COMMONWEALTH of VIRGINIA

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Federal Operating Permit
Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300, of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Franklin County
Facility Name:	Franklin County Landfill
Facility Location:	9340 Virgil H. Goode Highway Rocky Mount, VA 24151
Registration Number:	21534
Permit Number:	BRRO-21534

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Pages 3 through 21)

January 3, 2014
Effective Date

January 2, 2019
Expiration Date

_____
Regional Director

January 3, 2014
Signature Date

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Facility Information

Permittee
Franklin County
1255 Franklin Street, Suite 112
Rocky Mount, VA 24151

Responsible Official
Richard E. Huff
County Administrator

Facility
Franklin County Landfill
9340 Virgil Goode Highway
Rocky Mount, VA 24151

Contact Person
Don Smith
Public Works Director
(540)352-5738

County-Plant Identification Number: 51-067-00067

Facility Description: NAICS 562212 – Refuse Systems: Establishments primarily engaged in the collection and disposal of refuse by processing or destruction or in the operation of incinerators, waste treatment plants, landfills or other sites for disposal of such materials.

Landfilling/Managing Solid Waste: The facility consists of a solid waste disposal unit. Activities and services performed at this facility involve the acceptance, processing, and land disposal of solid waste as well as the management of leachate and landfill gas generated by the decomposition of the buried waste materials.

The source is subject to 40 CFR Part 60, Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills.

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
P01	NA	Municipal Solid Waste Landfill Area and Gas Collection and Control System	>2.5 x 10^6 Mg & >2.5 x 10^6 m^3 (3,243,608 Mg)	--	--	--	May 26, 2011 Permit Document

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

Landfill

Limitations

1. **Landfill - Limitations -** The design capacity of the MSW landfill shall not exceed 3,243,608 Mg. A change in the design capacity may require a permit to construct and operate.
(9 VAC 5-80-110 and Condition 2 of the 05/26/2011 Permit Document)

2. **Landfill - Limitations -** The landfill shall accept no more than 119,000 tons (108,182 Mg) of solid waste per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total of the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9 VAC 5-80-110 and Condition 5 of the 05/26/2011 Permit Document)

3. **Landfill – LFG Collection and Control System -** If the calculated non-methane organic compounds (NMOC) emission rate is greater than or equal to 50 Mg (as calculated in 40 CFR 60.754(a)(1)), the permittee shall comply with subsection a. or subsections b., c. and d. of this condition:

    a. demonstrate and report that the NMOC emission rate is less than 50 Mg per year through either Tier 2 testing in accordance with 40 CFR 60.757(c)(1) or Tier 3 testing in accordance with 40 CFR 60.757(c)(2); or

    b. submit a landfill gas (LFG) collection and control system design plan meeting the requirements of 40 CFR 60.752(b)(2)(i) to the Blue Ridge Regional Office within one year,

    c. install a gas collection and control system (GCCS) in compliance with 40 CFR 60.752(b)(2)(ii)(A) or (B), and 40 CFR 60.752(b)(2)(iii) within 30 months after the first annual report in which the NMOC emission rate is greater than or equal to 50 Mg per year, and

    d. operate the installed gas collection and control system in compliance with 40 CFR 60.752(b)(2)(iv).

    (9 VAC 5-80-110, 40 CFR 60.752 (b)(2), 40 CFR 60.757 (c) and Condition 3 of the 05/26/2011 Permit Document)

4. **Landfill – Emission Limits -** If a GCCS is required by Condition 3, emissions from the operation of the control device shall not exceed the limits specified below:

PM-10	0.017 lbs/MMBtu	1.6 tons/year
Nitrogen Oxides (as NO_2)	0.068 lbs/MMBtu	6.4 tons/year
Carbon Monoxide	0.37 lbs/MMBtu	34.9 tons/year
Volatile Organic Compounds (as propane)	0.128 lbs/MMBtu	12.1 tons/year

(9 VAC 5-80-110 and Condition 6 of the 05/26/2011 Permit Document)

5. **Landfill – Visible Emission Limitations** – If a GCCS is required by Condition 3, each control device shall be operated with no visible emissions, as determined by EPA Method 22 (reference 40 CFR 60, Appendix A), except for periods not to exceed a total of five minutes during two consecutive hours. This condition applies at all times except startup, shutdown and malfunction.
(9 VAC 5-80-110, 40 CFR 60.18 and Condition 7 of the 05/26/2011 Permit Document)

Monitoring and Recordkeeping

6. **Landfill – Monitoring -** At least one time in any week the control device in Condition 5 operates an observation of the presence of visible emissions from the control device(s) shall be made. The presence of visible emissions shall require the permittee to take timely corrective action such that the control device resumes operation with no visible emissions.

   The permittee shall maintain an observation log to demonstrate compliance. The logs shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action, and the name of the observer. If the control device(s) has not been operated for any period during the week, it shall be noted in the log book.
(9 VAC 5-80-110)

7. **Landfill – On-Site Records -** 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 Blue Ridge Regional Office. These records shall include, but are not limited to:

   a. Current maximum design capacity report, current amount of waste in place, and monthly acceptance rates. (Condition 10 of the 05/26/2011 Permit Document)

b. Records sufficient to calculate the facility's emissions on a 12-month rolling basis. (Condition 10 of the 05/26/2011 Permit Document)

c. Documentation of the nature, date of deposition, amount and location of demolition refuse and asbestos-containing or nondegradable waste excluded from collection as provided in § 60.759(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in § 60.759(1)(3)(ii). (Condition 10 of the 05/26/2011 Permit Document)

d. Installation date and location of all vents, wells and control devices.

e. If a GCCS is required by Condition 3, all records required in 40 CFR 60.758 (b), (c), (d) and (e). Where records pertain to specific control device type, only the records required for the facility's installed control device type shall be kept. (Condition 10 of the 05/26/2011 Permit Document)

f. Records of the dimensions of each leachate storage tank and an analysis showing the capacity of each tank. These records shall be kept for the life of the source. (Condition 10 of the 05/26/2011 Permit Document)

g. Records sufficient to demonstrate compliance with the notification and reporting requirements in Conditions 10-15.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years unless a longer period is stated or is required in 40 CFR 60.758.
(9 VAC 5-80-110 and 40 CFR 60.758)

8. **Landfill – Stack Test** – If a GCCS is required by Condition 3, the initial performance tests shall be conducted as required in 40 CFR 60.752(b)(2)(iii) to determine compliance with the applicable requirements. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30, and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests are to be arranged with the Blue Ridge Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. The test report shall be submitted as required in Condition 13 and shall conform to the test report format enclosed with the May 26, 2011 minor NSR permit.
(9 VAC 5-80-110, 40 CFR 60.752(b)(2)(iii) and Condition 9 of the 05/26/2011 Permit Document)

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

Notifications and Reports

10. **Landfill – Notifications** – The permittee shall furnish written notification to the Blue Ridge Regional Office of:

    a. In accordance with Condition 3.a, the anticipated date of testing under Tiers 2 or 3 to demonstrate the NMOC emission rate of the landfill postmarked at least 30 days prior to such date.

    b. If a GCCS is required by Condition 3, the anticipated date of performance tests of the gas collection and control system, postmarked at least 30 days prior to such date.

    Copies of the written notifications in this condition are to be sent to the EPA at the address contained in Condition 12.

    (9 VAC 5-80-110, 40 CFR 60.8(d), Conditions 16 c. and d. of the 05/26/2011 Permit Document)

11. **Landfill – Design Capacity Report (DCR) –** No later than 90 days after commencing construction on the modification of the MSW landfill, the permittee shall submit an amended Design Capacity Report (DCR) to the Blue Ridge Regional Office, meeting the requirements of 40 CFR 60.757(a). One copy of the amended DCR shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 12. (9 VAC 5-80-110, 40 CFR 60.757(a)(3) and Condition 11 of the 05/26/2011 Permit Document)

12. **Landfill –NMOC Emissions Report –** Except as provided for in 40 CFR 60.757 (b)(1)(ii) and 40 CFR 60.757(b)(3), the permittee shall submit an annual NMOC emission rate report to the Blue Ridge Regional Office no later than one year from the date of the initial NMOC report. The report shall meet the requirements of 40 CFR 60.757(b). One copy of the NMOC emission report shall be submitted to the U.S. Environmental Protection Agency at the following address:

    U.S. Environmental Protection Agency, Region III
    Director, Air Protection Division, Mail Code 3AP00
    1650 Arch Street
    Philadelphia, PA 19103-2029

    (9 VAC 5-80-110, 40 CFR 60.4, 40 CFR 60.757(b) and (c) and Condition 12 of the 05/26/2011 Permit Document)

13. **Landfill – Annual Compliance Report** – Within 180 days of start-up of an active collection system used to comply with Condition 3, the permittee shall submit to the Blue

Ridge Regional Office the initial semi-annual compliance report of the collection and control system. The report shall contain the following:

a. The initial performance test report required under 40 CFR 60.752(b)(2)(iii)(B) and 40 CFR 60.8 including the information required in 40 CFR 60.757(g);

b. Value and length of time for exceedance of applicable parameters monitored under 40 CFR 60.756(a), (b), (c) and (d);

c. Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under 40 CFR 60.756;

d. Description and duration of all periods when the control device was not working for a period exceeding one hour and the length of time control device was not operating;

e. All periods when the collection system was not operating in excess of five days;

f. The location of each exceedance of the 500 parts per million surface methane concentration as provided in 40 CFR 60.753(d) and the concentration recorded at each location for which an exceedance was recorded in the previous month; and

g. The date of installation and the location of each well or collection system expansion added pursuant to 40 CFR 60.755(a)(3), 40 CFR 60.755(b) and 40 CFR 60.755(c)(4).

Items (b) through (f) shall be submitted semi-annually. All future semi-annual reports shall be submitted no later than **March 1** and **September 1** of each calendar year and shall cover the period of either January 1 to June 30 or July 1 to December 31. One copy of each semi-annual compliance report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 12.
(9 VAC 5-80-110, 40 CFR 60.757(f) and Condition 13 of the 05/26/2011 Permit Document)

14. **Landfill – Closure Report –** Within 30 days of the date the MSW landfill stops accepting waste, the permittee shall submit a closure report to the Blue Ridge Regional Office and comply with 40 CFR 60.757(d). One copy of the closure report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 12.
(9 VAC 5-80-110, 40 CFR 60.757(d) and Condition 14 of the 05/26/2011 Permit Document)

15. **Landfill – Control Equipment Removal Report –** If a GCCS is required by Condition 3, no later than 30 days prior to cessation of operation or removal of control equipment used to comply with 40 CFR Part 60 Subpart WWW, the permittee shall submit an equipment removal report to the Blue Ridge Regional Office in accordance with 40 CFR 60.757(e).

One copy of the equipment removal report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 12.
(9 VAC 5-80-110, 40 CFR 60.757(e) and Condition 15 of the 05/26/2011 Permit Document)

Insignificant Emission Units

16. **Insignificant Emission Units -** The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
IES-1	Leachate Storage Tank 1 (150,000 gal.)	9 VAC 5-80-720 B	VOC	-
IES-2	Leachate Storage Tank 2 (179,992 gal.)	9 VAC 5-80-720 B	VOC	-
IES-3	Air Stripper	9 VAC 5-80-720 B	VOC	-

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

Permit Shield & Inapplicable Requirements

17. **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
None identified.	-	-

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution

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

General Conditions

18. **General Conditions – Maintenance/Operating Procedures** – At all times including periods of start-up, shutdown and maintenance, the permittee shall, to the extent practicable, maintain and operate the affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions.
(9 VAC 5-80-110 and Condition 20 of the 05/26/2011 Permit Document)

19. **General Conditions - Federal Enforceability -** All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

20. **General Conditions - Permit Expiration -** This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department 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)

21. **General Conditions - Permit Expiration -** The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

22. **General Conditions - Permit Expiration -** If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

23. **General Conditions - Permit Expiration -** No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

24. **General Conditions - 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)

25. **General Conditions - Permit Expiration -** The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

26. **General Conditions - Recordkeeping and Reporting -** All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

    a. The date, place as defined in the permit, and time of sampling or measurements.

    b. The date(s) analyses were performed.

    c. The company or entity that performed the analyses.

    d. The analytical techniques or methods used.

    e. The results of such analyses.

    f. The operating conditions existing at the time of sampling or measurement.

    (9 VAC 5-80-110 F)

27. **General Conditions - Recordkeeping and Reporting -** Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)

28. **General Conditions - Recordkeeping and Reporting -** The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March**

1 and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:

   i. Exceedance of emissions limitations or operational restrictions;

   ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or

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

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

(9 VAC 5-80-110 F)

29. **General Conditions - Annual Compliance Certification -** Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

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

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

c. The compliance status.

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

e. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

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

g. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3_APD_Permits@epa.gov

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

30. **General Conditions - Permit Deviation Reporting -** The permittee shall notify the Director, Blue Ridge Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 28 of this permit. (9 VAC 5-80-110 F.2, 9 VAC 5-80-250 and Condition 21 of the 05/26/2011 Permit Document)

31. **General Conditions - Failure/Malfunction Reporting** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Blue Ridge 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, Blue Ridge Regional Office. (9 VAC 5-20-180 C and Condition 22 of the 05/26/2011 Permit Document)

32. **General Conditions - Severability** - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

33. **General Conditions - Duty to Comply -** The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

34. **General Conditions - Need to Halt or Reduce Activity not a Defense -** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

35. **General Conditions - Permit Modification -** A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

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

37. **General Conditions - Duty to Submit Information -** The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)

38. **General Conditions - Duty to Submit Information -** Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

39. **General Conditions - Duty to Pay Permit Fees -** The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. 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)

40. **General Conditions - Fugitive Dust Emission Standards -** During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

    a. Dust from grading, cell construction, waste compaction, application of daily cover, wood waste chipping operations, storage piles and traffic areas shall be controlled by wet suppression or equivalent (as approved by the DEQ) control measures.

    b. All material being stockpiled shall be kept moist to control dust during storage and handling, or covered to minimize emissions.

    c. Dust from haul roads shall be controlled by wet suppression and prompt removal of dried sediment resulting from soil erosion and dirt spilled or tracked onto paved surfaces within the landfill.

    d. 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;

    e. 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;

    f. 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;

    g. 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

h. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. 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, 9 VAC 5-80-110 and Condition 4 of the 05/26/2011 Permit Document)

41. **General Conditions - Startup, Shutdown, and Malfunction -** At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20 E and 9 VAC 5-80-110)

42. **General Conditions - Alternative Operating Scenarios -** Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.
(9 VAC 5-80-110 J)

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

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 and Condition 19 of the 05/26/2011 Permit Document)

44. **General Conditions - Reopening For Cause -** The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F. The conditions for reopening a permit are as follows:

    a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

    b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

    c. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

    (9 VAC 5-80-110 L)

45. **General Conditions - Permit Availability -** Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
    (9 VAC 5-80-150 E)

46. **General Conditions – Permit Copy** – The permittee shall keep a copy of the May 26, 2011 permit document on the premises of the facility to which it applies.
    (9 VAC 5-80-110 and Condition 25 of the 05/26/2011 Permit Document)

47. **General Conditions - Transfer of Permits -** No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
    (9 VAC 5-80-160)

48. **General Conditions - Transfer of Permits -** In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
    (9 VAC 5-80-160 and Condition 24 of the 05/26/2011 Permit Document)

49. **General Conditions - Transfer of Permits -** In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

50. **General Conditions - Malfunction as an Affirmative Defense -** A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of Condition 51 are met.
(9 VAC 5-80-250)

51. **General Conditions - Malfunction as an Affirmative Defense -** The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

    a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

        i. The permitted facility was at the time being properly operated.

        ii. 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.

        iii. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

    (9 VAC 5-80-250)

52. **General Conditions - Malfunction as an Affirmative Defense -** In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
(9 VAC 5-80-250)

53. **General Conditions - Malfunction as an Affirmative Defense -** The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-250)

54. **General Conditions - Permit Revocation or Termination for Cause -** A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 C, 9 VAC 5-80-260 and Condition 18 of the 05/26/2011 Permit Document)

55. **General Conditions - Duty to Supplement or Correct Application -** Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E and 9 VAC 5-80-110)

56. **General Conditions - Stratospheric Ozone Protection -** If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

57. **General Conditions - 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)

58. **General Conditions - 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)

59. **General Conditions - Violation of Ambient Air Quality Standard** - The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary

to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.
(9 VAC 5-80-110 and Condition 23 of the 05/26/2011 Permit Document)

60. **General Conditions - Changes to Permits for Emissions Trading -**No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

61. **General Conditions - Emissions Trading -** Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

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

    b. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

    c. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

    (9 VAC 5-80-110 I)