

February 23, 2007

Mr. Dennis Carroll
President
Consolidated Glass & Mirror Corporation
P.O. Box 389
Galax, Virginia 24333

Location: Galax, Virginia
Registration No. 11015
Facility ID No. 51-640-00060

Dear Mr. Carroll:

Attached is a permit to operate your mirror manufacturing facility pursuant to 9 VAC 5 Chapter 80 of the Virginia Regulations for the Control and Abatement of Air Pollution. This permit incorporates provisions from the permit dated July 27, 2006.

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

In evaluating the application and arriving at a final decision to issue this permit, the Department deemed the application complete on November 29, 2006, and solicited written public comments by placing a newspaper advertisement in the *Galax Gazette* on January 19, 2007. The thirty-day comment period (provided for in 9 VAC 5-80-270) expired on February 18, 2007, with no comments having been received in this office.

This approval to operate does not relieve Consolidated Glass & Mirror Corporation of the responsibility to comply with all other local, state, and federal permit regulations.

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

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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, Virginia 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 for additional information including filing dates and the required content of the Notice of Appeal.

If you have any questions concerning this permit, please call Robert Lowe at (276) 676-4863.

Sincerely,

Dallas R. Sizemore
Deputy Regional Director

Attachments: Permit

cc: Director, OAPP (electronic file submission)
Manager, Data Analysis (electronic file submission)
Chief, Air Enforcement Branch (3AT13), U.S. EPA, Region III

Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or it 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 5-80-305 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:	Consolidated Glass & Mirror Corporation
Facility Name:	Plant No. 1
Facility Address:	305 Lineberry Road, Galax VA
DEQ Registration No:	11015
Permit Number:	SWRO11015
Effective Date:	March 18, 2007
Expiration Date:	March 17, 2012

Dallas R. Sizemore, Deputy Regional Director
Department of Environmental Quality
Signature Date: February 23, 2007

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I. Facility Information

Permittee

Consolidated Glass & Mirror Corporation
P.O. Box 389
Galax, VA 24333

Responsible Official

Mr. Dennis Carroll
(276) 236-5196

Contact Person

Mike Sizemore

Facility

Plant No. 1
305 Lineberry Road, Galax, VA

NET Identification Number: 51-640-00060

Facility Description: SIC 3231 – Glass Products, Made of Purchased Glass

Consolidated Glass & Mirror Corporation manufactures glass mirrors at their Plant #1, in Galax, Virginia. Sheets of glass are delivered to the plant and fed onto the silver line where they are transformed into mirrors on a constantly moving conveyor line. The top surface of the glass is cleaned with water and automated rotating brushes and is then lightly etched with cerium oxide. The cerium oxide roughens the surface of the glass and improves chemical adhesion. A tin sensitizer solution and a silver solution are applied to produce the reflective mirror surface. A copper solution is applied over the silver solution to improve the adhesion of the mirror backing paint to the reflective mirror surface. The mirrors are then heated in an electric oven. The heated mirrors pass through a continuously flowing curtain of paint at the curtain coater. The backing paint is applied over the reflective metals to protect them from environmental conditions (moisture). The viscosity of the backing paint is constantly monitored and additional solvent is added as needed. The mirror back painting process is responsible for the majority of the VOC emissions from the facility.

After exiting the curtain coater, the mirrors are dried in a series of infrared ovens that encompass a section of the conveyor line. The mirrors are allowed to cool slightly before entering the rotogravure, which applies an ultra-violet (UV) coating over the backing paint to protect and improve its durability. UV light is used to cure the UV coating. Solar panel (non-reflective) and window glass (UV) manufacturing operations were added in 2006. Existing mirror line equipment is utilized for these applications. No new emission source or emission points were added as a result of this addition.

The mirrors are then unloaded from the conveyor line and inspected for flaws. The mirrors may then be sent directly to shipping or to any of the various cutting, grinding, and/or beveling operations at the facility.

Emission sources at the facility include the tin sensitizing operations, the curtain coater (mirror backing paint), glass cutting lubricant, and glass grinding & beveling coolant.

The facility is a Title V major source of VOC emissions. This source is located in an attainment area for all criteria pollutants. The facility was previously permitted under a minor NSR Permit issued on July 27, 2006.

Compliance Assurance Monitoring (CAM) requirements (40 CFR 64) are not applicable to this facility since there are no pollution control devices associated with the emission units.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Curtain Coater – Mirror Back Painting							
1.A	1.A	Sommer and Maca mirror backing paint curtain coater (Jan 1984)	40 gallons per minute	-	-	-	NSR permit issued 07/27/06
Rotogravure UV Roll Coater							
1.B	1.B	Sommer and Maca rotogravure UV roll coater (Jan 1985)	7 lbs./hr	-	-	-	NSR permit issued 07/27/06
Glass Cutting							
2	-	Lubricant for Bystronic Glass Cutting Machine	2 lbs./hr	-	-	-	NSR permit issued 07/27/06
Glass Grinding & Beveling							
3	-	Coolant for glass grinding & beveling operations	200 gallons per week	-	-	-	NSR permit issued 07/27/06

III. Curtain Coater / Mirror Back Painting (Emission Unit ID No. 1.A)

A. Limitations

1. The curtain coater mirror back painting operation (Unit ID No. 1.A) shall consume no more than 88.23 lb/hr and 235.0 tons/yr of paint, calculated as the sum of each consecutive twelve (12) month period. Only paints identified as: PPG Industries UC57354 Gray Mirror Back CC Paint; Lilly Industries, Inc. Betashield 5000 (07280207 and 07280177); Fenzi USA Extra Griver NS-B 0812-VEL; Valspar 900X100 Gray Curtain Coat M/B; Sureguard D900X170 Gray Low Lead Rollcoat; or their equivalents, may be utilized in the curtain coater mirror back painting operation.
(9 VAC 5-80-1180, 9 VAC 5-80-110 B and Condition 2 of the NSR permit issued July 27, 2006)
2. The curtain coater mirror back painting operation (Unit ID No. 1.A) shall consume no more than 22.47 lb/hr and 59.86 tons/yr of n-butyl acetate reducer, or equivalent reducer, calculated as the sum of each consecutive twelve (12) month period.
(9 VAC 5-80-1180, 9 VAC 5-80-110 B and Condition 3 of the NSR permit issued July 27, 2006)
3. Emissions from the operation of the curtain coater mirror back painting process (Unit ID No. 1.A) shall not exceed the limitations specified below:

Volatile Organic Compounds	61.79 lbs/hr	174.60 tons/yr
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Annual emissions are to be calculated as the sum of each consecutive twelve (12) month period.
(9 VAC 5-50-260, 9 VAC 5-80-110 B, and Condition 10 of the NSR permit issued July 27, 2006)
4. The curtain coater unit shall consume no more than 20.0 lb/hr and 5.0 tons/yr of Guardian AR Coating, or its equivalent. Annual consumption shall be calculated as the sum of each consecutive 12 month period.
(9 VAC 5-80-1180, 9 VAC 5-80-110 B and Condition 4 of the NSR permit issued July 27, 2006)
5. The consumption of n-propanol, or equivalent cleaning solvent, shall not exceed 5.0 tons/yr, calculated monthly as the sum of each consecutive 12 month period.
(9 VAC 5-80-1180, 9 VAC 5-80-110 B and Condition 5 of the NSR permit issued July 27, 2006)

B. Monitoring and Recordkeeping

The permittee shall maintain a monthly and annual material balance for the curtain coater mirror back painting operation (Unit ID No. 1.A) including the throughput and emissions of VOC. Hourly throughput (or emissions) shall be calculated by dividing the total monthly throughput (or emissions) by the corresponding hours of unit operation.

Hourly throughput (or emissions) shall be calculated by dividing the total monthly throughput (or emissions) by the corresponding hours of unit operation. Annual throughput and emissions shall be calculated as the sum of each consecutive twelve (12) month period. These records shall be available 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 B, and Condition 14 of the NSR permit issued July 27, 2006)

The periodic monitoring requirements for the rotogravure UV coating process (Unit ID No. 1.B) shall be accomplished through the recordkeeping requirements listed above.

C. Testing

If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Regulated Pollutant	Reference Method
VOC	EPA Methods 24, 24a

The Department and EPA have the authority to require testing not included in this permit, if necessary to determine compliance with an emission limit or standard.

(9 VAC 5-80-110)

V. Glass Cutting Operations (Emission Unit ID No. 2)

A. Limitations

1. The glass cutting operations (Unit ID No. 2) shall consume no more than 32.0 lb/hr and 5.0 T/yr of mineral spirits or equivalent lubricant, calculated as the sum of each consecutive twelve (12) month period.

(9 VAC 5-80-1180, 5-80-110 B, and Condition 7 of the NSR permit issued July 27, 2006)

2. Emissions from the glass cutting operations (Unit ID No. 2) shall not exceed the limitations specified below:

Volatile Organic Compounds	32.00 lbs/hr	5.00 tons/yr
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Annual emissions are to be calculated as the sum of each consecutive twelve (12) month period.

(9 VAC 5-50-260, 9 VAC 5-80-110 B, and Condition 12 of the NSR permit issued July 27, 2006)

B. Monitoring and Recordkeeping

The permittee shall maintain a monthly and annual material balance for the glass

throughput and emissions of VOC. Hourly throughput (or emissions) shall be calculated by dividing the total monthly throughput (or emissions) by the corresponding hours of unit operation. Annual throughput and emissions shall be calculated as the sum of each consecutive twelve (12) month period. These records shall be available 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 B, and Condition 14 of the NSR permit issued July 27, 2006)

The periodic monitoring requirements for the glass grinding & beveling operations (Unit ID No. 3) shall be accomplished through the recordkeeping requirements listed above.

C. Testing

If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Regulated Pollutant	Reference Method
VOC	EPA Methods 24, 24a

The Department and EPA have the authority to require testing not included in this permit, if necessary to determine compliance with an emission limit or standard. (9 VAC 5-80-110)

VII. Facility-Wide Limitations

A. Mirror Production

The annual production of mirrors shall not exceed 31.2 million square feet, calculated as the sum of each consecutive twelve (12) month period. (9 VAC 5-80-1180, 5-80-110 B, and Condition 9 of the NSR permit issued July 27, 2006)

B. Opacity

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any hour of not more than 30% opacity. Failure to meet these requirements due to the presence of water vapor shall not be seen as a violation.

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

C. 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 5-20-180 I, 9 VAC 5-80-110 B, and Condition 19 of the NSR permit issued July

27, 2006)

D. Facility or Control Equipment Malfunction

The permittee shall furnish notification to the Director, Southwest Regional Office of malfunctions of the affected facility or related air pollution control equipment that may cause excess emissions for more than one hour, by facsimile transmission, telephone or telegraph. Such notification shall be made as soon as practicable but no later than four daytime business hours after the malfunction is discovered. The permittee shall provide a written statement giving all pertinent facts, including the estimated duration of the breakdown, within two weeks of discovery of the malfunction. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the permittee shall notify the Director, Southwest Regional Office in writing. (9 VAC 5-20-180 C, 9 VAC 5-80-110, and Condition 15 of the NSR permit issued July 27, 2006)

E. Equipment Maintenance and Operating Procedures

In order to minimize the duration and frequency of excess emissions due to malfunctions of process equipment or air pollution control equipment, the permittee shall:

1. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance. These records shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.
2. Maintain an inventory of spare parts that are needed to minimize the duration of air pollution control equipment breakdowns.

(9 VAC 5-50-20 E, 9 VAC 5-80-110, and Condition 18 of the NSR permit issued July 27, 2006)

F. Recordkeeping

The permittee shall maintain records of the yearly throughput of mirrors, calculated as the sum of each consecutive twelve (12) month period. These records shall be available 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 B, and Condition 14 of the NSR permit issued July 27, 2006)

G. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. Upon the request of the board, the owner shall provide, or cause to be provided, emissions testing facilities to include: adequate sampling ports; safe sampling platforms with safe access; and utilities for sampling and testing equipment.

(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 following test methods in accordance with procedures approved by the DEQ as follows:

Regulated Pollutant	Reference Method
VOC	EPA Methods 18, 25, 25a
NO _x	EPA Method 7
SO ₂	EPA Method 6
CO	EPA Method 10
PM/PM ₁₀	EPA Methods 5, 17
Visible Emissions	EPA Method 9

The Department and EPA have the authority to require testing not included in this permit, if necessary to determine compliance with an emission limit or standard. (9 VAC 5-80-110)

VIII. 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	Regulatory Citation	Pollutant Emitted (5-80-720 B.)
26	UV Cleanup - MEK	9 VAC 5-80-720 B2	VOC
28	Muriatic Acid (regeneration of deionizers and cleaning filter cloths in filter press)	9 VAC 5-80-720 B6	Hydrochloric Acid
37	Defoamer (Coolant Pit and Wastewater Treatment)	9 VAC 5-80-720 B2	VOC
41	Parts Washer	9 VAC 5-80-720 B2	VOC
42	Space Heaters & Water Heaters (propane-fired)	9 VAC 5-80-720 C2	VOC
46	Hydraulic Oil	9 VAC 5-80-720 B2	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.

IX. Permit Shield and 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. Had there been any requirements specifically identified as being not applicable to this permitted facility, those requirements would also have been covered by the permit shield.

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)

X. 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 a timely and complete renewal application consistent, with 9 VAC 5-80-80, has been submitted, to the Department, by the owner, 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 (18) 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 (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
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 purposes of this permit, a "deviation" means any condition determined by observation, data from any monitoring protocol or any other monitoring which is required by the permit that can be used to determine compliance. Deviations include exceedances documented by continuous emission monitoring or excursions from control performance indicators documented through periodic or compliance assurance monitoring.

(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. 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. 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. A description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.
3. The identification of each term or condition of the permit that is the basis of the certification.
4. The status of compliance with the terms and conditions of this permit for the certification period.
5. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
6. 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.
7. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

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

E. Permit Deviation Reporting

The permittee shall notify the Director, Southwest Regional Office, within four daytime business hours 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 occurrence, 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 X.C.3 of this permit.

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

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 Director, Southwest Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within two weeks provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Southwest Regional Office in writing.

(9 VAC 9 VAC 5-20-180 C, 9 VAC 5-80-110 B, and Condition 15 of the NSR permit issued July 27, 2006)

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 grounds 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 Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
(9 VAC 5-80-110 G.4)
2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
 - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is the potential of, a resulting emissions increase;
 - b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
 - c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emission cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
 - d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
 - e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
 - f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
 - g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and by 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.
(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, 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 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355.
(9 VAC 5-80-110 H)

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, oil, 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 other 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 5-50-50)

O. 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)

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 5-170-130, 9 VAC 5-80-110 K.2, and Condition 17 of the NSR permit issued July 27, 2006)

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 or more years. Such a reopening shall be completed not 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.

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.
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 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
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, 9 VAC 5-80-1240, and Condition 20 of the NSR permit issued July 27, 2006)

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 conditions 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 of the grounds for revocation or termination or for any other violations of these regulations.
(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 substance 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. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

Z. 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)

AA. 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)