



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

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Doug Domenech
Secretary of Natural Resources

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Director

Maria R. Nold
Regional Director

Federal Operating Permit Article 3

This permit is based upon Federal Clean Air Act acid rain permitting requirements of Title IV, federal operating permit requirements of Title V; and Chapter 80, Article 3 and Chapter 140 of the State Air Pollution Control Board 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, 9 VAC 5-80-360 through 9 VAC 5-80-700, and 9 VAC 5-140-1010 through 9 VAC 5-140-3880 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: Virginia Electric and Power Company
Facility Name: Dominion – Elizabeth River CT Station
Facility Location: 2837 S. Military Hwy.
Chesapeake, Virginia
Permit Number: TRO-61108

This permit includes the following programs:

- Federally Enforceable Requirements - Clean Air Act (Sections I through VI)
- Federally Enforceable Requirements - Title IV Acid Rain (Section VII)
- Federally Enforceable Requirements – Clean Air Interstate Rule (CAIR) Requirements (Section VIII)

January 1, 2012
Effective Date

December 31, 2016
Expiration Date

Maria R. Nold

December 22, 2011
Signature Date

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I. Facility Information

Permittee Information

Dominion Generation
5000 Dominion Blvd.
Glen Allen, VA 23060

Responsible Official

Mr. Kenneth J. Lazzaro
Station Director
2701 Veeco St.
Chesapeake, VA 23323-6199

Acid Rain Designated Representative and CAIR Designated Representative

Mr. Charles D. Holley.
Vice President, Fossil & Hydro, System Ops
USEPA ATS-AAR ID number: 2099

Facility ID

Dominion – Elizabeth River CT Station
2837 South Military Hwy,
Chesapeake, VA 23323-0286

Facility Contact person

D. Scott Morelen
(757) 719-1134

County-Plant Identification Number: 51-550-00161

ORIS Code: 52087

NATS Facility Identification Number: 05208700CTZ1-CTZ3

Facility Description: SIC Code: 4911, **NAICS Code:** 221112

This facility is an electric generation facility using three simple cycle gas combustion turbines, and associated support equipment. The turbines are low mass emissions (LME) units as defined in 40 CFR 72.2 (actual emissions below 50 tons NO_x per control period, 100 tons NO_x per year and 25 tons of SO₂ per year). As specified in 40 CFR 75.19, the turbines use optional NO_x emission estimation procedures in lieu of continuous NO_x emissions monitoring systems to determine NO_x emissions. The facility became subject to the Acid Rain program when it was purchased by Virginia Electric and Power Company (Dominion) on November 30, 2004.

The facility is a Title V major source for NO_x, SO₂, CO and H₂SO₄. This source is located in an attainment area for all pollutants, and is a PSD major source. The facility was previously permitted under a PSD Permit which was originally issued in 1991. The PSD permit was last amended on April 10, 2008.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emissions Unit Description	Rated Heat Input Capacity	Pollution Control Device (PCD)	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment						
CT-1	S1	Westinghouse W501DS simple cycle combustion turbine with water injection, inlet air fogging, and wet compression system - firing natural gas (primary)/ firing #2 fuel oil (secondary) 1991	1,553 mmBtu/hr (gas), 1,400 mmBtu/hr (oil)	Water Injection,	NO _x	Issued 3/5/1991, amended 11/28/2005, 6/13/2007, and 4/10/2008
CT-2	S2	Westinghouse W501DS simple cycle combustion turbine with water injection, inlet air fogging, and wet compression system - firing natural gas (primary)/ firing #2 fuel oil (secondary) 1991	1,553 mmBtu/hr (gas), 1,400 mmBtu/hr (oil)	Water Injection,	NO _x	Issued 3/5/1991, amended 11/28/2005, 6/13/2007, and 4/10/2008
CT-3	S3	Westinghouse W501DS simple cycle combustion turbine with water injection, inlet air fogging, and wet compression system - firing natural gas (primary)/ firing #2 fuel oil (secondary) 1991	1,553 mmBtu/hr (gas), 1,400 mmBtu/hr (oil)	Water Injection,	NO _x	Issued 3/5/1991, amended 11/28/2005, 6/13/2007, and 4/10/2008

III. Fuel Burning Equipment Requirements - (Gas Turbines CT-1, CT-2, CT-3)

A. Definitions

1. Fuel Transfer - means when the unit's load is lowered temporarily to allow for a fuel switch from either natural gas to No. 2 fuel oil or from No. 2 fuel oil to natural gas.
2. Natural Gas - means a naturally occurring fluid mixture of hydrocarbons (*e.g.*, methane, ethane, or propane) produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperature and pressure under ordinary conditions. Natural gas contains 20.0 grains or less of total sulfur per 100 standard cubic feet. Equivalents of this in other units are as follows: 0.068 weight percent total sulfur, 680 parts per million by weight (ppmw) total sulfur, and 338 parts per million by volume (ppmv) at 20 degrees Celsius total sulfur. Additionally, natural gas must either be composed of at least 70 percent methane by volume or have a gross calorific value between 950 and 1100 British thermal units (Btu) per standard cubic foot. Natural gas does not include the following gaseous fuels: landfill gas, digester gas, refinery gas, sour gas, blast furnace gas, coal-derived gas, producer gas, coke oven gas, or any gaseous fuel produced in a process which might result in highly variable sulfur content or heating value.
3. No Load Testing – means testing the turbine when the turbine is spinning but not generating any electricity.
4. Start-up – The period starting when fuel is first combusted and ending when the turbine reaches the allowed operating load (as defined in Condition B.2), not to exceed 60 minutes.
5. Shutdown – the period starting when the operator initiates a shutdown and ending when fuel is no longer being combusted or when the turbine shutdown is aborted to bring the turbine back on line.

B. Limitations

1. **Emission Controls** - Nitrogen dioxide (NO_x) emissions from each turbine shall be controlled by water injection. The turbines and water injection systems shall be provided with adequate access for inspection. The water injection shall be in operation at all times when the turbines are operating within the allowed range as defined in Condition 2.
(9 VAC 5-80-490 B & C and Condition 4 of 4/10/2008 Permit)
2. **Operating Ranges** - Each turbine shall be operated at not less than 85% and not greater than 100% of rated capacity, with the exception of startup, shutdown, fuel transfer and no load testing. The operating rate shall be calculated for each clock hour as an arithmetic average of all valid 2-minute readings (readings during startup or shutdown are not considered valid). 100% rated capacity is defined as the maximum load achievable given ambient weather and gas turbine performance conditions.
(9 VAC 5-80-490 B & C and Condition 6 of 4/10/2008 Permit)
3. **Operating Hours** - The three turbines (combined) shall not operate more than 6,000 hours per year, and no single unit shall operate for more than 2,500 hours per year, each 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 5-80-490 B & C and Condition 7 of 4/10/2008 Permit)

4. **Fuel** - The approved fuels for the turbines are No. 2 fuel oil and natural gas. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-490 B & C and Condition 8 of 4/10/2008 Permit)

5. **Fuel Throughput** - The three turbines (combined) shall consume no more than 59.6×10^6 gallons of No. 2 fuel oil (distillate oil) and $9,000 \times 10^6$ cubic feet of natural gas 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. Fuel consumption shall be determined for each unit in accordance with the methods used to show compliance with 9 VAC 5 Chapter 140 if the “Long Term Fuel Flow” method (40 CFR Part 75) is being used, otherwise consumption shall be determined by a method that has been approved by the Department.
(9 VAC 5-80-490 B & C, 40 CFR 75.19(c)(3)(ii) and Condition 9 of 4/10/2008 Permit)

6. **Fuel** – The No. 2 fuel oil and natural gas shall meet the specifications below:
No. 2 fuel oil which meets the ASTM D396 specification for numbers 1 or 2 fuel oil:
Maximum sulfur content: 0.2% by weight
Maximum nitrogen content: 0.05% by weight
Natural Gas:
Maximum sulfur content: 0.06% by weight or
Maximum sulfur content: 20.0 grains/100 standard cubic feet
(9 VAC 5-80-490 B & C and Condition 10 of 4/10/2008 Permit)

7. **Emission Limits** - Emissions from the operation of each turbine shall not exceed the limits specified below:

Pollutant	Firing Natural Gas		Firing Fuel Oil		Combined Annual Limit for all 3 Turbines (tons/yr)
	Concentration ^(a) (ppmvd)	Hourly Limit ^(b) (lbs/hr)	Concentration ^(a) (ppmvd)	Hourly Limit ^(b) (lbs/hr)	
Particulate Matter ^(c)		6.0		22.0	66.0
PM-10 ^(c)		6.0		22.0	66.0
Sulfur Dioxide		87.0		290.0	870.0
Nitrogen Oxides (as NO ₂)	25	139.0	42 (FBN ≤ 0.015, wt %)	233.0	1,032.0
			42 + 400 FBN (0.015 < FBN ≤ 0.05, wt %)	344.0	
Carbon Monoxide ^(c)	30	87.0	30	84.0	261.0
Volatile Organic Compounds (VOC) ^(c)	4	6.5	16	26.7	80.1
Sulfuric Acid Mist (H ₂ SO ₄) ^(c)		13.2		44.4	133.2
Beryllium				0.0005	0.0015

^(a) at ISO conditions and 15% Oxygen

^(b) Averaged for each operating hour

^(c) Except during start-up, shutdown and malfunction conditions

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 Conditions 1 - 6, C.1, C.2 and E.1.

(9 VAC 5-80-490 B and Condition 12 of 4/10/2008 Permit)

8. **Visible Emission Limit** - Visible emissions from each of the turbines shall not exceed 10% opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 20% opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.

(9 VAC 5-80-490 B & C, 9 VAC 5-50-80 and Condition 13 of 4/10/2008 Permit)

9. **Requirements by Reference** - Except where this permit is more restrictive than the applicable requirement, the NSPS equipment as described in Section II shall be operated in compliance with the requirements of 40 CFR 60, Subpart GG. The permittee will not be using the fuel bound nitrogen (FBN) allowance to show compliance with Subpart GG, therefore the parts of Subpart GG that pertain to the FBN allowance are not applicable.

(9 VAC 5-80-490 B & C, 9 VAC 5-50-400, 9 VAC 5-50-410 and Condition 15 of 4/10/2008 Permit)

10. **Maintenance/Operating Procedures** – At all times, including periods of start-up, shutdown and malfunction, the permittee shall, to the extent practicable, maintain and operate the affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.

(9 VAC 5-80-490 B & C, 9 VAC 5-50-20 E and Condition 25 of 4/10/2008 Permit)

C. Monitoring

1. **Monitoring Devices** - Each turbine shall be equipped with a device to continuously monitor and record, in 1-hour clock averages, the fuel consumption, water injection and the ratio of water to fuel being fired in the turbine. Each monitoring device shall be installed, maintained and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the turbines are operating.
(9 VAC 5-80-490 B & C and Condition 5 of 4/10/2008 Permit)
 2. **Fuel Certification** - The permittee shall:
 - a. Pipeline No. 2 Fuel Oil:
 - (i) Sample the oil in the storage tank using approved American Society for Testing and Materials (ASTM) methods after each receipt of oil. The sulfur content and the nitrogen content of the sample shall be determined using approved ASTM methods (ASTM D129, D1266, D1552, D2622, D4294, or D5453 for sulfur and ASTM D2597, D4629 or D5762 for nitrogen.), or any approved ASTM method incorporated in 40 CFR by reference; and
 - (ii) Receive a statement from the fuel supplier for each delivery stating that the fuel oil received complies with the ASTM specifications (D-396) for numbers 1 or 2 fuel oil or sample the oil and have it tested to verify that the distillate oil complies with the ASTM specifications for numbers 1 or 2 fuel oil.
 - b. Natural gas: Obtain documentation that the maximum sulfur content is less than or equal to 20.0 grains/100scf or 0.06 % by weight. Acceptable documentation can be in the form of any of the following if valid and current;
 - (i) Purchase contract,
 - (ii) Tariff sheets of transportation,
 - (iii) Pipeline transportation contracts, and
 - (iv) Analysis of samples in accordance with 40 CFR Part 75.
- (9 VAC 5-80-490 B & C and Condition 11 of 4/10/2008 Permit)

3. **Visible Emission Observations (VEO)** - The permittee shall perform VEOs on the exhaust stack of each Westinghouse W501D5 simple cycle combustion turbine according to the following operation frequency guidelines:

<u>Operating Schedule/History</u>	<u>Observation Frequency</u>
< 20 hrs / year	No Evaluations Required
20 hrs/yr < hours operated < 200 hrs/yr	Once per year
hours operated > 200 hrs/yr	Once every 200 hours

Each VEO shall be performed for a sufficient period of time (minimum of 6 minutes) to identify the presence of visible emissions. If visible emissions are observed, a Method 9-certified observer shall conduct a VEO. If visible emissions do not appear to exceed 10% opacity, no action shall be required. However, if the observed visible emissions appear to exceed 10% opacity, a visible emission evaluation (VEE) shall be conducted using 40 CFR Part 60, Appendix A, Method 9, for a period of not less than 6 minutes. If the average opacity exceeds 10%, modifications and/or repairs shall be performed to correct the problem. Once the problem is corrected another 6 minute VEE shall be performed to prove that the corrective action taken was effective. The VEE observer shall be Method 9-certified. The permittee shall maintain a log to demonstrate compliance with this condition. The log shall include the date and time of the observations, the observer's name, whether or not there were visible emissions, any VEO and VEE recordings and any necessary corrective action taken. The logbook shall be kept at the facility and available for inspection by the DEQ.

(9 VAC 5-80-490 B & C and Condition 14 of 4/10/2008 Permit)

D. Recordkeeping

1. **On Site Records** - 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:
- Records of the one-hour averages of the water to fuel ratio for each turbine and acceptable range for that hour.
 - One-hour average records of the operating rate (load rate) expressed as a percentage of rated capacity of each turbine to demonstrate compliance with Condition B.2.
 - Annual hours of operation of each of the combustion turbines and the combined number of hours, calculated monthly as the sum of each consecutive 12-month period.
 - Annual throughput of No. 2 fuel oil, calculated monthly as the sum of each consecutive 12-month period.
 - Annual throughput of natural gas, calculated monthly as the sum of each consecutive 12-month period.
 - Fuel analyses/certifications to satisfy conditions B.6 and C.2.
 - Parameter monitoring plan required by 40 CFR 60.334(g) shall be available on-site.
 - Records of VEO and VEE logs to satisfy Condition 0.
 - Scheduled and unscheduled maintenance and operator training.
 - Monthly and annual NO_x emissions (in pounds or tons) from the operation of the three gas turbines (combined). Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period.

- k. Description of method used to calculate NO_x emissions including equations, examples calculations and procedures used to determine Btu/gal, fuel usage, unit lb/mmBtu, or Btu/cf.

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

(9 VAC 5-80-490 F, 9 VAC 5-50-50 and Condition 18 and 22 of 4/10/2008 Permit)

E. Testing

1. **Stack Tests** – Periodically and upon request by the DEQ, the permittee shall conduct additional performance tests for NO_x (by methods referenced in 40 CFR Part 60, Subpart GG), CO (by method 10 or 10B) and VOC (by method pre-approved by DEQ in protocol) from the turbines (as specified below) to demonstrate compliance with the emission limits contained in this permit. Data from the monitoring of water to fuel ratio obtained during the test must be included in the stack test emission report.

Two of the three gas turbines shall be tested during each five year Title V permit term (beginning in November of 2005). The testing shall take place within the first 24 months of each Title V permit term. Each turbine shall be tested at least once every other testing cycle. Each test shall be conducted while operating the turbine at 85% and 100% load capacities, firing natural gas only and firing fuel oil only. The testing shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30. The details and schedule of the tests shall be arranged in advance with the Tidewater Regional Office. The permittee shall submit an approvable test protocol at least 30 days prior to testing. One copy of the test results shall be submitted to the Tidewater Regional Office within 60 days after test completion and shall conform to the test report format enclosed with this permit.

A Visible Emissions Evaluation (VEE), in accordance with 40 CFR Part 60, Appendix A, Method 9, shall also be conducted on the gas turbine's exhaust stack at each of the specified load conditions while firing oil. The VEE shall consist of 1 set of 24 consecutive observations (at 15 second intervals) to yield a 6-minute average.

(9 VAC 5-80-490 E & F and Condition 16 of the 4/10/2008 Permit)

2. **Testing/Monitoring Ports** - The permitted facility 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.

(9 VAC 5-80-490 E & F, 9 VAC 5-50-30 and Condition 17 of the 4/10/2008 Permit)

F. Reporting

1. **Semi-Annual Reports** - The permittee shall submit excess emissions and monitoring downtime reports in accordance with 40 CFR 60.7(c) to the Director, Tidewater Regional Office within 30 days after the end of each semi-annual period. (The semi-annual periods are defined as January 1-June 30 and July 1-December 31. Reports are due by January 30 and July 30 of each year.)

a. NO_x emissions

- (i) Periods of excess NO_x emissions are defined as any unit operating hour during which the average water-to-fuel ratio, as measured by the continuous monitoring system (CMS), falls below the acceptable water-to-fuel ratio determined to demonstrate compliance with Condition 0 by the most recent performance test. Any unit operating hour in which no water is injected into the turbine shall also be considered an excess emission, including times of startup, shutdown and malfunction.
- (ii) Monitor downtime includes, but is not limited to, any unit operating hour in which water is injected into the turbine, but essential parametric data needed to determine the appropriate water to fuel ratio are unavailable or invalid.

(iii) Other excess emissions and downtime period defined:

- (a) Periods of excess NO_x emissions are defined as any period of time during which the fuel-bound nitrogen (FBN) is greater than 0.05% by weight. The excess emission begins on the date and hour of the sample which shows that N is greater than 0.05% by weight, and ends with the date and hour of a subsequent sample which shows a fuel nitrogen content less than or equal to 0.05% by weight.
- (b) A period of monitor downtime begins when a required sample is not taken by its due date. A period of monitor downtime also begins on the date and hour that a required sample is taken, if invalid results are obtained. The period of monitor downtime ends on the date and hour of the next valid sample.

b. SO₂ Emissions

- (i) An excess emission occurs for each unit operating hour included in the period beginning on the date and hour of any sample for which the sulfur content of the fuel oil being fired in the gas turbine exceeds 0.2% by weight and ending on the date and hour that a subsequent sample is taken that demonstrates compliance with the sulfur limit.
 - (ii) An excess emission occurs for each unit operating hour included in the period beginning on the date and hour of any sample for which the sulfur content of the natural gas being fired in the gas turbine exceeds 0.06% by weight or 20.0 grains/100 scf and ending on the date and hour that a subsequent sample is taken that demonstrates compliance with the sulfur limit.
 - (iii) A period of monitor downtime begins when a required sample is not taken by its due date. A period of monitor downtime also begins on the date and hour of a required sample, if invalid results are obtained. The period of monitor downtime shall include only unit operating hours, and ends on the date and hour of the next valid sample.
- c. Each NO_x excess emissions period reported shall include the average water to fuel ratio, average fuel consumption, the fuel sulfur content, ambient conditions (temperature, pressure, and humidity), gas turbine load, and (if applicable) the nitrogen content of the fuel during each excess emission. The permittee does not have to report ambient conditions if they have opted to use the worst case ISO correction factor as specified in §60.334(b)(3)(ii), or if they opted not to use the ISO correction equation under the provisions of §60.335(b)(1).

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

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

(9 VAC 5-80-490 F and Condition 19 of 4/10/2008 Permit)

2. **Stack Test Notifications for CFR Part 60 Subpart GG Compliance** - The permittee shall furnish written notification to the Director, Tidewater Regional Office of the anticipated date of performance tests of the Combustion Turbines postmarked at least 30 days prior to such date.

Copies of the written notification referenced above are to be sent to:

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

(9 VAC 5-80-490 F, 9 VAC 5-50-50 and Condition 20 of 4/10/2008 Permit)

IV. 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:

Emissions Unit No.	Emissions Unit Description	Citation (9 VAC)	Pollutant Emitted (5-80-720 B)	Rated Capacity (5-80-720 C)
IC-1	Model P-185D air compressor, rated at 0.56 mmBtu/hr	5-80-720 B	NO _x , PM, PM ₁₀ , VOC, CO	84 HP
IL-1	Sandblaster	5-80-720 B	PM, PM ₁₀	n/a
IL-2	Fuel oil valves, pumps, flanges	5-80-720 B	VOC	n/a
IL-5	Turbine lube oil venting	5-80-720 B	VOC	n/a

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, monitoring, recordkeeping and reporting shall not be required for these emission units in accordance with 9 VAC 5-80-490 C E & F.

V. 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:

Requirements Which Do Not Apply to the Source			
Unit Ref No	Citation	Requirement Description	Why it Does not Apply
Facility	40 CFR 63 Subpart T	National Emission Standards for Halogenated Solvent Cleaning	Dominion does not own or operate any equipment meeting the applicability criteria of this NESHAP subpart.
Facility	40 CFR 63 Subpart VV	National Emission Standards for Oil-Water Separators and Organic-Water Separators	This section is applicable only to facilities subject to other subparts that reference this subpart. Dominion is not subject to any subparts that reference this subpart.
Facility	9 VAC 5-70-10; 9 VAC 5-70-70	Applicability of, and Compliance with, Air Quality Standards; Nonattainment Areas	The Hampton Roads area has recently been re-designated an attainment area; therefore, despite its listing in Appendix K, the requirements do not apply.
CT 1-3	40 CFR 63 Subpart YYYY	National Emission Standards for Stationary Combustion Turbines	These turbines are considered existing units and are specifically exempted in Section 63.6090(b)(4).
CT 1-3	40 CFR 60 Subpart KKKK	Standards of Performance for Stationary Combustion Turbines	Only for stationary combustion turbines that commenced construction, modification or reconstruction after February 18, 2005.
CT 1-3	40 CFR 64	Compliance Assurance Monitoring	Does not apply because there are no add on control devices.

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)

VI. 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 5-80-490 N)

B. Permit Expiration

1. This permit has a fixed term of five years. The expiration date shall be the date five years from the effective date of the permit. Unless the owner submits a timely and complete renewal application to DEQ consistent with 9 VAC 5-80-430, the right of the facility to operate shall terminate upon permit expiration.
 - a. 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.
 - b. 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 3, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-510.
 - c. 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 5-80-430 for a renewal permit, except in compliance with a permit issued under Article 3, Part II of 9 VAC 5 Chapter 80.
 - d. If an applicant submits a timely and complete application under section 9 VAC 5-80-430 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 5-80-500 , shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
 - e. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-430 shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-430 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 5-80-430 B, C and F, 9 VAC 5-80-490 D and 9 VAC 5-80-530 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 5-80-490 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 5-80-490 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 5-80-430 G and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 inclusive and July 1 to December 31 inclusive.
 - b. All deviations from permit requirements. For purposes of this permit, a deviation includes, 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 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.” The time period included in the report.
(9 VAC 5-80-490 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 VAC 5-80-430 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. A description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.
3. The identification of each term or condition of the permit that is the basis of the certification.
4. Consistent with subsection 9 VAC 5-80-490 E, the method or methods used for determining the compliance status of the source at the time of certification and over the certification period.
5. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
6. The status of compliance with the terms and conditions of this permit for the certification period.
7. Such other facts as the permit may require to determine the compliance status of the source.

8. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3_APD_Permits@epa.gov

(9 VAC 5-80-490 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.

Owners subject to the requirements of 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 5-50-40. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition IX.C.3. of this permit.

(9 VAC 5-80-490 F.2)

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 discovery, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14-days provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 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 5-50-40. 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 5-80-490 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 grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(9 VAC 5-80-490 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 5-80-490 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 5-80-1790, 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 5-80-490 G and L)(9 VAC 5-80-550 and 9 VAC 5-80-660)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-490 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 5-80-490 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 5-80-430 G.9.

(9 VAC 5-80-490 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-360 through 9 VAC 5-80-700 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 et seq. 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 5-80-490 H)

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 other 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 traced dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
(9 VAC 5-40-20 E, 9 VAC 5-50-90, and 9 VAC 5-50-50)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown 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 5-40-20 E, and 9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-500 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 3.
(9 VAC 5-80-490 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 5-80-490 K.2)

R. Reopening For Cause

1. 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 or more years. Such a reopening shall be completed not 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 5-80-430 F.

2. 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.
3. 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.
4. 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 5-80-490 D.
(9 VAC 5-80-490 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 5-80-510 G)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another or from one piece of equipment to another.
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 5-80-560.
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 5-80-560.
(9 VAC 5-80-520)

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 5-80-490 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. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-650)

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 3. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-490 G & L, 9 VAC 5-80-640 and 9 VAC 5-80-660)

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 submits 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 5-80-430 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substance 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 5-80-490 A)

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 under 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 5-80-490 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 5-80-490 except subsection N shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-500 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 5-80-360 through 9 VAC 5-80-700.
(9 VAC 5-80-490 I)

VII. Title IV (Phase II Acid Rain) Permit Allowances and Requirements

A. Acid Rain General Condition

1. The permittee shall comply with the Acid Rain Program as amended in 40 CFR Parts 51, 52, 72, 78, and 97.
(9 VAC 5-80-110, 9 VAC 5 Chapter 140 and 9 VAC 5-80-490)

VIII. Clean Air Interstate Rule (CAIR) Requirements

A. CAIR General Condition

1. The permittee shall comply with all applicable CAIR requirements (9 VAC 5-140-1010 *et seq.*, 9 VAC 5-140-2010 *et seq.*, 9 VAC 5-140-3010 *et seq.*, 9 VAC 5-140-5010 *et seq.*, and 40 CFR Part 96) by the compliance date in the respective Part of 9 VAC 5 Chapter 140. The CAIR application in Attachment A to this document contains specific conditions and expires on December 31, 2011.
(9 VAC 5-80-110, 40 CFR Part 96, and 9 VAC 5 Chapter 140)

IX. Cross State Air Pollution Rule (CSAPR)

A. CSAPR General Condition

1. As of January 1, 2012, the permittee shall comply with all applicable requirements of the Cross State Air Pollution Rule (CSAPR) which at this time shall be implemented through the Federal Implementation Plan (FIP) as per Chapter 291 of the 2011 Virginia Acts of Assembly and 40 CFR 97.
(9 VAC 5-80-110)

Appendix A - Phase II Acid Rain Application

Elizabeth River Combustion Turbine Station

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Permit Requirements

STEP 3

Read the standard requirements.

- (1) The designated representative of each affected source and each affected unit at the source shall:
 - (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
 - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each affected source and each affected unit at the source shall:
 - (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
 - (ii) Have an Acid Rain Permit.

Monitoring Requirements

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the source or unit, as appropriate, with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements

- (1) The owners and operators of each source and each affected unit at the source shall:
 - (i) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
 - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
 - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
 - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).

Elizabeth River Combustion Turbine Station

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Sulfur Dioxide Requirements, Cont'd.

STEP 3, Cont'd.

- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements

The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements

- (1) The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
- (2) The owners and operators of an affected source that has excess emissions in any calendar year shall:
- (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
 - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements

- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
- (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;

Elizabeth River Combustion Turbine Station

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Recordkeeping and Reporting Requirements, Cont'd.

STEP 3, Cont'd.

- (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
 - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
 - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- (6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
- (7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating

Elizabeth River Combustion Turbine Station

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Effect on Other Authorities, Cont'd.

STEP 3, Cont'd.

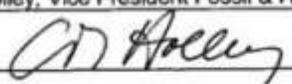
to applicable National Ambient Air Quality Standards or State Implementation Plans;

- (2) Limiting the number of allowances a source can hold; *provided*, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the Act;
- (3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

Certification

STEP 4
Read the certification statement, sign, and date.

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name C.D. Holley, Vice President Fossil & Hydro	
Signature 	Date 6/13/2011

Appendix B - CAIR Permit Application

Plant Name (from Step 1) **Dominion – Elizabeth River CT Station**

**STEP 3,
continued**

(b) Monitoring, reporting, and recordkeeping requirements.

(1) The owners and operators, and the CAIR designated representative, of each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) at the source shall comply with the monitoring, reporting, and recordkeeping requirements of subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96.

(2) The emissions measurements recorded and reported in accordance with subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96 shall be used to determine compliance by each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) with the CAIR NO_x emissions limitation, CAIR SO₂ emissions limitation, and CAIR NO_x Ozone Season emissions limitation (as applicable) under paragraph (c) of §96.106, §96.206, and §96.306 (as applicable).

(c) Nitrogen oxides emissions requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO_x source and each CAIR NO_x unit at the source shall hold, in the source's compliance account, CAIR NO_x allowances available for compliance deductions for the control period under §96.154(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO_x units at the source, as determined in accordance with subpart HH of 40 CFR part 96.

(2) A CAIR NO_x unit shall be subject to the requirements under paragraph (c)(1) of §96.106 for the control period starting on the later of January 1, 2009 or the deadline for meeting the unit's monitor certification requirements under §96.170(b)(1), (2), or (5) and for each control period thereafter.

(3) A CAIR NO_x allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.106, for a control period in a calendar year before the year for which the CAIR NO_x allowance was allocated.

(4) CAIR NO_x allowances shall be held in, deducted from, or transferred into or among CAIR NO_x Allowance Tracking System accounts in accordance with subparts FF, GG, and II of 40 CFR part 96.

(5) A CAIR NO_x allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO_x Annual Trading Program. No provision of the CAIR NO_x Annual Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.105 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR NO_x allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EE, FF, GG, or II of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR NO_x allowance to or from a CAIR NO_x source's compliance account is incorporated automatically in any CAIR permit of the source that includes the CAIR NO_x unit.

Sulfur dioxide emission requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR SO₂ source and each CAIR SO₂ unit at the source shall hold, in the source's compliance account, a tonnage equivalent of CAIR SO₂ allowances available for compliance deductions for the control period under §96.254(a) and (b) not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO₂ units at the source, as determined in accordance with subpart HHH of 40 CFR part 96.

(2) A CAIR SO₂ unit shall be subject to the requirements under paragraph (c)(1) of §96.206 for the control period starting on the later of January 1, 2010 or the deadline for meeting the unit's monitor certification requirements under §96.270(b)(1), (2), or (5) and for each control period thereafter.

(3) A CAIR SO₂ allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.206, for a control period in a calendar year before the year for which the CAIR SO₂ allowance was allocated.

(4) CAIR SO₂ allowances shall be held in, deducted from, or transferred into or among CAIR SO₂ Allowance Tracking System accounts in accordance with subparts FFF, GGG, and III of 40 CFR part 96.

(5) A CAIR SO₂ allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO₂ Trading Program. No provision of the CAIR SO₂ Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.205 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR SO₂ allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart FFF, GGG, or III of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR SO₂ allowance to or from a CAIR SO₂ source's compliance account is incorporated automatically in any CAIR permit of the source that includes the CAIR SO₂ unit.

Nitrogen oxides ozone season emissions requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO_x Ozone Season allowances available for compliance deductions for the control period under §96.354(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO_x Ozone Season units at the source, as determined in accordance with subpart HHHH of 40 CFR part 96.

(2) A CAIR NO_x Ozone Season unit shall be subject to the requirements under paragraph (c)(1) of §96.306 for the control period starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under §96.370(b)(1), (2), (3) or (7) and for each control period thereafter.

(3) A CAIR NO_x Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.306, for a control period in a calendar year before the year for which the CAIR NO_x Ozone Season allowance was allocated.

(4) CAIR NO_x Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO_x Ozone Season Allowance Tracking System accounts in accordance with subparts FFFF, GGGG, and IIII of 40 CFR part 96.

(5) A CAIR NO_x Ozone Season allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO_x Ozone Season Trading Program. No provision of the CAIR NO_x Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.305 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR NO_x allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EEEE, FFFF, GGGG, or IIII of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR NO_x Ozone Season allowance to or from a CAIR NO_x Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

Plant Name (from Step 1) **Dominion – Elizabeth River CT Station**

**STEP 3,
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(d) Excess emissions requirements.

If a CAIR NO_x source emits nitrogen oxides during any control period in excess of the CAIR NO_x emissions limitation, then:

(1) The owners and operators of the source and each CAIR NO_x unit at the source shall surrender the CAIR NO_x allowances required for deduction under §96.154(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

If a CAIR SO₂ source emits sulfur dioxide during any control period in excess of the CAIR SO₂ emissions limitation, then:

(1) The owners and operators of the source and each CAIR SO₂ unit at the source shall surrender the CAIR SO₂ allowances required for deduction under §96.254(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

If a CAIR NO_x Ozone Season source emits nitrogen oxides during any control period in excess of the CAIR NO_x Ozone Season emissions limitation, then:

(1) The owners and operators of the source and each CAIR NO_x Ozone Season unit at the source shall surrender the CAIR NO_x Ozone Season allowances required for deduction under §96.354(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

(e) Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of the CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the permitting authority or the Administrator.

(i) The certificate of representation under §96.113, §96.213, and §96.313 (as applicable) for the CAIR designated representative for the source and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under §96.113, §96.213, and §96.313 (as applicable) changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96, provided that to the extent that subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96 provides for a 3-year period for recordkeeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable).

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable) or to demonstrate compliance with the requirements of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable).

(2) The CAIR designated representative of a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) at the source shall submit the reports required under the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable) including those under subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96.

(f) Liability.

(1) Each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and each NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) shall meet the requirements of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable).

(2) Any provision of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable) that applies to a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) or the CAIR designated representative of a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) shall also apply to the owners and operators of such source and of the CAIR NO_x units, CAIR SO₂ units, and CAIR NO_x Ozone Season units (as applicable) at the source.

(3) Any provision of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable) that applies to a CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) or the CAIR designated representative of a CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) shall also apply to the owners and operators of such unit.

Plant Name (from Step 1) **Dominion – Elizabeth River CT Station**

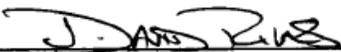
**STEP 3,
continued**

(g) Effect on Other Authorities.

No provision of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable), a CAIR permit application, a CAIR permit, or an exemption under § 96.105, §96.205, and §96.305 (as applicable) shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) or CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

Certification

I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name J. David Rives	
Signature 	Date 12-21-11