COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
TIDEWATER REGIONAL OFFICE
5636 Southern Boulevard, Virginia Beach, Virginia 23462
(757) 518-2000 Fax (757) 518-2009
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Doug Domenech
Secretary of Natural Resources

David K. Paylor
Director

Maria R. Nold
Regional Director

April 29, 2013

Mr. Christian Koestler
Vice President of Operations
STIHL, Incorporated
536 Viking Drive
P.O. Box 2015
Virginia Beach, Virginia 23450

Location: Virginia Beach
Registration No.: 60995
AFS Id. No.: 51-810-00044

Dear Mr. Koestler:

Attached is a permit to operate the STIHL Incorporated Virginia Beach 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 New Source Review permit dated January 10, 2007.

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 renew this permit, the Department deemed the application complete on January 10, 2013, and solicited EPA comments by submitting the proposed permit to EPA Region III for review on Tuesday, March 12, 2013. The forty-five (45) day comment period (provided for in 9 VAC 5-80-210) expired on Friday, April 26, 2013, with no comments having been received by this office.

This approval to operate does not relieve STIHL Incorporated Virginia Beach of the responsibility to comply with all other local, state, and federal permit regulations.

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

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

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

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

If you have any questions concerning this draft permit, please call James A. White, Jr. by phone at (757) 518-2180 or by e-mail at **james.white@deq.virginia.gov**.

Sincerely,

Troy D. Breathwaite
Regional Air Permits Manager

TDB/JAW/60995_008_13_T5 Renewal CvrLtr_STIHL.docx

Attachments: Title V Permit

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

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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:	STIHL Incorporated
Facility Location:	536 Viking Drive Virginia Beach, Virginia 23450
Registration Number:	**60995**
Permit Number:	TRO60995

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Pages 4 through 22)
State Only Enforceable Requirements (Page 23)

May 27, 2013
Effective Date

May 26, 2018
Expiration Date

_____
Regional Director

April 29, 2013
Signature Date

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Facility Information

Permittee
STIHL Incorporated
P.O. Box 2015
Virginia Beach, Virginia 23450-2015

Responsible Official
Mr. Christian Koestler
Vice President of Operations

Facility
STIHL Incorporated
536 Viking Drive
Virginia Beach, Virginia 23450-2015

Contact Person
Mr. Gary Garrahan
Manager, Occupational Safety and Environmental Health
757-486-9160
gary.garrahan@stihl.us

County - Plant Identification Number: 51-810-00044

Facility Description:

NAICS 333991 - This U.S. industry comprises establishments primarily engaged in the manufacturing of power-driven (e.g., battery, corded, pneumatic) handtools, such as drills, screw-guns, circular saws, chain saws, staplers, and nailers.

NAICS 333112 - This U.S. industry comprises establishments primarily engaged in the manufacturing of powered lawnmowers, lawn and garden tractors, and other home lawn and garden equipment, such as tillers, shredders, yard vacuums, and leaf blowers.

STIHL operates an outdoor power equipment manufacturing facility in Virginia Beach. The facility is a Title V major source for Carbon Monoxide (CO) emissions resulting from the operation of engine test cells used in the outdoor power equipment manufacturing process. The facility is located in an attainment area for all pollutants and is a major source. The facility is permitted under a State Major permit which was issued on January 10, 2007.

Emission Units

Equipment to be operated consists of:

Emission Unit ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Test Cells	Multiple test cells for engine testing. Each test cell is equipped with a 6-gallon portable fuel tank.	66,429 gals/yr of unleaded gasoline	N/A	N/A	N/A	01-10-2007
M1295 & M1296	Aqueous parts washers (degreasers)	2,400 gals/yr of cleaning solution (combined)	N/A	N/A	N/A	01-10-2007
MS1	Mineral spirits for general cleaning	2,000 gals/yr	N/A	N/A	N/A	01-10-2007
TP1	Tampo printing operations	2,147 lbs VOC/yr for inks, hardeners, thinners (combined) and 720 gals/yr of ethyl alcohol	N/A	N/A	N/A	01-10-2007
TK1	Horizontal, fixed roof gasoline storage tank	12,000 gals	N/A	N/A	N/A	05-27-2013
Fuel Burning Equipment						
---	Stationary diesel powered emergency generator	350 kW (470 HP)	N/A	N/A	N/A	05-27-2013
---	Stationary diesel powered emergency firewater pump	85 HP	N/A	N/A	N/A	05-27-2013

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

Facility Requirements

1. **VOC Work Practice Standards - Requirements** - At all times the disposal of volatile organic compounds (VOC) 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 and Condition 3 of NSR permit issued January 10, 2007)

2. **Fuel - (emission unit ID# Test Cells) - Requirements** - The approved fuel for the engine test cells is unleaded gasoline mixed with 2-cycle engine lubricant oil (at a ratio of gasoline to oil of 20:1 to 50:1, approximately). A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-110 and Condition 4 of NSR permit issued January 10, 2007)

3. **Fuel - (emission unit ID#'s Emergency Generator and Firewater Pump) - Requirements** - The approved fuel for the stationary 350 kilowatt emergency generator and emergency firewater pump is diesel fuel oil. Diesel fuel oil is defined as distillate oil that meets the American Society for Testing and Materials (ASTM) D975 specification for Grades 1-D or 2-D fuel oil. A change in the fuel type may require a permit to modify and operate.
(9 VAC 5-80-110 and 40 CFR 60.4207)

4. **Fuel Throughput - (emission unit ID# Test Cells) - Limitations** - The engine test cells shall consume no more than 66,429 gallons of unleaded gasoline (not mixed with oil) per year, calculated monthly as the sum of each consecutive 12-month permit. 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 5 of NSR permit issued January 10, 2007)

5. **Aqueous Cleaning Solution Throughput - (emission unit ID# M1295 and M1296) - Limitations** - The throughput of <u>new</u> (additionally added, not recycled) Cerfa-Kleen 3550 or similar aqueous cleaning solutions containing up to thirty percent (30%) non-HAP VOC used in the degreasers M1295 and M1296 shall not exceed 2,400 gallons 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 6 of NSR permit issued January 10, 2007)

6. **Mineral Spirits Throughput - (emission unit ID# M81) - Limitations** - The throughput of mineral spirits used as a wipe cleaner and degreaser shall not exceed 2,000 gallons 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 7 of NSR permit issued January 10, 2007)

7. **Tampo Printing Operations - (emission unit ID# TP1) - Limitations** - The VOCs contained in the inks, hardeners, and thinners, combined, used in the Tampo printing operation TP1 shall not exceed 2,147 pounds per year, calculated monthly as the sum of each consecutive 12-month period. The throughput of ethyl alcohol for the Tampo printing operation TP1 shall not exceed 720 gallons per year (4,752 pounds 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 addition of 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 8 of NSR permit issued January 10, 2007)

8. **Engine Test Cell Emissions - (emission unit ID# Test Cells) - Limitations** - Emissions from the operation of the engine test cells, combined, shall not exceed the limits specified below:

Nitrogen Oxides (as NO_2)	0.3 lbs/hr	0.6 tons/yr
Volatile Organic Compounds	36.0 lbs/hr	78.8 tons/yr
Carbon Monoxide	60.4 lbs/hr	132.3 tons/yr

(9 VAC 5-80-110 and Condition 9 of NSR permit issued January 10, 2007)

9. **Visible Emissions - Limitations** - Visible emissions from the exhaust stacks, vents, or functionally equivalent openings for the engine test cells shall not exceed five percent (5%) opacity except during one six-minute period in any one hour in which visible emissions shall not exceed twenty percent (20%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during malfunction.
(9 VAC 5-80-110 and Condition 11 of NSR permit issued January 10, 2007)

10. **Visible Emissions - Monitoring** - The permittee shall, at a minimum, perform a visual observation each calendar month (visually observing the entire rooftop at one time rather than each individual exhaust outlet one at a time) of the rooftop where the test cell exhaust outlets are located. All rooftop test cell exhaust outlets shall be included in the scan. The observation shall last for at least a one-minute period during daylight hours when the engine test cells are operating at normal load/capacity to determine if there are any visible emissions. If visible emissions are noted, the permittee shall take appropriate action immediately to correct the cause of the visible emissions. If visible emissions continue after the corrective actions have been performed, a visible emissions evaluation (VEE) shall be immediately conducted for at least six (6) minutes (24 consecutive observations at 15-second intervals) in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for each stack exhibiting visible emissions. If the VEE opacity average exceeds five percent (5%) opacity, the VEE shall continue for one (1) hour from initiation. If results show that the facility is out of compliance with the opacity limits, the malfunction notification requirement in Condition 20 of the NSR permit issued January 10, 2007 shall apply. A record logbook shall be kept for all visual evaluations, VEEs, identification of stacks to which VEEs are performed, and any required corrective actions concerning the rooftop vents. The logbook shall be kept at the facility and made available for inspection by the DEQ for the most recent five (5) year period.
(9 VAC 5-80-110)

11. **Stationary Emergency Generator and Firewater Pump - MACT Subpart ZZZZ** - The permittee shall comply with all applicable provisions of 40 CFR 63, Subpart ZZZZ (National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines) regarding the operation of the stationary RICEs for the 350 kilowatt emergency generator and emergency firewater pump. The permittee shall refer to the most current version of the Federal regulations for additional or revised requirements not included in this permit.
(9 VAC 5-80-100, 9 VAC 5-80-110, and 40 CFR 63, Subpart ZZZZ)

12. **Stationary Emergency Generator and Firewater Pump - MACT Subpart ZZZZ** - The permittee shall comply with the applicable emission and operating limitations of 40 CFR 63, Subpart ZZZZ no later than May 3, 2013. This condition applies to the stationary RICEs for the 350 kilowatt emergency generator and emergency firewater pump.
(9 VAC 5-80-100, 9 VAC 5-80-110, and 40 CFR 63.659(a)(1))

13. **Stationary Emergency Generator and Firewater Pump - MACT Subpart ZZZZ** - The stationary RICEs for the 350 kilowatt emergency generator and emergency firewater pump shall comply with the applicable requirements in Table 2b and Table 2d of 40 CFR 63, Subpart ZZZZ, except for startup periods. During periods of startup, the engine's time spent at idle must be minimized and the startup time for the RICE be minimized to a period needed for appropriate and safe engine loading, not to exceed 30 minutes, after which time the non-startup emission limitations shall apply.
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.6603(a))

14. **Stationary Emergency Generator and Firewater Pump - MACT Subpart ZZZZ -** The stationary RICEs for the 350 kilowatt emergency generator and emergency firewater pump may be operated for the purpose of maintenance and readiness testing, provided that they are recommended by federal, state, or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator (if applicable to generator), or the insurance company, for up to 100 hours per year. Additionally, as part of the 100 hours per year, the stationary 350 kilowatt emergency generator may be used for the purposes of emergency demand response (declared Energy Emergency Alert Level 2 conditions) and for situations where there is a five percent (5%) or greater deviation in the power voltage or frequency below the standard power level. For stationary emergency RICEs located at area sources of HAPs, up to 50 hours per year may be used for non-emergency situations in accordance with 40 CFR 63.6640(f)(4). These non- emergency hours shall be counted as part of the 100 hours per year provided for maintenance, readiness testing, and emergency demand response. **Prior to May 3, 2014**, the 50 hours per year allocated for non-emergency situations may be used for peak shaving or non-emergency demand response to generate income for the facility, or to otherwise supply power as part of a financial arrangement with another entity if the RICE is operated as part of a peak shaving (load management program) with the local distribution system operator and the power is provided only to the facility itself or to support the local transmission and distribution system. After May 3, 2014, the 50 hours per year shall not be used for any peak shaving or non-emergency demand response situations, except as provided under the provisions of 40 CFR 63.6640(f)(4)(ii).
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.6640(f))

15. **Stationary Emergency Generator and Firewater Pump - MACT Subpart ZZZZ –** For the stationary 350 kilowatt emergency generator and emergency firewater pump RICEs, the permittee shall:

    a. Operate and maintain the RICE and after-treatment control device (if any) according to the engine manufacturer's emission-related written instructions or develop a maintenance plan that provides for the maintenance and operation of the RICE in a manner consistent with good air pollution control practice for minimizing emissions;

    b. Install a non-resettable hour meter if one is not already installed on the RICE; and

    c. As an option, an oil analysis program may be utilized by the permittee in order to extend the specified oil change requirement. The oil analysis program shall be performed according to the requirements specified in 40 CFR 63.6625(i).

(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.6625(e, f, and i))

16. **Stationary Emergency Generator and Firewater Pump - MACT Subpart ZZZZ -** For the stationary 350 kilowatt emergency generator and emergency firewater pump RICEs, the following written recordkeeping shall be maintained:

    a. For each RICE, records of the operating hours recorded by a non-resettable hour meter and documentation as to the number of hours spent for emergency operations (including documentation as to what classified the operation as emergency) and the number of hours spent for non-emergency operations;

b. If the 350 kilowatt emergency generator is used for emergency demand response purposes, periods of voltage or frequency deviations, or to supply power as part of a financial arrangement with another entity (in accordance with 40 CFR 63.6640(f)(2)(ii), (f)(2)(iii) or (f)(4)(ii), respectively), records of the notification of the emergency situation, and the date, start time and end time the generator was operated for these purposes;

c. If the 350 kilowatt emergency generator operates or is contractually obligated to be available to operate for more than 15 hours per calendar year for emergency demand response purposes, periods of voltage or frequency deviations, or to supply power as part of a financial arrangement with another entity (in accordance with 40 CFR 63.6640(f)(2)(ii), (f)(2)(iii) or (f)(4)(ii), respectively), the permittee shall submit an annual report to the EPA in accordance with the requirements listed in (h)(1- 3) of 40 CFR 63.6650; and

d. Records of the hours for maintenance conducted on the RICE and after-treatment control device (if any) in order to demonstrate that the engine was operated and maintained according to the permittee's own maintenance plan.

These records shall be kept at the facility and be made available for inspection by the DEQ for the most recent five (5) year period.
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.6655(a, d, e, and f))

17. **Stationary Emergency Generator and Firewater Pump - MACT Subpart ZZZZ -** Records for the stationary emergency RICEs shall be kept in accordance with the requirements listed in 40 CFR 63.6660.
(9 VAC 5-60-100, 9 VAC 5-80-110, 40 CFR 63.6660, and 40 CFR 63.10(b)(1))

18. **Gasoline Fuel Storage Tanks - MACT Subpart CCCCCC Requirements -** The 12,000 gallon capacity horizontal, fixed-roof gasoline storage tank, TK-1, located at the source shall comply with the provisions of 40 CFR 63, Subpart CCCCCC (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities). The monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from the storage tank TK-1 during the current day, plus the total volume of gasoline loaded into, or dispensed from the tank during the previous 364 days, and then dividing that sum by 12. The specific applicable requirements of the MACT are based on the monthly gasoline throughput from the storage tank TK-1 at the affected source:

a. For a monthly throughput of less than 10,000 gallons of gasoline, comply with the requirements in 40 CFR 63.11116;

b. For a monthly throughput between 10,000 gallons and less than 100,000 gallons of gasoline, comply with the requirements in 40 CFR 63.11117;

c. For a monthly throughput of 100,000 gallons or more of gasoline, comply with the requirements in 40 CFR 63.11118 e; and

d. Portable gasoline containers (i.e.: test cell 6-gallon portable fuel tanks) comply with the requirements contained in 40 CFR 59, Subpart F.

If the monthly gasoline throughput ever exceeds an applicable throughput threshold, the source shall remain subject to the requirements for a source above the threshold, even if the affected source's throughput later falls below the applicable monthly gasoline throughput threshold. Records documenting the combined monthly throughput of gasoline for storage tank TK-1 shall be maintained on site for a period of five (5) years and shall be made available within 24 hours to DEQ personnel upon request.
(9 VAC 5-80-110 and 40 CFR 63, Subpart CCCCCC)

Facility Wide Conditions

19. **Facility Wide Conditions - Maintenance / Operation of Source - Requirements** - At all times, including periods of start-up, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate the affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to process equipment which affect such emissions:

    a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance;

    b. Maintain an inventory of spare parts;

    c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum; and

    d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures, prior to their first operation of such equipment. The permittee shall maintain records of the training provided including the names of trainees, the date of training, and the nature of training.

    Records of maintenance and training shall be maintained on site for a period of five (5) years and shall be made available to DEQ personnel upon request.
    (9 VAC 5-80-110 and Condition 18 of NSR permit issued January 10, 2007)

20. **Facility Wide Conditions - Facility Wide Emission - Limitations** - Emissions from the operation of the facility shall not exceed the limits specified below:

Mineral Spirits Wipe cleaner and Degreaser	
Volatile Organic Compounds	6.5 tons/yr
Tampo Printing Operations	
Volatile Organic Compounds	3.4 tons/yr
Total Facility wide Emissions	
Nitrogen Oxides (as NO_2)	4.7 tons/yr
Volatile Organic Compounds	90.1 tons/yr
Carbon Monoxide	135.0 tons/yr

(9 VAC 5-80-110 and Condition 10 of NSR permit issued January 10, 2007)

21. **Facility Wide Conditions - Recordkeeping - Requirements** - The permittee shall maintain on-site 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 Director, Tidewater Regional Office. These records shall include, but are not limited to, the following:

    a. Annual consumption (in gallons) of unleaded gasoline by the engine test cells, 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. Copies of the written procedure used to determine the appropriate gasoline to lubricant oil ratio for the engine test cells for filling of the portable tank assigned to each engine test cell;

    c. Annual throughput (in gallons) of new (additionally added, not recycled) cleaning solution used in the degreasers M1295 and M1296, 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;

    d. Annual throughput (in gallons) of mineral spirits, 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;

    e. Annual throughput (in gallons) of inks, hardeners, and thinners, combined, for the Tampo printing operation TP1, 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;

    f. Annual throughput (in gallons) of ethyl alcohol for the Tampo printing operation TP1, 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;

    g. Records of the monthly throughput (in gallons) of gasoline for the storage tank TK-1;

    h. Records documenting the hours of operation for each stationary emergency RICE per Condition 16 of this permit;

    i. Material Safety Data Sheets (MSDS), Certified Product Data Sheets (CPDS), or other vendor information as approved by DEQ showing VOC content and HAP content for each cleaning solution used in the degreasers M1295 and M1296;

    j. Material Safety Data Sheets (MSDS), Certified Product Data Sheets (CPDS), or other vendor information as approved by DEQ showing VOC content and HAP content for the inks, hardeners, and thinners used in the Tampo printing operation TP1;

k. Records of visual evaluations, visible emissions evaluations, and corrective actions taken, to demonstrate compliance with the opacity limits in this permit; and

l. Records of scheduled and unscheduled maintenance, and operator training.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-50-50, 9 VAC 5-80-110, and Condition 12 of NSR permit issued January 10, 2007)

22. **Facility Wide Conditions - Violation of Ambient Air Quality Standards** - The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary, to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.
(9 VAC 5-80-110 and Condition 21 of NSR permit issued January 10, 2007)

23. **Facility Wide Conditions - Emissions Testing - Requirements** - The permitted facility shall allow for emissions testing upon reasonable notice at any time, using appropriate methods. Sampling ports shall be provided when requested at the appropriate locations and safe sampling platforms and access shall be provided. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110 and Condition 13 of NSR permit issued January 10, 2007)

Insignificant Emission Units

24. **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 Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity 9 VAC 5-80-720C)
NG/Hydrogen brazing furnace	9 VAC 5-80-720 C	NO_x, CO, VOC	0.18 MMBtu/hr
Electric-powered brazing furnace	9 VAC 5-80-720 B	NO_x, CO	N/A
NG/propane-fired heat treating furnace	9 VAC 5-80-720 C	NO_x, CO, VOC	118 scf/hr
NG/propane-fired heat treating furnace	9 VAC 5-80-720 C	NO_x, CO, VOC	600 scf/hr
NG/propane-fired heat treating furnace	9 VAC 5-80-720 C	NO_x, CO, VOC	600 scf/hr
NG-fired boiler	9 VAC 5-80-720 C	NO_x, CO, VOC	5.055 MMBtu/hr
NG-fired heat treating washer boiler	9 VAC 5-80-720 C	NO_x, CO, VOC	033 MMBtu/hr
NG-fired heat treating washer boiler	9 VAC 5-80-720 C	NO_x, CO, VOC	033 MMBtu/hr
Gasoline loading rack	9 VAC 5-80-720 B	VOC	120 gallons/hr
Ink-jet printer	9 VAC 5-80-720 B	VOC	3,865 lbs/yr
Durr closed-loop degreaser	9 VAC 5-80-720 B	VOC	N/A
Portable diesel-powered generator	9 VAC 5-80-720 C	NO_x, SO_2, CO, PM_{10}, $PM_{2.5}$, VOC	20 kW
Portable diesel-powered generator	9 VAC 5-80-720 C	NO_x, SO_2, CO, PM_{10}, $PM_{2.5}$, VOC	50.4 kW
Portable gasoline-powered water pump	9 VAC 5-80-720 B	NO_x, SO_2, CO, PM_{10}, $PM_{2.5}$, VOC	5.5 HP
NG-fired pyrolysis furnace	9 VAC 5-80-720 C.2.a	VOC	0.325 MMBtu/hr

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.

Permit Shield and Inapplicable Requirements

25. **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 IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	The stationary 350 kW diesel-fired generator and the 85 HP diesel-fired water pump were installed prior to the applicability date of the regulation. The portable diesel-fired generators meet the definition of non-road under 40 CFR 1068.30 and are not considered stationary sources.
40 CFR 60, Subpart JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines	The portable 5.5 HP gasoline-fired water pump meets the definition of non-road under 40 CFR 1068.30 and is not considered a stationary source.
40 CFR 63, Subpart JJJJJJ	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources	All boilers operated at the facility combust only gaseous fuel (NG) and therefore are not subject to the MACT.
40 CFR 60, Subpart Dc	Standards of Performance for Small Industrial, Commercial, Institutional Steam Generating Units	All boilers operated at the facility have maximum rated heat input capacities less than 10 MMBtu/hr each and therefore are not subject to the NSPS
40 CFR 63, Subpart PPPPP	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands	The engine test cells operated at the facility are not applicable to this MACT as they are located at an area source for HAPs.

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)

General Conditions

26. **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)

27. **General Conditions - Permit Expiration** - This permit has a fixed term of five (5) years. The expiration date shall be the date five (5) 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)

28. **General Conditions - Permit Expiration** - The owner shall submit an application for renewal at least six (6) months but no earlier than eighteen (18) 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)

29. **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)

30. **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)

31. **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)

32. **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)

33. **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)

34. **General Conditions -Recordkeeping and Reporting** - Records of all monitoring data and support information shall be retained for at least five (5) 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)

35. **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;

    b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:

        (1) Exceedance of emissions limitations or operational restrictions;

        (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or

        (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

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

    (9 VAC 5-80-110 F)

36. **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 1st of 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 31st. 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 from January 1st to December 31st;

    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, then 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; 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

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

37. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the Director, Tidewater Regional Office within four (4) daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one (1) hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 calendar days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 35 of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

38. **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 (1) hour, the owner shall, as soon as practicable but no later than four (4) daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or electronic mail (e-mail) of such failure or malfunction and shall within 14 calendar days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office.
(9 VAC 5-20-180 C)

39. **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)

40. **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)

41. **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)

42. **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)

43. **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)

44. **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)

45. **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)

46. **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 15th 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)

47. **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 5-50-90)

48. **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)

49. **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)

50. **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; and

    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)

51. **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 (3) 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; or

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)

52. **General Conditions - Permit Availability** - Within five (5) 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)

53. **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)

54. **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 calendar days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

55. **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 calendar days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

56. **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 40 of this permit are met.
(9 VAC 5-80-250)

57. **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; and

d. The permittee notified the Board of the malfunction within two (2) 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)

58. **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)

59. **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)

60. **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 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)

61. **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)

62. **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 through F)

63. **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)

64. **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)

65. **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)

66. **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; and

    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)

State-Only Enforceable Requirements

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

    9 VAC 5, Chapter 50, Article 2 – Odorous Sources

    9 VAC 5, Chapter 60, Article 5 – Toxic Pollutants from New and Modified Sources

    (9 VAC 5-80-110 N and 9 VAC 5-80-300)