



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

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Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

Amy Thatcher Owens
Regional Director

October 16, 2013

Mr. Joe A. Greene
President
Georgia Foam, Inc., d/b/a Mid-Atlantic Foam
326 McGhee Road
Winchester, Virginia 22603

Location: Frederick County
Registration No.: 81111
Plant ID No.: 51-069-0101

Dear Mr. Greene:

Attached is the renewal of your permit to operate an expanded polystyrene foam production facility pursuant to 9 VAC 5 Chapter 80, Article 1, of the Virginia Regulations for the Control and Abatement of Air Pollution. There are no substantive changes from your existing permit dated January 19, 2009, as amended on June 24, 2009.

This 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, DEQ deemed the application complete on June 7, 2013. DEQ solicited written public comments by placing a newspaper advertisement in *The Winchester Star* on June 21, 2013. The 30-day comment period (provided for in 9 VAC 5-80-270) expired on July 22, 2013, with no public comments having been received by this office.

This permit renewal approval shall not relieve Mid-Atlantic Foam 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

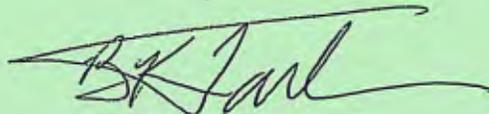
within 30 days after this permit is mailed or delivered to you. Please consult this and other relevant provisions for additional requirements for such requests. Additionally, as provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or 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
P. O. Box 1105
Richmond, VA 23218

In the event that you receive this permit by mail, three days are added to the period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia, at <http://www.courts.state.va.us/courts/scv/rules.html>, 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 Kevin Covington at kevin.covington@deq.virginia.gov or (540) 574-7881.

Sincerely,



B. Keith Fowler
Deputy Regional Director

Attachment: Permit

c: Manager, Data Analysis (via e-mail)
Chief, Air Enforcement Branch (3AP13), U.S. EPA, Region III (via e-mail)



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
VALLEY REGIONAL OFFICE

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:

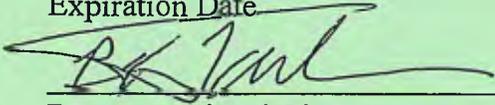
Permittee Name: Georgia Foam, Inc., d/b/a Mid-Atlantic Foam
Facility Name: Mid-Atlantic Foam
Facility Location: 326 McGhee Road
Winchester, Frederick County, Virginia 22603

Registration Number: 81111
Permit Number: VRO81111

This permit includes the following programs:
Federally Enforceable Requirements – Clean Air Act (Pages 5 through 18)

January 19, 2014
Effective Date

January 18, 2019
Expiration Date


Deputy Regional Director

10/15/13
Signature Date

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Facility Information

Permittee:

Georgia Foam, Inc., d/b/a Mid-Atlantic Foam
P.O. Box 742
Fredericksburg, Virginia 22401

Responsible Official:

Joe A. Greene
President – Mid-Atlantic Foam

Facility:

Mid-Atlantic Foam
326 McGhee Road
Winchester (Frederick County), Virginia 22603

Contact Person:

Joe A. Greene
President – Mid-Atlantic Foam
(540) 373-1800

Plant Identification Number: 51-069-0101

Facility Description: SIC Code 3086 – Plastic Foam Products

NAICS 326140 – Polystyrene Foam Product Manufacturing

Georgia Foam, Inc., d/b/a Mid-Atlantic Foam manufactures molded foam boards for insulation. The boards are made of expandable polystyrene (EPS) beads. EPS beads are placed in a pre-expander where the beads are steam heated and expand due to the pentane blowing agent in the beads. After expansion the beads are transferred to a fluidized bed dryer where excess steam is removed with hot air. Beads are placed in storage silos, and from storage are molded into blocks. The blocks are then cut into different board shapes and sizes. Some of the cut board material is laminated to other materials. Pollution sources at the facility include the pentane blowing agent, which is a volatile organic compound (VOC). The pentane VOC is emitted throughout the process. Other VOC emissions result from organic solvent evaporation from molding binders and from the adhesives used in the lamination process.

Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity ²	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
EU1	S2	Pre-expander Dinglebein (PE-1) Model V-A-K 2000 (1989)	3000 lb/hr	---	---	---	6/21/1989 ¹
	V1 & V2	Bead storage - Custom Storage Bins (EBS-1) (1989)	3000 lb/hr	---	---	---	6/21/1989 ¹
	S3	Molding machine - Wieser Molding Machine (M-1) (1989)	3000 lb/hr	---	---	---	6/21/1989 ¹
	S4 - S10	7 Hot Boxes (HB-1) (1989)	28 parts/hr	---	---	---	6/21/1989 ¹

¹ The Minor New Source Review Permit was issued on 6/21/89 and amended on 8/5/91 and 12/30/98.

² The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

Process Equipment Requirements – EPS Production (EU1)

1. **Limitations** – The pre-expander/dryer shall process no more than 4,800 tons of polystyrene beads per year, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Part I, Condition 4 of 6/21/89 Permit, as amended 8/5/91 and 12/30/98)
2. **Limitations** – The pre-expander/dryer shall not operate more than 4,800 hours per year, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Part I, Condition 5 of 6/21/89 Permit, as amended 8/5/91 and 12/30/98)
3. **Limitations** – Volatile Organic Compounds emissions from the operation of EU1 shall not exceed 240 tons per year, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110, 9 VAC 5-50-260 and Part I, Condition 6 of 6/21/89 Permit, as amended 8/5/91 and 12/30/98)
4. **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 DEQ. These records shall include, but are not limited to:
 - a. Monthly and annual records of the amount in pounds and weight percent VOC content of each individual lot of bead used. Annual records shall be calculated monthly as the sum of each consecutive 12-month period.
 - b. Bead supplier MSDS sheet or VOC data sheet showing bead VOC content for each lot of bead used.
 - c. DEQ-approved retention factor and retention factor test results.
 - d. Calculations of monthly and annual VOC emissions. Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period.
 - e. Monthly and annual records of pre-expander / dryer hours of operation. Annual hours of operation shall be calculated monthly as the sum of each consecutive 12-month period.

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

(9 VAC 5-50-50, 9 VAC 5-80-110 and Part II, Condition 2 of 6/21/89 Permit, as amended 8/5/91 and 12/30/98)

5. **Recordkeeping** – The permittee shall determine compliance with the emission limits established in Condition 3 by calculating the monthly VOC emissions as follows:

$$E = \sum_{i=1}^n (W_i \times C_i) / 2000 \times (1 - R)$$

where

- E = VOC emissions in tons per month;
 W_i = The pounds of an individual lot of beads processed in the month;
 C_i = The weight fraction VOC content of the beads for an individual lot;
 R = The weight fraction of VOC retained in the product as determined by retention testing required in Condition 6 and approved by DEQ. The most recent DEQ-approved value for R shall be used.

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

(9 VAC 5-50-50, 9 VAC 5-80-110, and Part II, Condition 2 of 6/21/89 Permit, as amended 08/08/91 and 12/30/98)

6. **Testing** – Within 60 days of each process or operational change which may affect VOC retention factors for the products, the permittee shall conduct retention testing to determine the weight fraction of VOC retained in the product (R), as used in Condition 5. The testing shall be performed in accordance with South Coast Air Quality Management District (SCAQMD) Test Method 306-91, Analysis of Pentanes in Expandable Styrene Polymers, or other method approved in writing by DEQ. A test protocol shall be submitted at least 30 days prior to testing. One copy of the test results shall be submitted to DEQ within 60 days after test completion.
(9 VAC 5-80-110)
7. **Testing** – If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate test method(s) in accordance with procedures approved by DEQ.
(9 VAC 5-80-110)
8. **Reporting** – The permittee shall submit a report with the semi-annual monitoring report required by Condition 20, documenting:
- Monthly and annual VOC emissions for the six-month reporting period. Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period.
 - Monthly and annual pre-expander hours of operation for the six-month reporting period. Annual hours of operation shall be calculated monthly as the sum of each consecutive 12-month period.

- c. Monthly and annual amounts of polystyrene beads processed by the pre-expander for the six-month reporting period. Annual amounts shall be calculated monthly as the sum of each consecutive period.
- d. Summary of continuing industry research program on the development and /or application of reduced VOC polystyrene blowing agents, and applicable innovative control strategies.
- e. Summary of the permittee's use of polystyrene blowing agents including the type, amount, and VOC content of the reduced VOC blowing agents.

(9 VAC 5-80-110 and Part II, Condition 3 of 6/21/89 Permit, as amended 08/08/91 and 12/30/98)

Insignificant Emission Units

9. **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 (9 VAC)	Pollutant(s) Emitted (5-80-720 B)	Rated Capacity (5-80-720 C)
GT-1	Geotech Steam Coil Heater	5-80-720 B.2	VOC	3,000 lbs of bead/hr
RP-1	Roll Laminator	5-80-720 B.2	VOC	28 parts/hr
B-1	Cleaver-Books Boiler (natural gas)	5-80-720 C.2.a	PM ₁₀ , PM _{2.5} , VOC, CO, NO _x , SO ₂	8.369 MMBtu/hr

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

Permit Shield & Inapplicable Requirements

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

Citation	Title of Citation	Description of Applicability
40 CFR Part 60, Subpart DDD	NSPS for VOC Emissions from the Polymer Manufacturing Industry	Applies to the manufacture of polystyrene beads
40 CFR Part 63, Subpart JJJ	NESHAP (major source MACT) for Group IV Polymers and Resins	Applies to the manufacture of polystyrene resin at major sources of HAP
40 CFR Part 63, Subpart VVVVVV	NESHAP (area source MACT) for chemical manufacturing facilities	Applies to chemical manufacturing area sources
40 CFR Part 63, Subpart JJJJJ	NESHAP (area source MACT) for industrial boilers	Applies to liquid- or solid-fueled boilers at area sources of HAP
40 CFR Part 98	Greenhouse gas reporting	Not an applicable requirement under Title V

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) DEQ pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

General Conditions

11. **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)
12. **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 DEQ consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)
13. **Permit Expiration** – The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)
14. **Permit Expiration** – If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)
15. **Permit Expiration** – No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)
16. **Permit Expiration** – If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied, and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)
17. **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)

18. **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)
19. **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)
20. **Recordkeeping and Reporting** – The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

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

(9 VAC 5-80-110 F)

21. **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 years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

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

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

22. **Permit Deviation Reporting** – The permittee shall notify DEQ 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 General Condition 20 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

23. **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 DEQ 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 DEQ.

(9 VAC 5-20-180 C)

24. **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)

25. **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)

26. **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)

27. **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)

28. **Property Rights** – The permit does not convey any property rights of any sort, or any exclusive privilege.

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

29. **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)
30. **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)
31. **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 DEQ by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by 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)
32. **Fugitive Dust Emission Standards** – During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
 - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
 - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;

- d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
- e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

- 33. Startup, Shutdown, and Malfunction** – At all times, including periods of startup, shutdown, 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)

- 34. 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)

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

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

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

- 36. 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)
- 37. 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)
- 38. 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)
- 39. 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)
- 40. 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)

41. Malfunction as an Affirmative Defense – A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements stated in Condition 42 are met.

(9 VAC 5-80-250)

42. 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 promptly report 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)

43. 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)

44. 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)

45. 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)

46. **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)
47. **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)
48. **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)
49. **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)
50. **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)
51. **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)