NRO-024-12

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE
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Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

Thomas A. Faha
Regional Director

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:	Motiva Enterprises, LLC
Facility Name:	Motiva Enterprises, LLC – Fairfax Terminal
Facility Location:	3800 Pickett Road Fairfax, Virginia 22031
Registration Number:	70248
Permit Number:	NRO70248

This permit includes the following programs:

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

February 7, 2012
Effective Date

February 6, 2017
Expiration Date

Thomas A. Faha
Thomas A. Faha, Regional Director

February 6, 2012
Signature Date

Table of Contents, 2 pages
Permit Conditions, 28 pages

Table of Contents

I. FACILITY INFORMATION 4

II. EMISSION UNITS 5

III. EQUIPMENT REQUIREMENTS – (TANKS 30802 - 30808) 7

A. LIMITATIONS 7
B. MONITORING 8
C. RECORDKEEPING 9
D. REPORTING 10

IV. PROCESS EQUIPMENT REQUIREMENTS – (LOADING RACK, VAPOR RECOVERY UNIT, AND TANKER TRUCK VAPOR TIGHTNESS CERTIFICATION) 10

A. LIMITATIONS 10
B. MONITORING 12
C. RECORDKEEPING 13
D. TESTING 15
E. REPORTING 15

V. FACILITY WIDE CONDITIONS 15

A. LIMITATIONS 15
B. MONITORING 16
C. RECORDKEEPING 16
D. TESTING 17
E. REPORTING 18

VI. INSIGNIFICANT EMISSION UNITS 19

VIII. PERMIT SHIELD & INAPPLICABLE REQUIREMENTS 20

IX. GENERAL CONDITIONS 21

A. FEDERAL ENFORCEABILITY 21
B. PERMIT EXPIRATION 21
C. RECORDKEEPING AND REPORTING 22
D. ANNUAL COMPLIANCE CERTIFICATION 23
E. PERMIT DEVIATION REPORTING 24
F. FAILURE/MALFUNCTION REPORTING 24
G. SEVERABILITY 26
H. DUTY TO COMPLY 26
I. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE 26
J. PERMIT MODIFICATION 26
K. PROPERTY RIGHTS 26
L. DUTY TO SUBMIT INFORMATION 26
M. DUTY TO PAY PERMIT FEES 27
N. FUGITIVE DUST EMISSION STANDARDS 27
O. STARTUP, SHUTDOWN, AND MALFUNCTION 27
P. ALTERNATIVE OPERATING SCENARIOS 28
Q. INSPECTION AND ENTRY REQUIREMENTS 28
R. REOPENING FOR CAUSE 28

S. PERMIT AVAILABILITY 29
T. TRANSFER OF PERMITS 29
U. MALFUNCTION AS AN AFFIRMATIVE DEFENSE 29
V. PERMIT REVOCATION OR TERMINATION FOR CAUSE 30
W. DUTY TO SUPPLEMENT OR CORRECT APPLICATION 30
X. STRATOSPHERIC OZONE PROTECTION 30
Y. ASBESTOS REQUIREMENTS 31
Z. ACCIDENTAL RELEASE PREVENTION 31
AA. CHANGES TO PERMITS FOR EMISSIONS TRADING 31
BB. EMISSIONS TRADING 31
CC. VIOLATION OF AMBIENT AIR QUALITY STANDARD 31

I. Facility Information

Permittee
Motiva Enterprises, LLC
3800 Pickett Road
Fairfax, Virginia 22031

Responsible Official
Susan Horning
Terminal Manager

Facility
Motiva Enterprises, LLC
Fairfax Terminal
3800 Pickett Road
Fairfax, Virginia 22031

Contact Person
Thomas Jackson
Environmental Representative
(703) 323-0006

County-Plant Identification Number: 51-059-0069

Facility Description: NAICS: 424710 – Motiva Enterprises, LLC –Fairfax Terminal operates a bulk petroleum storage and distribution terminal. Ethanol and ethanol/gasoline blends are received by tanker truck, whereas distillate, aviation jet fuel, and gasoline are received by common carrier pipeline. The products are stored in above ground storage tanks and then dispensed through a five lane loading rack. Gasoline additives and distillate additives are received at the site by tanker truck. Various products are stored in tanks and then mixed and dispensed at the loading rack during tanker truck loading. Volatile organic compound (VOC) emissions from the loading rack are controlled by a vapor recovery unit consisting of a Carbon Adsorption Unit.

There are nine above ground storage tanks for the storage of petroleum products. Currently, seven tanks are equipped with internal floating roofs (IFR) for storage of gasoline, ethanol, ethanol/gasoline blend and distillates (Ref. No. 30802-30808) and two tanks are vertical fixed roof tanks (Ref. No. 30801 and 31536) for storage of distillate products (diesel, jet, and kerosene) only. There are also several small capacity tanks, including ten product additive tanks, an interface tank, and two oil water separators.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Working Capacity[1]	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
31536	31536	Petroleum liquid storage tank (Diesel/Jet fuel/ Kerosene/Other Distillate Products)	2,790,713 Gallons	Vertical Fixed Roof tank	--	--	October 20, 2011
30801	30801	Petroleum liquid storage tank (Diesel/Jet fuel/ Kerosene/Other Distillate Products)	1,782,923 Gallons	Vertical Fixed Roof Tank	--	--	October 20, 2011
30802	30802	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	1,786,057 Gallons	Internal floating roof with liquid mounted shoe seal and rim mounted secondary seal	--	VOC	October 20, 2011
30803	30803	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	1,367,450 Gallons	Internal floating roof with a liquid mounted primary seal and a vapor mounted secondary wiper seal	--	VOC	October 20, 2011
30804	30804	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	1,366,250 Gallons	Internal floating roof with a liquid mounted primary seal and a vapor mounted secondary wiper seal	--	VOC	October 20, 2011

Emission Unit ID	Stack ID	Emission Unit Description	Size/Working Capacity[1]	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
30805	30805	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	1,425,026 Gallons	Internal floating roof with a liquid mounted primary seal and a vapor mounted secondary wiper seal	--	VOC	October 20, 2011
30806	30806	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	1,428,625 Gallons	Internal floating roof with a liquid mounted primary seal and a vapor mounted secondary wiper seal	--	VOC	October 20, 2011
30807	30807	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	2,908,217 Gallons	Internal floating roof with a liquid mounted primary seal and a vapor mounted secondary wiper seal	--	VOC	October 20, 2011
30808	30808	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	2,915,561 Gallons	Internal floating roof with a liquid mounted primary seal and a vapor mounted secondary wiper seal	--	VOC	October 20, 2011
Loading Rack	Loading Rack	Five-lane Tanker Truck Loading Rack	180,000 gal/hr	John Zink VRU, Model No. S3-AAW-6-100-80-12 Activated Carbon Adsorption Beds (2)	VRU	VOC	October 20, 2011

[1] The Size/Working capacity is provided for informational purposes only, and is not an applicable requirement. These volumes are the available working volumes.

III. Equipment Requirements – (Tanks 30802, 30803, 30804, 30805, 30806, 30807, and 30808)

A. Limitations

1. Emission Control -

   a. Volatile Organic Compound (VOC) emissions from the operation of the tanks storing fuels (30802 – 30808) shall be controlled by Internal Floating Roofs (IFR) with appropriate seal(s). The storage tanks shall be provided with adequate access for inspection.

   b. Each opening in a non contact internal floating roof, except for automatic bleeder vents (vacuum breaker vents) and the rim space vents, is to provide a projection below the liquid surface.

   c. Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.

   d. Automatic bleeder vents shall be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.

   e. Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.

   f. Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least ninety percent of the opening.

   g. Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.

   h. Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

   (9 VAC 5-80-110, 9 VAC 5-40-5220.A, 9 VAC 5-50-260, 40 CFR 60.112.b, and Condition 2 of 10/20/11 NSR permit)

2. Tanks storing volatile organic compounds (VOCs) shall achieve a ninety percent reduction in emissions. Storage of petroleum products with a true vapor pressure greater than 1.5 psia shall achieve this reduction by installing an internal floating roof with a seal system according to 9 VAC 5-40-5230. A. Tanks must be painted white, light pastel or light metallic. The coating must be in good condition
   (9 VAC 5-80-110, 9 VAC 5-40-5220. A.1., 2., and 3., and 9 VAC 5-40-5230. A. 4)

3. **Requirements by Reference**: – Except where this permit is more restrictive than the applicable requirement, the NSPS equipment (Ref. No. 30802 only) shall be operated in compliance with the requirements of 40 CFR Part 60 Subparts Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels), and 40 CFR 60 Subpart A – General Provisions.
(9 VAC 5-80-110 and Condition 16 of 10/20/11 NSR Permit)

4. **Storage Tank VOC Emissions** – The combined VOC emissions from the operation of storage tanks (30801-30808 & 31536) shall not exceed 23.0 tons per year. Compliance with this condition shall be demonstrated through record keeping demonstrating compliance with Condition V.A.1, V.A.2, and V.A.3 as well as annual reporting as stated in Condition III.D.1.
(9 VAC 5-80-110, 9 VAC 5-170-160, 9 VAC 5-80-1180, and Condition 17 of 10/20/11 NSR Permit)

B. Monitoring

1. **Tank Visual Inspections (Initial Filling with Gasoline, Ethanol, or Gasoline/Ethanol Blends)** – The permittee shall make visual inspections of the internal floating roofs and associated seals, and the fittings of IFR equipped tanks (30802-30808), prior to filling each with gasoline, ethanol, or gasoline/ethanol blends. If there are holes, tears, or other openings in the seals, defects in the floating roofs, or leakage in or around the fittings, the permittee shall repair the items before initial filling or refilling of storage tanks. Prior to filling or refilling the permittee shall notify the Regional Air Compliance Manager of the Department of Environmental Quality's (DEQ) Northern Regional Office (NRO) in accordance with Condition III.D.3.
(9 VAC 5-80-110, 40 CFR 60.113b(a), 9 VAC 5-40-5300, 9 VAC 5-40-5310, 9 VAC 5-50-50, and Condition 5 of 10/20/11 NSR Permit)

2. **Tank Visual Inspections (After Tank Emptying or Degassing)** – The permittee shall visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) of each tank (30802-30808) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than ten percent open area, Motiva Enterprises, LLC shall repair the items as necessary so that none of the anomalies specified herein shall exist when the tank is refilled. In no event shall these visual inspections be conducted at intervals greater than ten years. Prior to filling or refilling the permittee shall notify the Regional Air Compliance Manager of the Department of Environmental Quality's (DEQ) NRO in accordance with Condition III.D.3.
(9 VAC 5-80-110, 40 CFR 60.113b(a), 9 VAC 5-40-5300, 9 VAC 5-40-5310, 9 VAC 5-50-50 H, and Condition 6 of 10/20/11 NSR Permit)

3. **Tank Annual Visual Inspection** – The permittee shall visually inspect, at least every twelve months after initial fill, each tank's (30802-30808) internal floating roof and seals

through available manholes and roof hatches on the fixed roof of each tank. Fittings for each tank shall be inspected for leaks during this inspection. If the inspection reveals that the internal floating roof is not resting on the surface of the petroleum product inside the tank, or there is liquid accumulated on the roof, or a seal is detached, or there is a hole or tear in a seal, or there is a fitting found to be leaking, the permittee shall repair the items or empty and remove the tank from service within forty five-days. If a failure that is detected during the inspections required by this condition cannot be repaired within forty-five days, or if the tank cannot be emptied within forty-five days in order to make repair, a thirty day extension may be requested from the Regional Air Compliance Manager of the DEQ's NRO. An extension request must be made in writing and certify that alternate storage capacity is unavailable and establish a schedule for completing the necessary repairs
(9 VAC 5-80-110, 40 CFR 60.113b(a), and Condition 7 of 10/20/11 NSR Permit as amended March 30, 2011)

C. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Regional Air Compliance Manager of the DEQ's NRO at the following address:

Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193

These records shall include, but are not limited to the following:

1. Tank Inspection – A copy of each inspection for each tank shall be kept on site and the contents of these reports shall contain, at a minimum, the condition of each item of inspection, all measurements taken, and specific details of each repair made with the date and signature of the person making the repair

2. Tank 30802 –

   a. The types of liquid stored in the tank, the period of storage, and the maximum true vapor pressure of the liquid.

   b. A copy of the records showing the dimension of the storage tank, and the analysis showing the capacity of the storage tank

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-80-110.F, 40 CFR 60.116b(a), 9 VAC 9-50-50, 9 VAC 5-170-160, and Condition 20 of 10/20/11 NSR Permit)

D. Reporting

1. **Annual Report** – The permittee shall submit to the Regional Air Compliance Manager of the DEQ's NRO, no later than January 30th of each calendar year, an annual report documenting annual VOC emissions from the storage and processing of fuel in Tanks 30801 – 30808 and 31536 for the previous calendar year to demonstrate compliance with Condition III.A.4.
(9 VAC 5-80-110, 9 VAC 5-50-50, and Condition 21 of 10/20/11 NSR Permit)

2. **Notification for Defects** – If defects are detected during the annual visual inspection a report shall be furnished to the Regional Air Compliance Manager of the DEQ's NRO within thirty days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.
(9 VAC 5-80-110.F, 40 CFR 60.115b(a)(3), and 9 VAC 5-50-50 H)

3. **Notification prior to Filling or Refilling** – The permittee shall notify the Regional Air Compliance Manager of the DEQ's NRO in writing, at the address referenced in Condition III.C., at least thirty days prior to filling or refilling of each storage tank for which an inspection is required. In the event it is impossible, by reason of extenuating circumstances, that a thirty day notice cannot be made, the Regional Air Compliance Manager of the DEQ's NRO shall be notified by telephone at least seven days prior to the filling/refilling of the storage vessel. Notification shall be made immediately following the telephone call by a written document explaining why an inspection was unplanned.
(9 VAC 5-80-110.F, 40 CFR 60.115.b.(a), 9 VAC 5-40-5300, 9 VAC 5-40-5310, and Conditions 5 and 6 of 10/20/11 NSR Permit)

IV. Process Equipment Requirements – Loading Rack, Vapor Recovery Unit, and Tanker Truck Vapor Tightness Certification.

A. Limitations

1. Total Organic Compound (TOC) emissions from the operation of the Loading Rack shall be controlled by the use of a Vapor Recovery Unit (VRU). The VRU shall be in operation at all times when the loading rack is in operation. The vapor collection system shall be designed to prevent any total organic compound vapors collected at one loading rack from passing to another rack.
(9 VAC 5-80-110, 40 CFR 60.502 and Condition 2i of 10/20/11 NSR permit)

2. **Tanker Truck Vapor Tightness Certification** – Loading of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks as follows:

   a. The terminal owner or operator shall obtain the vapor tightness documentation described in recordkeeping Condition IV.C below, for each gasoline tank truck which is to be loaded at the facility.

b. The terminal owner or operator shall require the tank identification number to be recorded as each gasoline tank truck is loaded.

c. The terminal owner or operator shall maintain the computerized delivery system such that a truck without a vapor tightness test within the last year shall not be allowed to load.

d. Should the computerized delivery system fail or be out of service, the owner or operator shall cross-check each tank identification number obtained as required in condition IV.A.2.a above to assure vapor tightness documentation is valid, within two weeks after the tank is loaded, following these guidelines:

i. If less than an average of one gasoline tank truck per month over the last twenty-six weeks is loaded without vapor tightness documentation then the cross-check may be performed each quarter; or

ii. If less than an average of one gasoline tank truck per month over the last fifty-two weeks is loaded without vapor tightness documentation then the documentation cross-check may be performed semiannually.

iii. If either the quarterly or semiannual cross-check provided in Conditions IV.A.2.d.i or ii reveals that these conditions were not maintained, the source must return to the biweekly monitoring until such time as these conditions are again met.

e. The terminal owner or operator shall notify the gasoline tank truck owner or operator of each non vapor-tight gasoline tank truck loaded at the facility within one week of performing the vapor tightness cross check.

f. The terminal owner or operator shall take steps assuring that the non vapor-tight gasoline tank truck will not be reloaded at the facility until vapor tightness documentation for that tank is obtained.

g. Alternative procedures to those described in (a) through (e) may be used only with prior approval from Department of Environmental Quality (DEQ).

(9 VAC 5-80-110, 9 VAC 5-80-1180, 9 VAC 5-50-410, 40 CFR 60.502, and Condition 9 of 10/20/11 NSR Permit)

3. **Compatible Vapor Collection Equipment** – The permittee shall ensure that loading of gasoline is made only into tank trucks equipped with vapor collection equipment that is compatible with the terminal's vapor collection system.
(9 VAC 5-80-110, 40 CFR 60.502(f), 9 VAC 5-50-410, 9 VAC 5-80-1180 and Condition 10 of 10/20/11 NSR Permit)

4. **Vapor Collection Systems Connected During Loading** – The permittee shall act to ensure that the terminal's and the tank truck's vapor collection systems are connected during loading of each gasoline tank truck. This shall be accomplished by training drivers in hookup procedures and posting visible reminder signs at the loading racks. (9 VAC 5-80-110, 40 CFR 60.502(g), 9 VAC 5-50-410, 9 VAC 5-80-1180 and Condition 11 of 10/20/11 NSR Permit)

5. **Delivery Tank Truck Gauge Pressure** – The vapor collection system and liquid loading equipment shall not open at pressures less than 4,500 Pascals (450 mm H_2O) during product loading.
(9 VAC 5-80-110, 40 CFR 60.502(h), 9 VAC 5-50-410, 9 VAC 5-80-1180, and Condition 12 of 10/20/11 NSR Permit)

6. **Loading Rack Emissions** – Emissions from the operation of the VRU due to the loading of gasoline into tank trucks shall not exceed ten milligrams of total organic compounds (TOC) per liter (10 mg/l) of gasoline loaded. TOC emissions may exclude the methane and ethane content as specified in 40 CFR 60.503.c(6) This value does not include fugitive VOC emissions from tank truck loading at the rack which are calculated as reflected in EPA 450/2-78-051.
(9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-170-160, 9 VAC 5-80-1180, 9 VAC 5-8-50-410, 40 CFR 60 Subpart XX, and Condition 18 of 10/20/11 NSR Permit)

7. **Vapor Processing System VOC Emissions** – VOC emissions from the processing of fuel through the truck loading rack, including fugitives and vapor recovery unit, shall not exceed 45.0 tons per year, calculated monthly as the sum of each consecutive twelve month period. Compliance for the consecutive twelve 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 eleven months.
(9 VAC 5-50-260, 9 VAC 5-80-1180, and Condition 19 of 10/20/11 NSR Permit)

8. **Requirements by Reference**: – Except where this permit is more restrictive than the applicable requirement, the loading rack shall be operated in compliance with the requirements of 40 CFR 60 Subpart XX – Standards of Performance for Bulk Gasoline Terminals, and 40 CFR 60 Subpart A – General Provisions.
(9 VAC 5-80-110 and Condition 16 of 10/20/11 NSR Permit)

B. Monitoring

1. **Monthly Leak Inspections** – Each calendar month, the vapor recovery system and the loading rack handling gasoline, ethanol, and gasoline/ethanol blends shall be inspected during the loading of gasoline tank trucks for liquid or vapor leaks. For purposes of these inspections, detection methods incorporating sight, sound, or smell is acceptable. Each leak detected shall be recorded and the source of the leak repaired within fifteen calendar days after it is detected.
(9 VAC 5-80-110, 40 CFR 60.502(j) and Condition 8 of 10/20/11 NSR permit)

2. **Monitoring Device: VRU – Continuous Emissions Monitoring Device (CEMS)** - TOC emissions from the operation of the VRU shall be measured using a detection principle in accordance with 40 CFR 60 Appendix B, Performance Specification 8, or other method as approved by the Regional Air Compliance Manager of the DEQ's NRO. The monitoring device sensor shall be located in the outlet duct or stack of the VRU.

   a. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations, the requirements found in 40 CFR 60, Appendix B, Performance Specification 8, and the requirements of 40 CFR 60.13.

   b. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the VRU is operating.

   (9 VAC 5-80-110, 9 VAC 5-50-40 and Condition 3 of 10/20/11 NSR permit)

3. **Monitoring Device Observation** – To ensure good CEM performance, the VRU monitoring device used to continuously measure TOC emissions shall be observed by the permittee during operation of the loading rack at a frequency of not less than once per day when the VRU is in operation. Observations shall be maintained on site in a permanent log book.
   (9 VAC 5-80-110, 9 VAC 5-80-1180 D, and Condition 4 of 10/20/11 NSR Permit)

C. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Regional Air Compliance Manager of the DEQ's NRO at the following address:

Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193

These records shall include, but are not limited to the following:

1. Tanker truck vapor tightness documentation in accordance with Condition IV.A.2, which shall be kept on file at the terminal in a permanent form available for inspection. This documentation file for each gasoline tank truck shall be updated at least once per year to reflect the current test results as determined by Method 27 of 40 CFR 60 Appendix A. This record shall include, at a minimum, the following information:

a. Test title: Gasoline Delivery Tank Pressure Test - EPA Reference Method 27
b. Tank owner and address
c. Tank identification number
d. Testing location
e. Date of test
f. Tester name and signature
g. Witnessing inspector, if any - Name, signature and affiliation
h. Test results - Actual pressure change in five minutes, mm of water (average for 2 runs).

2. Identification number of each tank truck which receives gasoline and record of each cross-check of tank truck identification versus vapor tightness documentation as required in Condition IV.A.3. The record shall indicate which, if any, tank truck without up to date vapor tightness documentation was loaded with gasoline.

3. Monthly and rolling twelve-month gasoline volume delivered through the truck loading rack.

4. Monthly and rolling twelve-month diesel fuel oil/AV jet fuel volume delivered through the truck loading rack.

5. Monthly and rolling twelve-month ethanol volume delivered through the truck loading rack.

6. Calculation of monthly and twelve-month rolling VOC emissions from the processing of fuel through the vapor processing system to demonstrate compliance with Condition IV.A.7.

7. Results of monthly leak inspections as required by Condition IV.B.1.

8. Records from the pressure readings vapor recovery system, and liquid loading equipment recorded during product loading to comply with Condition IV.A.5.

9. Records from the VRU monitoring device daily readings as required by Condition IV.B.3.

10. Results of all performance tests.

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 20 of 10/20/11 NSR Permit)

D. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-40-30 or 9 VAC 5-50-30 and 9 VAC 5-80-110)

2. 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)

E. Reporting

When a leak detected in accordance with Condition IV.B.1 cannot be repaired within fifteen days, the permittee shall notify the Regional Air Compliance Manager of the DEQ's NRO at the address referenced in Condition III.C. The notification shall state the circumstances of the leak and the reason repair cannot be made within the prescribed fifteen days. A schedule for the repair must accompany the notification.
(9 VAC 5-80-110.F)

V. Facility Wide Conditions

A. Limitations

1. **Gasoline Throughput** – Gasoline and gasoline containing blends shall be stored in tanks equipped with an internal floating roof so as to minimize the VOC emissions from the tanks. The annual throughput of gasoline for IFR equipped tanks (30802-30808) shall not exceed 450,000,000 gallons per year, calculated monthly, as the sum of each consecutive twelve-month period.
(9 VAC 5-80-110, 9 VAC 5-170-160, 9 VAC 5-80-1180 and Condition 13 of 10/20/11 NSR Permit)

2. **Diesel Fuel/AVJET Fuel Throughput** – The annual throughput of diesel fuel/AVJET fuel for all tanks (30801-30808 & 31536) shall not exceed 300,000,000 gallons per year, calculated monthly, as the sum of each consecutive twelve-month period.
(9 VAC 5-80-110, 9 VAC 5-170-160, 9 VAC 5-80-1180, and Condition 14 of 10/20/11 NSR Permit)

3. **Ethanol Throughput** – Ethanol and ethanol containing blends shall be stored in tanks equipped with internal floating roofs so as to minimize VOC emissions from the tanks. The annual throughput of ethanol for IFR equipped tanks (30802-30808) shall not exceed 50,000,000 gallons per year, calculated monthly, as the sum of each consecutive twelve-month period.
(9 VAC 5-80-110, 9 VAC 5-170-160, 9 VAC 5-80-1180, and Condition 15 of 10/20/11 NSR Permit)

4. **Requirements by Reference**: – Except where this permit is more restrictive than the applicable requirement, the facility shall be operated in compliance with the requirements 40 CFR 63 Subpart BBBBBB – National Emissions Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.
(9 VAC 5-80-110 and 9 VAC 5-60-100)

B. Monitoring

1. **Facility Monthly Inspection** – An inspection of the facility shall be conducted monthly on each valve, pump, open-ended valve or line, pressure relief device, sampling connection system, flange or other connector in the gasoline liquid transfer or vapor collection system. For purposes of this paragraph, inspection methods incorporating sight, sound, or smell are acceptable. Each leak detection shall be recorded and the source of the leak repaired within fifteen calendar days after it is detected. Results of this inspection shall be recorded in a log book which shall be kept at the facility being inspected.
(9 VAC 5-80-110 and 9 VAC 5-40-5290)

2. **Maintenance/Operating Procedures** – 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:

   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.

   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 the training.

   (9 VAC 5-80-110 B, 9 VAC 5-50-20 E, and Condition 26 of 10/20/11 NSR Permit)

C. Recordkeeping

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such

records shall be arranged with the Regional Air Compliance Manager of the DEQ's NRO. These records shall include, but are not limited to the following:

a. Monthly and rolling twelve-month gasoline volume delivered through the storage tanks to demonstrate compliance with Conditions V.A.1.

b. Monthly and rolling twelve-month diesel fuel oil/AV jet fuel volume delivered through the storage tanks to demonstrate compliance with Condition V.A.2.

c. Monthly and rolling twelve-month ethanol volume delivered through the storage tanks to demonstrate compliance with Condition V.A.3.

d. Monthly facility inspections results, in accordance with Condition V.B.1.

e. Scheduled and unscheduled maintenance schedules, and operator training, as required by Condition V.B.2.

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 20 of 10/20/11 NSR Permit)

2. **Bypass, malfunction, shutdown or failure of the facility** – Records of the occurrence and duration of any bypass, malfunction, shutdown or failure of the facility or its associated air pollution control equipment that results in excess emissions for more than one hour. Records shall include the date, time, duration, description (emission unit, pollutant affected, cause of malfunction), corrective action, preventive measures taken and name of person generating the record.
(9 VAC 5-80-110, 9VAC 5-20-180 J, 9 VAC 5-80-1180 D, and Condition 27 of 10/20/11 NSR Permit)

3. **Annual demonstration** – Where applicable, the consecutive twelve-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 eleven months.
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 20 of 10/20/11 Permit)

D. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-80-110)

2. 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)

E. Reporting

1. **Emission Statement** - The owner of a stationary source emitting twenty-five tons per year or more of volatile organic compounds or nitrogen oxides shall submit a completed emission statement to the Regional Air Compliance Manager of the DEQ's NRO by April 15th of each year for the emissions discharged during the previous calendar year. The emission statement shall be prepared and submitted in the appropriate format.
(9 VAC 5-80-110, 9 VAC 5-20-160 B, and Condition 22 of 10/20/11 NSR Permit)

2. **Annual HAP emissions** – The annual HAP emissions shall be reported for the period of January 1 through December 31 using the current version of TANKS Emissions Estimation Software. The submittal shall be made by March 1 each year in the annual emission update.

3. **Certification of Documents** –

   The following documents submitted to the Board shall be signed by a responsible official: (i) any emission statement, application, form, report, or compliance certification; (ii) any document required to be signed by any provision of the regulations of the Board; or (iii) any other document containing emissions data or compliance information the owner wishes the Board to consider in the administration of its air quality programs. A responsible official is defined as follows:

   i. For a business entity, such as a corporation, association or cooperative, a responsible official is either:

   i. The president, secretary, treasurer, or a vice president of the business entity in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the business entity; or

   ii. A duly authorized representative of such business entity if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars) or (ii) the authority to sign documents has been assigned or delegated to such representative in accordance with procedures of the business entity.

   iii. For a partnership or sole proprietorship, a responsible official is a general partner or the proprietor, respectively.

b. Any person signing a document under subsection a. above shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

c. Subsection b. shall be interpreted to mean that the signer must have some form of direction or supervision over the persons gathering the data and preparing the document (the preparers), although the signer need not personally nor directly supervise these activities. The signer need not be in the same line of authority as the preparers, nor do the persons gathering the data and preparing the form need to be employees (e.g., outside contractors can be used). It is sufficient that the signer has authority to assure that the necessary actions are taken to prepare a complete and accurate document.

d. Any person who fails to submit any relevant facts or who has submitted incorrect information in a document shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

(9 VAC 5-80-110, 9 VAC 5-20-230, and Condition 23 of 10/20/11 NSR Permit)

VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
B-106	Oil Water Separator	9 VAC 5-80-720.B	VOC	--
B-107	Oil Water Separator	9 VAC 5-80-720.B	VOC	--
F02	Equipment Fugitive Leaks	9 VAC 5-80-720.B	VOC	--
DL1	Distillate Loading	9 VAC 5-80-720.B	VOC	--
6810	Additive Tank	9 VAC 5-80-720.B	VOC	--
6811	Additive Tank	9 VAC 5-80-720.B	VOC	--

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
6812	Additive Tank	9 VAC 5-80-720.B	VOC	--
6813	Additive Tank	9 VAC 5-80-720.B	VOC	--
6815	Additive Tank	9 VAC 5-80-720.B	VOC	--
6816	Interface Tank	9 VAC 5-80-720.B	VOC	--
6817	Additive Tank	9 VAC 5-80-720.B	VOC	--
6818	Additive Tank	9 VAC 5-80-720.B	VOC	--
6819	Additive Tank	9 VAC 5-80-720.B	VOC	--
6820	Additive Tank	9 VAC 5-80-720.B	VOC	--
T003FC	Trench System Tank	9 VAC 5-80-720.B	VOC	--
T001FC	Skimmer Tank	9 VAC 5-80-720.B	VOC	--
6814	Diesel Fuel Oil Storage Tank	9 VAC 5-80-720.B	VOC	--

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

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:

Emissions Unit No.	Citation	Title of Citation	Description of Applicability
General	40 CFR 61	NESHAP for asbestos, radon, vinyl chloride, mercury, etc.	Not a source category subject to this rule.
General	40 CFR 63, Subpart R	National Emissions Standards for Gasoline Distribution – Stage 1	Emissions are below 10 tpy for a single HAP and below 25 tpy for a combination of HAPs.

Emissions Unit No.	Citation	Title of Citation	Description of Applicability
General	40 CFR 64	Compliance Assurance Monitoring	Facility employs a CEMS which meets exemption criterion of 40 CFR64.2(b)(1)
General	40 CFR 68	Accidental Release Prevention Requirements, under Section 112(r)	Petroleum liquids (gasoline, diesel, ethanol, etc.) are not subject to this rule.
General	40 CFR 82, Subparts F & G	Stratospheric Ozone Protection	Class I or Class II ozone depleting chemicals (ODC) are not used at this site.
30803-30808	40 CFR 60, Subparts K, Ka, and Kb	NSPS for Storage Vessels for Petroleum Liquids/Volatile Organic Liquids	Construction, modification, or reconstruction activities have not occurred.
30801, 6810-6813, 6815-6820, and 31536	40 CFR 60, Subparts K, Ka, and Kb	NSPS for Storage Vessels for Petroleum Liquids/Volatile Organic Liquids	Storage tanks have a capacity and/or contain products with a true vapor pressure less than NSPS applicability threshold.
6810-6813, 6815-6820	9 VAC 5-40-3410 thru 3550	Emission Standards for VOC Storage and Transfer Operations	Support tanks are less than 40,000 gallons capacity therefore Article 25 does not apply

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 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)

VIII. General Conditions

A. 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)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for

renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. 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.

2. 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.

3. 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.

4. 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.

5. 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)

C. Recordkeeping and Reporting

1. 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)

2. 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)

3. 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.
      iii. 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,

      iv. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

      v. 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)

D. 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:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.

2. The identification of each term or condition of the permit that is the basis of the certification.

3. The compliance status.

4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

5. 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.

6. Such other facts as the permit may require to determine the compliance status of the source.

7. 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)

E. Permit Deviation Reporting

The permittee shall notify the Director, Northern 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 fourteen 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 General Condition VIII.C.3 of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. 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 Regional Air Compliance Manager of DEQ's NRO by facsimile transmission, telephone, electronic communication, or telegraph of such failure or malfunction and shall within fourteen 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 Regional Air Compliance Manager of DEQ's NRO.

1. The emission unit that have continuous monitors subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not subject to the fourteen day written notification.

2. The emission unit subject to the reporting and the procedure requirements of 9 VAC 5-40-50 C and the procedures of 9 VAC 5-50-50 C is the Vapor Recovery unit.

3. 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 to the DEQ quarterly. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter. All reports shall include the following information:

   a. 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;

   b. 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;

   c. 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

   d. 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.

All malfunctions of emission units not subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C require written reports within fourteen days of the discovery of the malfunction.
(9 VAC 5-20-180 C, 9 VAC 5-40-50 and 9 VAC 5-50-50)

G. 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)

H. 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)

I. 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)

J. 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)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. 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)

2. 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)

M. Duty to Pay Permit Fees

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

N. 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:

1. 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;

2. 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;

3. 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;

4. 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,

5. 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)

O. 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)

P. 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)

Q. 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:

1. 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.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. 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)

R. 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 eighteen 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.

1. 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.

2. 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.

3. 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)

S. 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)

T. Transfer of Permits

1. 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)

2. 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 thirty days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

3. 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)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.

2. 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.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.

4. 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)

V. 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)

W. 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)

X. 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)

Y. 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)

Z. 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)

AA. 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)

BB. 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:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.

2. 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.

3. 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)

CC. Violation of Ambient Air Quality Standard

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, 9 VAC 5-20-180 I, 9 VAC 5-80-1180, and Condition 29 of 10/20/11 NSR Permit)