



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Blue Ridge Regional Office

www.deq.virginia.gov

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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:	Old Virginia Brick Company
Facility Name:	Old Virginia Brick Company – Madison Heights Plant
Facility Location:	Mitchell Bell Road Amherst County, Virginia
Registration Number:	30734
Permit Number:	BRRO30734

March 6, 2009  
Effective Date

March 5, 2014  
Expiration Date

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Regional Director

January 6, 2009  
Signature Date

Table of Contents, 1 page  
Permit Conditions, 21 pages

**Table of Contents**

**I. FACILITY INFORMATION .....3**

**II. EMISSION UNITS .....4**

**III. PROCESS EQUIPMENT REQUIREMENTS – BRICK MANUFACTURING.....6**

    A. LIMITATIONS..... 6

    B. MONITORING..... 7

    C. RECORDKEEPING..... 8

    D. TESTING ..... 9

**IV. FACILITY WIDE CONDITIONS .....9**

    A. LIMITATIONS..... 9

**V. INSIGNIFICANT EMISSION UNITS .....10**

**VI. PERMIT SHIELD & INAPPLICABLE REQUIREMENTS .....10**

**VII. GENERAL CONDITIONS .....11**

    A. FEDERAL ENFORCEABILITY..... 11

    B. PERMIT EXPIRATION..... 11

    C. RECORDKEEPING AND REPORTING..... 12

    D. ANNUAL COMPLIANCE CERTIFICATION..... 13

    E. PERMIT DEVIATION REPORTING..... 14

    F. FAILURE/MALFUNCTION REPORTING..... 14

    G. SEVERABILITY ..... 14

    H. DUTY TO COMPLY ..... 15

    I. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE ..... 15

    J. PERMIT MODIFICATION..... 15

    K. PROPERTY RIGHTS..... 15

    L. DUTY TO SUBMIT INFORMATION ..... 15

    M. DUTY TO PAY PERMIT FEES ..... 16

    N. FUGITIVE DUST EMISSION STANDARDS..... 16

    O. STARTUP, SHUTDOWN, AND MALFUNCTION ..... 17

    P. ALTERNATIVE OPERATING SCENARIOS..... 17

    Q. INSPECTION AND ENTRY REQUIREMENTS..... 17

    R. REOPENING FOR CAUSE..... 18

    S. PERMIT AVAILABILITY ..... 18

    T. TRANSFER OF PERMITS..... 18

    U. MALFUNCTION AS AN AFFIRMATIVE DEFENSE ..... 19

    V. PERMIT REVOCATION OR TERMINATION FOR CAUSE..... 20

    W. DUTY TO SUPPLEMENT OR CORRECT APPLICATION ..... 20

    X. STRATOSPHERIC OZONE PROTECTION ..... 20

    Y. ASBESTOS REQUIREMENTS..... 20

    Z. ACCIDENTAL RELEASE PREVENTION ..... 20

    AA. CHANGES TO PERMITS FOR EMISSIONS TRADING..... 21

    BB. EMISSIONS TRADING ..... 21

## **I. Facility Information**

Permittee  
Old Virginia Brick Company  
P. O. Box 508  
Salem, Virginia 24153

Responsible Official  
Cory Redifer  
President

Facility  
Old Virginia Brick Company – Madison Heights Plant  
Mitchell Bell Road  
P. O. Box 740  
Madison Heights, VA 24572

Contact Person  
Roy Johnson  
Technical Services Manager  
(540) 389-2357

**State-County-Plant Identification Number:** 51-009-00025

**Facility Description:** NAICS 327121 – This facility is a manufacturer of common face bricks, glazed bricks, and special shapes.

## 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
<b>Fuel Burning Equipment</b>							
KIL & DRY	03, 04, & 05	Dryers and Tunnel kiln for firing brick Harrop Industries (1979)	8.4 tons/hr, calculated monthly, based on a 12-month rolling average				09/10/98
<b>Processes</b>							
CRSC	Enclosed in building	Clay crushing, cleaning, and storage J.C. Steel Model INCLA (1979)	40 tons/hr				09/10/98
SD	01	Sand Dryer Locher Brick Works, Inc. (1979)	1 ton/hr				09/10/98
BMSB	02	Brick machine and sand blasting	Brick machine rate is 57 tons of	Fabric filter for brick machine and sand blasting.	02/BMSB	PM PM10	09/10/98

		Dce-Vokes Dalamatic (Unknown)	brick per hour Maximum rate of sand application is 1 ton/hr	Dce-Vokes DU-30R-F11 (1979)			
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\*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

### III. Process Equipment Requirements – Brick Manufacturing

#### A. Limitations

1. Clay Crushing, Screening, and Storage (CRSC)
  - a. Particulate emissions from the crushing, screening, and storage shall be controlled by a building enclosure.  
(9 VAC 5-80-110 and Condition 4 of 09/10/98 Permit)
2. Sand Application (BMSB)
  - a. Particulate emissions from the sand application (BMSB) 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 09/10/98 Permit)
  - b. Visible emissions from the fabric filters shall not exceed 5% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).  
(9 VAC 5-80-110 and Condition 10 of 09/10/98 Permit)
3. Sand Dryer (SD)
  - a. Emissions from the operation of the sand dryer (SD) process shall not exceed the limits specified below:

Total Suspended Particulate	21.0 lbs/hr	6.3 tons/yr
PM-10	21.0 lbs/hr	6.3 tons/yr

  
(9 VAC 5-80-110 and Condition 9 of 09/10/98 Permit)
4. Tunnel Brick Kiln (KIL) and Dryer (Dry)
  - a. The approved fuel for the brick kiln (KIL) 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 09/10/98 Permit)
  - b. The annual production of bricks shall not exceed 74,000 tons, calculated monthly as the sum of each consecutive twelve (12) month period.  
(9 VAC 5-80-110 and Condition 7 of 09/10/98 Permit)
  - c. Emissions from the operation of the brick kiln (KIL) and dryer (Dry) shall not exceed the limits specified below:

Total Suspended Particulate	12.5 lbs/hr	35.5 tons/yr
PM-10	12.5 lbs/hr	35.5 tons/yr
Sulfur Dioxide	8.7 lbs/hr	24.8 tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )	4.6 lbs/hr	13.0 tons/yr

(9 VAC 5-80-110 and Condition 8 of 09/10/89 Permit)

- d. Unless otherwise specified in this part, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except for one six-minute period in any one hour of not more than 30% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section.  
(9 VAC 5-80-110 and 9 VAC 5-50-80)

## **B. Monitoring**

1. At least one time per calendar week an observation of the presence of visible emissions from the fabric filter exhaust stack (02/BMSB) shall be made. The presence of visible emissions shall require the permittee to:
  - a. take timely corrective action such that the fabric filter, with visible emissions, resumes operation with no visible emissions, or,
  - b. conduct a visible emission evaluation (VEE) on the fabric filter exhaust stack (02/BMSB), with visible emissions, in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six (6) minutes, to assure visible emissions from the fabric filter exhaust stack (02/BMSB) is 5 percent opacity or less. If any of the observations exceed 5 percent opacity, the observation period shall continue until a total of sixty (60) minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that the fabric filter exhaust stack (02/BMSB) resumes operation within the 5 percent opacity limit.

- c. The permittee shall maintain a fabric filter exhaust stack (02/BMSB) 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 fabric filter exhaust stack (02/BMSB) has not been operated for any period during the week it shall be noted in the log book.

(9 VAC 5-80-110 E and 9 VAC 5-80-110 K)

2. At least one time per calendar week an observation of the presence of visible emissions from the tunnel brick kiln (KIL) stack (03) and dryer (DRY) exhaust stacks (04 and 05) shall be made. The presence of visible emissions shall require the permittee to:
  - a. take timely corrective action such that the tunnel brick kiln (KIL) stack or dryer (DRY) stack, with visible emissions, resumes operation with no visible emissions, or,
  - b. conduct a visible emission evaluation (VEE) on the tunnel brick kiln (KIL) and dryer (DRY) exhaust stacks, with visible emissions, in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six (6) minutes, to assure visible emissions from the tunnel brick kiln (KIL) exhaust stack (03) and dryer (DRY) exhaust stack (04 and 05) is 20 percent opacity or less. If any of the observations exceed 20 percent opacity, the observation period shall continue until a total of sixty (60) minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that the tunnel brick kiln (KIL) stack (03) and dryer (DRY) exhaust stacks (04 and 05) resume operation within the 20 percent opacity limit.
  - c. The permittee shall maintain a tunnel brick kiln (KIL) stack (03) and dryer (DRY) exhaust stack (04 and 05) 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 tunnel brick kiln (KIL) and dryer (DRY) have not been operated for any period during the week it shall be noted in the log book.

(9 VAC 5-80-110 E and 9 VAC 5-80-110 K)

### **C. Recordkeeping**

1. The permittee shall maintain records of all emission data and operating parameters necessary to determine emissions and demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, South Central Regional Office. These records shall include, but are not limited to:

- a. The relevant and appropriate pollutant-specific emission factors relied upon for the purpose of calculating actual emission rates, the equations used,
- b. The annual brick production (in tons), calculated monthly as the sum of the most recent 12 months, and
- c. Visual emission observation logs as required by Section III. B of this Permit.

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 and Condition 11 of 09/10/98 Permit)

#### **D. 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)

### **IV. Facility Wide Conditions**

#### **A. Limitations**

1. In order to minimize the duration and frequency of excess emissions due to malfunctions of air pollution control equipment, the permittee shall:
  - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance. These records shall be maintained on site for a period of five (5) years and shall be made available to DEQ personnel upon request.
  - b. Maintain an inventory of spare parts that are needed to minimize durations of air pollution control equipment breakdowns.

(9 VAC 5-80-110, and Condition 15 of 09/10/98 Permit)

2. The permittee shall have available written operating procedures for the related air pollution control equipment. Operators shall be trained in the proper operation of all such equipment and shall be familiar with the written operating procedures. These procedures shall be based on the manufacturer's recommendations, at minimum. The permittee shall maintain records of training provided including names of trainees, date of training and nature of training.

(9 VAC 5-80-110, and Condition 16 of 09/10/98 Permit)

3. Fugitive dust from the haul roads and yard area at the brick manufacturing facility shall be controlled by wet suppression or other reasonable methods as to prevent particulate matter from becoming airborne. Trucks hauling material to the plant area via public roads/highways shall be wetted or covered to prevent spilling or tracking of dirt on such public roads/highways. Any dirt spilled or tacked onto public roads/highways shall be promptly removed to prevent particulate matter from becoming airborne or creating a traffic hazard.  
 (9 VAC 5-80-110, and Condition 5 of 09/10/98 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)
None				

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

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. 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.

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

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

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

**E. Permit Deviation Reporting**

The permittee shall notify the Director, South Central 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 IX.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, South Central 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, South Central Regional Office.

(9 VAC 5-20-180 C and 9 VAC 5-50-50)

**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 5-40-90)

**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)