---	---	October 17, 2013
Tank 9	N/A	Storage tank (constructed 1953)	3,371,088 gallons	---	---	---	October 17, 2013
Tank 10	N/A	Storage tank (constructed 1957)	2,120,916 gallons	---	---	---	October 17, 2013
Tank 11	N/A	Storage tank (constructed 1956, modified 2004) MACT, Subpart BBBBBB Rule 4-37 (gasoline storage)	3,971,604 gallons	Internal floating roof w/ mechanical shoe primary seal and rim mounted secondary seal	---	VOC, HAP	October 17, 2013
Tank 12	N/A	Storage tank (constructed 1957)	3,290,112 gallons	---	---	---	October 17, 2013

<b>Emission Unit ID</b>	<b>Stack ID</b>	<b>Emission Unit Description</b>	<b>Size/Rated Capacity*</b>	<b>Pollution Control Device (PCD) Description</b>	<b>PCD ID</b>	<b>Pollutant Controlled</b>	<b>Applicable Permit Date</b>
Tank 13	N/A	Storage tank (constructed 1956, modified 2004) MACT, Subpart BBBBBB Rule 4-37 (gasoline storage)	2,105,670 gallons	External floating roof with mechanical shoe primary seal and rim mounted secondary seal	---	VOC, HAP	October 17, 2013
Tank 14	N/A	Storage tank (constructed 1958)	3,290,112 gallons	---	---	---	October 17, 2013
Tank 23	N/A	Storage tank (constructed 1988)	2,058 gallons	---	---	---	October 17, 2013
Tank 24	N/A	Storage tank (constructed 1960)	6,006 gallons	---	---	---	October 17, 2013
Tank 25	N/A	Storage tank (constructed 1993)	1,008 gallons	---	---	---	October 17, 2013
Tank 26	N/A	Storage tank (constructed 1993)	1,932 gallons	---	---	---	October 17, 2013
Tank 27	N/A	Storage tank (constructed 1980)	10,038 gallons	---	---	---	October 17, 2013
Tank 28	N/A	Storage tank (constructed 2004)	10,332 gallons	---	---	---	October 17, 2013
Tank 29	N/A	Storage tank (constructed 2004)	1,000 gallons	---	---	---	October 17, 2013
Tank 31	N/A	Storage tank (constructed 2004)	42 gallons	---	---	---	October 17, 2013
Tank 32	N/A	Storage tank (constructed 2011)	10,000 gallons	---	---	---	October 17, 2013
Tank 33	N/A	Storage tank (constructed 2011)	10,000 gallons	---	---	---	October 17, 2013
Tank 101	N/A	Storage tank (constructed 1952) MACT, Subpart BBBBBB Rule 4-37 (gasoline storage)	3,327,408 gallons	Internal floating roof w/ mechanical shoe primary seal and rim mounted secondary seal	---	VOC, HAP	October 17, 2013

<b>Emission Unit ID</b>	<b>Stack ID</b>	<b>Emission Unit Description</b>	<b>Size/Rated Capacity*</b>	<b>Pollution Control Device (PCD) Description</b>	<b>PCD ID</b>	<b>Pollutant Controlled</b>	<b>Applicable Permit Date</b>
Tank 102	N/A	Storage tank (constructed 1952) MACT, Subpart BBBBBB Rule 4-37 (gasoline storage)	3,356,178 gallons	Internal floating roof w/ mechanical shoe primary seal and rim mounted secondary seal	---	VOC, HAP	October 17, 2013
Tank 103	N/A	Storage tank (constructed 1955) MACT, Subpart BBBBBB Rule 4-37 (gasoline storage)	3,390,870 gallons	Internal floating roof w/ mechanical shoe primary seal and rim mounted secondary seal	---	VOC, HAP	October 17, 2013
Tank 104	N/A	Storage tank (constructed 1954) MACT, Subpart BBBBBB Rule 4-37 (gasoline storage)	2,325,372 gallons	Internal floating roof w/ mechanical shoe primary seal and rim mounted secondary seal	---	VOC, HAP	October 17, 2013
Tank 105	N/A	Storage tank (constructed 1955) MACT, Subpart BBBBBB Rule 4-37 (gasoline storage)	2,316,006 gallons	Internal floating roof w/ mechanical shoe primary seal and rim mounted secondary seal	---	VOC, HAP	October 17, 2013
Tank 106	N/A	Storage tank (constructed 1992)	6,006 gallons	---	---	---	October 17, 2013
Tank 109	N/A	Storage tank (constructed 1996) NSPS, Subpart Kb MACT, Subpart BBBBBB Rule 4-37 (gasoline storage)	3,356,178 gallons	Internal floating roof w/ mechanical shoe primary seal and rim mounted secondary seal	---	VOC, HAP	October 17, 2013
Tank 110	N/A	Storage tank (constructed 1996)	7,980 gallons	---	---	---	October 17, 2013
Tank 111	N/A	Storage tank (constructed 1996)	8,064 gallons	---	---	---	October 17, 2013

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Tank 112	N/A	Storage tank (constructed 1986)	2,898 gallons	---	---	---	October 17, 2013
Tank 113	N/A	Storage tank (constructed 1996)	336 gallons	---	---	---	October 17, 2013
Tank 114	N/A	Storage tank (constructed <1995)	1,008 gallons	---	---	---	October 17, 2013
Tank 115	N/A	Storage tank (constructed 2004)	42 gallons	---	---	---	October 17, 2013
Tank 116	N/A	Storage tank (constructed 2004)	252 gallons	---	---	---	October 17, 2013
Tank 117	N/A	Storage tank (constructed 2011)	10,000 gallons	---	---	---	October 17, 2013
<b>Loading Racks</b>							
LR-1	VCU-1	Four-lane truck loading rack NSPS, Subpart XX (gasoline loading) MACT, Subpart BBBBBB Rule 4-37 (gasoline loading)	432,000 gallons/hr (gasoline/denatured ethanol) 144,000 gallons/hr (distillate oil and lower VP product)	Vapor Combustion Unit	VCU-1	---	October 17, 2013
LR-2	N/A	Two-lane truck loading rack for distillate oil and lower VP products	60,000 gallons/hr	---	---	---	October 17, 2013
BL-1	MVCU-1	Marine vessel loading operation	294,000 gallons/hr (gasoline/denatured ethanol) 420,000 gallons/hr (distillate oil & lower VP product)	Marine Vapor Combustion Unit <b>(TO BE INSTALLED)</b>	MVCU-1	---	October 17, 2013

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>Fuel Burning Equipment</b>							
VCU-1	VCU-1	Vapor combustion unit for truck loading rack LR-1	Limit of 10 mg VOC/ liter of product loaded	---	---	---	October 17, 2013
MVCU-1	MVCU-1	Marine vapor combustion unit for the marine vessel loading operation BL-1 <b>(TO BE INSTALLED)</b>	Limit of 10 mg VOC/ liter of product loaded	---	---	---	October 17, 2013
B-1	B-1	Distillate oil-fired boiler (installed 1980) MACT, Subpart JJJJJ	6.2 MMBtu/hr	---	---	---	October 17, 2013
B-2	B-2	Distillate oil-fired boiler (installed 2005) MACT, Subpart JJJJJ	5.0 MMBtu/hr	---	---	---	October 17, 2013
B-3	B-3	Distillate oil-fired boiler (installed 2005) MACT, Subpart JJJJJ	5.0 MMBtu/hr	---	---	---	October 17, 2013
<b>Internal Combustion Engines</b>							
P-1	P-1	Werthington Model #15M185-4 emergency fire pump with Detroit diesel engine (installed ca. 1970)	315 HP	---	---	---	October 17, 2013
G-1	G-1	Caterpillar Model #C15 diesel emergency generator (manufactured 5/10/07, installed August 2007) NSPS, Subpart IIII MACT, Subpart ZZZZ	500 kW (671 HP)	---	---	---	October 17, 2013

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
G-2	G-2	Caterpillar Model #D175-2 diesel emergency generator (manufactured 9/20/06, installed August 2007) NSPS, Subpart III MACT, Subpart ZZZZ	175 kW (235 HP)	---	---	---	October 17, 2013

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

### III. Product Storage and Loading Requirements

(Tanks 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 101, 102, 103, 104, 105, 106, 109, 110, 111, 112, 113, 114, 115, 116, and 117, Truck Loading Racks LR-1 and LR-2, and Marine Vessel Loading Operation ML-1)

#### A. Limitations

- Product Storage and Loading Requirements - (Storage Tanks) - Limitations - Volatile Organic Compound (VOC) emissions from the storage tanks shall be controlled by roof systems as follows:**

Reference No.	Tank Type/Roof Type
Tanks 1, 2, 3, and 13	External floating roof with mechanical shoe primary seal and rim mounted secondary seal
Tank 4	Internal floating roof with seal system that meets the requirements of NSPS Kb and MACT BBBBBB for the storage of gasoline or lower vapor pressure petroleum products
Tanks 5-7, 9, 10, 12, 14, 32, and 33	Vertical fixed roof
Tanks 11, 101-105, and 109 (Tank 109 is subject to NSPS Kb)	Internal floating roof w/ mechanical shoe primary seal and rim mounted secondary seal
Tanks 23-29, 31, 106, 110, 111-117	Horizontal fixed roof

Tank roof systems which would result in equivalent or lower hourly emissions under identical storage conditions may be utilized in the tanks in lieu of the specifically permitted system. The permittee shall furnish written notification of any such replacements to a roof system to the DEQ Tidewater Regional Office, Air Compliance. This notification shall include:

- Tank number and permitted roof system;
- Proposed roof system; and
- Engineering analysis showing the proposed roof system will result in hourly emissions which are equivalent to or lower than the emissions achieved with the permitted system under identical storage conditions.

Any other changes to the roof system may require a permit to modify and operate.  
 (9 VAC 5-80-110, 9 VAC 5-40-5220, 9 VAC 5-50-260, and Condition 3 of 10/17/13 Permit)

- Product Storage and Loading Requirements - (LR-1) - Limitations - Volatile Organic Compound (VOC) emissions from loading gasoline (with or without additive) and denatured ethanol at truck loading rack LR-1 shall be controlled by a vapor combustion unit (VCU) (Ref. No. VCU-1). The VCU shall be provided with adequate access for inspection and shall be in operation when gasoline and denatured ethanol are being loaded through the**

loading rack. Emissions to the atmosphere from the VCU due to loading shall not exceed **10 milligrams (mg) of volatile organic compound per liter (l) of product loaded.**  
(9 VAC 5-80-110, 9 VAC 5-50-260, 40 CFR 60, Subpart XX, and Condition 4 of 10/17/13 Permit)

3. **Product Storage and Loading Requirements - (LR-1) - Limitations** - For truck loading rack LR-1, the permittee shall comply with the following Sections of 40 CFR Part 60, Subpart XX: 60.502 (d), (e)(1) through (e)(5), (f), (g), (h), (i), and (j). In accordance with 40 CFR 60.502 (e)(1), the facility shall obtain vapor tightness documentation for each gasoline tank truck which is to be loaded at the facility. The tank truck vapor tightness documentation shall be kept on file at the terminal in a permanent form available for inspection and be current for the most recent five (5) years. The document file for each gasoline tank truck shall be updated at least once per year to reflect current test results as determined by Method 27. This documentation shall include, as a minimum, the information in 40 CFR 60.505(b).  
(9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-400, 9 VAC 5-50-410, 40 CFR 60, Subpart XX, and Condition 5 of 10/17/13 Permit)
4. **Product Storage and Loading Requirements - (BL-1) - Limitations** Volatile Organic Compound (VOC) emissions from loading gasoline (with or without additive) and denatured ethanol at the marine vessel loading operation (Ref. No. BL-1) shall be controlled by a marine vapor combustion unit (VCU) (Ref. No. MVCU-1). The VCU shall be provided with adequate access for inspection and shall be in operation when gasoline and denatured ethanol are being loaded through the marine vessel loading operation. Emissions to the atmosphere from the VCU due to loading shall not exceed **10 milligrams (mg) of volatile organic compound per liter (l) of product loaded.**  
(9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 6 of 10/17/13 Permit)
5. **Product Storage and Loading Requirements - (BL-1) - Limitations** - For marine vessel loading operation ML-1, the permittee shall limit the marine vessel loading of gasoline (with or without additive) and denatured ethanol to those marine vessels that are vapor tight and to those vessels that are connected to the vapor collection system. A vapor tight marine vessel means "a marine tank vessel that has demonstrated within the preceding 12 months to have no leaks." The permittee shall maintain a documentation file for each marine vessel loaded with gasoline or denatured ethanol at the source to reflect current vapor tightness test results. Each file shall include the following, as a minimum:
  - (1) test title;
  - (2) marine vessel owner and address;
  - (3) marine vessel identification number;
  - (4) loading time;
  - (5) testing location;
  - (6) date of test;
  - (7) tester name and signature;
  - (8) test results;
  - (9) if applicable, documentation showing that the repair of leaking components attributed to a failure of a vapor tightness test is technically infeasible without dry-docking the vessel; and

(10) if applicable, documentation that a marine vessel failing a pressure test or leak test has been repaired.

Updates to each file shall be made at least once per year.

If the owner or operator of the marine vessel cannot provide documentation of vapor tightness prior to loading, the permittee shall ensure that the owner or operator performs a leak test of the marine vessel during loading, using Method 21. If no leak is detected, the permittee shall ensure that the owner or operator of the marine vessel completes the documentation described above. If a leak is detected, the permittee shall ensure that the owner or operator of the marine vessel documents the vapor tightness failure prior to departure of the marine vessel. The leaking component shall be repaired prior to the next marine vessel loading operation at a controlled terminal unless the repair is infeasible without cleaning and gas freeing or dry-docking the vessel. If the owner or operator of the vessel provides documentation that repairs of such equipment is technically infeasible without cleaning and gas freeing or dry-docking the vessel, the equipment responsible for the leak will be excluded from future Method 21 tests until repairs are affected. A copy of this documentation shall be maintained by the permittee. Repair of the equipment responsible for the leak shall occur the next time the vessel is cleaned and gas freed or dry-docked. For repairs that are technically feasible without dry-docking the vessel, the permittee shall not load the marine vessel again unless the marine vessel owner or operator can document that the equipment responsible for the leak has been repaired.

(9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 7 of 10/17/13 Permit)

6. **Product Storage and Loading Requirements - (Storage Tanks) - Limitations** - The permittee is authorized to store gasoline and other petroleum products with vapor pressures less than or equal to gasoline (including distillate oil (#1, #2, diesel, kerosene), residual oil, lubricating oil, denatured ethanol, additive, TransMix, and Off Specification Commercial Chemical Product (Off Spec Product) in the bulk terminal storage tanks. Off Specification Commercial Chemical Product (Off Spec Product) shall be defined as a mixture of petroleum fuel product and water destined for reclamation. Off Specification Commercial Chemical Product is excluded from the definition of solid waste as outlined in 40 CFR Part 261, §261.2(c)(2)(ii). A change in the products stored may require a permit to modify and operate. The products to be stored in each tank are as follows:

Approved Storage Tank Service	Reference No.
Gasoline and other petroleum products with vapor pressures less than or equal to gasoline	Tanks 1-4, 11, 13, 101-105, and 109
TransMix and other petroleum products with vapor pressures less than or equal to TransMix	Tanks 24, 115, and 116
Distillate oil and other petroleum products with vapor pressures less than or equal to distillate oil	Tanks 5-7, 9, 10, 12, 14, 23, 32, and 33
Additive	Tanks 25, 26, 29, 106, 110, 112, and 113
Off Spec Product	Tanks 27, 28, 111, 114, and 117

(9 VAC 5-80-110 and Condition 9 of 10/17/13 Permit)

7. **Product Storage and Loading Requirements - (LR-1) - Limitations** - The permittee is authorized to transfer gasoline or lower vapor pressure petroleum product (with or without additive); distillate oil or lower vapor pressure petroleum product (with or without additive); and denatured ethanol at loading rack LR-1. The permittee is authorized to transfer distillate oil or lower vapor pressure petroleum product (with or without additive) at loading rack LR-2. A change in the products transferred may require a permit to modify and operate. (9 VAC 5-80-110 and Condition 10 of 10/17/13 Permit)
8. **Product Storage and Loading Requirements - (BL-1) - Limitations** - The permittee is authorized to transfer gasoline or lower vapor pressure petroleum product (with or without additive); distillate oil or lower vapor pressure petroleum product (with or without additive); and denatured ethanol at the marine vessel loading operation (Ref. No. BL-1). A change in the products transferred may require a permit to modify and operate. (9 VAC 5-80-110 and Condition 11 of 10/17/13 Permit)
9. **Product Storage and Loading Requirements - (Storage Tanks, LR-1, LR-2, and BL-1) - Limitations** - The annual throughput of petroleum products at the bulk petroleum product storage and distribution facility shall not exceed the limitations specified below, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months. The storage throughputs include tank-to-tank product transfers.

Product	Storage Tanks (gal/yr)	Loading Racks LR-1 and LR-2 (combined) (gal/yr)	Loading Rack LR-1 & Marine Vessel Loading BL-1 (combined) (gal/yr)	Loading Racks LR-1, LR-2 & Marine Vessel Loading BL-1 (combined) (gal/yr)
Gasoline or lower vapor pressure petroleum product*/Denatured ethanol (combined)	855,000,000		855,000,000	
Distillate or lower vapor pressure petroleum product**	1,180,000,000			1,180,000,000
Total Additives	4,000,000	4,000,000		
Off Specification Products (pumped directly from tanks into either truck or marine vessel without use of VCU)**	2,053,000			

\* Lower vapor pressure petroleum products include TransMix

\*\* Lower vapor pressure petroleum products include residual oil and lubricating oil

\*\* Off Spec Product defined as a mixture of petroleum fuel product and water destined for reclamation - see Condition 6.

(9 VAC 5-80-110 and Condition 12 of 10/17/13 Permit)



- (b) The emissions to the atmosphere from the vapor collection system due to the loading of liquid product into gasoline tank trucks are not to exceed 35 milligrams of total organic compounds per liter of gasoline loaded.
  - (c) Each vapor collection system shall be designed to prevent any total organic compounds vapors collected at one loading rack from passing to another loading rack.
  - (d) Loadings of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks using the following procedures:
    - (1) The owner or operator shall obtain the vapor tightness documentation described in §60.505(b) for each gasoline tank truck which is to be loaded at the affected facility.
    - (2) The owner or operator shall require the tank identification number to be recorded as each gasoline tank truck is loaded at the affected facility.
    - (3) (i) The owner or operator shall cross-check each tank identification number obtained in §60.502(e)(2) with the file of tank vapor tightness documentation within 2 weeks after the corresponding tank is loaded, unless either of the following conditions is maintained:
      - (A) If less than an average of one gasoline tank truck per month over the last 26 weeks is loaded without vapor tightness documentation then the documentation cross-check shall be performed each quarter; or
      - (B) If less than an average of one gasoline tank truck per month over the last 52 weeks is loaded without vapor tightness documentation then the documentation cross-check shall be performed semiannually.
    - (ii) If either the quarterly or semiannual cross-check provided in §60.502 (e)(3)(i)(A) through (B) reveals that these conditions were not maintained, the source must return to biweekly monitoring until such time as these conditions are again met.
- If the facility utilizes a terminal automation system designed to prevent gasoline cargo tanks that do not have valid cargo tank vapor tightness documentation from loading (e.g., card lock-out system), the system shall be deemed an acceptable form of the above required vapor tight certification periodic cross-check.
- (4) The terminal owner or operator shall notify the owner or operator of each non-vapor-tight gasoline tank truck loaded at the affected facility within 1 week of the documentation cross-check in §60.502(e)(3).
  - (5) The terminal owner or operator shall take steps assuring that the non-vapor-tight gasoline tank truck will not be reloaded at the affected facility until vapor tightness documentation for that tank is obtained.

- (6) Alternate procedures to those described in §60.502(e)(1) through (5) for limiting gasoline tank truck loadings may be used upon application to, and approval by, the Administrator.
- (e) The owner or operator shall act to assure that loadings of gasoline tank trucks at the affected facility are made only into tanks equipped with vapor collection equipment that is compatible with the terminal's vapor collection system.
- (f) The owner or operator shall act to assure that the terminal's and the tank truck's vapor collection systems are connected during each loading of a gasoline tank truck at the affected facility. Examples of actions to accomplish this include training drivers in the hookup procedures and posting visible reminder signs at the affected loading racks.
- (g) The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding 4,500 pascals (450 mm of water) during product loading. This level is not to be exceeded when measured by the procedures specified in §60.503(d).
- (h) No pressure-vacuum vent in the bulk gasoline terminal's vapor collection system shall begin to open at a system pressure less than 4,500 pascals (450 mm of water).
- (i) Each calendar month, the vapor collection system, the vapor processing system, and each loading rack handling gasoline shall be inspected during the loading of gasoline tank trucks for total organic compounds liquid or vapor leaks. For purposes of this paragraph, detection methods incorporating sight, sound, or smell are acceptable. Each detection of a leak shall be recorded and the source of the leak repaired within 15 calendar days after it is detected.

(9 VAC 5-80-110, and 40 CFR 60.502(a), (b), (d), (e)(1) through (5), (f), (g), (h), (i), and (j))

**14. Product Storage and Loading Requirements - (Tanks 4 and 109) - Limitations - NSPS**

**Kb** - For Tanks 4 and 109, the permittee shall comply with the applicable requirements of 40 CFR 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).

(9 VAC 5-80-110, 9 VAC 5-50-400, 9 VAC 5-50-410, and 40 CFR 60, Subpart Kb)

**15. Product Storage and Loading Requirements - (Tanks 4 and 109) - Limitations - NSPS**

**Kb** - For Tanks 4 and 109, each tank shall be equipped with a fixed roof in combination with an internal floating roof. The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it). The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.

(9 VAC 5-80-110 and 40 CFR 60.112b(a)(1))

16. **Product Storage and Loading Requirements - (Tanks 4 and 109) - Limitations - NSPS Kb** - For Tanks 4 and 109, each tank shall be equipped with a mechanical shoe primary seal and a rim mounted secondary seal. The two seals shall be mounted so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.  
(9 VAC 5-80-110 and 40 CFR 60.112b(a)(1))
17. **Product Storage and Loading Requirements - (Tanks 4 and 109) - Limitations - NSPS Kb** - For Tanks 4 and 109, each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.  
(9 VAC 5-80-110 and 40 CFR 60.112b(a)(1))
18. **Product Storage and Loading Requirements - (Tanks 4 and 109) - Limitations - NSPS Kb** - For Tanks 4 and 109, each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.  
(9 VAC 5-80-110 and 40 CFR 60.112b(a)(1))
19. **Product Storage and Loading Requirements - (Tanks 4 and 109) - Limitations - NSPS Kb** - For Tanks 4 and 109, automatic bleeder vents shall be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.  
(9 VAC 5-80-110 and 40 CFR 60.112b(a)(1))
20. **Product Storage and Loading Requirements - (Tanks 4 and 109) - Limitations - NSPS Kb** - For Tanks 4 and 109, rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.  
(9 VAC 5-80-110 and 40 CFR 60.112b(a)(1))
21. **Product Storage and Loading Requirements - (Tanks 4 and 109) - Limitations - NSPS Kb** - For Tanks 4 and 109, each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least 90 percent of the opening.  
(9 VAC 5-80-110 and 40 CFR 60.112b(a)(1))
22. **Product Storage and Loading Requirements - (Tanks 4 and 109) - Limitations - NSPS Kb** - For Tanks 4 and 109, each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.  
(9 VAC 5-80-110 and 40 CFR 60.112b(a)(1))

23. **Product Storage and Loading Requirements - (Tanks 4 and 109) - Limitations - NSPS Kb** - For Tanks 4 and 109, each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.  
(9 VAC 5-80-110 and 40 CFR 60.112b(a)(1))
24. **Product Storage and Loading Requirements - (Tanks 1-4, 11, 13, 101-105, and 109 and LR-1) - Limitations - MACT BBBBBB** - The permittee shall comply with the applicable requirements of 40 CFR 63, Subpart BBBBBB (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities). The requirements of this subpart apply when each applicable storage tank (Tanks 1-4, 11, 13, 101-105, and 109) and truck loading rack (Loading Rack LR-1) is in gasoline service, as defined in 40 CFR 63.11100.  
(9 VAC 5-80-110, 9 VAC 5-60-90, 9 VAC 5-60-100, and 40 CFR 63, Subpart BBBBBB)
25. **Product Storage and Loading Requirements - (Tanks 1-4, 11, 13, 101-105, and 109) - Limitations - MACT BBBBBB** - For Tanks 1-4, 11, 13, 101-105, and 109, the permittee shall meet each applicable emission limit and management practice in Table 1 of 40 CFR 63, Subpart BBBBBB.  
(9 VAC 5-80-110 and 40 CFR 63.11087(a))
26. **Product Storage and Loading Requirements - (LR-1) - Limitations - MACT BBBBBB** - For truck loading rack LR-1, the permittee shall meet each applicable emission limit and management practice in Table 2 of 40 CFR 63, Subpart BBBBBB.  
(9 VAC 5-80-110 and 40 CFR 63.11088(a))
27. **Product Storage and Loading Requirements - (Tanks 1-4, 11, 13, 101-105, and 109) - Limitations - MACT BBBBBB** - If the gasoline storage tank is subject to, and complies with, the control requirements of 40 CFR, Subpart Kb, the storage tank will be deemed in compliance with 40 CFR 63.11087. The permittee must report this determination in the Notification of Compliance Status Report under 40 CFR 63.11093(b).  
(9 VAC 5-80-110 and 40 CFR 63.11087(f))
28. **Product Storage and Loading Requirements - (Tanks 1-4, 11, 13, 101-105, and 109 and LR-1) - Limitations - MACT BBBBBB** - The permittee shall perform a monthly leak inspection of all equipment in gasoline service, as defined in 40 CFR 63.11100. For this inspection, detection methods incorporating sight, sound, and smell are acceptable. A log book shall be used and shall be signed by the owner or operator at the completion of each inspection. A section of the log book shall contain a list, summary description, or diagram(s) showing the location of all equipment in gasoline service at the facility. Each detection of a liquid or vapor leak shall be recorded in the log book. When a leak is detected, an initial attempt at repair shall be made as soon as practicable, but no later than 5 calendar days after the leak is detected. Repair or replacement of leaking equipment shall be completed within 15 calendar days after detection of each leak, except that delay of repair of leaking equipment will be allowed if the repair is not feasible within 15 days. The owner or operator shall provide in the semiannual report specified in 40 CFR 63.11095(b), the reason(s) why the repair was not feasible and the date each repair was completed. The

permittee must submit the applicable notifications for the monthly leak inspections as required under 40 CFR 63.11093 and keep records and submit reports as specified in 40 CFR 63.11094 and 63.11095.

(9 VAC 5-80-110 and 40 CFR 63.11089(a-g))

29. **Product Storage and Loading Requirements - (Tanks 1-4, 11, 13, 101-105, and 109 and LR-1) - Limitations - MACT BBBBBB** - For Tanks 1-4, 11, 13, 101-105, and 109, and truck loading rack LR-1, the permittee shall comply with the applicable requirements of the General Provisions as outlined in Table 3 to 40 CFR 63, Subpart BBBBBB.

(9 VAC 5-80-110 and 40 CFR 63.11098)

30. **Product Storage and Loading Requirements - (Tanks 1-4, 11, 13, 101-105, and 109 and LR-1) - Limitations - Rule 4-37** - Tanks 1-4, 11, 13, 101-105, and 109, and truck loading rack LR-1 shall be operated in accordance with State Regulations 9 VAC 5-40-5200 et seq. when storing or loading products subject to Rule 4-37 (i.e. petroleum products with a vapor pressure greater than or equal to 1.5 psia under actual storage conditions). Tank 4 shall become subject to Rule 4-37 upon installation of a floating roof. The tanks shall be provided with adequate access for inspection.

(9 VAC 5-80-110 and 9 VAC 5-40-5200 et. seq.)

31. **Product Storage and Loading Requirements - (Tanks 1-4, 11, 13, 101-105, and 109 and LR-1) - Limitations - Rule 4-37** - The provisions of this article do not apply to affected facilities using petroleum liquids with a vapor pressure less than 1.5 pounds per square inch absolute under actual storage conditions or, in the case of loading or processing, under actual loading or processing conditions. (Kerosene and fuel oil have vapor pressures of less than 1.5 pounds per square inch absolute under actual storage conditions; therefore, kerosene and fuel oil are not subject to the provisions of this article when used or stored at ambient temperatures).

(9 VAC 5-80-110 and 9 VAC 5-40-5200 C)

32. **Product Storage and Loading Requirements - (Tanks 4, 11, 101-105, and 109) - Limitations - Rule 4-37** - The following requirements apply to each fixed roof tank when storing products subject to Rule 4-37:

- (a) The permittee shall not use or permit the use of any fixed roof tank of more than 40,000 gallons capacity for storage of petroleum liquids, unless such tank is equipped with a control method which will remove, destroy or prevent the discharge into the atmosphere of at least 90% by weight of volatile organic compound emissions.
- (b) The permittee shall achieve the emission standard in paragraph (a) above by use of the methods in 9 VAC 5-40-5230 A, as follows:
- (1) The tank should be a pressure tank maintaining working pressure sufficient at all times to prevent vapor loss to the atmosphere, or be designed and equipped with one of the following vapor control systems:
- (i) An internal floating roof resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge

and tank shell. All tank gauging and sampling devices should be vapor tight except when gauging or sampling is taking place.

- (ii) Any system of equal or greater control efficiency to the system in subdivision (i) of this section, provided such system is approved by the board.
- (2) There should be no visible holes, tears or other openings in the seal or any seal fabric.
- (3) All openings, except stub drains, should be equipped with a cover, seal or lid. The cover, seal or lid should be in a closed position at all times except when the device is in actual use. Automatic bleeder vents should be closed at all times except when the roof is floated off or landed on the roof leg supports. Rim vents, if provided, should be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.
- (4) The exterior above ground surfaces (exposed to sunlight) should be painted white, light pastels, or light metallic and such exterior paint should be periodically maintained in good condition. Repainting may be performed during normal maintenance periods.

(9 VAC 5-80-110, 9 VAC 5-40-5220 A, and 9 VAC 5-40-5230 A)

**33. Product Storage and Loading Requirements - (Tanks 1-3 and 13) - Limitations - Rule 4-37** - The following requirements apply to each floating roof tank when storing products subject to Rule 4-37:

- (a) The permittee shall not use or permit the use of any floating roof tank of more than 40,000 gallons capacity for storage of petroleum liquids, unless such tank is equipped with a control method which will remove, destroy or prevent the discharge into the atmosphere of at least 90% by weight of volatile organic compound emissions.
- (b) The permittee shall achieve the emission standard in paragraph (a) above by use of the methods in 9 VAC 5-40-5230 B, as follows:
  - (1) The tank should be designed and equipped with one of the following vapor control systems:
    - (i) An external floating roof resting on the surface of the liquid contents and equipped with a seal closure device (meeting the specifications set forth in subdivisions (2) and (3) of this section) to close the space between the roof edge and tank shell. All tank gauging and sampling devices should be vapor tight except when gauging or sampling is taking place.
    - (ii) Any system of equal or greater control efficiency to the system in subdivision (i) of this section, provided such system is approved by DEQ.

- (2) Unless the tank is a welded tank fitted with a metallic-type shoe seal which has a secondary seal from the top to the shoe seal to the tank wall (a shoe-mounted secondary), the tank should be fitted with a continuous secondary seal extending from the floating roof to the tank wall (a rim-mounted secondary) if:
- (iii) The tank is a welded tank, the true vapor pressure of the contained liquid is 4.0 psi or greater, and the primary seal is one of the following:
    - (A) A metallic-type shoe seal.
    - (B) A liquid-mounted foam seal.
    - (C) A liquid-mounted liquid-filled type seal.
    - (D) Any other seal closure device which can be demonstrated equivalent to the primary seals specified in subdivisions (b)(2)(i)(A) through (C) of this section.
  - (iv) The tank is a riveted tank, the true vapor pressure of the contained liquid is 1.5 psi, or greater, and the seal closure device is as described in subdivision (2) of this section.
  - (v) The tank is a welded or riveted tank, the true vapor pressure of the contained liquid is 1.5 psi, or greater, and the primary seal is vapor mounted. When such primary seal closure device can be demonstrated equivalent to the primary seals described in subdivision (b)(2)(i) of this section, the provisions of that subdivision apply.
- (3) The seal closure devices should meet the following requirements:
- (i) There should be no visible holes, tears or other openings in the seal or any seal fabric.
  - (ii) The seal should be intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall.
  - (iii) The areas where the gap between the secondary seal, installed pursuant to subdivision (b)(2)(iii) of this section, and the tank wall exceeds 1/8 inch in width shall be calculated in square inches. The sum of all such areas shall not exceed 1.0 square inch per foot of tank diameter.

- (4) All openings, except for automatic bleeder vents, rim space vents and leg sleeves, should provide a projection below the liquid surface. All openings, except stub drains, should be equipped with a cover, seal or lid. The cover, seal or lid should be in a closed position at all times except when the device is in actual use. Automatic bleeder vents should be closed at all times except when the roof is floated off or landed on the roof leg supports. Rim vents, if provided, should be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting. Any emergency roof drain should be provided with a slotted membrane fabric cover or equivalent cover that covers at least 90% of the area of the opening.
  - (5) The exterior above ground surfaces (exposed to sunlight) should be painted white, light pastels, or light metallic and such exterior paint should be periodically maintained in good condition. Repainting may be performed during normal maintenance periods.
- (c) The provisions of this subsection shall not be applicable to the following:
- (1) Floating roof tanks having capacities less than 400,000 gallons for crude oil or condensate stored, processed or treated at a drilling and production facility prior to custody transfer.
  - (2) Floating roof tanks storing waxy, heavy pour crude oil.
- (9 VAC 5-80-110, 9 VAC 5-40-5220 B, and 9 VAC 5-40-5230 B)
34. **Product Storage and Loading Requirements - (LR-1) - Limitations - Rule 4-37** - The following requirements apply for truck loading rack LR-1 when loading products subject to Rule 4-37:
- (a) No owner or other person shall cause or permit the discharge into the atmosphere from a bulk gasoline terminal (including any appurtenant equipment necessary to load the tank truck compartments) any volatile organic compound in excess of .67 pounds per 1,000 gallons of gasoline loaded.
  - (b) The permittee shall achieve the emission standard in (a) above by use of the methods in 9 VAC 5-40-5230 C, as follows:

The control system should consist of the following:

    - (1) A vapor collection and disposal system with the vapor disposal portion consisting of one of the following:
      - (i) Compression — refrigeration — adsorption system;
      - (ii) Refrigeration system;
      - (iii) Oxidation system; or
      - (iv) Any system of equal or greater control efficiency to the systems in subdivisions (b)(1)(i) through (iii) of this section, provided such system is approved by the board.

- (2) A vapor collection and disposal system with the vapor collection portion meeting the following criteria:
- (i) Loading should be accomplished in such manner that all displaced vapor and air will be vented only to the vapor disposal system. Measures should be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish substantially complete drainage before the loading device is disconnected;
  - (ii) The pressure relief valves on storage containers and tank trucks should be set to release at no less than 0.7 psi or the highest possible pressure in accordance with the following National Fire Prevention Association Standards: “Standard for Tank Vehicles for Flammable and Combustible Liquids,” “Flammable and Combustible Liquids Code,” “Code for Motor Fuel Dispensing Facilities and Repair Garages” (see 9 VAC 5-20-21);
  - (iii) Pressure in the vapor collection lines should not exceed tank truck pressure relief valve settings; and
  - (iv) All loading and vapor lines should be equipped with fittings which make vapor tight connections and which close when disconnected.

(9 VAC 5-80-110, 9 VAC 5-40-5220 C, and 9 VAC 5-40-5230 C)

**35. Product Storage and Loading Requirements - (LR-1) - Limitations - Rule 4-37 -** The following requirements apply for each tank truck/account truck loading or unloading products subject to Rule 4-37 and VCU-1:

- (a) The permittee shall not use or permit the use of any tank truck or account truck that is loaded or unloaded at the facility unless such truck is designed, maintained and certified to be vapor tight. In addition, there shall be no avoidable visible liquid leaks. Invariably there will be a few drops of liquid from disconnection of dry breaks in liquid lines even when well maintained; these drops are allowed.
- (b) Vapor-laden tank trucks or account trucks exclusively serving facilities subject to 9 VAC 5-40-5220 D or E may be refilled only at facilities in compliance with 9 VAC 5-40-5220 C.
- (c) Tank truck and account truck hatches shall be closed at all times during loading and unloading operations (periods during which there is liquid flow into or out of the truck).

- (d) During loading or unloading operations, there shall be no volatile organic compound concentrations greater than or equal to 100% of the lower explosive limit (LEL, measured as propane) at 2.5 centimeters around the perimeter of a potential leak source as detected by a combustible gas detector. In addition, there shall be no avoidable visible liquid leaks. Invariably there will be a few liquid drops from the disconnection of well-maintained bottom loading dry breaks and the raising of well-maintained top loading vapor heads; these few drops are allowed. The vapor collection system includes all piping, seals, hoses, connection, pressure-vacuum vents and other possible leak sources between the truck and the vapor disposal unit and between the storage tanks and vapor recovery unit.
- (e) The vapor collection and vapor disposal equipment must be designed and operated to prevent gauge pressure in the tank truck from exceeding 18 inH<sub>2</sub>O and prevent vacuum from exceeding 6 inH<sub>2</sub>O.

(9 VAC 5-80-110 and 9 VAC 5-40-5220 G)

## B. Notifications

36. **Product Storage and Loading Requirements - (Tank 4) - Initial Notifications** - The permittee shall furnish written notification to the Tidewater Regional Office of:
- (a) The actual date on which the modification of Tank 4 (installation of an internal floating roof and seal system) commenced within 30 days after such date.
  - (b) The anticipated start-up date of the internal floating roof and seal system postmarked not more than 60 days nor less than 30 days prior to such date.
  - (c) The actual start-up date of the internal floating roof and seal system within 15 days after such date.
  - (d) The anticipated date of performance testing for the marine vapor combustion unit (MVCU-1) or the marine vapor recovery unit (MVRU-1) postmarked at least 30 days prior to such date.

Copies of the written notification referenced in items a and c above are to be sent to:

Associate Director  
Office of Air Enforcement and Compliance Assistance (3AP20)  
U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

(9 VAC 5-80-110, 9 VAC 5-50-50, and Condition 36 of 10/17/13 Permit)

37. **Product Storage and Loading Requirements - (Tanks 1-4, 11, 13, 101-105, and 109 and LR-1) - Notifications - MACT BBBBBB** - For Tanks 1-4, 11, 13, 101-105, and 109, and truck loading rack LR-1, the permittee shall comply with the applicable notification requirements specified in 40 CFR 63.11093, as follows:
- (a) The permittee must submit an Initial Notification as specified in 40 CFR 63.9(b). If the facility is in compliance with the requirements of 40 CFR 63, Subpart BBBBBB at the time the Initial Notification is due, the Notification of Compliance Status required under paragraph (b) of this section may be submitted in lieu of the Initial Notification.
  - (b) The permittee must submit a Notification of Compliance Status as specified in 40 CFR 63.9(h). The Notification of Compliance Status must specify which of the compliance options included in Table 1 of 40 CFR 63, Subpart BBBBBB is used to comply with the subpart.
  - (c) The permittee must submit additional notifications specified in 40 CFR 63.9, as applicable.

(9 VAC 5-80-110, 40 CFR 63.11087(d), 63.11088(e) and 63.11093)

## **C. Testing and Monitoring**

38. **Product Storage and Loading Requirements - (MVCU-1) - Testing and Monitoring -** Initial performance tests shall be conducted for the VOC emissions from the Marine Vapor Combustion Unit (Ref. No. MVCU-1) to demonstrate compliance with the emission limit in Condition 4 of the permit. The tests shall be performed, and shall demonstrate compliance with the emission limit in Condition 4, within 60 calendar days after achieving the maximum production rate, but no later than 180 calendar days after the start-up of the MVCU-1 unless an alternate performance test date beyond the 180-day limit has been approved by the DEQ Tidewater Regional Office Air Compliance division in writing. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 of the Regulations. The details of the testing are to be arranged in advance of the testing with the DEQ Tidewater Regional Office Air Compliance division. The permittee shall submit a test protocol at least 30 calendar days prior to testing. One (1) copy of the test results shall be submitted to the DEQ Tidewater Regional Office Air Compliance division within 60 calendar days after test completion and shall conform to the test report format enclosed with this permit.  
(9 VAC 5-80-110, 9 VAC 5-50-30, and Condition 35 of 10/17/13 Permit)
39. **Product Storage and Loading Requirements - (VCU-1 and MVCU-1) - Testing and Monitoring -** Periodic performance tests shall be conducted for the VOC emissions from the Vapor Combustion Unit (VCU-1) and the Marine Vapor Combustion Unit (Ref. No. MVCU-1) to demonstrate continuing compliance with the emission limits in Conditions 2 and 4 of the permit. Performance testing shall be conducted once per permit term, with no more than 60 months between tests. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 of the Regulations. The details of the testing are to be arranged in advance of the testing with the DEQ Tidewater Regional Office, Air Compliance division. The permittee shall submit a test protocol at least 30 calendar days prior to testing. One (1) copy of the test results shall be submitted to the DEQ Tidewater Regional Office, Air Compliance division within 60 calendar days after test completion and shall conform to the test report format enclosed with this permit.  
(9 VAC 5-80-110 and 9 VAC 5-50-30)
40. **Product Storage and Loading Requirements - (LR-1) - Testing and Monitoring - NSPS XX -** For loading rack LR-1, the permittee shall comply with the applicable testing requirements in 40 CFR 60.503.  
(9 VAC 5-80-110, and 40 CFR 60.503(a) through (f))

- 41. Product Storage and Loading Requirements - (Tanks 4 and 109) - Testing and Monitoring - NSPS Kb** - After installing the control equipment required to meet §60.112b(a)(1) (Conditions 15 through 23 above), each owner or operator shall:
- (a) Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), prior to filling the storage vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.
  - (b) For vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in §60.115b(a)(3). Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.
  - (c) For vessels equipped with a double-seal system as specified in §60.112b(a)(1)(ii)(B):
    - (1) Visually inspect the vessel as specified in paragraph (d) of this section at least every 5 years; or
    - (2) Visually inspect the vessel as specified in paragraph (b) of this section.
  - (d) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with VOL. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in paragraphs (b) and (c)(2) of this section and at intervals no greater than 5 years in the case of vessels specified in paragraph (c)(1) of this section.

- (e) Notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by paragraphs (a)(1) and (a)(4) of this section to afford the Administrator the opportunity to have an observer present. If the inspection required by paragraph (a)(4) of this section is not planned and the owner or operator could not have known about the inspection 30 days in advance or refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Administrator at least 7 days prior to the refilling.  
(9 VAC 5-80-110 and 40 CFR 60.113b(a)(1) through (a)(5))

**42. Product Storage and Loading Requirements - (Tanks 1-4, 11, 13, 101-105, and 109) - Testing and Monitoring - MACT BBBBBB** - For Tanks 1-4, 11, 13, 101-105, and 109, the permittee shall comply with the applicable testing and monitoring requirements specified in 40 CFR 63.11092(e), as follows:

- (a) If the gasoline storage tank is equipped with an internal floating roof, the permittee must perform inspections of the floating roof system according to the requirements of 40 CFR 60.113b(a) if complying with option 2(b) in Table 1 of 40 CFR 63, Subpart BBBBBB or according to the requirements of 40 CFR 63.1063(c) if complying with option 2(d) in Table 1.
- (b) If the gasoline storage tank is equipped with an external floating roof, the permittee must perform inspections of the floating roof system according to the requirements of 40 CFR 60.113b(b) if complying with option 2(c) in Table 1 of 40 CFR 63, Subpart BBBBBB or according to the requirements of 40 CFR 63.1063(c)(2) if complying with option 2(d) in Table 1.

(9 VAC 5-80-110, 40 CFR 63.11087(c), and 63.11092(e)(1) and (e)(2))

**43. Product Storage and Loading Requirements - (LR-1) - Testing and Monitoring -**

**MACT BBBBBB** - For truck loading rack LR-1, the permittee shall comply with the applicable testing and monitoring requirements specified in 40 CFR 63.11092(a) through (d), as follows:

- (a) The permittee must comply with the requirements in paragraphs (1) and (2) below.
  - (1) Conduct an initial performance test on the vapor processing and collection systems according to either 40 CFR 63.11092 (a)(1)(i) or (a)(1)(ii).
  - (2) If you are operating your gasoline loading rack in compliance with an enforceable State, local, or tribal rule or permit that requires your loading rack to meet an emission limit of 80 milligrams (mg), or less, per liter of gasoline loaded (mg/l), you may submit a statement by a responsible official of your facility certifying the compliance status of your loading rack in lieu of the test required under paragraph (a)(1) of this section.
- (b) The permittee shall install, calibrate, certify, operate, and maintain, according to the manufacturer's specifications, a continuous monitoring system (CMS) while gasoline vapors are displaced to the vapor processor systems, as specified in 40 CFR 63.11092 (b)(1) through (b)(5).
- (c) For performance tests performed after the initial test required under paragraph (a) above, the permittee shall document the reasons for any change in the operating parameter value since the previous performance test.
- (d) The permittee shall comply with the requirements in paragraphs (1) through (4) below.
  - (1) Operate the vapor processing system in a manner not to exceed or not to go below, as appropriate, the operating parameter value for the parameters described in 40 CFR 63.11092 (b)(1).
  - (2) In cases where an alternative parameter pursuant to 40 CFR 63.11092 (b)(1)(iv) or (b)(5)(i) is approved, the permittee shall operate the vapor processing system in a manner not to exceed or not to go below, as appropriate, the alternative operating parameter value.
  - (3) Operation of the vapor processing system in a manner exceeding or going below the operating parameter value, as appropriate, shall constitute a violation of the emission standard in 40 CFR 63.11088(a), except as specified in paragraph (d)(4) of this section.
  - (4) For the monitoring an inspection, as required under 40 CFR 63.11092 (b)(1)(i)(B)(2) and (b)(1)(iii)(B)(2), malfunctions that are discovered shall not constitute a violation of the emission standard in 40 CFR 63.11088(a) if corrective actions as described in the monitoring and inspection plan are followed. The permittee must:
    - (i) Initiate corrective action to determine the cause of the problem within 1 hour;
    - (ii) Initiate corrective action to fix the problem within 24 hours;

- (iii) Complete all corrective actions needed to fix the problem as soon as practicable consistent with good air pollution control practices for minimizing emissions;
- (iv) Minimize periods of start-up, shutdown, or malfunction; and
- (v) Take any necessary corrective actions to restore normal operation and prevent the recurrence of the cause of the problem.

(9 VAC 5-80-110, 40 CFR 63.11088(d), and 63.11092(a) through (d))

44. **Product Storage and Loading Requirements - (LR-1) - Testing and Monitoring - MACT BBBBBB** - The annual certification test for gasoline cargo tanks shall consist of the test methods specified in 40 CFR 63.11092(f)(1) or (f)(2). Affected facilities that are subject to 40 CFR 60, Subpart XX may elect, after notification, to comply with 40 CFR 63.11092 (f)(1) and (f)(2).  
(9 VAC 5-80-110 and 40 CFR 63.11092(f))

45. **Product Storage and Loading Requirements - (Tanks 4, 11, 101-105, and 109) - Testing and Monitoring - Rule 4-37** - The following requirements apply to each fixed roof tank when in gasoline service:

(a) The permittee shall:

- (1) When the fixed roof tank is equipped with an internal floating roof, perform a visual inspection annually of the floating cover through roof hatches, to ascertain compliance with the specifications in subdivisions (i) and (ii) of this subsection.
  - (i) The cover should be uniformly floating on or above the liquid and there should be no visible defects in the surface of the cover or liquid accumulated on the cover.
  - (ii) The seal must be intact and uniformly in place around the circumference of the cover between the cover and tank wall.
- (2) Perform a complete inspection of the cover and seal and record the condition of the cover and seal when the tank is emptied for nonoperational reasons such as maintenance, an emergency, or other similar purposes.

(9 VAC 5-80-110 and 9 VAC 5-40-5220 A)

46. **Product Storage and Loading Requirements - (Tanks 1-3 and 13) - Testing and Monitoring - Rule 4-37** - The following requirements apply to each floating roof tank when in gasoline service:

(a) The permittee shall:

- (1) Perform routine inspections annually which shall include a visual inspection of the secondary seal gap.
- (2) When the floating roof is equipped with a vapor-mounted primary seal, measure the secondary seal gap annually in accordance with subdivisions (i) and (ii) of this subsection.

- (i) Physically measuring the length and width of all gaps around the entire circumference of the secondary seal in each place where a 1/8-inch uniform diameter probe passes freely (without forcing or binding against the seal) between the seal and tank wall; and
- (ii) Summing the area of the individual gaps.

(9 VAC 5-80-110 and 9 VAC 5-40-5220 B)

47. **Product Storage and Loading Requirements - (LR-1) - Testing and Monitoring - Rule 4-37** - The following requirements apply for each tank truck/account truck in gasoline service and VCU-1:

- (a) Testing to determine compliance with Condition 35a shall be conducted and reported and data shall be reduced as set forth in procedures approved by the board using test methods specified there. All tests shall be conducted by, or under the direction of, a person qualified by training or experience in the field of air pollution testing, or tank truck maintenance and testing and approved by DEQ.
- (b) Monitoring to confirm the continuing existence of leak tight conditions specified in Condition 35d shall be conducted as set forth in procedures approved by DEQ using test methods specified there.
- (c) Owners of tank trucks and account trucks subject to the provisions of Condition 35a shall certify, each year, that the trucks are vapor tight in accordance with test procedures specified in subdivision a of this subsection. Trucks that are not vapor tight must be repaired within 15 days of the test and be tested and certified as vapor tight.
- (d) Each truck subject to the provisions of Condition 35a shall have information displayed on the tank indicating the expiration date of the certification and such other information as may be needed by the board to determine the validity of the certification. The means of display and location of the above information shall be in a manner acceptable to the board.
- (e) An owner of a vapor collection/control system shall repair and retest the system within 15 days of the testing, if it exceeds the limit specified in Condition 35d.
- (f) DEQ may, at any time, monitor a tank/account truck, vapor collection system, or vapor control system, by the method referenced in subdivision a or b of this subsection to confirm continuing compliance with Condition 35a or 35d.
- (g) If, after over one year of monitoring (i.e., at least two complete annual checks), the owner of a truck subject to the provisions of subdivision a of this subsection feels that modification of the requirements are in order, the owner may request in writing to the board that a revision be made. The request should include data that have been developed to justify any modifications in the monitoring schedule. On the other hand, if DEQ finds an excessive number of leaks during an inspection, or if the owner finds an excessive number of leaks during scheduled monitoring, consideration shall be given to increasing the frequency of inspection.

(9 VAC 5-80-110 and 9 VAC 5-40-5220 G)

## D. Recordkeeping and Reporting

48. **Product Storage and Loading Requirements - (Storage Tanks, LR-1, LR-2, and BL-1) - Recordkeeping and Reporting** - 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 DEQ Tidewater Regional Office. These records shall include, but are not limited to:

- (a) Documentation files for each truck loaded at the source, as required by Condition 3 of the permit;
- (b) Documentation files for each marine vessel loaded at the source, as required by Condition 5 of the permit;
- (c) Type of volatile organic liquid or petroleum product stored in each tank, and the period of storage;
- (d) For each product stored and loaded at the facility, the vapor pressure, Reid Vapor Pressure, or vapor pressure based upon similar product composition shall be provided to the VADEQ upon request. If vapor pressure cannot be determined based upon similar product composition, samples will be taken and provided to the VADEQ upon request;
- (e) Annual throughputs of each product (in gallons) through the storage tanks, loading racks, and marine vessel loading operation to demonstrate compliance with Condition 9, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months; and
- (f) Records of the roof landings for all floating roof tanks storing gasoline or denatured ethanol, indicating the number of roof landings for each tank, or, alternatively, emissions calculations indicating the emissions from each roof landing event, calculated monthly as the sum of each consecutive 12-month period. Compliance with the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.

These records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110, 9 VAC 5-50-50, and Condition 31 of 10/17/13 Permit)

49. **Product Storage and Loading Requirements - (LR-1) - Recordkeeping and Reporting - NSPS XX** - For loading rack LR-1, the permittee shall comply with the applicable reporting and recordkeeping requirements in 40 CFR 60.505, as follows:

- (a) The tank truck vapor tightness documentation required under §60.502(e) shall be kept on file at the terminal in a permanent form available for inspection.
- (b) The documentation file for each gasoline tank truck shall be updated at least once per year to reflect current test results as determined by Method 27. This documentation shall include, as a minimum, the following information:

- (1) Test title: Gasoline Delivery Tank Pressure Test – EPA Reference Method 27.
  - (2) Tank owner and address.
  - (3) Tank identification number.
  - (4) Testing location.
  - (5) Date of test.
  - (6) Tester name and signature.
  - (7) Witnessing inspector, if any: Name, signature, and affiliation.
  - (8) Test results: Actual pressure change in 5 minutes, mm of water (average for 2 runs).
- (c) A record of each monthly leak inspection required under §60.502(j) shall be kept on file at the terminal for at least 2 years. Inspection records shall include, as a minimum, the following information:
- (1) Date of inspection.
  - (2) Findings (may indicate no leaks discovered; or location, nature, and severity of each leak).
  - (3) Leak determination method.
  - (4) Corrective action (date each leak repaired; reasons for any repair interval in excess of 15 days).
  - (5) Inspector name and signature.
- (d) The terminal owner or operator shall keep documentation of all notifications required under §60.502(e)(4) on file at the terminal for at least 2 years.
- (e) As an alternative to keeping records at the terminal of each gasoline cargo tank test result as required in §60.505(a), (c), and (d), an owner or operator may comply with the requirements in either §60.505(e)(1) or (2), as follows:
- (1) An electronic copy of each record is instantly available at the terminal.
    - (i) The copy of each record in (e)(1) of this section is an exact duplicate image of the original paper record with certifying signatures.
    - (ii) The permitting authority is notified in writing that each terminal using this alternative is in compliance with paragraph (e)(1) of this section.
  - (2) For facilities that utilize a terminal automation system to prevent gasoline cargo tanks that do not have valid cargo tank vapor tightness documentation from loading (e.g., via a card lock-out system), a copy of the documentation is made available (e.g., via facsimile) for inspection by permitting authority representatives during the course of a site visit, or within a mutually agreeable time frame.
    - (i) The copy of each record in paragraph (e)(2) of this section is an exact duplicate image of the original paper record with certifying signatures.

- (ii) The permitting authority is notified in writing that each terminal using this alternative is in compliance with paragraph (e)(2) of this section.
  - (f) The owner or operator of an affected facility shall keep records of all replacements or additions of components performed on an existing vapor processing system for at least 3 years.
- (9 VAC 5-80-110, and 40 CFR 60.505(a) through (f))

**50. Product Storage and Loading Requirements - (Tanks 4 and 109) - Recordkeeping and Reporting - NSPS Kb** - After installing control equipment in accordance with §60.112b(a)(1) (Conditions 15 through 23 above), the owner or operator shall meet the following requirements.

- (a) Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of §60.112b(a)(1) and §60.113b(a)(1). This report shall be an attachment to the notification required by §60.7(a)(3).
- (b) Keep a record of each inspection performed as required by §60.113b (a)(1), (a)(2), (a)(3), and (a)(4). Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).
- (c) If any of the conditions described in §60.113b(a)(2) are detected during the annual visual inspection required by §60.113b(a)(2), a report shall be furnished to the Administrator within 30 days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.
- (d) After each inspection required by §60.113b(a)(3) that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in §60.113b(a)(3)(ii), a report shall be furnished to the Administrator within 30 days of the inspection. The report shall identify the storage vessel and the reason it did not meet the specifications of §60.112b(a)(1) or §60.113b(a)(3) and list each repair made.

(9 VAC 5-80-110 and 40 CFR 60.115b(a)(1) through (a)(4))

**51. Product Storage and Loading Requirements - (Tanks 4 and 109) - Recordkeeping and Reporting - NSPS Kb** - The owner or operator shall keep copies of all records required by this section, except for the record required by paragraph (a) of this section, for at least 2 years. The record required by paragraph (a) of this section will be kept for the life of the source.

- (a) The owner or operator of each storage vessel as specified in §60.110b(a) shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel.
- (b) Except as provided in paragraphs (e) and (f) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m<sup>3</sup> storing a liquid with a maximum true vapor pressure greater than or equal to 3.4 kPa or with a

design capacity greater than or equal to 75 m<sup>3</sup> but less than 151 m<sup>3</sup> storing a liquid with a maximum true vapor pressure greater than or equal to 15.0 kPa shall maintain a record of the VOL stored, the period of storage, and the maximum true vapor pressure of the VOL during the respective storage period.

- (c) Except as provided in paragraph (f) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m<sup>3</sup> storing a liquid with a maximum true vapor pressure that is normally less than 5.2 kPa or with a design capacity greater than or equal to 75 m<sup>3</sup> but less than 151 m<sup>3</sup> storing a liquid with a maximum true vapor pressure that is normally less than 27.6 kPa shall notify the Administrator within 30 days when the maximum true vapor pressure of the liquid exceeds the respective maximum true vapor pressure values for each volume range.
- (d) Available data on the storage temperature may be used to determine the maximum true vapor pressure as determined below.
  - (1) For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest calendar-month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based upon the maximum local monthly average ambient temperature as reported by the National Weather Service.
  - (2) For crude oil or refined petroleum products the vapor pressure may be obtained by the following:
    - (i) Available data on the Reid vapor pressure and the maximum expected storage temperature based on the highest expected calendar-month average temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517 (incorporated by reference – see §60.17), unless the Administrator specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the sample(s).
    - (ii) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa or with physical properties that preclude determination by the recommended method is to be determined from available data and recorded if the estimated maximum true vapor pressure is greater than 3.5 kPa.
  - (3) For other liquids, the vapor pressure:
    - (i) May be obtained from standard reference texts, or
    - (ii) Determined by ASTM D2879-83, 96, or 97 (incorporated by reference – see §60.17); or
    - (iii) Measured by an appropriate method approved by the Administrator; or
    - (iv) Calculated by an appropriate method approved by the Administrator.

- (e) The owner or operator of each vessel storing a waste mixture of indeterminate or variable composition shall be subject to the following requirements.
    - (1) Prior to the initial filling of the vessel, the highest maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in paragraph (d) of this section.
    - (2) For vessels in which the vapor pressure of the anticipated liquid composition is above the cutoff for monitoring but below the cutoff for controls as defined in §60.112b(a), an initial physical test of the vapor pressure is required; and a physical test at least once every 6 month thereafter is required as determined by the following methods:
      - (i) ASTM D2879-83, 96, or 97 (incorporated by reference – see §60.17);
      - (ii) ASTM D323-82 or 94 (incorporated by reference – see §60.17); or
      - (iii) As measured by an appropriate method as approved by the Administrator.
  - (f) The owner or operator of each vessel equipped with a closed vent system and control device meeting the specification of 60.112b or with emissions reductions equipment as specified in 40 CFR 65.42(b)(4), (b)(5), (b)(6), or (c) is exempt from the requirements of paragraphs (b) and (c) of this section.
- (9 VAC 5-80-110 and 40 CFR 60.116b(a) through (g))

**52. Product Storage and Loading Requirements - (Tanks 1-4, 11, 13, 101-105, and 109 and LR-1) - Recordkeeping and Reporting - MACT BBBBBB** - For Tanks 1-4, 11, 13, 101-105, and 109 and truck loading rack LR-1, the permittee shall comply with the applicable recordkeeping requirements specified in 40 CFR 63.11094, as follows:

- (a) The permittee shall keep records as specified in 40 CFR 60.115b if complying with options 2(a), (b), or 2(a) in Table 1 of 40 CFR 63, Subpart BBBBBB, except records shall be kept for at least 5 years. The permittee shall keep records as specified in 40 CFR 63.1065 if complying with option 2(d) in Table 1 of 40 CFR 63, Subpart BBBBBB.  
(9 VAC 5-80-110 and 40 CFR 63.11087(e))
- (b) The permittee shall keep records of the test results for each gasoline cargo tank loading at the facility as specified in paragraphs (i) through (iii) below.
  - (1) Annual certification testing performed under 40 CFR 63.11092(f)(1).
  - (2) The documentation file shall be kept up-to-date for each gasoline cargo tank loading at the facility. The documentation for each test shall include, as a minimum, the information found in 40 CFR 63.11094(b)(2)(i) through (b)(2)(viii).
  - (3) If you are complying with the alternative requirements in 40 CFR 63.11088(b), you must keep records documenting that you have verified the vapor tightness testing according to the requirements of the Administrator.

- (c) As an alternative to keeping records at the terminal of each gasoline cargo tank test result, the permittee may comply with the requirements in paragraph (1) or (2) below.
    - (1) An electronic copy of each record is instantly available at the terminal. The copy must meet the requirements outlined in 40 CFR 63.11094(c)(1)(i) and (c)(ii).
    - (2) For facilities that use a terminal automation system to prevent gasoline cargo tanks that do not have valid cargo tank vapor tightness documentation from loading (e.g., via a card lock-out system), a copy of the documentation is made available (e.g., via facsimile) for inspection during the course of a site visit, or within a mutually agreeable time frame. The copy must meet the requirements outlined in 40 CFR 63.11094(c)(2)(i) and (c)(2)(ii).
  - (d) The permittee shall prepare and maintain a record describing the types, identification number, and locations of all equipment in gasoline service. For facilities electing to implement an instrument program under 40 CFR 63.11089, the record shall contain a full description of the program.
  - (e) The permittee shall record in the log book for each leak that is detected the information specified in 40 CFR 63.11094(e)(1) through (e)(7).
  - (f) The permittee shall:
    - (1) Keep an up-to-date, readily accessible record of the continuous monitoring data required under 40 CFR 63.11092(b) or 63.11092(e). This record shall indicate the time intervals during which loadings of gasoline cargo tanks have occurred or, alternatively, shall record the operating parameter only during such loadings. The date and time of day shall also be indicated at reasonable intervals on this record.
    - (2) Record and report simultaneously with the Notification of Compliance Status required under 40 CFR 63.11093(b) the information outlined in 40 CFR 63.11094(f)(2)(i) and (f)(ii), as applicable.
    - (3) Keep an up-to-date, readily accessible copy of the monitoring and inspection plan required under 40 CFR 63.11092(b)(1)(i)(B)(2)(v) or 63.11092(b)(1)(iii)(B)(2).
    - (4) Keep an up-to-date, readily accessible copy of all system malfunctions, as specified in 40 CFR 63.11092(b)(1)(i)(B)(2)(v) or 63.11092(b)(1)(iii)(B)(2)(v).
  - (g) The permittee shall keep records as specified in paragraphs (i) and (ii) below.
    - (1) Records of the occurrence and duration of each malfunction or operation (i.e., process equipment) or the air pollution control and monitoring equipment.
    - (2) Records of actions taken during periods of malfunction to minimize emissions in accordance with 40 CFR 63.11085(a), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.
- (9 VAC 5-80-110, 40 CFR 63.11087(e), 63.11088(f), and 63.11094)

**53. Product Storage and Loading Requirements - (Tanks 1-4, 11, 13, 101-105, and 109 and LR-1) - Recordkeeping and Reporting - MACT BBBBBB** - For Tanks 1-4, 11, 13, 101-105, and 109, and truck loading rack LR-1, the permittee shall comply with the applicable reporting requirements specified in 40 CFR 63.11095, as follows:

- (a) The permittee shall include in a semiannual compliance report the following information, as applicable:
    - (1) For storage vessels, if complying with options 2(a), 2(b), or 2(c) in Table 1 of 40 CFR 63, Subpart BBBBBB, the information specified in 40 CFR 60.115b(a), 60.115b(b), or 60.115b(c), depending upon the control equipment installed, or, if complying with option 2(d) in Table 1 of 40 CFR 63, Subpart BBBBBB, the information specified in 40 CFR 63.1066.
    - (2) For loading racks, each loading of a gasoline cargo tank for which vapor tightness documentation had not been previously obtained by the facility.
    - (3) For equipment leak inspections, the number of equipment leaks not repaired within 15 days after detection.
  - (b) The permittee shall submit an excess emissions report at the time the semiannual compliance report is submitted. Excess emissions events under 40 CFR 63, Subpart BBBBBB, and the information to be included in the excess emissions report, are specified in 40 CFR 63.11095(b)(1) through (b)(5).
  - (c) The permittee shall submit a semiannual excess emissions report, including the information specified in 40 CFR 63.11095(a)(3) and (b)(5) (equipment leak repairs), only for a 6-month period during which an excess emission event has occurred. If no excess emission events have occurred during the previous 6-month period, no report is required.
  - (d) The permittee shall submit a semiannual report including the number, duration, and a brief description of each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken during a malfunction to minimize emissions in accordance with 40 CFR 63.11085(a), including actions taken to correct a malfunction. The report may be submitted as part of the semiannual compliance report, if one is required. The permittee is not required to submit reports for periods during which no malfunctions occurred.
- (9 VAC 5-80-110, 40 CFR 63.11087(e), 63.11088(f), and 63.11095)

**54. Product Storage and Loading Requirements - (Tanks 4, 11, 101-105, and 109) - Recordkeeping and Reporting - Rule 4-37** - The permittee shall maintain records of the throughput quantities and types of petroleum liquids stored, the average monthly storage temperature and true vapor pressure of the liquid as stored, and the results of the inspections performed under the provisions of Condition 45(a)(1) and (2).  
(9 VAC 5-80-110 and 9 VAC 5-40-5220 A)

55. **Product Storage and Loading Requirements - (Tanks 1-3 and 13) - Recordkeeping and Reporting - Rule 4-37** - The permittee shall maintain records of the types of petroleum liquids stored, the maximum true vapor pressure of the liquid as stored, and the results of the inspections performed under the provisions of Condition 46(a)(1) and (2).  
(9 VAC 5-80-110 and 9 VAC 5-40-5220 B)

56. **Product Storage and Loading Requirements - (LR-1) - Recordkeeping and Reporting - Rule 4-37** - For truck loading rack LR-1, the permittee shall comply with the applicable recordkeeping requirements in 9 VAC 5-40-5220 G, as follows:

- (a) The permittee shall maintain records of all certification testing and repairs required under Condition 47. The records must identify the tank/account truck, vapor collection system, or vapor control system; the date of the test or repair; and, if applicable, the type of repair and the date of retest. The records must be maintained in a legible, readily available condition for at least two years after the date testing or repair was completed.
- (b) The records of certification tests required by Condition 47a shall, as a minimum, contain the following:
  - (1) The tank/account truck tank identification number;
  - (2) The initial test pressure and the time of the reading;
  - (3) The final test pressure and the time of the reading;
  - (4) The initial test vacuum and the time of the reading;
  - (5) The final test vacuum and the time of the reading; and
  - (6) Name and the title of the person conducting the test.
- (c) Copies of all records and reports required by this section shall immediately be made available to the board, upon verbal or written request, at any reasonable time.

(9 VAC 5-80-110 and 9 VAC 5-40-5220 G)

## IV. Fuel Burning Equipment Requirements

(Vapor Combustion Units VCU-1 and MVCU-1 and Boilers B-1, B-2, and B-3)

### A. Limitations

57. **Fuel Burning Equipment Requirements - (VCU-1 and MVCU-1) - Limitations** - The approved fuels for the vapor combustion units (Ref. Nos. VCU-1 and MVCU-1) are natural gas or propane. A change in the fuels may require a permit to modify and operate. (9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 14 of 10/17/13 Permit)
58. **Fuel Burning Equipment Requirements - (B-1, B-2, and B-3) - Limitations** - The approved fuel for the boilers (Ref. Nos. B-1, B-2, and B-3) is distillate oil. A change in the fuel may require a permit to modify and operate. (9 VAC 5-80-110 and Condition 15 of 10/17/13 Permit)
59. **Fuel Burning Equipment Requirements - (B-1, B-2, and B-3) - Limitations** - The distillate oil received for the boilers (Ref. Nos. B-1, B-2, and B-3) shall meet the specifications below:  
DISTILLATE OIL which meets the ASTM D396 specification for numbers 1 or 2 fuel oil:  
Maximum sulfur content per shipment: 0.5%  
(9 VAC 5-80-110 and Condition 19 of 10/17/13 Permit)
60. **Fuel Burning Equipment Requirements - (B-1, B-2, and B-3) - Limitations** - The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil received for the boilers. Each fuel supplier certification shall include the following:  
(a) The name of the fuel supplier;  
(b) The date on which the distillate oil was received;  
(c) The volume of distillate oil delivered in the shipment; and  
(d) A statement that the distillate oil complies with the American Society for Testing and Materials specifications (ASTM D396) for numbers 1 or 2 fuel oil.  
(9 VAC 5-80-110 and Condition 21 of 10/17/13 Permit)
61. **Fuel Burning Equipment Requirements - (VCU-1 and MVCU-1) - Limitations** - Emissions from the operation of the vapor combustion units (Ref. Nos. VCU-1 and MVCU-1) shall not exceed the limits specified below:
- |                                       |              |
|---------------------------------------|--------------|
| Nitrogen Oxides (as NO <sub>2</sub> ) | 14.3 tons/yr |
| Carbon Monoxide                       | 35.7 tons/yr |
- These emission limits are derived from estimated overall emission contributions from operating limits. Exceedance of operating limits shall be considered credible evidence of the

exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition 9.

(9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 27 of 10/17/13 Permit)

**62. Fuel Burning Equipment Requirements - (VCU-1 and MVCU-1) - Limitations** - Visible emissions from each vapor combustion unit (Ref. No. VCU-1 and MVCU-1) shall not exceed five percent (5%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.

(9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 30 of 10/17/13 Permit)

**63. Fuel Burning Equipment Requirements - (B-1, B-2, and B-3) - Limitations** - Visible emissions from each boiler (Ref. Nos. B-1, B-2, and B-3) shall not exceed twenty percent (20%) opacity except during one six-minute period in any one hour in which visible emissions shall not exceed thirty percent (30%) opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.

(9 VAC 5-80-110 and 9 VAC 5-50-80)

**64. Fuel Burning Equipment Requirements - (B-1, B-2, and B-3) - Limitations - MACT JJJJJJ** - For boilers B-1, B-2, and B-3, the permittee shall comply with the applicable requirements of 40 CFR 63, Subpart JJJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources).

(9 VAC 5-80-110 and 40 CFR 63, Subpart JJJJJJ)

**65. Fuel Burning Equipment Requirements - (B-1, B-2, and B-3) - Limitations - MACT JJJJJJ** - For boilers B-1, B-2, and B-3, the permittee shall comply with the applicable standards in 40 CFR 63.11201, as follows:

(a) You must comply with each work practice standard, emission reduction measure, and management practice specified in Table 2 to 40 CFR 63, Subpart JJJJJJ, as follows:

(1) For boiler B-1 ( $> 5.0$  MMBtu/hr), you must conduct an initial tune-up of the boiler as specified in 40 CFR 63.11214 and conduct a tune-up of the boiler biennially as specified in 40 CFR 63.11223.

(2) For boilers B-2 and B-3 ( $\leq 5.0$  MMBtu/hr), you must conduct an initial tune-up as specified in 40 CFR 63.11214 and conduct a tune-up of the boiler every 5 years as specified in 40 CFR 63.11223.

(9 VAC 5-80-110, 40 CFR 63.11201, and Table 2 to 40 CFR 63, Subpart JJJJJJ)

**66. Fuel Burning Equipment Requirements - (B-1, B-2, and B-3) - Limitations - MACT JJJJJJ** - For boilers B-1, B-2, and B-3, the permittee shall comply with the applicable requirements of the General Provisions, as outlined in Table 8 to 40 CFR 63, Subpart JJJJJJ.

(9 VAC 5-80-110 and 40 CFR 63.11235)

## **B. Monitoring**

67. **Fuel Burning Equipment Requirements - (VCU-1 and MVCU-1) - Monitoring** - The permittee shall observe the exhaust of each vapor combustion unit (Ref. No. VCU-1 and MVCU-1) for visible emissions once per operating week during gasoline or denatured ethanol loading during daylight hours. The presence of visible emissions shall be considered a malfunction requiring prompt corrective action, which shall include immediately shutting down the loading operation(s) associated with the vapor combustion unit and shutting down the vapor combustion unit for repair. The permittee shall maintain a record log of the observations made. The record log shall include the following:

- The name of the observer,
- The date and time of the observation,
- An indication that the process was operating,
- An indication of the presence or absence of visible emissions, and
- A description of any corrective action taken to eliminate visible emissions, including the date and time the process was shut down and/or repairs were completed.

If repairs are required due to the presence of visible emissions from the vapor combustion unit, the permittee shall conduct a visible emissions evaluation (VEE) using 40 CFR Part 60, Appendix A, Method 9 upon restarting the vapor combustion unit after the repairs are completed, to determine compliance with the opacity limit. A visible emissions evaluation (VEE) using 40 CFR Part 60, Appendix A, Method 9 is only required when restarting the Vapor Combustion Unit after repairs have been made due to the presence of visible emissions.

(9 VAC 5-80-110)

68. **Fuel Burning Equipment Requirements - (B-1, B-2, and B-3) - Monitoring** - The permittee shall observe the stack of each boiler (Ref. Nos. B-1, B-2, and B-3) for visible emissions once per permit term for a period of at least 60 seconds during daylight hours of operation. If visible emissions are noted, corrective action shall be taken to eliminate the visible emissions. If such corrective action fails to eliminate the visible emissions, the permittee shall conduct a visible emissions evaluation (VEE) using 40 CFR Part 60, Appendix A, Method 9 for six minutes. If the six-minute VEE opacity average exceeds 50% of the standard for a specific unit, the VEE for that unit shall continue for an additional 12 minutes. If any of the six-minute averages during the 18 minutes exceeds the standard for a specific unit, the VEE for that unit shall continue for one hour from initiation on the stack to determine compliance with the opacity limit. Results of observations and/or VEEs shall be recorded in an operation log. Records of observations shall include the following:

- The name of the observer,
- The date and time of the observation,
- An indication that the process was operating,
- An indication of the presence or absence of visible emissions, and
- A description of any corrective action taken to eliminate visible emissions, including the date and time the process was shut down and/or repairs were completed.

If a VEE is conducted, records shall be kept in accordance with the EPA Method 9 (40 CFR 60, Appendix A).

Monitoring shall be scheduled so that there are no more than 60 months between monitoring events.

(9 VAC 5-80-110)

69. **Fuel Burning Equipment Requirements - (B-1, B-2, and B-3) - Monitoring - MACT JJJJJJ** - For boilers B-1, B-2, and B-3, the permittee shall comply with the applicable general compliance requirements in 40 CFR 63.11205, as follows:

- (a) At all times you must 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. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(9 VAC 5-80-110 and 40 CFR 63.11205)

70. **Fuel Burning Equipment Requirements - (B-1, B-2, and B-3) - Monitoring - MACT JJJJJJ** - For boilers B-1, B-2, and B-3, the permittee shall comply with the applicable initial compliance requirements in 40 CFR 63.11210 and 63.11211, as follows:

- (a) You must demonstrate initial compliance no later than March 21, 2014, as specified in § 63.11196 and according to the applicable provisions in § 63.7(a)(2).
- (b) You must conduct an initial performance tune-up according to § 63.11223(b) and you must submit a signed statement in the Notification of Compliance Status report that indicates that you conducted a tune-up of the boiler.

(9 VAC 5-80-110, 40 CFR 63.11210, and 63.11214)

71. **Fuel Burning Equipment Requirements - (B-1, B-2, and B-3) - Monitoring - MACT JJJJJJ** - For boilers B-1, B-2, and B-3, the permittee shall comply with the applicable continuous compliance requirements in 40 CFR 63.11223, as follows:

- (a) You must conduct a performance tune-up according to paragraph (b) of this section and keep records as required in 40 CFR 63.11225(c) to demonstrate continuous compliance. You must conduct the tune-up while burning the type of fuel that provided the majority of the heat input to the boiler over the 12 months prior to the tune-up.
- (b) For boiler B-1, you must conduct a tune-up of the boiler biennially to demonstrate continuous compliance as specified in paragraphs (b)(1) through (7) of this section. Each biennial tune-up must be conducted no more than 25 months after the previous tune-up. For boilers B-2 and B-3, you must conduct a tune-up every 5 years as specified in

paragraphs (b)(1) through (7) of this section. Each 5-year tune-up must be conducted no more than 61 months after the previous tune-up.

- (1) As applicable, inspect the burner, and clean or replace any components of the burner as necessary. For boiler B-1, you may delay the burner inspection until the next scheduled unit shutdown, not to exceed 36 months from the previous inspection. For boilers B-2 and B-3, you may delay the burner inspection until the next scheduled unit shutdown, but you must inspect each burner at least once every 72 months.
- (2) Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available.
- (3) Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly. For boiler B-1, you may delay the inspection until the next scheduled unit shutdown, not to exceed 36 months from the previous inspection. For boilers B-2 and B-3, you may delay the inspection of the system controlling the air-to-fuel ratio until the next scheduled unit shutdown, but you must inspect the system controlling the air-to-fuel ratio at least once every 72 months.
- (4) Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any nitrogen oxide requirement to which the unit is subject.
- (5) Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer.
- (6) Maintain on-site and submit, if requested by the Administrator, a report containing the information in paragraphs b.6.i through iii of this section.
  - (i) The concentrations of CO in the effluent stream in parts per million, by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler.
  - (ii) A description of any corrective actions taken as a part of the tune-up of the boiler.
  - (iii) The type and amount of fuel used over the 12 months prior to the tune-up of the boiler, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel use by each unit.
- (7) If the unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of startup.
- (9 VAC 5-80-110 and 40 CFR 63.11223)

## C. Notifications, Reporting, and Recordkeeping

72. **Fuel Burning Equipment Requirements - (B-1, B-2, B-3, VCU-1, and MVCU-1) - Notifications, Reporting, and 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 DEQ Tidewater Regional Office. These records shall include, but are not limited to:
- (a) All fuel supplier certifications for the distillate oil received for the boilers (Ref. Nos. B-1, B-2, and B-3), as required by Condition 60;
  - (b) Records of all visible emissions observations and any corrective action taken for the vapor combustion unit (Ref. No. VCU-1) and the marine vapor combustion unit (Ref. No. MVCU-1), as required by Condition 67; and
  - (c) Records of all visible emissions observations and/or Visible Emissions Evaluations (VEE) and any corrective action taken for each boiler (Ref. Nos. B-1, B-2, and B-3), as required by Condition 68.

These records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110, 9 VAC 5-50-50, and Condition 31 of 10/17/13 Permit)

73. **Fuel Burning Equipment Requirements - (B-1, B-2, B-3, VCU-1, and MVCU-1) - Notifications, Reporting, and Recordkeeping MACT JJJJJJ** - For boilers B-1, B-2, and B-3, the permittee shall comply with the applicable notification, reporting, and recordkeeping requirements in 40 CFR 63.11225, as follows:
- (a) You must submit the notifications specified in paragraphs (a)(1) through (3) of this section.
    - (1) You must submit all of the notifications in §§ 63.7(b); 63.8(e) and (f); and 63.9(b) through (e), (g), and (h) that apply to you by the dates specified in those sections except as specified in paragraphs (a)(2) and (3) of this section.
    - (2) An Initial Notification must be submitted no later than January 20, 2014 or within 120 days after the source becomes subject to the standard.
    - (3) You must submit the Notification of Compliance Status no later than 120 days after the applicable compliance date specified in § 63.11196. You must submit the Notification of Compliance Status in accordance with paragraphs (a)(3)(i) and (iv) of this section. The Notification of Compliance Status must include the information and certification(s) of compliance in paragraphs (a)(3)(i) through (iii) of this section, as applicable, and signed by a responsible official.
      - (i) You must submit the information required in § 63.9(h)(2), except the information listed in § 63.9(h)(2)(i)(B), (D), (E), and (F).
      - (ii) "This facility complies with the requirements in § 63.11214 to conduct an initial tune-up of the boiler."

- (iii) For units that do not qualify for a statutory exemption as provided in section 129(g)(1) of the Clean Air Act: “No secondary materials that are solid waste were combusted in any affected unit.”
  - (iv) The notification must be submitted electronically using the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) ([www.epa.gov/cdx](http://www.epa.gov/cdx)). However, if the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the written Notification of Compliance Status must be submitted to the Administrator at the appropriate address listed in § 63.13.
- (b) You must prepare, by March 1 of each year, and submit to the delegated authority upon request, an annual compliance certification report for the previous calendar year containing the information specified in paragraphs (b)(1) through (3) of this section. You must submit the report by March 15 if you had any instance described by paragraph (b)(3) of this section. For boilers that are subject only to a requirement to conduct a biennial or 5-year tune-up according to § 63.11223(a) and not subject to emission limits or operating limits, you may prepare only a biennial or 5-year compliance report as specified in paragraphs (b)(1) and (2) of this section.
- (1) Company name and address.
  - (2) Statement by a responsible official, with the official's name, title, phone number, email address, and signature, certifying the truth, accuracy and completeness of the notification and a statement of whether the source has complied with all the relevant standards and other requirements of this subpart. Your notification must include the following certification(s) of compliance, as applicable, and signed by a responsible official:
    - (i) “This facility complies with the requirements in § 63.11223 to conduct a biennial or 5-year tune-up, as applicable, of each boiler.”
    - (ii) For units that do not qualify for a statutory exemption as provided in section 129(g)(1) of the Clean Air Act: “No secondary materials that are solid waste were combusted in any affected unit.”
  - (3) If the source experiences any deviations from the applicable requirements during the reporting period, include a description of deviations, the time periods during which the deviations occurred, and the corrective actions taken.
- (c) You must maintain the records specified in paragraphs (c)(1) through (4) of this section.
- (1) As required in § 63.10(b)(2)(xiv), you must keep a copy of each notification and report that you submitted to comply with this subpart and all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted.
  - (2) You must keep records to document conformance with the work practices, emission reduction measures, and management practices required by § 63.11214 and § 63.11223 as specified in paragraphs c.2.i through iii of this section.

- (i) Records must identify each boiler, the date of tune-up, the procedures followed for tune-up, and the manufacturer's specifications to which the boiler was tuned.
  - (ii) For operating units that combust non-hazardous secondary materials that have been determined not to be solid waste pursuant to § 241.3(b)(1), you must keep a record which documents how the secondary material meets each of the legitimacy criteria under § 241.3(d)(1). If you combust a fuel that has been processed from a discarded non-hazardous secondary material pursuant to § 241.3(b)(4), you must keep records as to how the operations that produced the fuel satisfies the definition of processing in § 241.2 and each of the legitimacy criteria in § 241.3(d)(1). If the fuel received a non-waste determination pursuant to the petition process submitted under § 241.3(c), you must keep a record that documents how the fuel satisfies the requirements of the petition process. For operating units that combust non-hazardous secondary materials as fuel per § 241.4, you must keep records documenting that the material is a listed non-waste under § 241.4(a).
  - (iii) Records of the occurrence and duration of each malfunction of the boiler, or of the associated air pollution control and monitoring equipment.
- (3) Records of actions taken during periods of malfunction to minimize emissions in accordance with the general duty to minimize emissions in § 63.11205(a), including corrective actions to restore the malfunctioning boiler, air pollution control, or monitoring equipment to its normal or usual manner of operation.
- (4) Records of actions taken during periods of malfunction to minimize emissions in accordance with the general duty to minimize emissions in § 63.11205(a), including corrective actions to restore the malfunctioning boiler, air pollution control, or monitoring equipment to its normal or usual manner of operation.
- (d) Your records must be in a form suitable and readily available for expeditious review. You must keep each record for 5 years following the date of each recorded action. You must keep each record on-site or be accessible from a central location by computer or other means that instantly provide access at the site for at least 2 years after the date of each recorded action. You may keep the records off site for the remaining 3 years.
- (e) If you intend to commence or recommence combustion of solid waste, you must provide 30 days prior notice of the date upon which you will commence or recommence combustion of solid waste. The notification must identify:
- (1) The name of the owner or operator of the affected source, the location of the source, the boiler(s) that will commence burning solid waste, and the date of the notice.
  - (2) The currently applicable subcategory under this subpart.
  - (3) The date on which you became subject to the currently applicable emission limits.
  - (4) The date upon which you will commence combusting solid waste.

- (f) If you have switched fuels or made a physical change to the boiler and the fuel switch or change resulted in the applicability of a different subcategory within subpart JJJJJ, in the boiler becoming subject to subpart JJJJJ, or in the boiler switching out of subpart JJJJJ due to a change to 100 percent natural gas, or you have taken a permit limit that resulted in you being subject to subpart JJJJJ, you must provide notice of the date upon which you switched fuels, made the physical change, or took a permit limit within 30 days of the change. The notification must identify:
- (1) The name of the owner or operator of the affected source, the location of the source, the boiler(s) that have switched fuels, were physically changed, or took a permit limit, and the date of the notice.
  - (2) The date upon which the fuel switch, physical change, or permit limit occurred.

(9 VAC 5-80-110 and 40 CFR 63.11225)

## V. Internal Combustion Engine Requirements

(Emergency Generators G-1 and G-2 and Emergency Fire Pump P-1)

### A. Limitations

74. **Internal Combustion Engine Requirements - (G-1, G-2, and P-1) - Limitations** - The approved fuel for the emergency generators (Ref. Nos. G-1 and G-2) and the emergency fire pump (Ref. No. P-1) is distillate oil. A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-110 and Condition 16 of 10/17/13 Permit)

75. **Internal Combustion Engine Requirements - (G-1 and G-2) - Limitations** - The emergency generators (Ref. Nos. G-1 and G-2) shall only be used for providing electrical power at the location during interruption of service from the normal power supplier, periodic maintenance checks, and operational training. The total combined emergency generator use for each generator shall not exceed 500 hours per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.  
(9 VAC 5-80-110 and Condition 17 of 10/17/13 Permit)

76. **Internal Combustion Engine Requirements - (P-1) - Limitations** - The emergency fire pump (Ref. No. P-1) shall only be used during fire emergencies, periodic maintenance testing, and operational training. The total combined emergency fire pump use shall not exceed 500 hours per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.  
(9 VAC 5-80-110 and Condition 18 of 10/17/13 Permit)

77. **Internal Combustion Engine Requirements - (G-1, G-2, and P-1) - Limitations** - The distillate oil received for the emergency generators (Ref. Nos. G-1 and G-2) and emergency fire pump (Ref. No. P-1) shall meet the specifications below:

DISTILLATE OIL which meets the ASTM D396 or ASTM D975 specifications for numbers 1 or 2 fuel oil:

Maximum sulfur content per shipment (for emergency fire pump): 0.5%

Maximum sulfur content per shipment (for emergency generators): 0.0015%

(9 VAC 5-80-110 and Condition 20 of 10/17/13 Permit)

78. **Internal Combustion Engine Requirements - (G-1, G-2, and P-1) - Limitations** - The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil received for the emergency generators and the emergency fire pump. Each fuel supplier certification shall include the following:

- (a) The name of the fuel supplier;
- (b) The date on which the distillate oil was received;
- (c) The volume of distillate oil delivered in the shipment; and
- (d) A statement that the distillate oil complies with the American Society for Testing and Materials specifications (ASTM D396 or ASTM D975) for numbers 1 or 2 fuel oil.
- (e) In addition, for the distillate oil received for the emergency generators: The sulfur content of the distillate oil.

(9 VAC 5-80-110 and Condition 21 of 10/17/13 Permit)

**79. Internal Combustion Engine Requirements - (G-1, G-2, and P-1) - Limitations** - Visible emissions from each emergency generator (Ref. Nos. G-1 and G-2) and the emergency fire pump (Ref. No. P-1) shall not exceed twenty percent (20%) opacity except during one six-minute period in any one hour in which visible emissions shall not exceed thirty percent (30%) opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.  
(9 VAC 5-80-110 and 9 VAC 5-50-80)

**80. Internal Combustion Engine Requirements - (G-1) - Limitations - NSPS IIII** - For emergency generator G-1 (500 kW/671 HP; model year 2007), the permittee shall comply with the applicable requirements of 40 CFR 60, Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines), as follows:

- (a) Per 40 CFR 60.4205(b), the permittee shall comply with the emission standards for nonroad CI engines in 40 CFR 60.4202 for all pollutants for the same model year and maximum engine power.
- (b) Per 40 CFR 60.4207, the permittee shall use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel.
- (c) Per 40 CFR 60.4209, if the emergency stationary CI internal combustion engine does not meet the standards applicable to non-emergency engines, the permittee shall install a non-resettable hour meter prior to startup of the engine.
- (d) Per 40 CFR 60.4211, the permittee shall comply with the following compliance requirements:
  - (1) As an owner or operator who must comply with the emission standards in 40 CFR 60, Subpart IIII, you must do all of the following:
    - (i) Operate and maintain the stationary CI internal combustion engine and control device (if applicable) 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 to you.

- (2) As an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in 40 CFR 60.4205(b), you must comply by purchasing an engine certified to the emission standards in 40 CFR 60.4205(b) for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's emission-related specifications.
- (3) As an owner or operator of an emergency stationary ICE, you must operate the emergency stationary ICE according to the requirements in paragraphs (i) and (ii) below. In order for the engine to be considered an emergency stationary ICE under 40 CFR 60, Subpart IIII, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (i) and (ii) below, is prohibited. If you do not operate the engine according to the requirements in paragraphs (i) and (ii) below, the engine will not be considered an emergency engine under 40 CFR 60, Subpart IIII and must meet all requirements for non-emergency engines.
  - (i) You may operate your emergency stationary ICE for any combination of the purposes specified in (i)(A) through (C) below for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph (ii) of this section counts as part of the 100 hours per calendar year allowed by this paragraph.
    - (A) Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year.
    - (B) Emergency stationary ICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see § 60.17), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.
    - (C) Emergency stationary ICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

- (ii) Emergency stationary ICE may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (i) of this section. Except as provided in paragraph (ii)(A) of this section, the 50 hours per calendar year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.
- (A) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:
  - 1. The engine is dispatched by the local balancing authority or local transmission and distribution system operator.
  - 2. The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.
  - 3. The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
  - 4. The power is provided only to the facility itself or to support the local transmission and distribution system.
  - 5. The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.
- (4) If you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, you must demonstrate compliance as follows:
  - (i) As an owner or operator of a stationary CI internal combustion engine greater than 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after you change

emission-related settings in a way that is not permitted by the manufacturer. You must conduct subsequent performance testing every 8,760 hours of engine operation or 3 years, whichever comes first, thereafter to demonstrate compliance with the applicable emission standards.

(e) Per 40 CFR 60.4218, the permittee shall comply with the applicable requirements of the General Provisions as outlined in Table 8 to 40 CFR 60, Subpart IIII.

(9 VAC 5-80-110, 40 CFR 60, Subpart IIII, 40 CFR 60.4205, 60.4207, 60.4209, 60.4211, and 60.4218)

**81. Internal Combustion Engine Requirements - (G-2) - Limitations - NSPS IIII -** For emergency generator G-2 (175 kW/235 HP; model year 2006), the permittee shall comply with the applicable requirements of 40 CFR 60, Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines), as follows:

(a) Per 40 CFR 60.4205(b), the permittee shall comply with the applicable emissions standards in Table 1 to 40 CFR 60, Subpart IIII.

(b) Per 40 CFR 60.4207, the permittee shall use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel.

(c) Per 40 CFR 60.4209, if the emergency stationary CI internal combustion engine does not meet the standards applicable to non-emergency engines, the permittee shall install a non-resettable hour meter prior to startup of the engine.

(d) Per 40 CFR 60.4211, the permittee shall comply with the following compliance requirements:

(1) As an owner or operator who must comply with the emission standards in 40 CFR 60, Subpart IIII, you must do all of the following;

(i) Operate and maintain the stationary CI internal combustion engine and control device (if applicable) 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 to you.

(2) As an owner or operator of a pre-2007 model year stationary CI internal combustion engine and must comply with the emission standards specified in 40 CFR 60.4205(a), you must demonstrate compliance according to one of the methods specified in paragraphs (2)(i) through (v) of this section;

(i) Purchasing an engine certified according to 40 CFR part 89 or 40 CFR part 94, as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications.

(ii) Keeping records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the

same methods specified in this subpart and these methods must have been followed correctly.

- (iii) Keeping records of engine manufacturer data indicating compliance with the standards.
  - (iv) Keeping records of control device vendor data indicating compliance with the standards.
  - (v) Conducting an initial performance test to demonstrate compliance with the emission standards according to the requirements specified in § 60.4212, as applicable.
- (3) As an owner or operator of an emergency stationary ICE, you must operate the emergency stationary ICE according to the requirements in paragraphs (i) through (iii) below. In order for the engine to be considered an emergency stationary ICE under 40 CFR 60, Subpart IIII, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (a) and (b) below, is prohibited. If you do not operate the engine according to the requirements in paragraphs (a) and (b) below, the engine will not be considered an emergency engine under 40 CFR 60, Subpart IIII and must meet all requirements for non-emergency engines.
- (i) You may operate your emergency stationary ICE for any combination of the purposes specified in (i)(A) through (C) below for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph (ii) of this section counts as part of the 100 hours per calendar year allowed by this paragraph.
    - (A) Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year.
    - (B) Emergency stationary ICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see § 60.17), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.

- (C) Emergency stationary ICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.
- (ii) Emergency stationary ICE may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (i) of this section. Except as provided in paragraph (ii)(A) of this section, the 50 hours per calendar year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.
  - (A) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:
    1. The engine is dispatched by the local balancing authority or local transmission and distribution system operator.
    2. The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.
    3. The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
    4. The power is provided only to the facility itself or to support the local transmission and distribution system.
    5. The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.
- (4) If you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, you must demonstrate compliance as follows:
  - (i) As an owner or operator of a stationary CI internal combustion engine greater than or equal to 100 HP and less than or equal to 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must

conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after you change emission-related settings in a way that is not permitted by the manufacturer.

(e) Per 40 CFR 60.4218, the permittee shall comply with the applicable requirements of the General Provisions as outlined in Table 8 to 40 CFR 60, Subpart IIII.

(9 VAC 5-80-110, 40 CFR 60, Subpart IIII, 40 CFR 60.4205, 60.4207, 60.4209, 60.4211, and 60.4218)

82. **Internal Combustion Engine Requirements - (G-1 and G-2) - Limitations - MACT ZZZZ** - For emergency generators G-1 and G-2, the permittee shall comply with the applicable requirements of 40 CFR 63, Subpart ZZZZ (National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines). (9 VAC 5-80-110 and 40 CFR 63, Subpart ZZZZ)

83. **Internal Combustion Engine Requirements - (G-1 and G-2) - Limitations - MACT ZZZZ** - As new stationary RICE located at an area source, emergency generators G-1 and G-2 must meet the requirements of 40 CFR 63, Subpart ZZZZ by meeting the requirements of 40 CFR 60, Subpart IIII. No further requirements apply for these engines under 40 CFR 63, Subpart ZZZZ. (9 VAC 5-80-110 and 40 CFR 63.6590(c)(1))

## **B. Testing and Monitoring**

84. **Internal Combustion Engine Requirements - (G-1, G-2, and P-1) - Testing and Monitoring** - The permittee shall observe the stack of each emergency generator (Ref. Nos. G-1 and G-2) and the emergency fire pump (Ref. No. P-1) for visible emissions once per permit term for a period of at least 60 seconds during daylight hours of operation. If visible emissions are noted, corrective action shall be taken to eliminate the visible emissions. If such corrective action fails to eliminate the visible emissions, the permittee shall conduct a visible emissions evaluation (VEE) using 40 CFR Part 60, Appendix A, Method 9 for six minutes. If the six-minute VEE opacity average exceeds 50% of the standard for a specific unit, the VEE for that unit shall continue for an additional 12 minutes. If any of the six-minute averages during the 18 minutes exceeds the standard for a specific unit, the VEE for that unit shall continue for one hour from initiation on the stack to determine compliance with the opacity limit. Results of observations and/or VEEs shall be recorded in an operation log. Records of observations shall include the following:

- The name of the observer,
- The date and time of the observation,
- An indication that the process was operating,
- An indication of the presence or absence of visible emissions, and

A description of any corrective action taken to eliminate visible emissions, including the date and time the process was shut down and/or repairs were completed.

If a VEE is conducted, records shall be kept in accordance with the EPA Method 9 (40 CFR 60, Appendix A).

Monitoring shall be scheduled so that there are no more than 60 months between monitoring events.  
(9 VAC 5-80-110)

**85. Internal Combustion Engine Requirements - (G-2) - Testing and Monitoring - NSPS IIII** - For emergency generator G-2, the permittee shall comply with the applicable testing requirements of 40 CFR 60, Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines), as follows:

- (a) Per 40 CFR 60.4212, as an owner or operator of a stationary CI ICE with a displacement of less than 30 liters per cylinder who is required to conduct performance tests pursuant to 40 CFR 63, Subpart IIII, you must do so according to paragraphs (1) and (2) of this section.
- (1) The performance test must be conducted according to the in-use testing procedures in 40 CFR part 1039, subpart F, for stationary CI ICE with a displacement of less than 10 liters per cylinder, and according to 40 CFR part 1042, subpart F, for stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder.
- (2) Exhaust emissions from stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in § 60.4205(a) must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in § 60.4205(a), determined from the following equation:

$$\text{NTE requirement for each pollutant} = (1.25) \times (\text{STD})$$

Where:

STD = The standard specified for that pollutant in § 60.4205(a).

Alternatively, stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in § 60.4205(a) may follow the testing procedures specified in § 60.4213, as appropriate.

(9 VAC 5-80-110 and 40 CFR 60.4212)

## C. Notifications, Reporting, and Recordkeeping

86. **Internal Combustion Engine Requirements - (G-1, G-2, and P-1) - Notifications, Reporting, and 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 DEQ Tidewater Regional Office. These records shall include, but are not limited to:

- (a) Annual hours of operation of each emergency generator (Ref. Nos. G-1 and G-2), calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months;
- (b) Annual hours of operation of the emergency fire pump (Ref. No. P-1), calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months;
- (c) All fuel supplier certifications for the distillate oil received for the emergency generators (Ref. Nos. G-1 and G-2) and the emergency fire pump (Ref. No. P-1), as required by Condition 78; and
- (d) Records of all visible emissions observations and/or Visible Emissions Evaluations (VEE) for each emergency generator (Ref. Nos. G-1 and G-2) and the emergency fire pump (Ref. No. P-1) and any corrective action taken, as required by Condition 84.

(9 VAC 5-80-110, 9 VAC 5-50-50, and Condition 31 of 10/17/13 Permit)

87. **Internal Combustion Engine Requirements - (G-1 and G-2) - Notifications, Reporting, and Recordkeeping - NSPS IIII** - For emergency generators G-1 and G-2, the permittee shall comply with the applicable notification, reporting, and recordkeeping requirements of 40 CFR 60, Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines), as follows:

- (a) As an owner or operator of an emergency stationary internal combustion engine, you are not required to submit an initial notification. Starting with the model years in table 5 to this 40 CFR 60, Subpart IIII, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

(9 VAC 5-80-110 and 40 CFR 60.4214(b))

## VI. Facility Wide Conditions

### A. Limitations

88. **Facility Wide Conditions - Limitations** - At all times the disposal of volatile organic compounds shall be accomplished by taking measures, to the extent practicable, consistent with air pollution control practices for minimizing emissions. Volatile organic compounds shall not be intentionally spilled, discarded in sewers which are not connected to a treatment plant, or stored in open containers, or handled in any other manner that would result in evaporation beyond that consistent with air pollution practices for minimizing emissions. (9 VAC 5-80-110, 9 VAC 5-50-20 F, and Condition 6 of 10/17/13 Permit)

89. **Facility Wide Conditions - Limitations** - Criteria pollutant emissions from the operation of the bulk petroleum product storage and distribution facility shall not exceed the limits specified below:

Particulate Matter (PM)	1.2 tons/yr
PM-10	0.7 tons/yr
Sulfur Dioxide	36.2 tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )	29.9 tons/yr
Carbon Monoxide	40.0 tons/yr
Volatile Organic Compounds	187.9 tons/yr

These emission limits are derived from estimated overall emission contributions from operating limits. Exceedance of operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 1-10, 57-59, 62, 63, 74-77, and 79. (9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 28 of 10/17/13 Permit)

90. **Facility Wide Conditions - Limitations** - Hazardous Air Pollutant (HAP) emissions from the operation of the bulk petroleum product storage and distribution facility shall not exceed the limits specified below:

Any Individual HAP	3.9 tons/yr
Total HAPs	13.0 tons/yr

These emission limits are derived from estimated overall emission contributions from operating limits. Exceedance of operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 1-10, 57-59, 74-77, and 91. (9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 29 of 10/17/13 Permit)

## **B. Recordkeeping**

91. **Facility Wide Conditions - 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 DEQ Tidewater Regional Office. These records shall include, but are not limited to:
- (a) Emissions calculations demonstrating compliance with the emission limits in Condition 90. Emissions shall be calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months; and
  - (b) Maintenance records directly related to maintaining equipment for the purpose of air quality compliance for each item of all permitted equipment, including the vapor combustion units (Ref. Nos. VCU-1 and MVCU-1).
- (9 VAC 5-80-110, 9 VAC 5-50-50, 9 VAC 5-60-340, and Condition 31 of 10/17/13 Permit)

## **C. Testing**

92. **Facility Wide Conditions - Testing** - The permitted facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. Test ports shall be provided upon request.
- (9 VAC 5-80-110, 9 VAC 5-50-30 F, and Condition 34 of 10/17/13 Permit)

## VII. Insignificant Emission Units

93. **Insignificant Emission Units** - The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
None Identified				

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

## VIII. Permit Shield & Inapplicable Requirements

94. **Permit Shield & Inapplicable Requirements** - Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60, Subpart K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978	None of the petroleum liquid storage tanks at this source meet the installation date and/or size criteria for applicability to this subpart.
40 CFR 60, Subpart Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984	None of the petroleum liquid storage tanks at this source meet the installation date and/or size criteria for applicability to this subpart.

40 CFR 63, Subpart R	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)	The source is exempt from the requirements of this subpart but must demonstrate continued exemption. Potential emissions are below 10 TPY for a single HAP and below 25 TPY for all HAPs combined.
40 CFR 68	Chemical Accident Prevention Provisions	Petroleum liquids (gasoline, diesel fuel, jet fuel, etc.) are not subject to this rule.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.  
 (9 VAC 5-80-140)

## IX. General Conditions

95. **General Conditions - Federal Enforceability** - All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.  
(9 VAC 5-80-110 N)
96. **General Conditions - Permit Expiration** - This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)
97. **General Conditions - Permit Expiration** - The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)
98. **General Conditions - Permit Expiration** - If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)
99. **General Conditions - Permit Expiration** - No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)
100. **General Conditions - Permit Expiration** - If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)

- 101. General Conditions - Permit Expiration** - The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)
- 102. General Conditions -Recordkeeping and Reporting** - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
- (a) The date, place as defined in the permit, and time of sampling or measurements;
  - (b) The date(s) analyses were performed;
  - (c) The company or entity that performed the analyses;
  - (d) The analytical techniques or methods used;
  - (e) The results of such analyses; and
  - (f) The operating conditions existing at the time of sampling or measurement.
- (9 VAC 5-80-110 F)
- 103. General Conditions -Recordkeeping and Reporting** - Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.  
(9 VAC 5-80-110 F)
- 104. General Conditions -Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
- (a) The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; and
  - (b) All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
    - (1) Exceedance of emissions limitations or operational restrictions;
  - (c) 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,
  - (d) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

- (e) If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

**105. General Conditions - Annual Compliance Certification** - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- (a) The time period included in the certification. The time period to be addressed is January 1 to December 31;
- (b) The identification of each term or condition of the permit that is the basis of the certification;
- (c) The compliance status;
- (d) Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
- (e) Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;
- (f) Such other facts as the permit may require to determine the compliance status of the source; and
- (g) One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:  
[R3\\_APD\\_Permits@epa.gov](mailto:R3_APD_Permits@epa.gov)

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

**106. General Conditions - Permit Deviation Reporting** - The permittee shall notify the Director, 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 104 of this permit. (9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

- 107. General Conditions - Failure/Malfunction Reporting** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office. (9 VAC 5-20-180 C)
- 108. General Conditions - Severability** - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit. (9 VAC 5-80-110 G.1)
- 109. General Conditions - Duty to Comply** - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application. (9 VAC 5-80-110 G.2)
- 110. General Conditions - Need to Halt or Reduce Activity not a Defense** - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (9 VAC 5-80-110 G.3)
- 111. General Conditions - Permit Modification** - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios. (9 VAC 5-80-190 and 9 VAC 5-80-260)
- 112. General Conditions - Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege. (9 VAC 5-80-110 G.5)

**113. General Conditions - Duty to Submit Information** - The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.  
(9 VAC 5-80-110 G.6)

**114. General Conditions - Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110 K.1)

**115. General Conditions - Duty to Pay Permit Fees** - The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350 The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.  
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

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

- (a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
- (b) Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
- (c) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
- (d) Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

- (e) The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

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

(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

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

(9 VAC 5-80-110 J)

**119. General Conditions - Inspection and Entry Requirements** - The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

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

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

120. **General Conditions - Reopening For Cause** - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F. The conditions for reopening a permit are as follows:
- (a) The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
  - (b) The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
  - (c) The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.
- (9 VAC 5-80-110 L)
121. **General Conditions - Permit Availability** - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.  
(9 VAC 5-80-150 E)
122. **General Conditions - Transfer of Permits** - No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
123. **General Conditions - Transfer of Permits** - In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)
124. **General Conditions - Transfer of Permits** - In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)
125. **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 of Condition 126 are met.  
(9 VAC 5-80-250)

126. **General Conditions - Malfunction as an Affirmative Defense** - The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
- (a) A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - (b) The permitted facility was at the time being properly operated.
  - (c) During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
  - (d) The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
- (9 VAC 5-80-250)
127. **General Conditions - Malfunction as an Affirmative Defense** - In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
- (9 VAC 5-80-250)
128. **General Conditions - Malfunction as an Affirmative Defense** - The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
- (9 VAC 5-80-250)
129. **General Conditions - Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.
- (9 VAC 5-80-190 C and 9 VAC 5-80-260)

130. **General Conditions - Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.  
(9 VAC 5-80-80 E)
131. **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)
132. **General Conditions - Asbestos Requirements** - The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).  
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)
133. **General Conditions - Accidental Release Prevention** - If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(40 CFR Part 68)
134. **General Conditions - Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.  
(9 VAC 5-80-110 I)
135. **General Conditions - Emissions Trading** - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
- (a) All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
  - (b) The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
  - (c) The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.
- (9 VAC 5-80-110 I)

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

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

- (a) 9 VAC 5 Chapter 50, Part II, Article 2: Standards of Performance for Odorous Emissions
  - (b) 9 VAC 5 Chapter 60, Part II, Article 5: Emission Standards for Toxic Pollutants from New and Modified Sources
- (9 VAC 5-80-110 N and 9 VAC 5-80-300)