



NRO-211-13

# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

(703) 583-3800 Fax (703) 583-3821

www.deq.virginia.gov

Douglas W. Domenech  
Secretary of Natural Resources

David K. Paylor  
Director

Thomas A. Faha  
Regional Director

October 29, 2013

Mr. Gregory R. Bontrager  
President  
Cellofoam North America, Inc.  
33 Baron Park Road  
Falmouth, Virginia 22405

Location: Stafford County  
Registration No. 40696  
County-Plant ID No. 51-179-0029

Dear Mr. Bontrager:

Attached is a renewal to your permit to operate an expandable polystyrene bead processing facility pursuant to 9 VAC 5 Chapter 80, Article 1, of the Virginia Regulations for the Control and Abatement of Air Pollution. This permit incorporates provisions from the minor new source review permit issued on June 9, 2006.

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

In evaluating the application and arriving at a final decision to issue this permit, the Department deemed the application complete on October 15, 2012 and solicited written public comments by placing a newspaper advertisement in *The Free Lance-Star* on August 28, 2013. The thirty-day comment period (provided for in 9 VAC 5-80-270) expired on September 27, 2013. No comments were received in this office from the public or the US EPA.

This approval to operate does not relieve Cellofoam North America, Inc. of the responsibility to comply with all other local, state, and federal permit regulations.

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

Mr. Gregory Bontrager  
October 29, 2013  
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Additionally, as provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal to court by filing a Notice of Appeal with:

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David K. Paylor, Director  
Department of Environmental Quality  
P. O. Box 1105  
Richmond, VA 23218

In the event that you receive this permit by mail, three days are added to the period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for additional information including filing dates and the required content of the Notice of Appeal.

If you have any questions concerning this permit, please contact Thomas Valentour at (703) 583-3931.

Sincerely,



James B. LaFratta  
Regional Air Permit Manager

TAF/JBL/TMV/13-211-TV

Attachment: Permit

cc: Director, OAPP (electronic file submission)  
Manager, Data Analysis (electronic file submission)  
Chief, Air Enforcement Branch (3AP13), U.S. EPA, Region III  
Manager/Inspector, Air Compliance  
File



NRO-211-13

# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193-1453

(703) 583-3800 Fax (703) 583-3821

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Douglas W. Domenech  
Secretary of Natural Resources

David K. Paylor  
Director

Thomas A. Faha  
Regional Director

### Federal Operating Permit Article 1

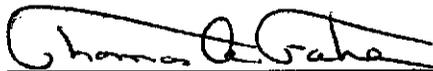
This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated, or expires, the permittee is authorized to operate in accordance with the terms and conditions herein. The permit is issued under the authority of Title 10.1, Chapter 12, § 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 of 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:	Cellofoam North America, Inc.
Facility Name:	Cellofoam North America, Inc. Falmouth Facility
Facility Location:	33 Baron Park Road, Falmouth, Virginia 22405 (Stafford County)
Registration Number:	40696
Permit Number:	NRO40696

October 29, 2013  
Effective Date

October 28, 2018  
Expiration Date

  
Thomas A. Faha  
Regional Director

October 29, 2013  
Signature Date

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## Facility Information

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Permittee  
Cellofoam North America, Inc.  
P.O. Box 406  
Conyers, GA 30012

Responsible Official  
Gregory R. Bontrager  
President

Facility  
Cellofoam North America, Inc.  
33 Baron Park Road  
Falmouth, Virginia 22405

Contact Person  
Gregory R. Bontrager  
President  
(770) 929-3688

**County-Plant Identification Number:** 51-179-0029

**Facility Description:** NAICS 3086 - Manufacture of expanded polystyrene insulation boards.

Cellofoam's Falmouth, Virginia facility manufactures polystyrene insulation boards for the construction industry. Expandable polystyrene (EPS) beads, with pentane as the blowing agent, are received at the facility. The beads are first pre-expanded in a pressurized steam expander, using steam from a natural gas-fired boiler. After pre-expansion, the beads are dried, screened and transported to aging bags for cooling and stabilization for about 24 hours. The stabilized beads are then conveyed to block molding machines in which pressurized steam is injected and the expanded beads fuse together to form large insulation blocks of expanded polystyrene. The molded product is then sent to storage for aging and stabilization for approximately 2 to 7 days, depending upon product specifications. The aged blocks are then cut with hot wire to the desired sizes of the final product. Some of the product material is laminated using an adhesive. The finished product is wrapped and shipped off site.

Pentane (a volatile organic compound) loss through the board manufacturing process constitutes the primary source of emissions from this facility. Additional volatile organic compounds are emitted from the adhesives used in the lamination process.

## 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>Process P1 – This emissions unit identification includes VOC emissions (i.e. as pentane a blowing agent in the EPS material) from the EPS bead box opening, pre expander / dryer (PE-1), pre puff bead conditioning &amp; storage (BCS-1), block molding (BM-1), shape molding (SM-1), block storage (BS-1) and board cutting (BC-1).</b>							
P1	--	Pre Puff Expander	2,200 lbs/hr	None	--	--	06/09/2006
P2	--	Pre puff expander (2 <sup>nd</sup> pass)	1,000 lbs/hr	None			06/09/2006
<b>Process L1 – Black Brothers expanded polystyrene laminator rated at 8,750 square feet per hour. This emission unit identification includes VOC and hazardous air pollutant emissions from the use of adhesive to laminate the insulation boards.</b>							
L1	--	Described as process L1	10 gallons/hour	None	--	--	10/24/2000 & 06/09/2006

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

## **Process Equipment Requirements – (emission unit ID# P1 and L1)**

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### **A. Limitations**

1. **Process Equipment Requirements – (Laminator emissions unit ID # L1)** – The laminator (L1) shall consume no more than 8,300 gallons of adhesive per year, calculated monthly as the sum of each consecutive twelve month period.  
(9 VAC 5-80-110 and Condition 5 of the 06/09/2006 minor NSR Permit)
2. **Process Equipment Requirements – (Laminator emissions unit ID # L1)** – The Volatile Organic Compound (VOC) content of the adhesive applied by the laminator (L1) shall be no greater than 0.47 pounds of VOC per gallon of adhesive.  
(9 VAC 5-80-110 and Condition 5 of the 06/09/2006 minor NSR Permit)
3. **Process Equipment Requirements – (emissions unit ID # Process P1)** – The permitted facility shall process (Process P1) not more than 2,750 tons of expanded polystyrene (EPS) beads per year, calculated as the sum of each twelve month period.  
(9 VAC 5-80-110 and Condition 3 of the 06/09/2006 minor NSR Permit)
4. **Process Equipment Requirements – (emission unit ID# Process P1)** – The EPS beads to be processed by Process P1 shall contain an initial (i.e. as received) VOC content of no more than 5 percent by weight, calculated on a weekly basis. For the purposes of this limitation, as well as references throughout this permit, weekly consists of a calendar week of seven consecutive days beginning at 00:00:00 on Sunday, and ending at 23:59:59 on the following Saturday.  
(9 VAC 5-80-110 and Condition 4 of the 06/09/2006 minor NSR Permit, and Paragraph E.2 and E.3 of the RACT Consent Agreement, dated August 10, 1998)
5. **Process Equipment Requirements – (Laminator emissions unit ID # L1)** – Volatile organic compound emissions from the operation of the laminator (L1) shall not exceed 2.0 tons per year, calculated as the sum of each consecutive period.  
(9 VAC 5-80-110 and Condition 6 of the 06/09/2006 minor NSR Permit)
6. **Process Equipment Requirements – (Laminator emissions unit ID # L1 and Process P1)** – Volatile organic compound emissions from the laminator (L1) and from EPS bead processing (P1) shall not exceed 99.7 tons per year, calculated as the sum of each consecutive twelve month period.  
(9 VAC 5-80-110 and Condition 7 of the 06/09/2006 minor NSR Permit)

### **B. Monitoring & Recordkeeping**

7. **Process Equipment Requirements – (emission unit ID# L1 and P1) – Monitoring** – The permittee shall monitor and 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 Department of Environmental Quality's (DEQ) Northern Regional Office (NRO). These records shall include, but are not limited to:

- a. The monthly and annual throughput of adhesive used in the laminator (L1), calculated monthly as the sum of each consecutive twelve month period. Compliance for the consecutive twelve month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding eleven months.
- b. The Material Safety Data Sheets or Certified Product Data Sheets (CPDS), for each adhesive used in the lamination process (L1), showing the VOC content. The VOC content as contained in the MSDS or CPDS shall be determined using an EPA approved test method (e.g. 40 CFR Part 60 Appendix A – EPA Method 24).
- c. The monthly and annual VOC emissions from the operation of the laminator (L1), calculated monthly as the sum of each consecutive twelve month period. Compliance for the consecutive twelve month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding eleven months.
- d. The monthly and annual (each consecutive twelve month period) quantity of expandable polystyrene (EPS) beads processed. Annual quantity to be calculated monthly as the sum of each consecutive twelve month period. Compliance for the consecutive twelve month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding eleven months.
- e. The daily quantity (in pounds) of each lot (shipment) of EPS beads processed and the percentage of initial VOC contained in each lot of EPS beads processed. This is to be accomplished by the permittee maintaining a detailed daily material log which includes daily entries indicating the bead lot numbers processed, the corresponding EPS bead manufacturer's certified initial VOC content of the EPS beads processed and the quantity (in pounds) of each lot of EPS beads processed that day.
- f. The EPS bead supplier's MSDS or VOC data sheet showing the EPS bead initial VOC content of each lot of EPS beads processed.
- g. The weekly calculated weighted average initial VOC content of the EPS beads and the quantity of the EPS beads processed that week.
- h. The DEQ approved retention factor and the retention factor results of the residual pentane testing required in Condition III.C.1 of this permit.
- i. The monthly and annual (each consecutive twelve month period) VOC emissions from the EPS board manufacturing processes (described as P1). The monthly VOC emissions from the EPS board manufacturing process, P1, shall be calculated from the following:

$$E = \sum_{i=1}^n \left( \left( \frac{W_i * C_i}{2000} \right) * (1 - R) \right)$$

Where

E = calculated VOC emissions, tons per month

W<sub>i</sub> = The pounds of an individual lot of beads processed in the month

C<sub>i</sub> = The weight fraction initial VOC content of the beads for an individual lot

R = The weight fraction of initial VOC content of the beads retained in the finished product, which equals 0.32, unless otherwise determined by DEQ approved retention testing results; and

n = the number of individual lot of beads processed in the month.

These records shall be available on site for inspection by the DEQ, and shall be current for the most recent five years.

(9 VAC 5-80-110 and Condition 9 of the 06/09/2006 minor NSR Permit and paragraph E.5 of the RACT Consent Agreement, dated August 10, 1998)

#### C. Testing

8. **Testing** – If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.

(9 VAC 5-80-110)

#### D. Reporting

9. **Reporting** – In addition to reporting requirements in Condition 21 of this permit, the permittee shall submit calendar quarterly VOC emission data reports to the DEQ-NRO within 30 days after the end of each calendar quarter. The quarterly reports are to provide the following information:

- a. Dates included in the calendar quarter period,
- b. For each calendar week in the reporting quarter, the weekly calculated weighted average initial VOC content (in percent, %) of the EPS beads and the quantity (in pounds) of the EPS beads processed that week. For the purposes of this reporting requirement, and elsewhere as applicable, a calendar week is in a reporting quarter, if four (4) or more days of the calendar week are in a calendar month of the reporting quarter,

- c. For each calendar month in the reporting quarter, the monthly and rolling twelve month amount (in tons) of EPS beads processed (P1).
  - d. For each calendar month in the reporting quarter, the monthly and rolling twelve month amount (in gallons) of adhesive consumed by the laminator (L1), and
  - e. For each calendar month in the reporting quarter, the monthly and rolling twelve month calculated VOC emissions (in tons) from the quantity of EPS beads processed (P1) and adhesive consumed (L1).
- (9 VAC 5-80-110 and Condition 10 of the 06/09/2006 minor NSR Permit and Paragraph E.6 of the RACT Consent Agreement dated August 10, 1998)

**E. 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)
B1	Natural gas-fired boiler	9 VAC 5-80-720 C.2.a	--	9.0 MMBtu/hr
B2	Natural gas-fired boiler	9 VAC 5-80-720 C.2.a	--	6.0 MMBtu/hr
S1	Four (4) space heaters	9 VAC 5-80-720 A.4	--	--

These emissions 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 on these emission units in accordance with 9 VAC 5-80-110. (9 VAC 5-80-110)

**F. Permit Shield and Inapplicable Requirements**

10. **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
No specific requirement has been identified in the permit application as "not applicable" that otherwise might be considered applicable.	--	--

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 applicability 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 5-80-110)

#### **G. General Conditions**

11. **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)
12. **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 5-80-110D, and 9 VAC 5-80-170B)
13. **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 5-80-110D, and 9 VAC 5-80-170 B)
14. **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 5-80-110D, and 9 VAC 5-80-170 B)
15. **General Conditions – Permit Expiration** – No source shall operate after the time that 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 or 9 VAC 5 Chapter 80.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110D, and 9 VAC 5-80-170 B)
16. **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 5-80-110D, and 9 VAC 5-80-170 B)

17. **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 to 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)

18. **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 measurement;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analysis;
- 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 5-80-110F)

19. **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)

20. **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. The 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 the purpose of this permit, deviations include , but are not limited to:
  - 1) Exceedance of emissions limitations or operational restrictions;
  - 2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates as exceedance or emissions limitation or operational restriction; or

- 3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

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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)

**21. 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 the 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 for 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 an 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)

**22. General Conditions – Permit Deviation Reporting -** The permittee shall notify the Director, Northern Regional Office within four daytime business hours after discovery of any deviations from the 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 fourteen (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 20 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

23. **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, Northern Regional Office by facsimile transmission, telegraph, or telephone of such failure or malfunction and shall within fourteen (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, Northern Regional Office.  
(9 VAC 5-20-180 C)
24. **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)
25. **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)
26. **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 the permit.  
(9 VAC 5-80-110 G.3)
27. **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).
28. **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, or 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)

**29. 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)

**30. 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<sup>th</sup> 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)

**31. 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. 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;
- b. 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;
- c. 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;
- d. 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
- e. 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 and 9 VAC 5-50-90)

**32. General Conditions – Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution

control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

33. **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 scenarios in which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each 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)

34. **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 facility, 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)

35. **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 eighteen (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 have been extended pursuant to 9 VAC 5-80-80 F. The conditions for reopening a permit are as follows:

- a. A 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 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)

36. **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)
37. **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)
38. **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 thirty (30) days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)
39. **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 thirty (30) days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)
40. **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 42 are met.  
(9 VAC 5-80-250)
41. **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.
  - 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 exceed 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 action taken. The notification may be delivered by electronic mail, Facsimile, 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)

42. **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)
43. **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)
44. **General Condition – 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, or any applicable requirements, or the 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)
45. **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 the draft permit.  
(9 VAC 5-80-80-E)
46. **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, Subpart A to F.  
(40 CFR Part 82, Subpart A-F)
47. **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)

**48. Process Equipment Requirements – (emission unit ID#) – Testing** – If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.

(9 VAC 5-80-110)

**49. General Conditions – Permit Deviation Reporting** - The permittee shall notify the Director, Northern Regional Office within four daytime business hours after discovery of any deviations from the 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 fourteen (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. [Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required 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.] The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 20 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

**50. 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, Northern Regional Office by facsimile transmission, telegraph, or telephone of such failure or malfunction and shall within fourteen (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, Northern Regional Office.

(9 VAC 5-20-180 C)

**51. 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 VAV 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)

**52. 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 scenarios in which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each 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)

**53. 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 facility, 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)

**54. 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 eighteen (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 have been extended pursuant to 9 VAC 5-80-80 F. The conditions for reopening a permit are as follows:

- a. A 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 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)

**55. 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)

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