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:

Permitee Name:	East Tennessee Natural Gas, LLC
Facility Name:	Compressor Station 3401
Facility Location:	2213 Smith Ridge Road, McClure, Dickenson County, VA
Registration Number:	11046
Permit Number:	SWRO11046
Effective Date:	September 8, 2011
Expiration Date:	September 7, 2016

Dallas R. Sizemore
Regional Director

Signature Date: July 20, 2011

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I. Facility Information

Permittee
East Tennessee Natural Gas, LLC
P.O. Box 1642
Houston, Texas 77251-1642

Responsible Official
Mr. Fulkra J. Mason
Vice President – Southwest Operations

Facility
Compressor Station 3401
2213 Smith Ridge Road
McClure, Virginia 24269

Contact person
Ms. Victoria L. Wagner
EHS Manager – US Operations
(713) 989-8657

County-Plant Identification Number: 51-051-00034

Facility Description: NAICS 486210 - Natural gas enters the facility from local production facilities to a set of scrubbers where impurities are separated from the natural gas. The natural gas then goes through the multi-stage gas compressors. From there, the natural gas goes through the dehydration unit and then into the transmission pipeline for distribution to customers along the pipeline system. Two natural gas-fired Cooper-Bessemer, model 8W-330, clean burn, 2 cycle, reciprocating engines (emission unit I.D. S001 and S002) rated at 4,650 hp (34.9 MMBtu/hr) each, are used for natural gas compression. Other equipment at the facility includes: one Taylor Forge triethylene glycol dehydration unit (S003) with a 0.95 MMBtu/hr reboiler; one Peerless model 211A8 natural gas-fired boiler (S005) rated at 1.47 MMBtu/hr; and one Cummings model GTA-1710 generator with a natural gas-fired engine (S006) rated at 710 hp.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
S001	S0011	Reciprocating compressor engine, Cooper-Bessemer, model 8W-330, natural gas-fired	4,650 horsepower	Air/Fuel ratio controller	Not Applicable	NOx, CO and total hydrocarbons	5/26/09
S002	S0021	Reciprocating compressor engine, Cooper-Bessemer, model 8W-330, natural gas-fired	4,650 horsepower	Air/Fuel ratio controller	Not Applicable	NOx, CO and total hydrocarbons	5/26/09
S003	S003	Taylor Forge glycol regeneration boiler, natural gas-fired	950,000 Btu/hr	None	Not Applicable	None	5/26/09
S005	S005	Boiler, Peerless, model 211A8, natural gas-fired, used for comfort heating	1.47 million Btu/hr	None	Not Applicable	None	5/26/09

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
S006	S006	Generator engine, Cummings, model GTA-1710, natural gas-fired, used for emergency electrical power	710 horsepower	None	Not Applicable	None	5/26/09
Glycol Dehydration Unit							
S003	S003	Taylor Forge dehydration unit	60 million standard cubic feet of gas per day, input	Tornado Technologies, Inc. TTI-DSCVI natural gas-fired thermal oxidizer rated at 1.736 mmBtu/hr	S003-TO	VOC, benzene, toluene, ethyl benzene and xylenes	5/26/09

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

III. Fuel Burning Equipment Requirements - (emission unit ID: S001, S002, S003, S005 and S006)

A. Limitations

1. Emissions of nitrogen oxides, carbon monoxide and total hydrocarbons from each Cooper-Bessemer compressor engine (S001 and S002) shall be controlled by ignition retard, air manifold temperature reduction and by maintaining an optimum air-to-fuel ratio. Each Cooper-Bessemer compressor engine shall be provided with adequate access for inspection.
(9 VAC 5-80-110, 9 VAC 5-50-260 and Condition 2 of 5/26/09 permit)

2. Each Cooper-Bessemer compressor engine (S001 and S002) shall consume no more than 34,324 cubic feet per hour and 300,680,000 cubic feet per year of natural gas. Annual consumption shall be calculated as the sum of each consecutive 12-month period.
(9 VAC 5-80-110, 9 VAC 5-50-260 and Condition 4 of 5/26/09 permit)

3. The approved fuel for each Cooper-Bessemer compressor engine (S001 and S002), reboiler (S003), Peerless boiler (S005) and auxillary generator engine (S006) is natural gas. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-110 and Condition 5 of 5/26/09 permit)

4. Emissions from the operation of each Cooper-Bessemer compressor engine (S001 and S002) shall not exceed the limits specified below:

Pollutant	Compressors S001 and S002 (per unit)		Combined Compressor Emissions (Total)	
	lbs/hr	tons/yr	lbs/hr	tons/yr
NO_X	16.91	74.09	33.82	148.18
CO	15.38	67.35	30.76	134.70
VOC	6.15	26.94	12.30	53.88
PM-10	1.69	7.40	3.38	14.80

Annual emissions shall be calculated as the sum of each consecutive 12-month period.
(9 VAC 5-80-110, 9 VAC 5-50-260 and Condition 6 of 5/26/09 permit)

5. Visible emissions from each Cooper-Bessemer compressor engine exhaust stack (S0011 and S0021) shall not exceed five percent (5%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown and malfunction.
(9 VAC 5-50-260, 9 VAC 5-80-110 and Condition 7 of 5/26/09)

6. The permittee shall to the extent practicable, maintain and operate the Cooper-Bessemer compressor engines (S001 and S002) in a manner consistent with good air pollution control practice for minimizing emissions.
(9 VAC 5-80-110 and 40 CFR 60.4243(b)(2)(ii))

7. Visible emissions from each reboiler (S003), Peerless boiler (S005) and generator engine (S006) shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity.
(9 VAC 5-50-80 and 9 VAC 5-80-110)

B. Monitoring

1. The air-to-fuel ratio of each Cooper-Bessemer compressor engine (S001 and S002) shall be monitored with an air-to-fuel ratio controller. The air-to-fuel ratio controller shall be provided with adequate access for inspection.
(9 VAC 5-80-110 and Condition 2 of 5/26/09 permit)

2. The air manifold pressure and fuel gas pressure of each Cooper-Bessemer engine shall be recorded once daily, at a minimum.
(9 VAC 5-80-110 and 9 VAC 5-50-40)

3. The permittee shall keep a maintenance plan and maintain records of conducted maintenance for the Cooper-Bessemer compressor engines (S001 and S002).
(9 VAC 5-80-110 and 40 CFR 60.4243(b)(2)(ii))

4. The permittee shall maintain and operate the air-to-fuel controller appropriately in order to ensure proper operation of each Cooper-Bessemer compressor engine (S001 and S002) to minimize emissions at all times.
(9 VAC 5-80-110 and 40 CFR 60.4243(g))

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 Director, Southwest Regional Office. These records shall include, but are not limited to:

1. Daily records of air manifold pressure and fuel gas pressure;

2. Monthly and annual consumption of natural gas for each Cooper-Bessemer compressor engine. Annual consumption shall be calculated as the sum of each consecutive twelve (12) month period; and

3. Emission factors and equations used to calculate emission rates. The permittee may be required to calculate emissions from the fuel burning equipment.

4. A maintenance plan and records of conducted maintenance for each Cooper-Bessemer compressor engine.

5. A copy of all notifications as may be required and all documentation supporting any notification.

6. Results of each performance test.

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, 40 CFR 60.4243(b)(2)(ii) and 4245(a), and Condition 9 of 5/26/09 permit)

D. Testing

1. The permitted facility shall be constructed so as to allow for emission testing upon reasonable notice at any time using appropriate methods. Test ports shall be provided when requested at the appropriate locations.
(9 VAC 5-50-30 F, 9 VAC 5-80-110 and Condition 8 of 5/26/09 permit)

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)

3. The permittee shall conduct a performance test on each Cooper-Bessemer compressor engine (S001 and S002) to determine compliance with the emission limits contained in Condition III.A.4. The tests shall be performed every 8,760 hours of operation or 3 years, whichever comes first, from the date of the previous performance test. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30, and test methods and procedures contained in 40 CFR 60.4244. The details of the tests are to be arranged with the Director, Southwest Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. One copy of the test results shall be submitted to the Director, Southwest Regional Office within 60 days after test completion and shall conform to the test report format enclosed with this permit.
(9 VAC 5-80-110, and 40 CFR 60.4243(b)(2)(ii), 4244 and 4245(d))

IV. Process Equipment Requirements - Glycol Dehydration Unit (emission unit ID: S003)

A. Limitations

1. The permittee shall operate the glycol dehydration unit (S003) in compliance with all applicable National Emission Standards for Hazardous Air Pollutants, Subpart HHH, National Emission Standards for Hazardous Air Pollutants from Natural Gas

Transmission and Storage Facilities, 40 CFR 63.1270 through 40 CFR 63.1289 and 40 CFR part 63, Subpart A, General Provisions as identified by Table 2 for Subpart HHH.
(9 VAC 5-60-100 Subparts A and HHH, 40 CFR 63.1 and 40 CFR 63.1270)

2. Emissions of volatile organic compounds from the Taylor Forge glycol regeneration unit (S003) shall be controlled by a Tornado Technologies, Inc. natural gas-fired thermal oxidizer, or equivalent. The thermal oxidizer shall be provided with adequate access for inspection.
(9 VAC 5-80-110, 9 VAC 5-50-260 and Condition 3 of 5/26/09 permit)

3. The approved fuel for the Tornado Technologies, Inc. thermal oxidizer is natural gas. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-110, 9 VAC 5-50-260 and Condition 5 of 5/26/09 permit)

4. The temperature in the thermal oxidizer chamber shall be maintained at a minimum of 1500 °F when the thermal oxidizer is operating.
(9 VAC 5-80-110)

B. Monitoring

1. The thermal oxidizer shall be equipped with a device to continuously monitor the oxidizer chamber temperature. The temperature 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 temperature monitoring device shall be provided with adequate access for inspection and shall be in operation when the thermal oxidizer is operating.
(9 VAC 5-80-110 and 9 VAC 5-50-20 C)

2. The permittee shall record the temperature of the thermal oxidizer chamber no less than once each hour when the thermal oxidizer is operating.
(9 VAC 5-80-110 and 9 VAC 5-50-50 H)

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 Director, Southwest Regional Office. These records shall include, but are not limited to:

1. Hourly records of the thermal oxidizer chamber temperature; and

2. The actual average benzene emissions from the glycol dehydration unit (S003) in terms of benzene emissions per year as determined by using the model GRI-GLYCalc™, Version 3.0 or higher, and the procedures presented in the associated GRI-GLYCalc™ Technical Reference Manual. Inputs to the model shall be

representative of actual operating conditions of the glycol dehydration unit and may be determined using the procedures documented in the Gas Research Institute (GRI) report entitled "Atmospheric Rich/Lean Method for Determining Glycol Dehydrator Emissions" (GRI-95/0368.1).

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 5-80-110, 9 VAC 5-50-50, 9 VAC 5-60-100 Subpart HHH and 40 CFR 63.1284(d)(2))

D. Testing

1. The permitted facility shall be constructed so as to allow for emission testing upon reasonable notice at any time using appropriate methods. Test ports shall be provided when requested at the appropriate locations.
(9 VAC 5-50-30 F, 9 VAC 5-80-110 and Condition 8 of 5/26/09 permit)

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)

V. 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 Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
3401-HTRS	Boilers and Heaters: Miscellaneous	5-80-720 B and C	NOx, CO, VOC, SO2 and PM-10	0.53 MMBtu/hr
T002	Storage Tank: Pipeline Liquids (H_2O)	5-80-720 B	VOC	12,000 gallons
T003	Storage Tank: Oil	5-80-720 B	VOC	7,000 gallons
T004	Storage Tank: Coolant	5-80-720 B	VOC	7,000 gallons
T005	Storage Tank: Oil	5-80-720 B	VOC	3,200 gallons
T006	Storage Tank: Triethylene Glycol (TEG)	5-80-720 B	VOC	3,000 gallons
T007	Storage Tank: Oil	5-80-720 B	VOC	1,000 gallons

Emission Unit No.	Emission Unit Description	Citation (9 VAC_)	Pollutant Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
T008	Storage Tank: Coolant	5-80-720 B	VOC	1,000 gallons
T010	Storage Tank: TEG	5-80-720 B	VOC	3,000 gallons
T013	Storage Tank: Oil	5-80-720 B and C	VOC	90 gallons
T014	Storage Tank: Oil	5-80-720 B and C	VOC	250 gallons
L001	Truck Loading: Pipeline Liquids (H_2O)	5-80-720 B	VOC	9,000 gal/hr
L003	Truck Loading: Oil	5-80-720 B	VOC	9,000 gal/hr
L004	Truck Loading: Coolant	5-80-720 B	VOC	8,000 gal/hr
L005	Truck Loading: TEG	5-80-720 B	VOC	6,000 gal/hr
PC01	Piping Components: Natural Gas	5-80-720 B	VOC	N/A
PC03	Piping Components: Oil	5-80-720 B	VOC	N/A
PC04	Piping Components: Coolant	5-80-720 B	VOC	N/A
PC05	Piping Components: TEG		VOC	N/A
PC06	Piping Components: Pipeline Liquids (H_2O)	5-80-720 B	VOC	N/A
GR01	Gas Releases: Miscellaneous	5-80-720 A and B	VOC	N/A
PW01	Parts Washer: Remote Reservoir	5-80-720 B	VOC	N/A

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.

VI. Permit Shield & Inapplicable Requirements

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

Citation	Title of Citation	Description of applicability
40 CFR 60, Subpart Ka, and 9 VAC 5-50-410	Standards of Performance for Petroleum Liquid Storage Vessels	Storage vessels with capacities greater than 40,000 gallons used to store petroleum liquids.
40 CFR 60, Subpart Kb, and 9 VAC 5-50-410	Standards of Performance for Volatile Organic Liquid Storage Vessels	Storage vessels with capacities greater than or equal to 75 m^3 used to store volatile organic liquids.
40 CFR 60, Subpart GG, and 9 VAC 5-50-410	Standards of Performance for Stationary Gas Turbines	Affected facilities include all stationary gas turbines with a heat input at peak load greater than 10.7 gigajoules/hr.
40 CFR 60, Subpart VV, and 9 VAC 5-50-410	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry	Applies to all equipment within a process unit in a synthetic organic chemicals manufacturing plant.
40 CFR 60, Subpart KKK, and 9 VAC 5-50-410	Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants	Applies to each compressor in VOC service or in wet gas service; eqch pump, pressure relief device, open-ended valve or line, valve, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by the subpart.
40 CFR 60, Subpart LLL, and 9 VAC 5-50-410	Standards of Performance for Onshore Natural Gas Processing: Sulfur Dioxide Emissions	Applies to facilities that process natural gas: each sweetening unit, and each sweetening unit followed by a sulfur recovery unit.

Citation	Title of Citation	Description of applicability
40 CFR 60, Subpart NNN, and 9 VAC 5-50-410	Standards of Performance for VOC Emissions from Synthetic Organic Chemical Manufacturing Industry Distillation Operations	Applies to each distillation unit not discharging its vent stream into a recovery system, each combination of a distillation unit or of two or more units and the recovery system into which their vent streams are discharged.
40 CFR 63, Subpart HH, and 9 VAC 5-60-100	National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities	Applies to oil and gas production facilities.
40 CFR 63, Subpart ZZZZ, and 9 VAC 5-60-100	National Emission Standards for Hazardous Air Pollutants from Stationary Reciprocating Internal Combustion Engines	Applies to any stationary internal combustion engine that uses reciprocating motion to convert heat energy into mechanical work.
40 CFR 63, Subpart DDDDD, and 9 VAC 5-60-100	National Emission Standards for Hazardous Air Pollutants from Industrial, Commercial, and Institutional Boilers and Process Heaters	Applies to boilers that consist of an enclosed device using controlled flame combustion for recovering thermal energy in the form of steam or hot water, and process heaters that consist of an enclosed device using controlled flame for indirect heat transfer.

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)

VII. 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 Title V Semi-annual Monitoring Report form 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, 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)

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. 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 lectronic mailing address:

   R3_APD_Permits@epa.gov

(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 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 VII.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 Director, Southwest Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. 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.
(9 VAC 5-20-180 C)

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 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 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 5-50-90)

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 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 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.
(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 30 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 of the 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)

VIII. State-Only Enforceable Requirements

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

9 VAC 5 Chapter 60, Part II, Article 5, Emission Standards for Toxic Pollutants from New and Modified Sources.
(9 VAC 5-80-110 N and 9 VAC 5-80-300)