



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

4949-A Cox Road, Glen Allen, Virginia 23060

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www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Michael P. Murphy
Regional Director

July 21, 2015

Mr. Eric Troen
Environmental Specialist
Industrial Power Generating Company, LLC
2250 Dabney Road
Richmond, Virginia 23230

Location: Goochland County
Registration No. 51201

Dear Mr. Troen:

Attached is a renewal Title V permit to operate your facility pursuant to 9 VAC 5 Chapter 80 of the Virginia Regulations for the Control and Abatement of Air Pollution

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 May 12, 2015 and solicited written public comments by placing a newspaper advertisement in the Goochland Gazette on June 18, 2015. The thirty day comment period (provided for in 9 VAC 5-80-270) expired on July 20, 2015. Comments were received from EPA prior to the end of the comment period

This approval to operate does not relieve Industrial Power Generating Company, LLC 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.

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:

Mr. 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 the regional office at (804) 527-5020

Sincerely,



James E. Kyle, P.E.
Regional Permit Manager

JEK/JH/51201-10-14 TV permit
Attachments: 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



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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: Industrial Power Generating Company, LLC
Facility Name: Ingenco- Rockville Plant
Facility Location: 2369 Lanier Road,
Rockville, VA

Registration Number: 51201
Permit Number: PRO51201

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Pages 5 through 22)
State Only Enforceable Requirements (Page 22)

July 21, 2015

Effective Date

July 20, 2020

Expiration Date



Deputy Regional Director

July 21, 2015

Signature Date

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Facility Information

Permittee

Industrial Power Generating Company, LLC
2250 Dabney Rd.
Richmond, VA 23230

Responsible Official

Ms Leann Plagens
Vice President & EH&S Regulatory Compliance

Facility

Ingenco- Rockville Plant
2369 Lanier Road
Rockville, VA 23146

Contact Person

Mr. Eric Troen
Environmental Compliance Manager
Phone. (804) 521-3507

County-Plant Identification Number: 51-075-0030

Facility Description: NAICS 221119 - The facility is a 14 MW power generation facility. The facility consists of 40 engines that are equipped with generators each rated at 3.2 MMBtu/hr heat input and 350 kW, respectively. The engines are permitted to use distillate fuel oil, biodiesel and No. 4 fuel oil. The facility is located in an attainment area for all pollutants. The facility is a major source for NO_x emissions. The source's permitted emissions for all pollutants are below PSD applicability levels.

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
*E1-E16	S-1	350 kW, 475 hp Generators (16 in Group R-1)	Each engine is rated at 3.2 MMBtu/hour input, Detroit Diesel Model 6063-GK 60	NA- air-to-fuel ratio control, turbo-charging, custom built after coolers and charge-air cooling systems in use on engines	-	NO _x , CO, SO _x , VOCs, PM, PM 10, PCBs.	12/4/2013
	S-2						
	S-3						
	S-4						
E17-E40	S-5	350 kW, 475 hp Generators (24 in Group R-2)	Each engine is rated at 3.2 MMBtu/hour input, Detroit Diesel Model 6063-GK 60.	NA- air-to-fuel ratio control, turbo-charging, custom built after coolers and charge-air cooling systems in use on engines	-	NO _x , CO, SO _x , VOCs, PM, PM 10, PCBs.	12/4/2013
	S-6						
	S-7						
	S-8						
B1	B1	Oil-Fired Utility Boiler	0.2 MMBtu/hour	NA	-	NO _x , CO, SO _x , VOCs, PM, PM 10	NA

*The Size/Rated capacity and PCD efficiency are provided for informational purposes only, and are not applicable requirements

Fuel Burning Equipment Requirements – (Emission Units E1-E40 and B-1)

- 1 **Fuel Burning Equipment Requirements – Limitations** - Nitrogen Dioxide emissions from the forty Detroit Diesel Model 6063-GK 60 internal combustion engines (E1-40) shall be controlled by custom-built dry after-coolers and good combustion practices. The forty Detroit Diesel Model 6063-GK 60 internal combustion engines shall be provided with adequate access for inspection (9 VAC 5-80-110 and Condition No. 3 of the minor NSR permit dated 12/4/2013)
- 2 **Fuel Burning Equipment Requirements – Limitations** - Nitrogen Oxide emissions from the 40 diesel engines (E1-E40) shall also be controlled by supplementary inlet charge-air water-to-air cooling and oversized inlet charge and exhaust ducts. Any change in the location of the temperature indicator may require a permit to modify and operate. Water shall be provided continuously to each engine inlet charge-air cooler and each engine shall have independent temperature measurement capabilities. The inlet charge-air cooler shall be provided with adequate access for inspection and shall be in operation when the 40 diesel engines (E1-E40) are operating. (9 VAC 5-80-110 and Condition No. 4 of the minor NSR permit dated 12/4/2013)
- 3 **Fuel Burning Equipment Requirements – Limitations** - Sulfur Dioxide emissions from the forty Detroit Diesel Model 6063-GK 60 internal combustion engines (E1-40) shall be controlled by the use of low-sulfur fuel (9 VAC 5-80-110 and Condition No. 6 of the minor NSR permit dated 12/4/2013)
- 4 **Fuel Burning Equipment Requirements – Limitations** - Carbon Monoxide, particulate matter and volatile organic compound emissions from the forty Detroit Diesel Model 6063-GK 60 internal combustion engines (E1-40) shall be controlled by proper engine maintenance practices. Any change to the combustion control processes associated with the forty Detroit Diesel Model 6063-GK 60 internal combustion engines may require a permit to modify and operate (9 VAC 5-80-110 and Condition No. 7 of the minor NSR permit dated 12/4/2013)
- 5 **Fuel Burning Equipment Requirements – Limitations** - The charge air temperature measured at the inlet to the forty Detroit Diesel Model 6063-GK 60 internal combustion engines (E1-40) shall not exceed an hourly average of 150 °F (9 VAC 5-80-110 and Condition No. 5 of the minor NSR permit dated 12/4/2013)
- 6 **Fuel Burning Equipment Requirements – Limitations** - The R1 group (E1-16) and R2 group (E17-40) Detroit Diesel Model 6063-GK 60 internal combustion engine stacks shall be a minimum of 40 feet and 26 feet above ground level, respectively. The stacks shall not be lowered for any reason without prior written approval of the Director, Piedmont Region (9 VAC 5-80-110, and Condition No. 2 of the minor NSR permit dated 12/4/2013)
7. **Fuel Burning Equipment Requirements – Limitations** – Particulate Matter and Volatile Organic Compounds emissions from the 40 diesel engines (E1-E40) shall be controlled by proper engine maintenance practices. The engines shall be repaired and maintained to prevent excess emissions of particulate matter (in the form of PM and PM-10) and Volatile Organic Compounds (9 VAC 5-80-110, and Condition No. 8 of the minor NSR permit dated 12/4/2013)
- 8 **Fuel Burning Equipment Requirements – Limitations** - The approved fuels for the engines (E1-40) are Numbers 1 and 2 distillate fuel oil, biodiesel, and Number 4 fuel oil. A change in the fuel may require a permit to modify and operate. (9 VAC 5-80-110 and Condition No. 13 of the minor NSR permit dated 12/4/2013)
9. **Fuel Burning Equipment Requirements – Limitations** - The fuel shall meet the specifications below

DISTILLATE OIL which meets the ASTM D396 specifications for numbers 1 or 2 fuel oil
 Maximum sulfur content per shipment: 0.5%
 Heat content 137,000 BTU/gallon*

BIODIESEL OILS which meets the ASTM D6751 specifications
 Maximum sulfur content per shipment 0.5%
 Nominal Heat content 131,000 BTU/gallon

RESIDUAL OIL which meets the ASTM D396 specifications for number 4 fuel oil
 Maximum sulfur content per shipment: 0.5%
 Heat content 144,000 BTU/gallon*
 Combined monthly average sulfur content 0.2% or less for all liquid fuels shall be calculated monthly

*The heat content of each fuel listed shall be used to calculate the facility's emissions as defined by the emission factors and limits found in Conditions 10, 12, and 13 (9 VAC 5-80-110 and Condition No. 15 of the minor NSR permit dated 12/4/2013)

- 10 **Fuel Burning Equipment Requirements – Limitations** - The Total Heat Input (HI_{TOTAL}) to the forty Detroit Diesel Model 6063-GK 60 internal combustion engines (E1-40) shall not exceed 208,696 MMBtu/yr, calculated monthly as the sum of each consecutive 12-month period

The Total Heat Input (HI_{TOTAL}) to the forty Detroit Diesel Model 6063-GK 60 internal combustion engines (E1-40) shall be calculated on a monthly basis using the following equation

$$HI_{TOTAL} (MMBtu) = \frac{(Gal_{MODEF} \times HV_{MODEF}) + (Gal_{No2} \times HV_{No2}) + (Gal_{No4} \times HV_{No4})}{1,000,000 \text{ Btu/MMBtu}}$$

Where Gal_x is the monthly throughput in gallons for fuel type X and HV_x is the Heating Value for that fuel type found in Condition 9

Emissions from the operation of the forty Detroit Diesel Model 6063-GK 60 internal combustion engines (E1-40) shall be calculated using the formulas below:

For PM/PM10, NOx, CO and VOC -

$$\text{Pollutant Emissions (tons/yr)} = \frac{HI_{TOTAL} (MMBtu/yr) \times \text{Pollutant Emission Factor (lbs/MMBtu)}}{2000 \text{ lbs/ton}}$$

Where HI_{TOTAL} is calculated and the Emission Factor is taken from Condition 12.

For SO2 -

$$\text{SO}_2 \text{ Emissions (tons/yr)} = \frac{1.01 \text{ lbs/MMBtu} \times \% \text{ Sulfur in fuel} \times HI_{TOTAL}}{2000 \text{ lbs/ton}}$$

Where HI_{TOTAL} is calculated according to Total Heat Input and the % sulfur in the fuel is the average annual value as derived from fuel certification forms.
 (9 VAC 5-80-110 and Condition No. 14 of the minor NSR permit dated 12/4/2013)

- 11 **Fuel Burning Equipment Requirements – Limitations** - The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil, biodiesel and Number 4 fuel oil. Each fuel supplier certification shall include the following

- a The name of the fuel supplier,
- b The date on which the oil was received,
- c The volume of oil delivered in the shipment,
- d A statement that the distillate oil complies with the American Society for Testing and Materials specifications ASTM D396 for numbers 1 or 2 fuel oil and number 4; a statement that the biodiesel complies with the American Society for Testing and Materials specifications ASTM D6751;
- e The heat value (in Btu/gal) of the biodiesel fuel oil, and
- f The sulfur content of the oil

Fuel sampling and analysis, independent of that used for certification, as may be periodically required or conducted by DEQ may be used to determine compliance with the fuel specifications stipulated in Condition 9. Exceedance of these specifications may be considered credible evidence of the exceedance of emission limits.
(9 VAC 5-80-110 and Condition No. 16 of the minor NSR permit dated 12/4/2013)

- 12 **Fuel Burning Equipment Requirements – Limitations** - Emissions from the operation of any of the 40 diesel engines (E1-E40) when the facility is operated shall not exceed the limits specified below

Particulate Matter	0.1	lb/MMBtu
PM-10	0.1	lb/MMBtu
PM-2.5	0.1	lb/MMBtu
Sulfur Dioxide	0.5	lb/MMBtu
Nitrogen Dioxide	2.3	lb/MMBtu
Carbon Monoxide	0.25	lb/MMBtu
Volatile Organic Compounds	0.1	lb/MMBtu

Compliance with the lb/MMBtu limits for PM, PM-10, NO_x, CO and VOC shall be determined by stack testing. All other 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 emission limits. Compliance with these emission limits may be determined as stated in Condition numbers 1 through 5, 7, 9 and 10.
(9 VAC 5-80-110 and Condition No. 17 of the minor NSR permit dated 12/4/2013)

13. **Fuel Burning Equipment Requirements – Limitations** - Visible emissions from the forty Detroit Diesel Model 6063-GK 60 internal combustion engines (E1-40) stacks shall not exceed 10.0% opacity as determined by EPA Method 9 (reference 40 CFR Part 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction
(9 VAC 5-80-110 and Condition No. 19 of the minor NSR permit dated 12/4/2013)

- 14 **Fuel Burning Equipment - Federal Requirements** – The 40 diesel engines (E1-E40) are subject to MACT ZZZZ -National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The requirements are as follows:

Citation	Requirement
40CFR63 6603	Emission limitations, operating limitations, and other requirements
40CFR63.6604(a)	Fuel requirements as applicable
40CFR63 6612, 63 6620, and Tables 3 and 4	Testing and initial compliance
40CFR63.6605 and 63 6640	Continuous compliance requirements
40CFR63 6645	Notifications requirements
40CFR63.6650	Reporting requirements
40CFR63 6655 and 63.6660	Recordkeeping requirements

(9 VAC 5-80-110 and 40 CFR 63 Subpart ZZZZ)

- 15 **Fuel Burning Equipment - Federal Requirements** – The utility boiler (B1) is subject to MACT JJJJJJ -National Emissions Standards for Hazardous Air Pollutants for Industrial, Commercial, and Industrial Boiler Area Sources The requirements are as follows

Citation	Requirement
40CFR63 11196	Compliance date
40CFR63 11201	Emission limitations, work practice standards, emission reduction measures, and management practices
40CFR63 11205	General compliance requirements
40CFR63.11210-40CFR63.11214	Initial compliance requirements
40CFR63.11220-40CFR63.11226	Continuous compliance requirements

(9 VAC 5-80-110 and 40 CFR 63 Subpart JJJJJJ)

- 16 **Fuel Burning Equipment Requirements – Monitoring** - The facility shall be equipped with devices to continuously measure and record distillate oil, biodiesel and Number 4 fuel oil consumption by the engines (E1-E40). Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the facility is operating.

(9 VAC 5-80-110 and Condition No 9 of the minor NSR permit dated 12/4/2013)

17. **Fuel Burning Equipment Requirements – Monitoring** -The oxidation catalyst shall be equipped with devices to continuously measure the differential pressure drop across each oxidation catalyst Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the control devices are operating

(9 VAC 5-80-110)

- 18 **Fuel Burning Equipment Requirements – Monitoring** -The oxidation catalyst shall be equipped with devices to continuously measure and record the inlet temperature to the catalyst bed at a minimum frequency of once every fifteen minutes during the operation of each engine group. The information shall be correlated to run date, engine load/kilowatt output, and engine operating hours. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the oxidation catalysts are operating
(9 VAC 5-80-110)
- 19 **Fuel Burning Equipment Requirements – Monitoring** - Each of the 40 diesel engines (E1-E40) shall be equipped with a device to continuously measure engine inlet charge-air temperature. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the 40 diesel engines are operating
(9 VAC 5-80-110 and Condition No. 10 of the minor NSR permit dated 12/4/2013)
- 20 **Fuel Burning Equipment Requirements – Monitoring** – The monitoring devices used to measure distillate oil, biodiesel and Number 4 fuel oil consumption shall be observed by the permittee after each period of continuous operation when using any form of liquid fuel and then again once the engines have ceased operation. The permittee shall keep a daily log of the observations from each of the monitoring devices, to include each set of readings that define each period of operations
(9 VAC 5-80-110 and Condition No. 11 of the minor NSR permit dated 12/4/2013)
21. **Fuel Burning Equipment Requirements – Monitoring** – The monitoring devices used to measure the catalysts shall be observed by the permittee with a frequency of not less than once per shift. The permittee shall keep a log of the observations including the time the observation was recorded, or continuously record measurements from each of the control monitoring devices
(9 VAC 5-80-110)
- 22 **Fuel Burning Equipment Requirements – Monitoring** - The monitoring devices used to measure inlet charge-air temperature shall be observed by the permittee with a frequency of not less than hourly whenever the engines are operating. The permittee shall keep a log of the temperature observations from the monitoring devices including the time the observation was recorded.
(9 VAC 5-80-110 and Condition No. 12 of the minor NSR permit dated 12/4/2013)
- 23 **Fuel Burning Equipment Requirements – Monitoring** - Once per month, the facility shall conduct an observation of the presence of visible emissions from the operating 40 internal combustion engines. If visible emissions are observed, the facility shall take timely corrective action such that the units resume operation with no visible emissions, or perform a visible emissions evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from any of the 40 internal combustion engines does not exceed 10% opacity whenever the engines are operated in a single fuel mode, except during one six-minute period in any one hour in which visible emissions shall not exceed 20% opacity and visible emissions from the 40 dual-fuel diesel engines stacks (S1-S8) shall not exceed 20% opacity whenever the engines are operated in a dual fuel mode except during one six-minute period in any one hour in which visible emissions shall not exceed 30.0% opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observation exceeds 10% opacity, the VEE shall be conducted for sixty minutes. If compliance is not demonstrated by the VEE, timely corrective action shall be taken such that the operating engines resumes operation that is in compliance with the opacity limit. The facility shall maintain an observation log to demonstrate compliance. The log shall include the date and time of the observation, single or dual fuel operations, whether or not there were visible emissions, any VEE recordings and necessary corrective actions. Upon request by the DEQ, the facility shall conduct

additional visible emission evaluations from the 40 internal combustion engines to demonstrate compliance with the visible emission limits contained in this permit. The details of the tests shall be arranged with the Director, Piedmont Region.
(9 VAC 5-80-110)

24. **Fuel Burning Equipment Requirements – 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 Director, Piedmont Region. These records shall include, but are not limited to

- a. Annual and monthly throughput of distillate oil, biodiesel and Number 4 fuel oil in MMBtu and gallons for each mode of operation, calculated monthly as the sum of each consecutive 12-month period;
- b. Daily records of fuel consumption for every period of operation to verify compliance with Condition numbers 3, 9 and 10,
- c. Hourly records of engine inlet charge-air temperature readings to verify compliance with Condition 5
- d. All one hour periods of operation during which the charge-air temperature as described in Condition 5 exceeds the average charge-air temperature limit of 150°F, calculated each month,
- e. Monthly and annual emission (in tons) using calculation methods approved by the Piedmont Regional Office to verify compliance with emission limitations in Condition numbers 12 and 33. Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period,
- f. Log of observations or records of measurements from the pressure drop monitoring device on each catalysts
- g. Operation and control device monitoring records for each engine group equipped with an oxidation catalyst (Ref Nos E1-E40). This includes records of the catalyst bed temperatures
- h. Results of all stack tests, visible emissions evaluations, monthly visible emission evaluations, log and performance evaluations;
- i. All fuel supplier certifications,
- j. Monthly calculations of average sulfur content of all liquid fuels combined, including fuel sampling results;
- k. Scheduled and unscheduled maintenance on the engines;
- l. Operating procedures and operator training records for the engines;

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 and Condition No. 20 of the minor NSR permit dated 12/4/2013)

25. **Fuel Burning Equipment Requirements – Testing**- An initial performance test shall be conducted for Nitrogen Dioxide and Carbon Monoxide from the forty Detroit Diesel Model 6063-GK 60 internal combustion engines (E1-40) within 60 days of the Piedmont Regional Office receiving notice of the combustion of #4 residual oil and/or Biodiesel to determine compliance with the emission limits contained in Conditions 12, 13, and 33. The test shall be performed while operating using 100%

residual oil and/or Biodiesel. The test shall be performed at no less than 90% of the rated capacity of the electrical output, on a minimum of one set of four engines. The test shall be performed, and demonstrate compliance within 60 days after achieving the maximum production rate at which the facility will be operated but in no event later than 180 days after start-up of the permitted facility. The test 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 test are to be arranged with the Director, Piedmont Region. 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 Director, Piedmont Region within 60 days after test completion and shall conform to the test report format enclosed with this permit.
(VAC 5-80-110 and Condition No. 21 of the minor NSR permit dated 12/4/2013)

26. **Fuel Burning Equipment Requirements – Testing-** Concurrently with the initial performance tests, Visible Emission Evaluations (VEE) in accordance with 40 CFR Part 60, Appendix A, Method 9, shall also be conducted. Each test shall consist of 30 sets of 24 consecutive observations (at 15 second intervals) to yield a six minute average. The details of the tests are to be arranged with the Director, Piedmont Region. The permittee shall submit a test protocol at least 30 days prior to testing. The evaluation shall be performed within 60 days after achieving the maximum production rate at which the facility will be operated but in no event later than 180 days after start-up of the permitted facility. Should conditions prevent concurrent opacity observations, the Piedmont Regional Office shall be notified in writing, within seven days, and visible emissions testing shall be rescheduled within 30 days. Rescheduled testing shall be conducted under the same conditions (as possible) as the initial performance tests. One copy of the test results shall be submitted to the Director, Piedmont Region within 60 days of start-up and shall conform to the test report format enclosed with this permit.
(VAC 5-80-110 and Condition No. 22 of the minor NSR permit dated 12/4/2013)
27. **Facility Wide Conditions – Testing-** Upon request by the DEQ, the permittee shall conduct additional performance tests for Nitrogen Dioxide from the forty Detroit Diesel Model 6063-GK 60 internal combustion engines (E1-40) to demonstrate compliance with the emission limits contained in this permit. The details of the tests shall be arranged with the Director, Piedmont Region.
(9 VAC 5-80-110 and Condition No. 23 of the minor NSR permit dated 12/4/2013)
28. **Fuel Burning Equipment Requirements – Testing-** Upon request by the DEQ, the permittee shall conduct additional visible emission evaluations from the forty Detroit Diesel Model 6063-GK 60 internal combustion engines (E1-40) to demonstrate compliance with the visible emission limits contained in this permit. The details of the tests shall be arranged with the Director, Piedmont Region.
(9 VAC 5-80-110 and Condition No. 24 of the minor NSR permit dated 12/4/2013)
29. **Fuel Burning Equipment Requirements – Testing-** The performance tests required in this permit, shall at a minimum be conducted once every five years on all eight stacks and before the operating permit renewal application for NOx and CO, starting from the completion date of the testing as required in Condition 25. Each testing cycle shall evaluate the performance of a different set of four engines (stack) to ensure the accuracy of the equations in Condition 10 (#4 residual oil and/or Biodiesel). The test shall be performed at no less than 90% of the rated capacity of the electrical output on a minimum of one set of four engines. The 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 Director, Piedmont Region. The facility shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the Director, Piedmont Region within 60 days after test completion and shall conform to the test report format enclosed with this permit
(9 VAC 5-80-110)

- 30 **Fuel Burning Equipment Requirements – 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)
- 31 **Fuel Burning Equipment Requirements – Reporting** - The permittee shall furnish written notification to the Director, Piedmont Region of the actual date on which modification of the Detroit Diesel Model 6063-GK 60 internal combustion engines (E1-E40) commenced within 30 days after such date
(9 VAC 5-80-110 and Condition No. 26 of the minor NSR permit dated 12/4/2013)
- 32 **Fuel Burning Equipment Requirements – Reporting** – The permittee shall furnish notification to the Director, Piedmont Region of the date of removal or cessation of operation of the control equipment 30 days prior to such date.
(9 VAC 5-80-110 and Condition No. 27 of the minor NSR permit dated 12/4/2013)

Facility Wide Conditions

- 33. **Facility Wide Conditions – Limitations** - Total emissions from the facility shall not exceed the limits specified below, calculated monthly as the sum of each consecutive 12 month period

Particulate Matter	13.0	lbs/hr	11.0	tons/yr
PM-10	13.0	lbs/hr	11.0	tons/yr
PM-2.5	13.0	lbs/hr	11.0	tons/yr
Sulfur Dioxide	65.0	lbs/hr	22.0	tons/yr
Nitrogen Dioxide	295.0	lbs/hr	240.0	tons/yr
Carbon Monoxide	32.0	lbs/hr	27.0	tons/yr
Volatile Organic Compounds	13.0	lbs/hr	11.0	tons/yr
Polychlorinated biphenyls (Aroclors)	0.4	lbs/hr	0.3	tons/yr
Lead	0.2	lbs/hr	0.2	tons/yr

Compliance with the lb/hr limits may be determined by additional stack testing or other appropriate means upon request of the Department. All other emissions 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 emission limits. Compliance with these emission limits may be determined as stated in Condition numbers 1 through 5, 7, 9 and 10.
(9 VAC 5-80-110 and Condition No. 18 of the minor NSR permit dated 12/4/2013)

- 34 **Facility Wide Conditions – Testing-** The permitted facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. This includes constructing the facility such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and providing stack or duct that is free from cyclonic flow. Test ports shall be provided when requested at the appropriate locations
(9 VAC 5-80-110 and Condition No. 25 of the minor NSR permit dated 12/4/2013)

Insignificant Emission Units

- 35 **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 (5-80-720 B)	Rated Capacity (5-80-720 C)
Area 1 T-1	Fuel oil storage tank	5-80-720 B	VOC	15,000 Gallon
T-2	Fuel oil storage tank	5-80-720 B	VOC	15,000 Gallon
T-3	Fuel oil storage tank	5-80-720 B	VOC	10,000 Gallon
T-4	Fuel oil storage tank	5-80-720 B.	VOC	20,700 Gallon
T-5	Lubricating Oil	5-80-720 B	VOC	500 Gallon
T-6	Used Lubricating Oil	5-80-720 B	VOC	500 Gallon
R-1	Heating Oil	5-80-720 B	VOC	275 Gallon
Area 2 R-2	Heating Oil	5-80-720 B.	VOC	275 Gallon
T-5	Fuel oil storage tank	5-80-720 B	VOC	31,000 Gallon
T-6	Fuel oil storage tank	5-80-720 B	VOC	31,000 Gallon
T-10	Fuel oil storage tank	5-80-720 B	VOC	10,000 Gallon
T-11	Fuel oil storage tank	5-80-720 B	VOC	13,500 Gallon
T-20	Fuel oil storage tank	5-80-720 B.	VOC	20,000 Gallon
T-21	Fuel oil storage tank	5-80-720 B	VOC	20,000 Gallon
T-30	Fuel oil storage tank	5-80-720 B.	VOC	20,700 Gallon
T-31	Fuel oil storage tank	5-80-720 B.	VOC	20,700 Gallon
T-32	Fuel oil storage tank	5-80-720 B.	VOC	20,700 Gallon
T-33	Fuel oil storage tank	5-80-720 B.	VOC	20,700 Gallon
T-34	Fuel oil storage tank	5-80-720 B	VOC	20,700 Gallon
T-35	Fuel oil storage tank	5-80-720 B	VOC	20,700 Gallon

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

Permit Shield & Inapplicable Requirements

36 **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
9 VAC5-40-880 through 9 VAC 5-40-1050	Emission Standards for Fuel Burning Equipment (Rule 4-8)	Rule 4-8 does not apply to stationary internal combustion engines as stated in 9 VAC 5-40-880 E
9 VAC 5-40-5200 through 9 VAC 5-40-5340	Petroleum Liquid Storage & Transfer Operations (Rule 4-37)	This regulation does not apply because the tanks are storing petroleum liquids with a vapor pressure of <1.5 psi
40 CFR Part 60 Subpart IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	The CI RICEs were constructed before the applicability date of July 11, 2005, and have not been modified
40 CFR Part 60 Subpart Kb	Standards of Performance for VOC Storage Vessels including Petroleum Liquid Storage Vessels (After July 23, 1984)	This Subpart does not apply because it no longer contains the recordkeeping requirements.
40 CFR Part 64	Compliance Assurance Monitoring	The CI RICEs do not have add-on pollution control devices
MACT Subpart A - 40 CFR Part 63 6(d), 63 6(e), 63 6(h), 63.7(e)(1), 63 8(a)(4), 63 8(c)(5), 63.9(d), 63 10(b)(2)(i)-(v), 63 10(d)(3), 63 1(e)(2)(ii), 63.10(e)(4), and 63 11	General Provisions	Facility is exempted by complying with MACT Subpart ZZZZ requirements

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
 (9 VAC 5-80-140)

General Conditions

- 37 **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)

- 38 **General Conditions - Permit Expiration** - This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance Unless the owner submits a

timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration (9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

- 39 **General Conditions - Permit Expiration** - The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration (9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
- 40 **General Conditions - Permit Expiration** - If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150 (9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
- 41 **General Conditions - Permit Expiration** - No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80 (9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
- 42 **General Conditions - Permit Expiration** - If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied (9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
- 43 **General Conditions - Permit Expiration** - The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application (9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
- 44 **General Conditions - Recordkeeping and Reporting** - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
- a. The date, place as defined in the permit, and time of sampling or measurements,
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;
 - e. The results of such analyses, and
 - f. The operating conditions existing at the time of sampling or measurement. (9 VAC 5-80-110 F)
- 45 **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)

- 46 **General Conditions - Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include.
- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; and
 - 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)
- 47 **General Conditions - Annual Compliance Certification** - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include.
- a. The time period included in the certification. The time period to be addressed is January 1 to December 31;
 - b. The identification of each term or condition of the permit that is the basis of the certification,
 - c. The compliance status,
 - d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
 - e. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period,

- f Such other facts as the permit may require to determine the compliance status of the source, and
- g One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address

R3_APD_Permits@epa.gov
(9 VAC 5-80-110 K 5)

- 48 **General Conditions - Permit Deviation Reporting** - The permittee shall notify the Director, Piedmont Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 46 of this permit.
(9 VAC 5-80-110 F 2 and 9 VAC 5-80-250)
- 49 **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, Piedmont 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, Piedmont Regional Office.
(9 VAC 5-20-180 C)
- 50 **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)
- 51 **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)
- 52 **General Conditions – Need to Halt or Reduce Activity not a Defense** - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)
- 53 **General Conditions – Permit Modification** - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit.

modification and/or revisions except as may be authorized in any approved alternative operating scenarios
(9 VAC 5-80-190 and 9 VAC 5-80-260)

54. **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)
55. **General Conditions – Duty to Submit Information** - The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality
(9 VAC 5-80-110 G 6)
56. **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)
57. **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 in addition to an annual permit maintenance fee consistent with the requirements of 9 VAC 5-80-2310 through 9 VAC 5-80-2350. 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. The amount of the annual permit maintenance fee shall be the largest applicable base permit maintenance fee amount from Table 8-11A in 9 VAC 5-80-2340, adjusted annually by the change in the Consumer Price Index
(9 VAC 5-80-110 H, 9 VAC 5-80-340 C, and 9 VAC 5-80-2340 B)
58. **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)
- 59 **General Conditions – Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)
- 60 **General Conditions – Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.
(9 VAC 5-80-110 J)
- 61 **General Conditions – Inspection and Entry Requirements** - The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following
- a Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit
 - b Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
 - c Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
 - d Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements
(9 VAC 5-80-110 K.2)
- 62 **General Conditions – Reopening For Cause** - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F. The conditions for reopening a permit are as follows
- a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit
 - b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements

- c The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D
(9 VAC 5-80-110 L)
- 63 **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)
- 64 **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)
- 65 **General Conditions – Transfer of Permits** - In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200
(9 VAC 5-80-160)
- 66 **General Conditions – Transfer of Permits** - In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200
(9 VAC 5-80-160)
- 67 **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 stated in Condition 68 are met
(9 VAC 5-80-250)
- 68 **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 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
(9 VAC 5-80-250)

69. **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)
70. **General Conditions – Malfunction as an Affirmative Defense** - The provisions of Conditions 67-69 are in addition to any malfunction, emergency or upset provision contained in any applicable requirement. (9 VAC 5-80-250)
71. **General Conditions – Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations. (9 VAC 5-80-190 C and 9 VAC 5-80-260)
72. **General Conditions – Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit (9 VAC 5-80-80 E)
73. **General Conditions – Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F (40 CFR Part 82, Subparts A-F)
74. **General Conditions - Asbestos Requirements** - The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150) (9 VAC 5-60-70 and 9 VAC 5-80-110 A 1)
75. **General Conditions - Accidental Release Prevention** - If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68. (40 CFR Part 68)
76. **General Conditions - Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit. (9 VAC 5-80-110 I)
77. **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.

- 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)

State-Only Enforceable Requirements

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

9 VAC 5 Chapter 50, Part II, Article 2 Standards of Performance for Odorous Emissions

(9 VAC 5-80-110 N and 9 VAC 5-80-300)