



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

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[www.deq.virginia.gov](http://www.deq.virginia.gov)

Doug Domenech  
Secretary of Natural Resources

David K. Paylor  
Director

Maria R. Nold  
Regional Director

October 12, 2012

Mr. Steven R. Bulleigh  
Assistant Environmental Manager  
BAE Systems Norfolk Ship Repair  
750 West Berkley Avenue  
Norfolk, Virginia 23523

Location: Norfolk  
**Registration No.: 60246**  
AFS Id. No.: 51-710-00006

Dear Mr. Bulleigh:

Attached is a permit to operate your BAE Systems – Norfolk Ship Repair 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 permits dated December 16, 1981, October 16, 1997, January 6, 2000, May 7, 2001, and September 24, 2007.

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

In evaluating the application and arriving at a final decision to issue this permit, the Department deemed the application complete on March 28, 2012 and solicited written public comments by placing a newspaper advertisement in the Virginian-Pilot on Monday, August 27, 2012. The thirty day comment period (provided for in 9 VAC 5-80-270) expired on Wednesday, September 26, 2012 with no comments having been received in this office.

This approval to operate does not relieve BAE Systems Norfolk Ship Repair 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:

David K. Paylor, Director  
Department of Environmental Quality  
PO Box 1105  
Richmond, VA 23218-1105

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 Rule 2A 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 Cindy Keltner by phone at (757) 518-2167 or by e-mail at [Cindy.Keltner@deg.virginia.gov](mailto:Cindy.Keltner@deg.virginia.gov).

Sincerely,

Troy D. Breathwaite  
Regional Air Permits Manager

TDB/CLK/60246\_011\_12\_TitleVRenewal\_cvrltr\_BAESystems.docx

Attachment: Permit

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



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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:	BAE Systems Norfolk Ship Repair Inc.
Facility Name:	BAE Systems Norfolk Ship Repair Inc.
Facility Location:	750 West Berkley Avenue Norfolk, Virginia 23523
<b>Registration Number:</b>	<b>60246</b>
Permit Number:	TRO60246

This permit includes the following programs:

### Federally Enforceable Requirements - Clean Air Act (Sections I through IX)

**September 24, 2012**

Effective Date

**September 23, 2017**

Expiration Date

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Troy D. Breathwaite  
Regional Air Permits Manager

**October 12, 2012**

Signature Date

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## I. Facility Information

Permittee  
BAE Systems Norfolk Ship Repair Inc.  
750 West Berkley Avenue  
Norfolk, Virginia 23523

Responsible Official  
Dave Thomas  
Vice President of Shipyard Operations

Facility  
BAE Systems Norfolk Ship Repair Inc.  
750 West Berkley Avenue  
Norfolk, Virginia 23523

Contact Person  
Michael Ewing  
Environmental Manager  
(757) 494-4663

**County-Plant Identification Number:** 51-710-00006

**Facility Description:** NAICS 336611 - Shipbuilding and Repairing. This facility provides comprehensive services for the repair and maintenance of marine vessels and their subsystems. Marine vessels may be worked in dry dock or along piers. Each ship repair is customized to the specific needs of the customer and may range from a simple repair to a comprehensive overhaul. Onsite support shops are available for all aspects of ship repair and maintenance and include electrical, hydraulic, engine, carpentry, machine, structural, and painting. The facility can provide electricity, steam, and compressed air to work crews as well as the ship while in dry dock.

The facility is a Title V major source of Hazardous Air Pollutants. This source is located in an attainment area for all pollutants. The facility is permitted under minor new source review permits issued on December 16, 1981, October 16, 1997, January 6, 2000, and May 7, 2001.

## II. Emission Units

Equipment to be operated consists of:

Emission Unit Id.	Stack Id.	Emission Unit Description	Size/Rated Capacity	Pollution Control Device (PCD) Description and ID	Pollutant Controlled	Applicable Permit Date
003	2	Keeler, industrial boiler, residual No. 6 oil and slop oil (manufactured pre-1961)	32 mm Btu/hr	N/A	N/A	N/A
007-A	6	Stone Johnson, industrial boiler, No. 1 or 2 fuel oil (manufactured 1985)	20 mm Btu/hr	N/A	N/A	October 16, 1997
007-B	6	Stone Johnson, industrial boiler, natural gas (manufactured 1985)	20 mm Btu/hr	N/A	N/A	October 16, 1997
009-A	7	Stone Johnson, industrial boiler, No. 1 or 2 fuel oil (manufactured 1987)	31.5 mm Btu/hr	N/A	N/A	May 7, 2001
009-B	7	Stone Johnson, industrial boiler, natural gas (manufactured 1987)	31.5 mm Btu/hr	N/A	N/A	May 7, 2001
010-A	8	Cleaver Brooks, industrial boiler, No. 1 or 2 fuel oil (manufactured 1974)	33.4 mm Btu/hr	N/A	N/A	January 6, 2000
010-B	8	Cleaver Brooks, industrial boiler, natural gas (manufactured 1974)	33.4 mm Btu/hr	N/A	N/A	January 6, 2000
006	5	Painting (surface coating using airless sprayers) (pre-1972)		N/A	N/A	N/A
020	N/A	Abrasive blasting, surface preparation (pre-1972)		N/A	N/A	N/A
022	11	Carpenter shop, sawmill and woodworking (pre-1972)		Cyclone (C1)	PM, PM10	N/A
024	13	Shot blast cabinet (inside paint shop)	200 lb steel shot per hour	Baghouse (B1)	PM, PM10	N/A
023	12	Loading rack, slop oil	300 gallons per hour	N/A	N/A	N/A
TEG1		Titan Emergency Diesel Generator #1	970 kw/1,300 hp	N/A	N/A	N/A
ODEG2		MTU Emergency No. 2 fuel Generator	720 kw/965 hp	N/A	N/A	N/A
FEG2		Facility Emergency Generator #2	750 kw/1,005 hp	N/A	N/A	N/A
FEG3		Facility Emergency Generator #3	750 kw/1,005 hp	N/A	N/A	N/A

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

### III. Keeler Boiler Requirements (Emission Unit 003)

#### A. Limitations

1. Emissions from the boiler (Emission Unit 003) shall not exceed the following limits:

Particulate Emissions                      12.8 lbs/hr

The emission ratio in lbs/million Btu input shall be determined by the following equation:  $E = 1.0906H^{0.2594}$ , where H is the total capacity in millions of Btu/hr. The emission rate in lbs/hr shall be the product of the emission unit rated capacity and the emission ratio.  
(9 VAC 5-40-900 A, 9 VAC 5-40-900 B, and 9 VAC 5-80-110)

2. Emissions from the fuel burning equipment installation (Emission Unit 003) shall not exceed the following limit:

Sulfur Dioxide Emissions                      84.5 lbs/hr

The emission rate in lbs/hr shall be determined by the following equation:  $S = 2.64K$ , where S = allowable emission of sulfur dioxide expressed in pounds per hour, and K = heat input at total capacity expressed in million Btu per hour.  
(9 VAC 5-40-930 A and 9 VAC 5-80-110)

3. Visible emissions from the boiler (Emission Unit 003) stack shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60 percent opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).  
(9 VAC 5-40-20 A.2, 9 VAC 5-40-940, and 9 VAC 5-80-110)
4. At all times, including periods of startup, shutdown, soot blowing and malfunction, the boilers and any associated air pollution control equipment shall, to the extent practicable, be maintained and operated in a manner consistent with air pollution control practices for minimizing emissions.  
(9 VAC 5-40-20 E and 9 VAC 5-80-110)

#### B. Recordkeeping

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
  - a. The type of fuel combusted in the boiler (Emission Unit 003);
  - b. Records of visual evaluations, visible emissions evaluations and any corrective action taken (as required by Condition XIV.A.); and
  - c. All emission calculations relied on by the permittee to demonstrate compliance with the emission limits set forth in this permit, including DEQ-approved, pollutant-specific emission factors, equations, and assumptions used.

These records shall be available at the facility for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110)

## IV. Stone Johnson Boiler Requirements (Emission Unit 007)

### A. Limitations

1. The Stone Johnson boiler (Emission Unit 007) shall consume no more than 150 million cubic feet of natural gas, and 720,000 gallons of distillate oil per year, each calculated monthly as the sum of each consecutive 12 month period.  
(9 VAC 5-80-110 and Condition 3 of NSR/NSPS permit issued October 16, 1997)

2. Emissions from the operation of the Stone Johnson boiler (Emission Unit 007) shall not exceed the limits specified below:

Particulate Matter	0.3 lbs/hr	1.2 tons/yr
PM10	0.3 lbs/hr	1.2 tons/yr
Sulfur Dioxide	10.3 lbs/hr	25.6 tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )	2.9 lbs/hr	17.7 tons/yr
Carbon Monoxide	0.7 lbs/hr	4.4 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers IV.A.1, 3, 4, and 5 of this section.

(9 VAC 5-80-110 and Condition 5 of NSR/NSPS permit issued October 16, 1997)

3. Visible emissions from the Stone Johnson boiler (Emission Unit 007) shall not exceed ten (10) percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed twenty (20) percent opacity, as determined by EPA Method 9. This condition applies at all times except during start-up, shutdown, or malfunction.  
(9 VAC 5-80-110 and Condition 6 of NSR/NSPS permit issued October 16, 1997)
4. The approved fuels for the Stone Johnson boiler (Emission Unit 007) are natural gas and distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396 "Standard Specification for Fuel Oils". A change in the fuels may require a permit to modify and operate.  
(9 VAC 5-80-110 and Condition 8 of NSR/NSPS permit issued October 16, 1997)
5. The maximum sulfur content of the oil to be burned in the Stone Johnson boiler (Emission Unit 007) shall not exceed 0.5 percent by weight per shipment. The permittee shall obtain a certification from the fuel supplier with each shipment of distillate 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 distillate oil delivered in the shipment, and
  - d. A statement that the oil complies with the American Society for Testing and Materials specifications for fuel oil numbers 1 and 2 (ASTM D396).

(9 VAC 5-80-110, 40 CFR 60.42c(d), 40 CFR 60.48c(f), and Condition 9 of NSR/NSPS permit issued October 16, 1997)

6. Boiler emissions shall be controlled by proper operation and maintenance. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum. The permittee shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boiler. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept at the facility and made available for inspection by DEQ.  
(9 VAC 5-80-110 and Condition 10 of NSR/NSPS permit issued October 16, 1997)
7. At all times, including periods of startup, shutdown, and malfunction, owners shall maintain and operate the boiler in a manner consistent with air pollution control practices for minimizing emissions.  
(9 VAC 5-50-20 E and 9 VAC 5-80-110)

**B. Recordkeeping and Reporting**

1. The permittee shall submit fuel quality reports to the Director, Tidewater Regional Office within 30 days after the end of each semi-annual period. If no shipments of distillate oil were received during the semi-annual period, the semi-annual report shall consist of the dates included in the semi-annual period and a statement that no oil was received during the semi-annual period. If distillate oil was received during the semi-annual period the reports shall include:
  - a. The dates included in the semi-annual period,
  - b. A copy of all fuel supplier certifications for all shipments of distillate oil received during the semi-annual period or a semi-annual summary from each fuel supplier that includes the information specified in Condition A.5 of this section for each shipment of distillate oil, and
  - c. A signed statement from the owner or operator of the facility that the fuel supplier certifications represent all of the distillate oil burned or received at the facility.  
(9 VAC 5-80-110, 40 CFR 60.48c(f), and Condition 13 of NSR/NSPS permit issued October 16, 1997)
2. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
  - a. The monthly throughput of natural gas, and the daily throughput of distillate oil.
  - b. All fuel supplier certifications.
  - c. Records of visual evaluations, visible emissions evaluations and any corrective action taken (as required by Condition XIV.A.).
  - d. All emission calculations relied on by the permittee to demonstrate compliance with the emission limits set forth in this permit, including DEQ-approved, pollutant-specific emission factors, equations, and assumptions used.

e. Boiler operator training records.

f. Boiler operational maintenance records.

These records shall be available at the facility for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110 and Condition 12 of NSR/NSPS permit issued October 16, 1997)

## VI. Stone Johnson Boiler Requirements (Emission Unit 009)

### A. Limitations

1. The approved fuels for the Johnson boiler are distillate oil and natural gas. A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-110 and Condition 3 of NSR permit issued May 7, 2001)

2. The Johnson boiler shall consume no more than 330,000 gallons of distillate oil and  $275 \times 10^6$  cubic feet of natural gas per year, each calculated monthly as the sum of each consecutive 12 month period.  
(9 VAC 5-80-110 and Condition 4 of NSR permit issued May 7, 2001)

3. The distillate oil shall meet the specifications below:

DISTILLATE OIL which meets ASTM specifications for numbers 1 or 2 fuel oil:  
Maximum sulfur content per shipment: 0.5%

(9 VAC 5-80-110 and Condition 5 of NSR permit issued May 7, 2001)

4. The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:

- a. The name of the fuel supplier;
- b. The date on which the distillate oil was received;
- c. The volume of distillate oil delivered in the shipment; and,
- d. A statement that the distillate oil complies with the American Society for Testing and Materials specifications for numbers 1 or 2 fuel oil.

(9 VAC 5-80-110 and Condition 6 of NSR permit issued May 7, 2001)

5. Boiler emissions shall be controlled by proper operation and maintenance. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum. The permittee shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boiler. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept at the facility and made available for inspection by the DEQ.

(9 VAC 5-80-110 and Condition 7 of NSR permit issued May 7, 2001)

6. Emissions from the operation of the Johnson boiler shall not exceed the limits specified below:

Particulate Matter	0.5 lbs/hr	1.4 tons/yr
PM-10	0.5 lbs/hr	1.2 tons/yr
Sulfur Dioxide	16.2 lbs/hr	11.8 tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )	4.6 lbs/hr	17.1 tons/yr
Carbon Monoxide	2.6 lbs/hr	12.4 tons/yr
Volatile Organic Compounds	0.2 lbs/hr	0.8 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers VI.A.2, 3, and 7 of this section.

(9 VAC 5-80-110 and Condition 8 of NSR permit issued May 7, 2001)

7. Visible emissions from the Johnson boiler shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.  
(9 VAC 5-50-20 A.3., 9 VAC 5-80-110, and Condition 9 of NSR permit issued May 7, 2001)
8. At all times, including periods of startup, shutdown and malfunction, the permittee shall maintain and operate the boiler in a manner consistent with air pollution control practices for minimizing emissions.  
(9 VAC 5-50-20 E and 9 VAC 5-80-110)

#### **B. Monitoring**

1. The Johnson boiler (Emission Unit 009) shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. Test ports shall be provided when requested at the boiler stack.  
(9 VAC 5-80-110 and Condition 11 of NSR permit issued May 7, 2001)

#### **C. Recordkeeping**

1. 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 Tidewater Regional Office. These records shall include, but are not limited to:
- Annual throughput of natural gas and distillate oil, each calculated monthly as the sum of each consecutive 12-month period.
  - All fuel supplier certifications.
  - Records of required boiler operator training, including a statement of time, place and nature of training provided.
  - Records of visual evaluations, visible emissions evaluations and any corrective action taken (as required by Condition XIV.A.).
  - All emission calculations relied on by the permittee to demonstrate compliance with the emission limits set forth in this permit, including DEQ-approved, pollutant-specific emission factors, equations, and assumptions used.

f. Boiler operator training records.

g. Boiler operational maintenance records.

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 Conditions 7 and 10 of NSR permit issued May 7, 2001)

## VII. Cleaver Brooks Boiler Requirements (Emission Unit 010)

### A. Limitations

1. The approved fuels for the Cleaver Brooks boiler (Emission Unit 010) are natural gas and distillate oil. A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-110 and Condition 3 of NSR permit issued January 6, 2000)
2. The Cleaver Brooks boiler (Emission Unit 010) shall consume no more than 600,000 gallons of distillate oil and  $241.2 \times 10^6$  cubic feet of natural gas per year, each calculated monthly as the sum of each consecutive 12 month period.  
(9 VAC 5-80-110 and Condition 4 of NSR permit issued January 6, 2000)
3. The distillate oil shall meet the specifications below:  
  
DISTILLATE OIL which meets ASTM D396-78 specifications for numbers 1 or 2 fuel oil  
Maximum sulfur content per shipment: 0.5%  
  
(9 VAC 5-80-110 and Condition 5 of NSR permit issued January 6, 2000)
4. The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:
  - a. The name of the fuel supplier;
  - b. The date on which the distillate oil was received;
  - c. The volume of distillate oil delivered in the shipment; and,
  - d. A statement that the distillate oil complies with the American Society for Testing and Materials specifications for numbers 1 or 2 fuel oil.  
(9 VAC 5-80-110 and Condition 6 of NSR permit issued January 6, 2000)
5. Boiler emissions shall be controlled by proper operation and maintenance of combustion equipment. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum. The permittee shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boiler. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept at the facility and made available for inspection by the DEQ.  
(9 VAC 5-80-110 and Condition 7 of NSR permit issued January 6, 2000)

6. Emissions from the operation of the Cleaver Brooks boiler (Emission Unit 010) shall not exceed the limits specified below:

Particulate Matter	0.5 lbs/hr	1.5 tons/yr
PM-10	0.3 lbs/hr	1.2 tons/yr
Sulfur Dioxide	17.0 lbs/hr	21.4 tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )	4.8 lbs/hr	18.1 tons/yr
Carbon Monoxide	2.8 lbs/hr	11.6 tons/yr
Volatile Organic Compounds	0.2 lbs/hr	0.7 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers VII.A.1, 2, 3, and 7.

(9 VAC 5-80-110 and Condition 8 of NSR permit issued January 6, 2000)

7. Visible emissions from the boiler shall not exceed ten (10) percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed twenty (20) percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown and malfunction.  
(9 VAC 5-50-20 A, 9 VAC 5-80-110, and Condition 9 of NSR permit issued January 6, 2000)
8. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment, monitoring devices, and process equipment which affect such emissions:
- Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
  - Maintain an inventory of spare parts.
  - Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
  - Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training. Records of maintenance and training shall be maintained at the facility for a period of five years and shall be made available to DEQ personnel upon request.  
(9 VAC 5-80-110 and Condition 19 of NSR permit issued January 6, 2000)
9. At all times, including periods of startup, shutdown and malfunction, the permittee shall maintain and operate the boiler in a manner consistent with air pollution control practices for minimizing emissions.  
(9 VAC 5-50-20 E and 9 VAC 5-80-110)

**B. Monitoring**

1. The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. Test ports shall be provided when requested in accordance with the applicable performance specification (reference 40 CFR part 60, Appendix B).  
(9 VAC 5-80-110 and Condition 13 of NSR permit issued January 6, 2000)

**C. Recordkeeping and Reporting**

1. 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, Tidewater Regional Office. These records shall include, but are not limited to:
  - a. Monthly and annual throughput of natural gas and distillate oil. Annual throughput shall be calculated monthly as the sum of each consecutive 12-month period.
  - b. All fuel supplier certifications.
  - c. Records of the required boiler operator training, including a statement of time, place and nature of training provided.
  - d. Records of visual evaluations, visible emissions evaluations and any corrective action taken (as required by Condition XIV.A.).
  - e. All emission calculations relied on by the permittee to demonstrate compliance with the emission limits set forth in this permit, including DEQ-approved, pollutant-specific emission factors, equations, and assumptions used.
  - f. Boiler operator training records.
  - g. Boiler operational maintenance records.

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 11 of NSR permit issued January 6, 2000)

2. The permittee shall submit fuel quality reports to the Director, Tidewater Regional Office within 30 days after the end of each semi-annual period. If no shipments of distillate oil were received during the semi-annual period, the semi-annual report shall consist of the dates included in the semi-annual period and a statement that no oil was received during the semi-annual period. If distillate oil was received during the semi-annual period, the reports shall include:
  - a. Dates included in the semi-annual period,
  - b. A copy of all fuel supplier certifications for all shipments of distillate oil received during the semi-annual period or a semi-annual summary from each fuel supplier that includes the information specified in Condition VII.A.4 of this section for each shipment of distillate oil, and

- c. A signed statement from the owner or operator of the facility that the fuel supplier certifications or summaries of fuel supplier certifications represent all of the distillate oil burned or received at the facility.

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

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 12 of NSR permit issued January 6, 2000)

## **VIII. Surface Coating / Open Air Painting Requirements (Emission Unit 006)**

### **A. Limitations**

1. At all times, including periods of startup, shutdown and malfunction, the surface coating equipment and any associated air pollution control equipment shall, to the extent practicable, be maintained and operated in a manner consistent with air pollution control practices for minimizing emissions.  
(9 VAC 5-40-20 E and 9 VAC 5-80-110)
2. Each shipbuilding and ship repair operation is to be operated in compliance with the General Provisions of 40 CFR part 63 subpart A as specified in Table 1 of 40 CFR part 63 subpart II.  
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.780)
3. The permittee shall comply with the applicable provisions of 40 CFR part 63 subpart II.  
(9 VAC 5-60-100 and 9 VAC 5-80-110)
4. The provisions of 40 CFR part 63 subpart A pertaining to startups, shutdowns, malfunctions, and continuous monitoring do not apply unless an add-on control system is used to comply with 40 CFR part 63 subpart II.  
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.781(d))
5. No owner or operator shall cause or allow the application of any coating to a ship with an as-applied Volatile Organic Hazardous Air Pollutant (VOHAP) content exceeding the applicable limit given in Table 2 of 40 CFR part 63 subpart II.  
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.783(a))
6. Each owner or operator shall ensure that:
  - a. All handling and transfer of VOHAP-containing materials to and from containers, tanks, vats, drums, and piping systems is conducted in a manner that minimizes spills.
  - b. All containers, tanks, vats, drums, and piping systems are free of cracks, holes, and other defects and remain closed unless materials are being added to or removed from them.  
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.783(b))
7. The permittee shall demonstrate compliance with the applicable VOHAP limits in Table 2 of 40 CFR part 63 subpart II using the procedures in 40 CFR 63.785 (c)(1)-(c)(4).  
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.785(c))

### **B. Monitoring, Recordkeeping and Reporting**

1. The permittee shall comply with all recordkeeping and reporting requirements in 40 CFR 63.788 (Table 3 of 40 CFR part 63 subpart II) for each compliance option chosen. These records shall be available at the facility for inspection by DEQ and shall be current for the most recent five years.  
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.788)

## **IX. Abrasive Blasting / Surface Preparation Requirements (Emission Unit 020)**

### **A. Limitations**

1. At all times, including periods of startup, shutdown and malfunction, the abrasive blasting equipment and any associated air pollution control equipment shall, to the extent practicable, be maintained and operated in a manner consistent with air pollution control practices for minimizing emissions.  
(9 VAC 5-40-20 E and 9 VAC 5-80-110)

## **X. Carpenter Shop, Sawmill and Woodworking Requirements (Emission Unit 022)**

### **A. Limitations**

1. The permittee shall not cause or permit to be discharged into the atmosphere any particulate emissions caused by any woodworking operation without providing, as a minimum, for their collection, adequate duct work and properly designed collectors.  
(9 VAC 5-40-2270 A. and 9 VAC 5-80-110)
2. Particulate emissions from the carpenter shop (Emission Unit 022) shall not exceed 0.05 grains per standard cubic feet of exhaust gas.  
(9 VAC 5-40-2270 B. and 9 VAC 5-80-110)
3. Visible emissions from the carpenter shop (Emission Unit 022) shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60 percent opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).  
(9 VAC 5-40-80 and 9 VAC 5-80-110)
4. At all times, including periods of startup, shutdown and malfunction, the carpenter shop/woodworking equipment and any associated air pollution control equipment shall, to the extent practicable, be maintained and operated in a manner consistent with air pollution control practices for minimizing emissions.  
(9 VAC 5-40-20 E and 9 VAC 5-80-110)

### **B. Recordkeeping**

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. These records shall include, but are not limited to:
  - a. Visible emission checks (as required by Condition XIV.A.);
  - b. Corrective measures for visible emissions;
  - c. Visible emission evaluations (as required by Condition XIV.A.); and,
  - d. All emission calculations relied on by the permittee to demonstrate compliance with the emission limits set forth in this permit, including DEQ-approved, pollutant-specific emission factors, equations, and assumptions used.

These records shall be maintained at the facility for at least five years.  
(9 VAC 5-80-110)

## **XI. Shot Blast Cabinet Requirements (Emission Unit 024)**

### **A. Limitations**

1. Visible emissions from the shot blast cabinets (Emission Unit 024) shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60 percent opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). (9 VAC 5-40-80 and 9 VAC 5-80-110)
2. At all times, including periods of startup, shutdown and malfunction, the shot blast cabinets and any associated air pollution control equipment shall, to the extent practicable, be maintained and operated in a manner consistent with air pollution control practices for minimizing emissions. (9 VAC 5-40-20 E and 9 VAC 5-80-110)

## **XII. Loading Rack Requirements (Emission Unit 023)**

### **A. Limitations**

1. At all times, including periods of startup, shutdown and malfunction, the permittee 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.  
(9 VAC 5-40-20 E and 9 VAC 5-80-110)
  
2. 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 control practices for minimizing emissions.  
(9 VAC 5-40-20 F and 9 VAC 5-80-110)

### **XIII. Emergency Generators Requirements (Emission Units TEG1, ODEG2, FEG2, and FEG3)**

#### **A. Limitations**

1. Visible emissions from the emergency generators (Emission Units TEG1, ODEG2, FEG2, and FEG3) shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).  
(9 VAC 5-50-80 and 9 VAC 5-80-110)
2. At all times, including periods of startup, shutdown and malfunction, the emergency generators shall, to the extent practicable, be maintained and operated in a manner consistent with air pollution control practices for minimizing emissions.  
(9 VAC 5-50-20 E and 9 VAC 5-80-110)
3. **MACT, Subpart ZZZZ** - Existing emergency stationary RICE (Ref. Nos. TEG1, ODEG2, FEG2, and FEG3) with a site rating of more than 500 brake hp located at a major source of HAP emissions do not have to meet the requirements of 40 CFR 63, Subpart ZZZZ, including initial notification requirements.  
(9 VAC 5-80-110 and 40 CFR 63.6590(b)(3)(iii))

## **XIV. Facility-Wide Conditions**

### **A. Monitoring**

1. The permittee shall perform periodic visual evaluations of each non-fugitive significant emissions unit having an opacity limitation (except for emissions units TEG1, ODEG2, FEG2, FEG3, and 023) once each calendar month while operating at normal load/capacity to determine compliance with the opacity standards for each individual unit. The visual evaluation shall last for a period of six consecutive minutes. If such periodic evaluations indicate any opacity, the permittee shall take appropriate action within seven calendar days to correct the cause of the opacity such that no visible emissions exist. If such corrective action fails to correct the problem, the permittee shall conduct a visible emissions evaluation (VEE) utilizing EPA Method 9 (reference 40 CFR 60, Appendix A). All periodic visual evaluations, visible emissions evaluations and corrective actions necessary shall be recorded in a logbook for each significant emissions unit. The logbooks shall be kept at the facility and made available for inspection by the DEQ for the most recent five (5) year period.  
(9 VAC 5-80-110 E)

### **B. Testing**

1. If testing to demonstrate compliance is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate methods in accordance with procedures approved by the DEQ.  
(9 VAC 5-80-110)

### **C. Violation of Ambient Air Quality Standards**

1. The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating and primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.  
(9 VAC 5-20-180 I and 9 VAC 5-80-110)

### **D. Volatile Organic Compound Disposal**

1. 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 control practices for minimizing emissions.  
(9 VAC 5-40-20 F, 9 VAC 5-50-20 F, and 9 VAC 5-80-110)

## XV. 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 (9 VAC)	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
T6	Recovered oil & water mix holding tank	5-80-720 B.2.	VOC	25,000 gallons
T7	Recovered oil & water mix holding tank	5-80-720 B.2.	VOC	25,000 gallons
T8	Recovered oil & water mix holding tank	5-80-720 B.2.	VOC	50,000 gallons
T22	Aboveground #2 diesel tank	5-80-720 B.2.	VOC	1,000 gallons
T37	Aboveground #2 diesel tank	5-80-720 B.2.	VOC	1,000 gallons
T29	Aboveground #2 diesel tank	5-80-720 B.2.	VOC	10,000 gallons
T11	Aboveground used oil tank	5-80-720 B.2.	VOC	10,000 gallons
T12	Aboveground used oil tank	5-80-720 B.2.	VOC	10,000 gallons
T13	Aboveground #2 diesel tank	5-80-720 B.2.	VOC	10,000 gallons
T14	Aboveground #2 diesel tank	5-80-720 B.2.	VOC	5,900 gallons
T40	Aboveground #2 diesel tank	5-80-720 B.2.	VOC	250 gallons
T50	Aboveground #2 diesel tank	5-80-720 B.2.	VOC	1,000 gallons
T51	Aboveground #2 diesel tank	5-80-720 B.2.	VOC	1,200 gallons
T52	Aboveground gasoline tank	5-80-720 B.2.	VOC	1,000 gallons
ODEG1	Old Dominion Emergency generator #1	5-80-720 B	PM10, SO2, NOx, CO, VOC	300 kW
FEG1	Facility Emergency Diesel Generator #1	5-80-720 B	PM10, SO2, NOx, CO, VOC	150 kW
071	Heat treatment furnace, No. 1 or 2 fuel oil	5-80-720 B	PM10, SO2, NOx, CO, VOC	1.5 mmBtu/hr
072	Heat treatment furnace, No. 1 or 2 fuel oil	5-80-720 B	PM10, SO2, NOx, CO, VOC	1.5 mmBtu/hr
073	Heat treatment furnace, No.1 or 2 fuel oil	5-80-720 B	PM10, SO2, NOx, CO, VOC	1.5 mmBtu/hr

074	Heat treatment furnace, No. 1 or 2 fuel oil	5-80-702 B	PM10, SO <sub>2</sub> , NO <sub>x</sub> , CO, VOC	1.5 mmBtu/hr
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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.

## XVI. 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/Inapplicability
40 CFR 60 Subpart JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines	The unit (FEG3) burns diesel fuel and is not a spark ignition unit.
40 CFR 63 Subpart ZZZZ	National Emission Standards For Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines	The unit (FEG3) is "existing".

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 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)

## **XVII. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

### **B. Permit Expiration**

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)

### **C. Recordkeeping and Reporting**

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.

- e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.  
(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.  
(9 VAC 5-80-110 F)
  3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
    - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
    - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
      - (i) Exceedance of emissions limitations or operational restrictions;
      - (ii) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
      - (iii) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
    - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”  
(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.

4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.
7. One copy of the annual compliance certification shall be sent to EPA at the following address:

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

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

#### **E. Permit Deviation Reporting**

The permittee shall notify the Director, Tidewater 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 XVII.C.3 of this permit.

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

#### **F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office by facsimile transmission, telephone, telegraph, or e-mail 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, Tidewater Regional Office.

(9 VAC 5-20-180 C)

#### **G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

#### **H. Duty to Comply**

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

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

**I. Need to Halt or Reduce Activity not a Defense**

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

**J. Permit Modification**

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

**K. Property Rights**

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

**L. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.  
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110 K.1)

**M. Duty to Pay Permit Fees**

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

**N. Fugitive Dust Emission Standards**

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

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

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.  
(9 VAC 5-40-90 and 9 VAC 5-50-90)

**O. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.  
(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

**P. Alternative Operating Scenarios**

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

**Q. Inspection and Entry Requirements**

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

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.  
(9 VAC 5-80-110 K.2)

**R. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

**S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

**T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

**U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

- b. The permitted facility was at the time being properly operated.
  - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
  - d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
  4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.  
(9 VAC 5-80-250)

#### **V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.  
(9 VAC 5-80-190 C and 9 VAC 5-80-260)

#### **W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.  
(9 VAC 5-80-80 E)

#### **X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.  
(40 CFR Part 82, Subparts A-F)

**Y. Asbestos Requirements**

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).  
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

**Z. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(40 CFR Part 68)

**AA. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.  
(9 VAC 5-80-110 I)

**BB. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
  2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
  3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.
- (9 VAC 5-80-110 I)

## **XVIII. 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.

1. 9 VAC 5-40-140 Existing Source Standard for Odor
2. 9 VAC 5-40-180 Existing Source Standard for Toxic Pollutants
3. 9 VAC 5-50-140 New and Modified Source Standard for Odorous Emissions
4. 9 VAC 5-50-180 New and Modified Source Standard for Toxic Pollutants  
(9 VAC 5-80-110 N and 9 VAC 5-80-300)