



# 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

Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

Maria R. Nold  
Regional Director

September 5, 2014

Mr. Sahil Tak  
Vice President  
Tak Investment Holdings, LLC  
401 Professional Drive, Suite 110  
Gaithersburg, Maryland 20879

Location: Isle of Wight County  
**Registration No.: 61646**  
AFS Id. No.: 51-093-00058

Dear Mr. Tak:

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

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 April 15, 2014 and solicited written public comments by placing a newspaper advertisement in the Tidewater News newspaper on Wednesday, July 2, 2014. The thirty day comment period (provided for in 9 VAC 5-80-270) expired on Friday, August 1, 2014 with no comments having been received in this office.

This approval to operate does not relieve Tak Investment Holdings, LLC of the responsibility to comply with all other local, state, and federal permit regulations.

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

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 Ms. Laura D. Corl by phone at (757) 518-2178 or by e-mail at [laura.corl@deq.virginia.gov](mailto:laura.corl@deq.virginia.gov).

Sincerely,

Troy D. Breathwaite  
Regional Air Permits Manager

TDB/LDC/61646\_004\_14\_T5FOPnew\_cvrtr\_Tak Investment\_ST Tissue.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)



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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:	Tak Investment Holdings, LLC
Facility Name:	ST Tissue, LLC
Facility Location:	34050 Union Camp Drive Franklin Virginia
Registration Number:	61646
Permit Number:	TRO-61646

This permit includes the following programs:

**Federally Enforceable Requirements - Clean Air Act (Pages 3 through 19)**

**State Only Enforceable Requirements (Page 19)**

**September 5, 2014**

Effective Date

**September 4, 2019**

Expiration Date

Maria R. Nold

**September 5, 2014**

Signature Date

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## I. Facility Information

### Permittee

Tak Investment Holdings LLC  
401 Professional Drive, Suite 110  
Gaithersburg, MD 20879

### Responsible Official

Sahil Tak  
Vice President

### Facility

ST Tissue LLC  
34050 Union Camp Drive  
Franklin, VA 23851

### Contact Person

Bill Culek  
Vice President and General Manager  
757-304-5040

**AFS Identification Number:** 51-093-00058

**ORIS Code and/or EIA Facility ID:** 52152 (as part of International Paper)

**NATS Facility Identification Number:** 52152 (as part of International Paper)

NAICS 322121 or SIC 2621 - Manufacturing, Paper (except Newsprint) Mills

**Facility Description:** – ST Tissue LLC is a wet crepe paper manufacturing facility located within the International Paper Franklin Mill site and operating under the International Paper Site Wide Emissions Cap which is permitted in a Federally Enforceable State Operating Permit (FESOP TRO-60214)). International Paper ceased operating their Kraft pulp and paper mill which produced fine paper in 2010 and restarted a fluff pulp manufacturing operation in the second quarter of 2012. The manufacturing of fluff pulp uses less than one third of the original plant, so parts of the original International Paper-Franklin Mill site have been sold to other tenants to operate other manufacturing operations. ST Tissue, LLC is considered a site tenant and manufactures tissue paper and napkins from the fiber recycling plant that was part of the International paper plant prior to 2010 consisting of the following processes.

*High Consistency Batch Pulper*  
*Detrasher*  
*Screening Systems,*  
*Cleaners*  
*High consistency presses*  
*Deckers*  
*Bleaching Towers*  
*HD Storage Chest*  
*Stock Preparation*  
*Tissue Paper Machine Wet End / Press section*  
*Tissue Paper Machine Dry End / Drying Section with Reel Winder*

The process begins with wastepaper being loaded into a high consistency batch pulper to slurry the paper. The stock generated by the pulper then flows through a detrasher into a holding chest. The process then becomes a continuous process. From the chests the stock is run through several processes to decontaminate it from dirt specks, plastic and stickies (adhesives). Then to three different screening systems, two different cleaners, 6 high consistency presses and two sets of deckers where the stock is washed. The bleaching operation is the last process before being pumped to the high density storage chests at the No. 6 paper machine area. The pulp is then refined and further screened and cleaned before different pulp finishes are added prior to it going onto the wet end of the paper machine. Here it is formed into a wet web of fibers using a Fourdrinier type forming section, then to the pressing section to squeeze out as much water as possible, the white water section and the broke handling section. The dry end of the paper machine has the Yankee Hood Dryer where the sheet is dried and then to the reel and winder to become a finished roll of paper.

The facility purchased a large group of equipment from International Paper, and although not all of the equipment is currently operating, they have requested that it be listed as insignificant units in their Title V permit so that they can use the equipment as their plant grows.

Because the facility is operating under the International Paper Site Wide Emission Caps, emissions from this facility are not entered into the EPA emissions inventory database, instead they are reported as part of International Paper - Franklin Mill emissions (AFS Number 51-093-00006).

ST Paper LLC actual emissions at this time are as follows:

<i>Units</i>	<i>NOx</i>	<i>SO2</i>	<i>CO</i>	<i>PM</i>	<i>PM-10</i>	<i>PM-2.5</i>	<i>VOC</i>	<i>GHG CO2e</i>	<i>HAPs</i>
<i>FRP01 - Fiber Recycling Plant Deinking/Hydro-pulper</i>							6.84		1.75
<i>PRM06 - No. 6 Paper Machine (Wet Crepe Tissue Machine)</i>				45.45	19.43	13.91	91.96		4.46
<i>PRM06 - No. 6 Paper Machine (Yankee Dryer - Natural Gas)</i>	12.61	0.13	21.02	1.60	1.60	1.60	1.16	24,599	
<i>PRM07 - HD Storage Chest (150 ton Broke Chest)</i>							1.09		
<i>MIS01 - Traffic Roads/Fugitive Dust</i>				10.44	2.35	0.24			
<i>MIS18 - #4 Diesel Fire Pump</i>	2.09	0.14	0.45	0.15	0.15	0.15	0.17	83	
<b><i>Totals</i></b>	<b>14.7</b>	<b>0.27</b>	<b>21.47</b>	<b>57.64</b>	<b>23.53</b>	<b>15.9</b>	<b>101.22</b>	<b>24,682</b>	<b>6.21</b>

The facility is proposing to install a <100 mmBtu/hr boiler. This emission unit has been added to this permit as "Equipment to be installed during permit term" because as part of the International Paper - Franklin Mill site there is no requirement to have a construction permit. Tak Investment Holdings, LLC has already received approval from the DEQ to install this unit.

This facility has few applicable requirements because there are no underlying permits to pull conditions from except the International Paper FESOP.

This facility is part of a Title V source that is major for 8 pollutants (PM, PM<sub>10</sub>, NO<sub>x</sub>, SO<sub>2</sub>, CO, VOC, TRS and H<sub>2</sub>SO<sub>4</sub>) under the International Paper Site Wide Emissions Cap Federally Enforceable State Operating Permit. The cap also includes 2 other pollutants: Lead and Fluorides. The facility does not currently have a Site-Wide cap for PM 2.5 or Green House Gas emissions. As stated above, all emissions from this source are reported under registration number 60214.

## II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>Fuel Burning Equipment</b>							
PRM06	PRMSV06	Yankee Dryer located on the #6 Paper Machine (2013)	48 MMBtu/hr	-	-	-	-
MIS18	MISSV18	#4 Diesel Fire Pump Engine (2000)	2.04 MMBtu/hr 270 hp-hr	-	-	-	-
<b>Tissue Paper Manufacturing</b>							
FRP01	FRP01	Fiber Recycling Plant	300 ADT/day 12.5 ADT/hr	-	-	-	-
PRM06	PRMSV06	#6 Tissue Paper Machine	250 ton/day	-	-	-	-
PRM07	PRMSV07	150 Ton Broke Chest	-	-	-	-	-
<b>Traffic</b>							
MIS01	-	General Site Traffic	17,500 miles/yr	-	-	-	-

Equipment to be installed during permit term:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>Fuel Burning Equipment</b>							
B01	BSV01	Natural Gas Fired Boiler (Future installation)	100 mmBtu/hr	-	-	-	-

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

### III. Fuel Burning Equipment Requirements – (MIS18 and B01)

1. **Fuel Burning Equipment Requirements – (MIS18) - Requirements by Reference** - Except where this permit is more restrictive than the applicable requirement, the fire pump engine MIS18 shall be operated in compliance with the requirements of 40 CFR 63, Subpart ZZZZ.

The emergency fire pump shall not operate more than 100 hours per year for non-emergency situations. Non-emergency situations include maintenance and testing run time. Testing run time may not exceed 50 hours of the allocated hours per year.

To show compliance with the above limitations, the annual hours of operation for the fire pump shall be monitored using a non-resettable hour meter, tracked and recorded, noting the reason for each operating session.

Each existing emergency CI generator  $\leq$  500 HP shall be in compliance with 40 CFR Part 63, Subpart ZZZZ by May 3, 2013. Each unit shall comply with the applicable:

- a. Emission limitations as specified in 40 CFR 63.6602, Table 2c;
  - i. Change oil and filter every 500 hours or annually whichever comes first;
  - ii. Inspect the air cleaner every 1,000 hours of operation or annually, whichever comes first and replace as necessary;
  - iii. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary;
  - iv. Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.
- b. Fuel requirements as specified in 40 CFR 63.6604;
- c. Monitoring, installation, collection, operation and maintenance requirements as specified in 40 CFR 63.6625(e), (f), (h), (i);
- d. Continuous compliance requirements as specified in 40 CFR 63.6605 and 63.6640;
- e. Recordkeeping requirements as specified in 63.6655;
- f. Reporting requirements as specified in the Footnote 1 of Table 2c; and
- g. Requirements of the General Provisions listed in 40 CFR Subpart A, except per 63.6645(a)(5), the following do not apply: 63.7(b) and (c), 63.8(e), (f)(4) and (f)(6), and 63.9(b)-(e), (g) and (h).

(9 VAC 5-80-110)

2. **Fuel Burning Equipment Requirements – (B01) - Requirements by Reference** - Except where this permit is more restrictive than the applicable requirement, the natural gas fired boiler (B01) shall be operated in compliance with the requirements of 40 CFR 63, Subpart DDDDD and 40 CFR 60, Subpart Dc.
  - a. For NSPS Subpart Dc
    - i. Submit an initial notification as required in 60.7 and 60.48c (a), and
    - ii. Record and maintain records of the amount of natural gas combusted each operating month.
  - b. For MACT Subpart DDDDD
    - i. Submit an initial notification as required in 63.9 and 63.7545(c), and

- ii. Conduct a tune-up of the boiler annually as specified in §63.7540.
- iii. Submit an annual tune-up report as specified in 63.7550(c) and (h)(3).

(9 VAC 5-80-110)

#### **IV. Fiber Recycle Plant Equipment Requirements – (FRP01)**

- 3. **Fiber Recycle Plant – (FRP01) - Requirements by Reference** - Except where this permit is more restrictive than the applicable requirement, the fiber recycle plant (FRP01) shall be operated in compliance with the requirements of 40 CFR 63, Subpart S.

(9 VAC 5-80-110)

#### **V. Facility Wide Conditions - International Paper FESOP**

- 4. **Pollutants Covered Under the International Paper Site-Wide Emissions Cap**  
PM, PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>x</sub>, CO, VOC, TRS, Lead, H<sub>2</sub>SO<sub>4</sub>, and Fluorides.

(9 VAC 5-230-40)

- 5. **Compliance with State and Federal Regulations and Air Permits**

The International Paper Federally Enforceable State Operating Permit allows any Site Tenant to construct and operate new emission units or modify and operate existing emission units at the site. Any construction, reconstruction or modification activities shall be deemed to satisfy all requirements of the major and minor new source review program for the pollutants specified in Condition 4 provided that there is no exceedance of any Emission Cap. Exceedance of any Emission Cap or other provisions of this permit, whether caused directly by the actions or omissions of International Paper or those of a site tenant may subject International Paper to permitting requirements, enforcement and/or permit revocation.

(9 VAC 5-230-50 B)

##### **A. Major NSR Permitting and Registration**

- 6. **Major NSR Permitting and Registration** - Compliance with this permit shall be deemed to satisfy all requirements of the major new source review program for the pollutants listed in Condition 4.

**Note:** There is no GHG emissions cap.

- a. **Definition** - "Physical or operational change" means any physical or operational change at the affected facility that involves the addition of a new emissions unit or a modification to an existing emission unit.

- b. **Control Technology** - For any physical or operational change (as defined above) that would otherwise be subject to the major NSR program, any site tenant of the International Paper-Franklin Mill shall submit a control technology application to and shall obtain approval thereof from the Department of Environmental Quality (DEQ) that the control technology to be installed meets the applicable requirements of Article 4 (9 VAC 5-50-240 et seq.) of Part II of 9 VAC 5 Chapter 50. The site tenant shall install emission controls that are consistent with the approval. The site tenant may begin and complete actual construction of the physical or operational change prior to receiving approval from the DEQ if each of the following conditions is met:
- i. The site tenant has submitted an approvable control technology application for the physical or operational change with a notice of intent to begin actual construction of the physical or operational change.
  - ii. The site tenant has submitted a certification that it:
    - (1.) Freely assumes all financial and other risks associated with beginning actual construction of the physical or operational change prior to receiving the control technology approval and;
    - (2.) Acknowledges that the DEQ, in evaluating the application, may not consider any consequences to the applicant of beginning actual construction prior to receiving the control technology approval.
  - iii. The DEQ has not, within 30 days of receipt of the application, issued a written notice to the site tenant, based on concerns about air quality impacts or emissions control technology, requiring the termination of construction as soon as practicable but no later than five business days after receipt of the notice.
  - iv. The site tenant constructs the physical or operational change as described in the control technology application.
  - v. The site tenant does not commence operation of the physical or operational change until the control technology approval has been granted.
- c. **DEQ Response** - If the DEQ has not, within 60 days of receipt of the control technology application submitted in accordance with Condition 6, issued a written notice to the site tenant either approving or objecting to the construction of the physical or operational change, the control technology application may be deemed granted.  
(9 VAC 5-230-50 D & E)

## B. Minor NSR permitting

7. **Minor NSR Permitting** - Compliance with this permit shall be deemed to satisfy all requirements of minor NSR program for all pollutants listed in Condition 4.  
**Note:** There is no Site-wide cap for PM<sub>2.5</sub> so minor source permitting applicability for PM<sub>2.5</sub> needs to be performed for each change at the facility.
8. **Hazardous Air Pollutants** - Except for pollutants specified in Condition 4 compliance with this permit does not relieve International Paper or any site tenant from obligations to comply with requirements addressing emissions of hazardous air pollutants under Articles 4 (9 VAC 5-60-200 et seq.) and 5 (9 VAC 5-60-300 et seq.) of Part II of 9 VAC 5 Chapter 60.  
(9 VAC 5-230-50 B & C)

### C. Other Regulations Encompassed

9. **New Source Performance Standards (NSPS) for Stationary Sources:** TAK Investments, LLC, the site tenant, is subject to various NSPS regulations and shall comply with all the requirements of each NSPS regulation (NSPS Dc for future boiler). If the site tenant becomes subject to a regulation listed in 40 CFR Part 60, after the effective date of the permit, the site tenant shall comply with all requirements under that regulation.  
(9 VAC 5-230-60 A)
10. **National Emission Standards for Hazardous Air Pollutants:** TAK Investments, LLC is subject to various NESHAP regulations and shall comply with all the requirements of each NESHAP (MACT Subpart S, Subpart ZZZZ and Subpart DDDDD). If TAK Investments, LLC becomes subject to a regulation listed in 40 CFR Part 61 or Part 63, after the effective date of the permit, TAK Investments, LLC shall comply with all requirements under that regulation.  
(9 VAC 5-230-60 A)
11. **State Air Pollution Control Board -** TAK Investments, LLC shall remain in compliance with all other SAPCB Regulations. Compliance with this permit shall constitute compliance with Article 4 of 9 VAC 5 Chapter 50 and Article 6, Article 8 and Article 9 of 9 VAC 5 Chapter 80.  
(9 VAC 5-230-50 B and 9 VAC 5-230-60 A)
12. **Other Laws and Regulations -** Compliance with the terms and conditions of this permit shall not relieve TAK Investments, LLC of its obligation to comply with applicable local, State or Federal laws and regulations not addressed in this section.  
(9 VAC 5-230-60 A)

### D. Monitoring and Recordkeeping

13. **Monitoring and Recordkeeping - On Site Records -** 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 Director, Tidewater Regional Office. These records shall include, but are not limited to:
  - a. Monthly and annual throughput of natural gas for the boiler (B01), 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 tune-up records of the boiler (B01).
  - c. Hours of operation of the emergency fire pump engine (MIS18) and all other records to show compliance with MACT ZZZZ.
  - d. Monthly emissions calculations for all processes shall be calculated for all pollutants. Annual emissions shall be calculated on a rolling 12-month basis for each pollutant. Actual emissions for each calendar month shall be calculated by the last working day of the month following the close of the month. A 12-month total shall be calculated each month for each pollutant by adding the total emissions for the most recent month to the 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 years.  
(9 VAC 5-80-110 and 9 VAC 5-230-80)

**E. Reporting**

14. **MACT Reports** - Copies of all reports required by MACT DDDDD shall be submitted to the Tidewater Regional Office.

**F. Testing**

15. **Facility Wide Conditions - Testing** - The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the DEQ, test ports shall be provided at the appropriate locations. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ. (9 VAC 5-40-30 or 9 VAC 5-50-30 and 9 VAC 5-80-110)

**VI. Insignificant Emission Units**

16. **Insignificant Emission Units -**

Emission Unit No.	TAK Equipment No.	Emission Unit Description	Citation
-	-	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.

**VII. Permit Shield & Inapplicable Requirements**

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

Citation	Title of Citation	Description of Applicability
9VAC5 Chapter 40	Existing Stationary Sources	The ST Tissue facility does not have any units subject to this Chapter.
9VAC5 Chapter 80, Article 3	Federal Operating Permits for Acid Rain Sources	ST Tissue does not have any affected units
40 CFR Part 60, Subpart BB	Standards of Performance for Kraft Pulp Mills	ST Tissue does not own or operate the Kraft portion of this facility.
40 CFR Part 60 Subparts D, Da, and Db	New Source Performance Standards For Fossil-Fuel-Fired Steam Generators, Electric Utility Steam Generating Units And Large Industrial-Commercial-Institutional Steam Generating Units	No emission units at the facility are applicable to these subparts.
40 CFR Part 60 Subparts K, Ka, and Kb	New Source Performance Standards For Volatile Organic Liquid Storage Vessels including Petroleum Liquid Storage Vessels	There are no storage vessels on site that are applicable to these regulations.

40 CFR Part 63, Subpart MM	National Emission Standards for Hazardous Air Pollutant for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand-Alone Semicemical Pulp Mills	ST Tissue does not own or operate any affected sources under this subpart.
40 CFR Part 60 Subpart OO	New Source Performance Standards For Tanks	There are no storage vessels on site that are applicable to these regulations.
40 CFR Part 60 Subpart WW	New Source Performance Standards For Tanks	There are no storage vessels on site that are applicable to these regulations.
40 CFR Part 60 Subpart IIII	New Source Performance Standards For Stationary Compression Ignition Combustion Engines	MIS18 is a pre-2005 engine and has not been modified or reconstructed after July 11, 2005.
40 CFR Part 60 Subpart JJJJ	New Source Performance Standards For Stationary Spark Ignition Combustion Engines	EG8 is a pre-2006 engine and has not been modified or reconstructed after June 12, 2006. MIS18 is not an SI engine.
40 CFR Part 63, Subpart JJJJ	National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating	ST Tissue does not own or operate web coating lines that would trigger applicability to this subpart.
40 CFR Part 63, Subpart UUUUU	National Emission Standards for Hazardous Air Pollutants: Coal and Oil Fired Electric Utility Steam Generating Units	No emission units at the facility are applicable to this subpart.
40 CFR Part 63, Subpart JJJJJ	National Emission Standards for Hazardous Air Pollutants For Industrial, Commercial, and Institutional Boilers at Area Sources	This site is not an Area source
40 CFR 98	Mandatory Greenhouse Gas reporting	ST Tissue does not currently emit 25,000 metric tons of CO <sub>2</sub> e. ST Tissue meets the source category of Subpart AA (Pulp and Paper Manufacturing) but does not own or operate any of the emission units listed in 40 CFR 98.270 and does not emit more than 25,000 metric tons of CO <sub>2</sub> e per year.

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 DEQ pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.  
 (9 VAC 5-80-140)

## VIII. General Conditions

17. **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)
18. **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 DEQ consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.
19. **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.
20. **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.
21. **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.
22. **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.
23. **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)
24. **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.
  - f. The operating conditions existing at the time of sampling or measurement.  
(9 VAC 5-80-110 F)

25. **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)
26. **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:
    - i. Exceedance of emissions limitations or operational restrictions;
    - ii. 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,
    - iii. 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)
27. **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.

- 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)

28. **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 26 of this permit.  
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)
29. **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)
30. **General Conditions - Failure/Malfunction Reporting** - Each owner required to install a continuous monitoring system (CMS) or monitoring device subject to 9 VAC 5-40-41 or 9 VAC 5-50-410 shall submit a written report of excess emissions (as defined in the applicable subpart in 9 VAC 5-50-410) and either a monitoring systems performance report or a summary report form, or both, to the board semiannually. All semi-annual reports shall be postmarked by the 30<sup>th</sup> day following the end of each calendar semi-annual period (July 30<sup>th</sup> and January 30<sup>th</sup>). All reports shall include the following information:
- The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9 VAC 5-40-41 B.6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;
  - Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
  - The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
  - When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.
- (9 VAC 5-20-180 C and 9 VAC 5-50-50)
31. **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)

32. **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)
33. **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)
34. **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)
35. **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)
36. **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)
37. **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)
38. **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 in addition to an annual permit maintenance fee consistent with the requirements of 9 VAC 5-80-2310 through 9 VAC 5-80-2350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the DEQ by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the DEQ. The amount of the annual permit maintenance fee shall be the largest applicable base permit maintenance fee amount from Table 8-11A in 9 VAC 5-80-2340, adjusted annually by the change in the Consumer Price Index.  
(9 VAC 5-80-110 H, 9 VAC 5-80-340 C, and 9 VAC 5-80-2340 B)

39. **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:
- 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;
  - 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;
  - 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;
  - 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,
  - The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
- (9 VAC 5-80-110 and 9 VAC 5-50-90)
40. **General Conditions - Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
- (9 VAC 5-50-20 E)
41. **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)
42. **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:
- 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.
  - Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
  - Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
  - 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)

43. **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)
44. **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)
45. **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)
46. **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)
47. **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)
48. **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 49 are met.  
(9 VAC 5-80-250)
49. **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)
50. **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)
51. **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)
52. **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)
53. **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)
54. **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)
55. **General Condition – Asbestos Requirements** - The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).  
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)
56. **General Condition - Accidental Release Prevention** - If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(40 CFR Part 68)

57. **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)
58. **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)

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

59. **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.
- Odor: 9 VAC 5 Chapter 50, Article 2  
State toxics rule: 9 VAC 5 Chapter 60, Article 5  
(9 VAC 5-80-110 N and 9 VAC 5-80-300)