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:	Owens-Brockway Glass Container Inc.
Facility Name:	Owens-Brockway Glass Container Inc.
Facility Location:	29 Glass Blower Lane Ringgold, VA 24586
Registration Number:	30718
Permit Number:	BRRO30718

July 27, 2012
Effective Date

July 26, 2017
Expiration Date

_____
Robert J. Weld
Regional Director

July 26, 2012
Signature Date

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I. Facility Information

Permittee
Owens-Brockway Glass Container Inc.
29 Glass Blower Lane
Ringgold, VA 24586

Responsible Official
Calvin S. Griffin
Plant Manager

Facility
Owens-Brockway Glass Container Inc.
29 Glass Blower Lane
Ringgold, VA 24586

Contact Person
Mr. Jim Amburgey
Environmental Administrator
567-336-7909

County-Plant Identification Number: 51-0143-0100

Facility Description: NAICS 327213 – SIC Code 3221 – Container Glass Manufacturing.

Owens-Brockway Glass Container Inc. is a manufacturer of container glass covered by Standard Industrial Classification (SIC) Code 3221. The glass manufacturing process begins with receiving and mixing of raw materials (including recycled glass, sand, salt cake, limestone, and soda ash). Individual components are weighed, mixed, and fed ("charged") to the glass furnace in batches. However, batches are charged so that there is a continuous flow of glass and resultant "steady state" operation of the furnace. Molten glass passes through a refiner, which heat conditions the glass, then across a forehearth and into the forming process. Glass containers are shaped by lubricated molds. The exterior of the containers is etched with monobutyltin trichloride (MBTT), cooled, and then coated with a dilute polyethylene emulsion. Finally, a code is printed onto the exterior of the container.

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
Fuel Burning Equipment							
B-1	001	North American Boiler (1978)	14.6 MMbtu/hr	-			4/6/2001
Glass Manufacturing Process							
1-A	003	Furnace A (1978)	99 MMbtu/hr				4/6/2001
13		Silos/Batch House		Fabric Filters	Baghouse-1-16	PM	4/6/2001
6	007	Bottle Finishing (HEST)	6.0 lb_{MBTI}/hr				12/14/2005

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

III. Fuel Burning Equipment Requirements – (Ref. B-1)

A. Limitations

1. The approved fuels for the boiler [Ref. B-1] are natural gas and liquefied petroleum gas (LPG). A change in the fuels may require a permit to modify and operate. (9 VAC 5-80-110)

2. Emissions from the operation of boiler [Ref. B-1] shall not exceed the limits specified below:

Particulate Matter	0.5 lb/MMbtu	(B-1)
Sulfur Dioxide	38.5 lb/hr	(B1)

(9 VAC 5-80-110, 9 VAC 5-50-10 D, 9 VAC 5-40-900, and 9 VAC 5-40-930)

3. Visible Emissions from the boiler [Ref. B-1] stack [Stack 001] 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 5-80-110 and 9 VAC 5-50-80)

B. Maintenance/Operating Procedures

Boiler emissions shall be controlled by proper operation and maintenance of the boiler [Ref. B-1]. Equipment operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum. The permittee shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boiler equipment. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.
(9 VAC 5-80-10 and Condition 7 of 4/6/01 Permit)

C. Recordkeeping

The permittee shall maintain records of the required training including a statement of time, place and nature training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boiler [Ref. B-1]. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.
(9 VAC 5-80-110)

IV. Glass Manufacturing Equipment Requirements – (Batch House, Furnace, and Finishing)

A. Limitations

1. Particulate emissions from each of the 16 silos and the batch house [Ref. 13] shall be controlled by fabric filters. The fabric filters shall be provided with adequate access for inspection.
(9 VAC 5-80-110 and Condition 3 of April 6, 2001 Permit)

2. The production of pulled glass shall not exceed 146,000 tons per year (equal to average daily production of 400 tons), calculated monthly as the sum of each consecutive 12 month period.
(9 VAC 5-80-110 and Condition 4 of April 6, 2001 Permit)

3. The sulfur content of the raw materials fed to the glass furnace [Ref. 1-A] shall not exceed 0.25%, by weight (5.0 lb total S as SO_3 per ton of raw material charged to the furnace).
(9 VAC 5-80-110 and Condition 5 of April 6, 2001 Permit)

4. The throughput of monobutyltin trichloride (MBTT) to the HEST process [Ref. 6] shall not exceed 3796.5 gallons per year, calculated monthly as the sum of each consecutive 12 month period.
(9 VAC 5-80-110 and Condition 3 of December 14, 2005 Permit)

5. The approved fuel for the glass furnace [Ref. 1-A] is natural gas. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-110 and Condition 6 of April 6, 2001 Permit)

6. Emissions from the operation of the glass melting furnace [Ref. 1-A] shall not exceed the limits specified below:

Particulate Matter (filterable portion)	0.71 lb/ ton glass produced	
PM-10 (filterable + condensable)	0.87 lb/ ton glass produced	63.5 tons/yr
Sulfur Dioxide	3.2 lbs/ton glass produced	233.6 tons/yr
Nitrogen Oxides	103.5 lbs/hr	452.6 tons/yr
Carbon Monoxide	8.4 lbs/hr	36.5 tons/yr
Volatile Organic	6.7 lbs/hr	29.2 tons/yr

Compounds

Annual emission limits are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of the annual emission limits. Annual emissions shall be calculated monthly as the sum of each consecutive 12 month period. Compliance with the annual emission limits may be determined as stated in Condition numbers IV.A.2 above, IV.A.3 above, and IV.C.4 below.
(9 VAC 5-80-110, 40 CFR 60.293 (b)(1), and Condition 8 of April 6, 2001 Permit)

7. Emissions from the operation of the HEST process [Ref. 6] shall not exceed the limits specified below:

Volatile Organic Compounds	4.0 lbs/hr	17.5 tons/yr

Annual emissions shall be calculated monthly as the sum of each consecutive 12 month period.

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers IV.A.4 above and IV.C.4 below
(9 VAC 5-80-110 and Condition 4 of December 14, 2005 Permit)

8. Visible emissions from the glass melting furnace [Ref. 1-A] shall not exceed the lower of:

   a. 13.93% opacity in accordance to 40 CFR 60.293(c), or

   b. the redetermined opacity value that corresponds to the 99% upper confidence level in accordance with 40 CFR 60.293(e), but 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 as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).
   (9 VAC 5-80-110, 40 CFR 60.293 (c)(4), and Condition 9 of April 6, 2001 Permit)

9. Visible Emissions from the Batch House and Raw Material Storage Silos [Ref. B-13] stack 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 5-80-110 and 9 VAC 5-50-80)

10. Visible emissions from the HEST process [Ref. 6] exhaust stack [Ref. 007] shall not exceed ten percent (10%) opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A).
(9 VAC 5-80-110 and Condition 5 of December 14, 2005 Permit)

11. Except where this permit is more restrictive than the applicable requirement, the glass furnace [Ref. 1-A] shall be operated in compliance with the requirements of 40 CFR 60, Subpart CC.
(9 VAC 5-80-110 and Condition 10 of April 6, 2001)

12. Maintenance/Operating Procedures - Emissions from the glass furnace [Ref. 1-A], HEST process [Ref. 6], and air pollution control equipment shall be controlled by proper operation and maintenance of all such equipment. Equipment operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum. The permittee shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the furnace [Ref. 1-A] and each fabric filter. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.
(9 VAC 5-80-110, Condition 7 of April 6, 2001 Permit, and Condition 11 of December 14, 2005 Permit)

B. Monitoring

1. A Continuous Opacity Monitoring System (COMS) meeting the design specifications of 40 CFR Part 60, Appendix B shall be installed to measure and record the opacity of emissions from the glass furnace stack (Ref. 003). The COMS shall be installed, calibrated, maintained, and operated in accordance with the requirements of 40 CFR 60.13, Subpart CC and Appendix B. Data shall be reduced to six minute averages.
(9 VAC 5-80-110, 40 CFR 60.293, and Condition 12 of April 6, 2001 Permit)

2. The permittee shall conduct opacity system monitoring audits, on a regularly scheduled basis, to demonstrate compliance with the calibration error specification (40 CFR 60, Appendix B, Performance Specification 1). In no case shall the length of time between audits exceed 12 months. Prior to the first scheduled audit, the permittee shall submit, for approval, to the Blue Ridge Regional Office, the proposed audit procedures for the opacity monitoring system. A 30-day notification prior to the initial performance evaluation and each scheduled audit shall be submitted to the Blue Ridge Regional Office.
(9 VAC 5-80-110, 40 CFR Part 60, Appendix B, and Condition 14 of April 6, 2001 Permit)

3. At least one time per week an observation of the presence of visible emissions from the HEST process [Ref. 6] shall be made. If visible emissions are observed the permittee shall:

   a. take timely corrective action such that the HEST [Ref. 6] exhaust stack [Ref. 007] resumes operation with no visible emissions, or

   b. conduct a visible emission evaluation (VEE) in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six minutes, to assure visible emissions from the HEST [Ref. 6] exhaust stack [Ref. 007] are less than or equal to 10 percent opacity. If any of the observations exceed the opacity limitation of 10%, the observation period shall continue until a total of 60 minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that the exhaust stack resumes operation within the 10% opacity limit.

   c. If visible emissions inspections conducted during twelve (12) consecutive weeks show no visible emissions for the HEST [Ref. 6] exhaust stack [Ref. 007], the permittee may reduce the monitoring frequency to once per month for that stack. Anytime the monthly visible emissions inspections show visible emissions, or when requested by DEQ, the monitoring frequency shall be increased to once per week for that stack.

   d. The permittee shall maintain an observation log to demonstrate compliance. The log shall include the date and time of the observations, name of the observer, whether or not there were visible emissions, any VEE recordings and any necessary corrective action.

   (9 VAC 5-80-110 E)

C. Recordkeeping

The permittee shall maintain records of emission data and operating parameters as 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:

1. Annual production of glass pulled from the furnace [Ref. 1-A], calculated monthly as the sum of each consecutive 12 month period.

2. Annual throughput of monobutyltin trichloride (MBTT), calculated monthly as the sum of each consecutive 12 month period.

3. Records showing sulfur content for each raw material formulation charged to the furnace [Ref. 1-A].

4. Monthly emissions calculations for SO_2 from the glass melting furnace [Ref. 1-A] and VOCs from the HEST process [Ref. 6], using calculation methods approved by the Blue Ridge Regional Office to verify compliance with the ton/yr emissions limitations in Conditions IV.A.6 and IV.A.7. Annual emissions shall be calculated monthly as the sum of each consecutive 12 month period.

5. Scheduled and unscheduled maintenance, and operator training.

6. Continuous monitoring system data, calibrations and calibration checks, percent operating time, and excess emissions.

7. Material Safety Data Sheets (MSDS) or other vendor information showing VOC content for the bottle coating (HEST process).

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-80-110, Condition 16 of April 6, 2001 Permit, and Condition 6 of December 14, 2005 Permit)

D. Testing

1. Once each permit term, at a frequency not to exceed five years, performance tests shall be repeated for PM (filterable), PM_{10} (filterable and condensible), SO_2, and NOx from the glass melting furnace [Ref. 1-A], to determine compliance with the emission limits contained in Condition IV.A.6. The details of the tests are to be arranged with the Director, Blue Ridge Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing.
(9 VAC 5-80-110)

2. 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. Two copies of the test results shall be submitted to the Blue Ridge 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)

3. The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-110 and Condition 17 of April 6, 2001 Permit)

E. Reporting

The permittee shall furnish written reports to the Blue Ridge Regional Office of excess emissions from any process monitored by a continuous monitoring system (COMS) on a semiannual basis, postmarked no later than the 30th day following the end of the semiannual period. The time periods to be addressed are the calendar months January through June and July through December. These reports shall include, but are not limited to the following information:

1. The magnitude of excess emissions, any conversion factors used in the calculation of excess emissions, and the date and time of commencement and completion of each period of excess emissions;

2. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the process, the nature and cause of the malfunction (if known), the corrective action taken or preventative measures adopted;

3. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and

4. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in that report.

(9 VAC 5-80-110 and Condition 15 of April 6, 2001 Permit)

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	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
B-2	North American gas-fired boiler (1978)	9 VAC 5-80-720 C		2.4 MMBtu/hr
2-A	Refiner	9 VAC 5-80-720 C		9.3 MMBtu/hr
3-A	Forehearths (3)	9 VAC 5-80-720 C		0.7 MMBtu/hr, each
4	Annealing Lehrs (3)	9 VAC 5-80-720 C		4.8 MMBtu/hr, max.
5	Bottle Forming (mold dope)	9 VAC 5-80-720 B	PM	
7	Bottle Finishing (polyethylene emulsion)	9 VAC 5-80-720 B	PM	
8	Bottle Coding	9 VAC 5-80-720 B	VOC, HAP (MEK)	
9	Box Coding	9 VAC 5-80-720 B	VOC	

10	Ink Cleaner	9 VAC 5-80-720 B	VOC, HAP (MEK)	
11	Central Vacuum System	9 VAC 5-80-720 B	PM	
12	Glass Crushers (2)	9 VAC 5-80-720 B	PM	
14	Parts Washer Stations	9 VAC 5-80-720 B	VOC	
16	API Separator	9 VAC 5-80-720 B	VOC, HAP (naphthalene)	
17	Storage Tanks	9 VAC 5-80-720 B	VOC, HAP (benzene, toluene, ethyl benzene, xylene, naphthalene)	
SFL-1	Solid Film Lubricant	9 VAC 5-80-720 B	PM, VOC, HAP (xylene)	
M-1, M-2 & M-3	Mold Heat Ovens	9 VAC 5-80-720 C		0.8 MMBtu/hr, each
18	Diesel Generator (<500 hours/yr)	9 VAC 5-80-720 C		<600 hp
19	Emergency diesel fire pump (<500 hrs/yr)	9 VAC 5-80-720 C		~ 447 hp
20	Box assembly (glue)	9 VAC 5-80-720 B		5 lbs glue/hr

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

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 61, Subpart N	National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants	Does not apply; Owens-Brockway uses no commercial arsenic in their process.
40 CFR 60, Subpart Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units	Does not apply; boiler B-1 was installed prior to 6/9/89.
40 CFR 64(2)(a)	Compliance Assurance Monitoring	Does not apply; no add-on emissions controls on the glass furnace [Ref. 1-A] and HEST process [Ref. 6], and Batch house [Ref. 13] is not a major source.
40 CFR 63.7485	National Emission Standards for Hazardous Air Pollutants From for	Does not apply to the boiler B-1; this facility is not a major HAPS

	Industrial, Commercial, and Institutional Boilers and Process Heaters and 40 CFR 63 Subpart DDDDD	source.
40 CFR 63 Subpart SSSSSS	National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources	Facilities with continuous furnaces to produce glass that contains compounds of one or more glass manufacturing metal HAP (arsenic, cadmium, chromium, lead, manganese, and nickel) as raw materials in a glass manufacturing batch formulation.
40 CFR 63 Subpart JJJJJJ	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources	Per 40 CFR 63.11195 (e) gas-fired boilers are not subject to this subpart and the boiler (B-1) is a gas-fired boiler.

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)

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 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)

D. Annual Compliance Certification

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

VAC 5-80-80 G, and shall include:

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

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

3. The compliance status.

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

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

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

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

   R3_APD_Permits@epa.gov

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

E. Permit Deviation Reporting

The permittee shall notify the Director, 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 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, 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 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-50-40. 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)

G. Severability

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

H. Duty to Comply

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

I. Need to Halt or Reduce Activity not a Defense

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

J. Permit Modification

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

K. Property Rights

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

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for

modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)

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

M. Duty to Pay Permit Fees

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

N. Fugitive Dust Emission Standards

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

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;

4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

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

P. Alternative Operating Scenarios

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

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

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

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

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

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

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 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 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)