



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Douglas W. Domenech
Secretary of Natural Resources

PIEDMONT REGIONAL OFFICE
4949A Cox Road, Glen Allen, Virginia 23060
(804) 527-5020 Fax (804) 527-5106
www.deq.virginia.gov

David K. Paylor
Director

Michael P. Murphy
Regional Director

February 12, 2013

Mr. Casey Murray
Vice President of Operations
Hawkeye Manufacturing, Inc.
1500 Commerce Rd.
Richmond, VA 23224

Location: Richmond City
Registration No.: 52158

Dear Mr. Murray:

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 incorporates provisions from the permit dated December 1, 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 March 2, 2012 and solicited written public comments by placing a newspaper advertisement in the Style Weekly on December 19, 2012. The thirty day comment period (provided for in 9 VAC 5-80-270) expired on January 22, 2013. The concurrent EPA review ended on February 6, 2013 with no comments having been received in this office.

This approval to operate does not relieve Hawkeye Manufacturing, 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.

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/52158-3-12 TVpermit

Attachments: Permit

NESHAP, Subpart WWWW: <http://ecfr.gpoaccess.gov/>

(Directions: select Title 40, click on 63.1440-63.6175, open the Table of Contents and select Subpart WWWW)

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: Hawkeye Manufacturing, Inc.
Facility Name: Hawkeye Manufacturing, Inc.
Facility Location: 1500 Commerce Road
Richmond, VA 23224

Registration Number: 52158
Permit Number: PRO52158

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Pages 3 through 20)

February 12, 2013
Effective Date

February 11, 2018
Expiration Date


Deputy Regional Director

February 12, 2013
Signature Date

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Facility Information

Permittee
Hawkeye Manufacturing, Inc.
1500 Commerce Road
Richmond, VA 23224

Responsible Official
Casey Murray
Vice President - Operations

Facility
Hawkeye Manufacturing, Inc.
1500 Commerce Road
Richmond, VA 23224

Contact Person
John Strang or Bill Murphy
Environmental Manager
(804) 231-7727 ext. 22

County-Plant Identification Number: 51-760-00498

Facility Description: NAICS 326191 – Hawkeye Manufacturing, Inc. produces hot tubs. Acrylic sheets are formed into the desired shape using a vacuum process. The underside of the formed acrylic sheet is sprayed with two different resins mixed with fiberglass strand using a non-atomized spray gun and allowed to set. The hot tub shell is sanded, trimmed and drilled for jet installation. The jets and plumbing are then installed. A wooden frame is constructed and the hot tub assembly is mounted on the frame. The pumps and controls are installed. At this point, some models receive a coating of foam insulation. The tub is tested and either repaired or readied for sale.

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
Resin application							
RES1	Res1	Non atomized mechanical application of resin – 1 st coat (2006)	138 lbs/hr	-	-	-	December 1, 2006
RES2	Res2	Non atomized mechanical application of resin – 2 nd coat (2006)	207 lbs/hr	-	-	-	December 1, 2006
Miscellaneous Operations							
CC1	CC1	Transfer of calcium carbonate chips (2006)	137 lbs/hr	Dust collection system	DC1	PM/PM10	December 1, 2006
HS1	HS1	Hand sanding of fiberglass (2006)	-	Dust collection system	DC1	PM/PM10	December 1, 2006
WW1	S1	Woodworking for frame and siding (2006)	-	Dust collection system	DC1	PM/PM10	December 1, 2006

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

Process Equipment Requirements – (RES1, RES2, CC1, HS1 and WW1)

1. **Process Equipment Requirements – (RES1 and RES2) – Limitations - VOC and Organic HAP emissions** from the resin molding shall be controlled by using a non-atomized mechanical resin applicator. A change in applicator type may require a permit to modify and operate.
(9 VAC 5-80-110 and Condition 2 of the December 1, 2006 permit)
2. **Process Equipment Requirements – (HS1, CC1, and WW1) – Limitations –** Particulate matter emissions from the sanding of fiberglass reinforced resin (HS1), handling of calcium carbonate chips (CC1), and woodworking (WW1) shall be controlled by a dust collection system. The dust collection system shall be provided with adequate access for inspection and shall be in operation when the dust-generating processes (HS1, CC1, and WW1) are in operation.
(9 VAC 5-80-110 and Condition 3 of the December 1, 2006 permit)
3. **Process Equipment Requirements – (Dust Collection System) Limitations –** Visible emissions from the dust collection system vent shall not exceed 10 percent opacity
(9 VAC 5-80-110 and Condition 12 of the December 1, 2006 permit)
4. **Process Equipment Requirements – (RES1) – Limitations –** The annual throughput of resin to the first coat in the hot tub manufacturing process shall not exceed 103,500 pounds per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9 VAC 5-80-110, Condition 6 of the December 1, 2006 permit)
5. **Process Equipment Requirements – (RES2) – Limitations –** The annual throughput of resin to the second coat in the hot tub manufacturing process shall not exceed 388,313 pounds per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9 VAC 5-80-110, Condition 7 of the December 1, 2006 permit)
6. **Process Equipment Requirements – (RES1 and RES2) – Limitations -** The equations in Table 1 of MACT Subpart WWWW shall be used to determine the VOC/Organic HAP emission factors used to calculate emissions of VOC/Organic HAPs from each of the resin application processes. A record of the emission factor shall be kept for each type of resin used in the resin application processes.
(9 VAC 5-80-110, 40 CFR 63.5799 and Condition 9 of the December 1, 2006 permit)

7. **Process Equipment Requirements – (RES1 and RES2) – Limitations** - Emissions from the operation of the resin application processes shall not exceed the limits specified below:

Volatile Organic Compounds	7.0 lbs/hr	8.9 tons/yr
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These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Emission Units Table, Conditions 1, 4, 5, and 6. (9 VAC 5-80-110 and Condition 10 of the December 1, 2006 permit)

8. **Process Equipment Requirements – MACT Standard** – The Organic HAP emission factor shall not exceed 88 lbs per ton of resin applied, calculated monthly on a 12-month rolling average. The permittee shall use the following equation to determine the average emission factor:

$$\frac{(\text{RES1} \times \text{EF}_{\text{RES1}}) + (\text{RES2} \times \text{EF}_{\text{RES2}})}{(\text{RES1} + \text{RES2})} < 88 \text{ lb/ton}$$

Where:

RES1 = throughput of resin, in tons, applied in 1st coat in previous 12 months

RES2 = throughput of resin, in tons, applied in 2nd coat in previous 12 months

EF_{RES1} = emission factor from Table 1(1)(c) of MACT WWWW in lb/ton for 1st coat

EF_{RES2} = emission factor from Table 1(1)(c) of MACT WWWW in lb/ton for 2nd coat

(9 VAC 5-80-110, 40 CFR 63.5805(c) and Condition 11 of the December 1, 2006 permit)

9. **Process Equipment Requirements – (Dust Collection System) – Monitoring** – An annual internal inspection shall be conducted on the dust collection system by the permittee to ensure structural integrity. (9 VAC 5-80-110)

10. **Process Equipment Requirements – (RES1 and RES2) – 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 Piedmont Region. These records shall include, but are not limited to:

- a) Annual throughput of resin applied in both the first coat (RES1) and second coat (RES2) to the hot tub manufacturing process, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month

period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.

- b) Monthly and annual emissions of VOC from the resin application processes (RES1 and RES2). The annual emissions shall be calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months

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 13 of the December 1, 2006 permit)

Facility Wide Conditions

11. **Facility Wide Conditions - Limitations** – At all times the disposal of volatile organic compounds shall be accomplished by taking measures, to the extent practicable, consistent with air pollution control practices for minimizing emissions. Volatile organic compounds shall not be intentionally spilled, discarded in sewers which are not connected to a treatment plant, or stored in open containers, or handled in any other manner that would result in evaporation beyond that consistent with air pollution practices for minimizing emissions.
(9 VAC 5-50-20 F, 9 VAC 5-80-110 and Condition 4 of the December 1, 2006 permit)

12. **Facility Wide Conditions - Limitations** – The permittee shall be in compliance with the following MACT Subpart WWW standards:

- a) Use mixer covers with no visible gaps present in the mixer covers, except that gaps of up to 1 inch are permissible around mixer shafts and any required instrumentation.
- b) Close any mixer vents when actual mixing is occurring, except that venting is allowed during addition of materials, or as necessary prior to adding materials or opening the cover for safety.
- c) Keep the mixer covers closed while actual mixing is occurring except when adding materials or changing covers to the mixing vessels.

(9 VAC 5-80-110, 40 CFR 63.5805(c) and Condition 5 of the December 1, 2006 permit)

13. **Facility Wide Conditions - Limitations** – Except where this permit is more restrictive than the applicable requirement, the MACT equipment, RES1 and RES2, shall be operated in compliance with the requirements of 40 CFR 63, Subpart WWWW. (9 VAC 5-80-110 and Condition 8 of the December 1, 2006 permit)
14. **Facility Wide Conditions - 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 Piedmont Region. These records shall include, but are not limited to:
- a) Calculations showing the 12-month rolling average organic HAP emission limit does not exceed the standard in Condition 8.
 - b) Records of emission factors used for each resin formulation.
 - c) Material Safety Data Sheets (MSDS) or other vendor information as approved by DEQ showing VOC and HAP content of each resin, catalyst, solvent and cleaning solution used.
 - d) Scheduled and unscheduled maintenance and operator training.
- These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-80-110 and Condition 13 of December 1, 2006 Permit)
15. **Facility Wide Conditions – Testing** - The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-80-110)
16. **Facility Wide Conditions – 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)
17. **Facility Wide Conditions – Reporting** – The permittee shall submit a notification of compliance status to the Piedmont Regional Office within 31 days after the end of each semi-annual period (July 31 for the January 1 through June 30 period and January 31 for the July 1 through December 31 period). The reports shall include:
- a) Company name and address.
 - b) Statement by a responsible official certifying the truth, accuracy and completeness of the content of the report.
 - c) Date of the report and beginning and ending dates of the reporting period.

- d) If there are no deviations from the organic HAP emission limitation (Condition 8) and there are no deviations from the requirements for work practice standards (Condition 12), a statement that there were no deviations during the reporting period.
- e) If there were deviations from the organic HAP emission limitation or the work practice standard, the compliance report must contain the following:
 - f) The total operating time of each affected source during the reporting period.
 - g) Information on the number, duration, and cause of deviations, as applicable, and the corrective action taken
- h) If you have exceeded the 100 ton per year HAP emissions threshold.

One copy of the semi-annual report shall be submitted to the U.S. Environmental Protection Agency at the address below:

Associate Director
 Office of Air Enforcement (3AP10)
 U.S. Environmental Protection Agency
 Region III
 1650 Arch Street
 Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 and Condition 16 of the December 1, 2006 permit)

Insignificant Emission Units

18. **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	Pollutants Emitted	Rated Capacity
CS1	Transfer of chopped strand	9 VAC 5-80-720 B	PM/PM10	186 lbs/hr
F1	Spray application of foam insulation	9 VAC 5-80-720 B	Methylene Diphenyl diisocyanate	13 lb/hr
GEN1	European Testing Generator	9 VAC 5-80-720 A 46	NOx, CO, PM	100 kW
WWC	Staining of Wood Frames	9 VAC 5-80-720 B	VOC	1 gal/day
SH	Small NG Space heaters	9 VAC 5-80-720 C 2	NOx, CO	1mmBtu/hr

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

Permit Shield & Inapplicable Requirements

19. **Permit Shield & Inapplicable Requirements** - Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 63.Subpart III	National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Production	Applies to flexible foam products, not rigid foam insulation.
40 CFR 63.Subpart MMMMM	National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations	Applies to flexible foam products, not rigid foam insulation.
40 CFR 63.Subpart OOOOOO	National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Production and Fabrication (Area Sources)	Applies to flexible foam products, not rigid foam insulation.
40 CFR 63.Subpart PPPP	National Emission Standards for Hazardous Air Pollutants: Plastic Parts and Products Surface Coating	Applies to sources that are not subject to MACT subpart WWW.
40 CFR 60 Subpart IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	Applies to ICEs manufactured after April 1, 2006

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

20. **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)
21. **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)
22. **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)
23. **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)
24. **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)
25. **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)
26. **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)

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

- a) The date, place as defined in the permit, and time of sampling or measurements.
- b) The date(s) analyses were performed.
- c) The company or entity that performed the analyses.
- d) The analytical techniques or methods used.
- e) The results of such analyses.
- f) The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-110 F)

28. 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)

29. General Conditions -Recordkeeping and Reporting - The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a) The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b) All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - (i) Exceedance of emissions limitations or operational restrictions;
 - (ii) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,

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

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

(9 VAC 5-80-110 F)

30. 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. 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.
- g) One copy of the annual compliance certification shall be sent to EPA at **R3_APO_Permits@epa.gov** or sent to the following address:

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

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

31. **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 General Condition 29 of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)
32. **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)
33. **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)
34. **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)
35. **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)

36. **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)
37. **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)
38. **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)
39. **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)
40. **General Conditions - Duty to Pay Permit Fees** - The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)
41. **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 5-50-90)

42. 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)

43. 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)

44. 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)

45. **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)

46. **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)

47. **General Conditions - Transfer of Permits** - No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
48. **General Conditions - Transfer of Permits** - In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
49. **General Conditions - Transfer of Permits** - In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
50. **General Conditions - Malfunction as an Affirmative Defense** - A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of Condition 53 are met.
(9 VAC 5-80-250)
51. **General Conditions - Malfunction as an Affirmative Defense** - The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
- a) A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - 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)

52. **General Conditions - Malfunction as an Affirmative Defense** - In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
(9 VAC 5-80-250)
53. **General Conditions - Malfunction as an Affirmative Defense** - The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-250)
54. **General Conditions - Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 C and 9 VAC 5-80-260)
55. **General Conditions - Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)
56. **General Conditions - Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)
57. **General Conditions - 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)
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