



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

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Maria R. Nold
Regional Director

November 3, 2015

Mr. E. Carl Buck
Plant Manager
Franklin Lumber, LLC
529 Carrsville Highway
Franklin, Virginia 23851

Location: Isle of Wight County
Registration No.: 61673

Dear Mr. Buck:

Attached is a Title V permit to operate your lumber mill pursuant to 9 VAC 5 Chapter 80 of the Virginia Regulations for the Control and Abatement of Air Pollution. This permit incorporates provisions from the permit dated November 18, 2013.

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 May 7, 2015, and solicited written public comments by placing a newspaper advertisement in the Tidewater News on Friday, September 18, 2015. The thirty day comment period (provided for in 9 VAC 5-80-270) expired on Monday, October 19, 2015 with no comments having been received in this office.

This approval to operate does not relieve Franklin Lumber, LLC of the responsibility to comply with all other local, state, and federal permit regulations.

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

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

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 Ms. Laura D. Corl by phone at (757) 518-2178 or by e-mail at laura.corl@deq.virginia.gov.

Sincerely,

Troy D. Breathwaite
Regional Air Permits Manager

TDB/LDC/61673_002_15_T5New_CoverLetter_Franklin Lumber LLC.docx

Attachment: Permit
Link to 40 CFR - http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl
For: MACT DDDD, MACT DDDDD, and NSPS Dc

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: Franklin Lumber, LLC
Facility Name: Franklin Lumber, LLC
Facility Location: 529 Carrsville Highway
Franklin, Virginia

Registration Number: 61673
Permit Number: TRO-61673

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Pages 3 through 18)

<u>November 3, 2015</u>	<u>November 2, 2020</u>
Effective Date	Expiration Date
<u>Troy D. Breathwaite</u>	<u>November 3, 2015</u>
Regional Air Permits Manager	Signature Date

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I. Facility Information

Permittee

Franklin Lumber, LLC
529 Carrsville Highway
Franklin, Virginia 23851

Responsible Official

E. Carl Buck
Plant Manager

Facility

Franklin Lumber, LLC
529 Carrsville Highway
Franklin, Virginia 23851

Contact Person

E. Carl Buck
Plant Manager
757-304-5200

County-Plant Identification Number: 51-093-00061

Facility Description: NAICS: 321113, 321999 SIC: 2421

Franklin Lumber LLC (61673) is a new Title V facility that has restarted the previously shut down International Paper-Franklin Lumber Mill (61448) located at 529 Carrsville Highway in Franklin, Virginia. Franklin Lumber LLC purchased the operations of the facility from International Paper who had operated the lumber mill for many years. Franklin Lumber LLC has a new registration number (61673) for their operations.

The lumber mill consists of 3 parts: a sawmill, where log receiving, debarking and trimming takes place; three lumber drying kilns; and a planer mill, where planing, final trimming, and a waste wood hog operate. Specific equipment at the plant consists of 2 bucking saws (rated at 40 thousand board feet per hr (MBF/hr), each), 2 debarkers (40 MBF/hr), a wood chipper (16 MBF/hr), a screener (16 MBF/hr), 2 bark conveyors (30 ton/hr) and a waste conveyor (30 ton/hr).

The logs arrive at the plant and are debarked, then cut to a specific length and then trimmed into dimensional lumber. This area of the plant is all fugitive emissions. From the sawmill area the lumber is then sent to the kiln area. There are 2 natural gas fired boilers (25.2 mmBtu/hr, each), which supply steam to three drying kilns; 2 of which are rated at 163 MBF per 20-hour charge and one is rated at 126 MBF per 20-hour charge. From the kilns, the wood is run through a planer (60 MBF/hr) and then a trim saw (60 MBF/hr) before being shipped. The waste wood hog (60 MBF/hr) reduces the size of the planings and trimmings. All emissions from the planer, trim saw and waste wood hog are routed through a fabric filter (99.9% efficiency) to control the particulate emissions. The primary pollutants being emitted from this source are particulate matter of varying sizes (chips > 100 microns, PM<100 microns, PM₁₀<10 microns and PM_{2.5}<2.5 microns) from all the wood working operations, and VOCs and HAPs (Methanol) from the lumber kilns. The facility produces wood chips as a by-product from the primary operations.

This facility is a state major source of VOC and a Title V major source for VOC and HAP (Methanol). They are currently operating under a State Major NSR permit dated November 18, 2013.

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	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
B1	S1	Cleaver-Brooks Natural Gas Fired Boiler (1994)	25.2 mmBtu/hr, 600 HP				11/18/13
B2	S2	Cleaver-Brooks Natural Gas Fired Boiler (1994)	25.2 mmBtu/hr, 600 HP				11/18/13
SawMill							
IS1		Bucking Saw 1, Unknown (1985)	40 MBF/hr				11/18/13
IS2		Bucking Saw 2, Unknown (1985)	40 MBF/hr				11/18/13
IS3		Wood Chipper & Loading, Unknown (2002)	16 MBF/hr				11/18/13
IS7		Lumber Debarker, Valon Kone (1992)	40 MBF/hr				11/18/13
IS8		Cambio Lumber Debarker (1992)	40 MBF/hr				11/18/13
IS9		Chip Screener, Unknown (1985)	16 MBF/hr				11/18/13
Drying							
1L		No. 1 Lumber Dry Kiln, Irvington-Moore (1982)	163 MBF/20 hour charge				11/18/13
2L		No. 2 Lumber Dry Kiln, Irvington-Moore (1982)	163 MBF/20 hour charge				11/18/13
3L		No. 3 Lumber Dry Kiln, Wellons (1989)	126 MBF/20 hour charge				11/18/13
Planer Mill							
4L	CL	Planer, Newman Whitney (1989)	60 MBF/hr	Fabric Filter Pneumafil Air Filter 13.5-448-12	PCD-CL	PM, PM10, PM2.5	11/18/13
5L	CL	Trim Saw, Irvington-Moore (1989)	60 MBF/hr	Fabric Filter Pneumafil Air Filter 13.5-448-12	PCD-CL	PM, PM10, PM2.5	11/18/13
6L	CL	Waste Wood Hog, Stedman (1989)	60 MBF/hr	Fabric Filter Pneumafil Air Filter 13.5-448-12	PCD-CL	PM, PM10, PM2.5	11/18/13

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

III. Fuel Burning Equipment Requirements – (Unit # B1& B2)

A. Limitations

1. **Fuel Burning Equipment Requirements - Limitations - Fuel** - The approved fuel for the boilers (B1 and B2) is natural gas. A change in the fuel may require a permit to modify and operate.
 (9 VAC 5-80-110 and Condition 9 of the 11/18/13 State Major Permit)
2. **Fuel Burning Equipment Requirements - Limitations - Annual Tune-up** - The permittee shall perform annual tune-ups on the boilers (B1 and B2) in accordance with Table 3 of 40 CFR 63 Subpart DDDDD. Each tune-up shall be performed no more than 13 months after the previous tune-up. The permittee shall be in compliance with this condition by the date specified in 40 CFR Part 63, Subpart DDDDD.
 (9 VAC 5-80-110 and Condition 10 of the 11/18/13 State Major Permit)
3. **Fuel Burning Equipment Requirements - Limitations - Energy Assessment** - The permittee shall perform a one-time energy assessment of the facility in accordance with Table 3 of 40 CFR 63 Subpart DDDDD. The permittee shall be in compliance with this condition by the date specified in 40 CFR Part 63, Subpart DDDDD.
 (9 VAC 5-80-110 and Condition 11 of the 11/18/13 State Major Permit)
4. **Fuel Burning Equipment Requirements - Limitations - Visible Emission Limit** - Visible emissions from the boilers (B1 and B2) shall not exceed 10% opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed 20% percent 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 5-80-110 and Condition 19 of the 11/18/13 State Major Permit)
5. **Fuel Burning Equipment Requirements - Limitations - Process Emission Limits** - Emissions from the operation of the boilers (B1 and B2) shall not exceed the limits specified below:

	<u>Each</u>	<u>Combined</u>
Total Particulate Matter (PM)	0.4 lbs/hr	3.4 tons/yr
Total PM-10*	0.3 lbs/hr	3.3 tons/yr
Total PM-2.5*	0.3 lbs/hr	3.3 tons/yr
Nitrogen Oxides (as NO ₂)	3.0 lbs/hr	26.5 tons/yr
Carbon Monoxide	3.8 lbs/hr	33.1 tons/yr
Volatile Organic Compounds	0.4 lbs/hr	3.5 tons/yr

*Total means the total of Filterable and Condensable

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 4 and C.7.
 (9 VAC 5-80-110 and Condition 16 of the 11/18/13 State Major Permit)

B. Monitoring

6. **Fuel Burning Equipment Requirements - Visible Emission Monitoring** - The permittee shall perform weekly visual emissions checks of each boiler (B1 and B2). If any opacity is indicated, the permittee shall take appropriate action 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) for a minimum of 6 minutes, taking 24 consecutive readings at 15-second intervals. 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 was visible emissions, any VEE recordings and any necessary corrective action. If the equipment has not been operated during the week, it shall be noted in the logbook that the equipment was not operated and that a visual observation was not required. The logbook shall be kept at the facility and available for inspection by the DEQ for the most recent 5 year period.
(9 VAC 5-80-110 and Condition 20 of the 11/18/13 State Major Permit)

C. Recordkeeping

7. **Fuel Burning Equipment Requirements - 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:
 - a. Annual throughput of natural gas delivered to the facility based on monthly receipts, 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. (NSPS Dc 60.48c(g)(3))
 - b. Visible emission monitoring and logs.
 - c. Records of the annual tune-ups for each boiler.
 - d. Records of the energy assessment for each boiler.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition 21 of the 11/18/13 State Major Permit)

IV. Process Equipment Requirements

A. Limitations

8. **Process Equipment Requirements - Limitations - Emission Controls** - Particulate Matter emissions from the planing mill (Planer 4L, Trim Saw 5L and Waste Wood Hog 6L) shall be controlled by a fabric filter (PCD-CL). The planing mill fabric filter shall be provided with adequate access for inspection and shall be in operation when the planing mill is operating.
(9 VAC 5-80-110 and Condition 3 of the 11/18/13 State Major Permit)
9. **Process Equipment Requirements - Limitations - Monitoring Devices** - The planing mill fabric filter (PCD-CL) shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. The 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 planing mill is operating.
(9 VAC 5-80-110 and Condition 4 of the 11/18/13 State Major Permit)
10. **Process Equipment Requirements - Limitations - Fugitive Dust and Fugitive Emission Controls** - Fugitive dust and fugitive emission controls shall include the following, or equivalent, as approved by DEQ:
 - a. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; paving of roadways, and maintenance of roadways in a clean condition.
 - b. Open equipment for conveying or transporting materials likely to create objectionable air pollution when airborne shall be covered, or treated in an equally effective manner at all times when in motion.Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Dirt, product, or raw material spilled or tracked onto paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.
(9 VAC 5-80-110 and Condition 6 of the 11/18/13 State Major Permit)
11. **Process Equipment Requirements - Limitations - Processing** - The three lumber kilns (1L, 2L and 3L) shall process no more than 120,000 MBF (Thousand Board Feet) per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9 VAC 5-80-110 and Condition 7 of the 11/18/13 State Major Permit)
12. **Process Equipment Requirements - Limitations - Processing** - The planing mill (4L, 5L and 6L) shall process no more than 120,000 MBF per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9 VAC 5-80-110 and Condition 8 of the 11/18/13 State Major Permit)

13. **Process Equipment Requirements - Limitations - Saw Mill Emission Limits** - Emissions from the operation of the saw mill operations (IS1, IS2, IS3, IS7, IS8 and IS9) shall not exceed the limits specified below:

Particulate Matter (PM)	17.3 tons/yr
PM-10	1.7 tons/yr
PM-2.5	0.9 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition 12. (9 VAC 5-80-110 and Condition 13 of the 11/18/13 State Major Permit)

14. **Process Equipment Requirements - Limitations - Lumber Kiln Emission Limits** - Emissions from the operation of the three lumber drying kilns (1L, 2L and 3L) shall not exceed the limits specified below:

Particulate Matter (PM)	1.1 lbs/hr	2.7 tons/yr
PM-10	1.1 lbs/hr	2.7 tons/yr
PM-2.5	1.1 lbs/hr	2.7 tons/yr
Volatile Organic Compounds	100.0 lbs/hr	245.4 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition 11. (9 VAC 5-80-110 and Condition 14 of the 11/18/13 State Major Permit)

15. **Process Equipment Requirements - Limitations - Planing Mill Emission Limits** - Emissions from the operation of the planing mill (4L, 5L and 6L) shall not exceed the limits specified below:

Particulate Matter (PM)	0.05 gr/dscf	15.0 lbs/hr	22.5 tons/yr
PM-10	0.05 gr/dscf	15.0 lbs/hr	22.5 tons/yr
PM-2.5	0.05 gr/dscf	15.0 lbs/hr	22.5 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition 12. (9 VAC 5-80-110 and Condition 15 of the 11/18/13 State Major Permit)

16. **Process Equipment Requirements - Limitations - Visible Emission Limit** - Visible emissions from the planing mill (4L, 5L and 6L) shall not exceed 5% opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed 10% percent 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 5-80-110 and Condition 18 of the 11/18/13 State Major Permit)

B. Monitoring

17. **Process Equipment Requirements - Monitoring - Visible Emission Monitoring** - The permittee shall perform weekly visual emissions checks of the planing mill fabric filter (PCD-CL). If any opacity is indicated, the permittee shall take appropriate action 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) for a minimum of 6 minutes, taking 24 consecutive readings at 15-second intervals. 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 was visible emissions, any VEE recordings and any necessary corrective action. If the equipment has not been operated during the week, it shall be noted in the logbook that the equipment was not operated and that a visual observation was not required. The logbook shall be kept at the facility and available for inspection by the DEQ for the most recent 5 year period.
(9 VAC 5-80-110 and Condition 20 of the 11/18/13 State Major Permit)
18. **Process Equipment Requirements - (PCD-CL) - Monitoring - Monitoring Device Observation** – To ensure good performance, the control monitoring device used to continuously measure the differential pressure of the planing mill fabric filter shall be observed by the permittee with a frequency of not less than once per week. The permittee shall keep a log of the observations. The log shall include the date and time of the observations, the observer's name, the differential pressure and any necessary corrective action.
(9 VAC 5-80-110 and Condition 5 of the 11/18/13 State Major Permit)

C. Recordkeeping

19. **Process Equipment Requirements - Recordkeeping** - 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, TRO Regional Office. These records shall include, but are not limited to:
 - a. Annual production of lumber through the saw mill, the kilns and the planing mill, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
 - b. Operation and control device monitoring records for the planing mill fabric filter.
 - c. Visible emission monitoring and logs.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent 5 years.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition 21 of the 11/18/13 State Major Permit)

V. Facility Wide Conditions

A. Limitations

20. **Facility wide Emission Limits** - Total emissions from the lumber mill shall not exceed the limits specified below:

Total Particulate Matter (PM)	45.9 tons/yr
Total PM-10*	30.3 tons/yr
Total PM-2.5*	29.4 tons/yr
Nitrogen Oxides (as NO ₂)	26.5 tons/yr
Carbon Monoxide	33.1 tons/yr
Volatile Organic Compounds	248.9 tons/yr

*Total means the total of Filterable and Condensable

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions III.A.4, III.C.7, IV.8, IV.9, IV.11, IV.12, IV.16 and IV.C.19.
(9 VAC 5-80-1180 and 9 VAC 5-50-260)

B. Testing

21. **Process Equipment Requirements - Testing** - The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-50-30, 9 VAC 5-80-110 and Condition 22 of the 11/18/13 State Major Permit)

VI. Insignificant Emission Units

22. **Insignificant Emission Units** - The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9VAC5-80-720 B)	Rated Capacity (9VAC5-80-720 C)
IS4	Lumber Mill Saw	9 VAC 5-80-720 B	PM/PM ₁₀ /PM _{2.5}	
IS5	Band Saw	9 VAC 5-80-720 B	PM/PM ₁₀ /PM _{2.5}	
IS6	Holtec Vario-Cut Saw	9 VAC 5-80-720 B	PM/PM ₁₀ /PM _{2.5}	
IS10	Chip Screener Feed Conveyor	9 VAC 5-80-720 B	PM/PM ₁₀ /PM _{2.5}	
IS11	Bark Conveyor	9 VAC 5-80-720 B	PM/PM ₁₀ /PM _{2.5}	
IS12	Bark Conveyor	9 VAC 5-80-720 B	PM/PM ₁₀ /PM _{2.5}	
IS13	Waste Conveyor 1	9 VAC 5-80-720 B	PM/PM ₁₀ /PM _{2.5}	
IS14	Various Conveying Equipment	9 VAC 5-80-720 B	PM/PM ₁₀ /PM _{2.5}	
IS15	Baghouse Fines Conveyor	9 VAC 5-80-720 B	PM/PM ₁₀ /PM _{2.5}	
IS16	Baghouse Fines Conveyor	9 VAC 5-80-720 B	PM/PM ₁₀ /PM _{2.5}	
IS17	Baghouse Fines Bin	9 VAC 5-80-720 B	PM/PM ₁₀ /PM _{2.5}	
IS18	Savings Bin	9 VAC 5-80-720 B	PM/PM ₁₀ /PM _{2.5}	

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.

VII. Permit Shield & Inapplicable Requirements

23. **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
None designated		

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)

VIII. General Conditions

24. **General Conditions - Federal Enforceability** -All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)
25. **General Conditions - Permit Expiration**- This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170B)
26. **General Conditions - Permit Expiration**-The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170B)
27. **General Conditions - Permit Expiration**-If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170B)
28. **General Conditions - Permit Expiration**-No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170B)
29. **General Conditions - Permit Expiration**-If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170B)
30. **General Conditions - Permit Expiration**-The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)
31. **General Conditions -Recordkeeping and Reporting** - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.

- e. The results of such analyses.
- f. The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-110 F)

32. **General Conditions -Recordkeeping and Reporting** - Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

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

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - i. Exceedance of emissions limitations or operational restrictions;
 - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

34. **General Conditions - Annual Compliance Certification** - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the certification. The time period to be addressed is January 1 to December 31.
- b. The identification of each term or condition of the permit that is the basis of the certification.
- c. The compliance status.
- d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
- e. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

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

R3_APD_Permits@epa.gov

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

- 35. **General Conditions - 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 Condition 33 of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)
- 36. **General Conditions - Failure/Malfunction Reporting** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. 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)
- 37. **General Conditions - Severability** - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)
- 38. **General Conditions - Duty to Comply** - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)
- 39. **General Conditions - Need to Halt or Reduce Activity not a Defense** -It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)
- 40. **General Conditions - Permit Modification** -A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)
- 41. **General Conditions - Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

42. **General Conditions - Duty to Submit Information** - The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
43. **General Conditions - Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)
44. **General Conditions - Duty to Pay Permit Fees** - The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350 in addition to an annual permit maintenance fee consistent with the requirements of 9 VAC 5-80-2310 through 9 VAC 5-80-2350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. The amount of the annual permit maintenance fee shall be the largest applicable base permit maintenance fee amount from Table 8-11A in 9 VAC 5-80-2340, adjusted annually by the change in the Consumer Price Index.
(9 VAC 5-80-110 H, 9 VAC 5-80-340 C, and 9 VAC 5-80-2340 B)
45. **General Conditions - Fugitive Dust Emission Standards** - During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
 - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
 - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
 - d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
 - e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
- (9 VAC 5-50-90)
46. **General Conditions - 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 5-50-20 E)

47. **General Conditions - Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.
(9 VAC 5-80-110 J)
48. **General Conditions - Inspection and Entry Requirements** - The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:
- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
 - b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
 - d. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
(9 VAC 5-80-110 K.2)
49. **General Conditions - Reopening For Cause** - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F. The conditions for reopening a permit are as follows:
- a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
 - c. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.
(9 VAC 5-80-110 L)
50. **General Conditions - Permit Availability** - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)
51. **General Conditions - Transfer of Permits** - No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)

52. **General Conditions - Transfer of Permits** - In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
53. **General Conditions - Transfer of Permits** - In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
54. **General Conditions - Malfunction as an Affirmative Defense** - A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements stated in Condition 55 are met.
(9 VAC 5-80-250)
55. **General Conditions - Malfunction as an Affirmative Defense** - The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
- a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
(9 VAC 5-80-250)
56. **General Conditions - Malfunction as an Affirmative Defense** - In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
(9 VAC 5-80-250)
57. **General Conditions - Malfunction as an Affirmative Defense** - The provisions of Conditions 54, 55, and 56 are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-250)
58. **General Conditions - Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 C and 9 VAC 5-80-260)

59. **General Conditions - Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)
60. **General Conditions - Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)
61. **General Condition – 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)
62. **General Condition - 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)
63. **General Conditions - Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)
64. **General Conditions - Emissions Trading** - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
- a. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
 - b. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
 - c. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.
(9 VAC 5-80-110 I)