



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
VALLEY REGIONAL OFFICE

Molly Joseph Ward
Secretary of Natural Resources

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David K. Paylor
Director

Amy Thatcher Owens
Regional Director

October 30, 2014

Mr. Robert D. Golightly
General Manager
Valley Proteins, Inc. - Winchester
P.O. Box 3588
Winchester, Virginia 22604

Location: Frederick County
Registration No.: 80092
Plant ID No.: 51-069-0011

Dear Mr. Golightly:

Attached is a permit to operate an animal rendering facility pursuant to 9 VAC 5 Chapter 80, Article 1, of the Virginia Regulations for the Control and Abatement of Air Pollution. This permit incorporates provisions from the minor New Source Review (NSR) permit dated August 19, 2004 as amended February 1, 2006, December 6, 2006, July 30, 2008, September 9, 2009, December 21, 2012, and August 26, 2014.

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 April 28, 2014 and solicited written public comments by placing a newspaper advertisement in the *Winchester Star* newspaper on September 10, 2014. The thirty-day comment period (provided for in 9 VAC 5-80-270) expired on October 10, 2014.

This permit approval shall not relieve Valley Proteins, Inc. - Winchester Division 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 this 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
P.O. Box 1105
Richmond, Virginia 23218

In the event that you receive this permit by mail, three days are added to the period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia, at <http://www.courts.state.va.us/courts/scv/rules.html>, 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 Jeremy Funkhouser at Jeremy.Funkhouser@deq.virginia.gov or 540-574-7820.

Sincerely,



B. Keith Fowler
Deputy Regional Director

Attachment: Permit

c: Manager, Data Analysis (electronic file submission)
Chief, Air Enforcement Branch (3AP20), U.S. EPA, Region III (electronic file submission)



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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: Valley Proteins, Inc.
Facility Name: Valley Proteins, Inc. - Winchester
Facility Location: 1635 Indian Hollow Road
Winchester, VA 22603
Registration Number: 80092

Permit Number
VRO 80092

Effective Date
November 1, 2014

Expiration Date
October 31, 2019

A handwritten signature in blue ink, appearing to be "B. J. Miller", written over a horizontal line.

Deputy Regional Director

October 30, 2014
Signature Date

Permit consists of 32 pages.
Permit Conditions 1 to 83.
Table of Contents consists of 1 page.
Source Testing Report Format

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Facility Information

Permittee

Valley Proteins, Inc.
151 Val-Pro Road
P.O. Box 3588
Winchester, VA 22604

Responsible Official

Robert Golightly
General Manager

Facility

Valley Proteins, Inc.
1635 Indian Hollow Road
Winchester, VA 22603

Contact Person

Robert T. Vogler
Environmental Manager
(540) 877-2590

Plant Identification Number: 51-069-0011

Facility Description: SIC Code: 2077 – Rendering of animal by-products and fats and NAISC: 31163 - Rendering and Meat Byproduct Processing

Valley Proteins, Inc. (VP) renders inedible animal by-products and used cooking oil from restaurants to produce protein solids and fats that are sold to feed mills. One 25.0 ton/hr continuous cooker and two 1.75 ton/hr feather cookers breakdown and dehydrate raw animal materials and used cooking oil into solids and fats using steam from two boilers, capable of firing residual oil, finished animal/vegetable oil, or natural gas. Odor vapor streams containing volatile organic compounds (VOCs) are vented to the boiler firebox for incineration or to the packed tower scrubber. Room air from the facility is directed to a 66,000 cfm cross-flow scrubber. Fats and solids are stored in fat tanks and feed bins, respectively. The processed animal/vegetable oil may be mixed with distillate oil and may be used as a fuel for the boilers, depending on market and availability. The facility is also capable of storing up to 333,825 gallons of animal fat, fuel oil, and gasoline, for use in the boilers and transportation trucks.

Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
B-1	B1E-1	Cleaver Brooks CB655-700 boiler, manufactured in 1967 (modified in 2002)	23.4 MMBtu/hr maximum heat input	---	---	---	8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14
B-2	B2E-1	Cleaver Brooks CB662-700 boiler, manufactured in 1967 (modified in 2002)	23.4 MMBtu/hr maximum heat input	---	---	---	8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14
Process Equipment							
CC-1	B1E-1 B2E-2 PTSE-1 PTSE-2 CFS-1	320U Dupps continuous cooker equipped with two air cooled condensers (cooker manufactured in 2002)	25.0 tons/hr maximum solids input	6000 cfm Venturi Scrubber 3000 cfm Venturi Scrubber 15000 cfm Packed Tower Scrubber Cross Flow Scrubber	VS-1 VS-2 PTS-3 CFS-1	VOC and PM	8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14
FC-1, FC-2	B1E-1 B2E-2 PTSE-1 PTSE-2 CFS-1	Dupps 5x12 feather cookers (manufactured prior to 1972)	1.75 tons/hr maximum combined solids input	6000 cfm Venturi Scrubber 3000 cfm Venturi Scrubber 15000 cfm Packed Tower Scrubber Cross Flow Scrubber	VS-1 VS-2 PTS-3 CFS-1	VOC and PM	8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14

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

Fuel Burning Equipment Requirements – (Units B-1 and B-2)

1. **Limitations** – The approved fuels for the two Cleaver Brooks boilers (B-1 and B-2) are residual oil (No. 6), processed animal fat, and natural gas. A change in fuels may require a permit to modify and operate.
 (9 VAC 5-80-110 and Condition 2 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

2. **Limitations** – The processed animal fat may be blended with distillate oil (No. 2). The ratio shall consist of a maximum of 10 gallons of distillate oil per 6500 gallons of processed animal fat.
 (9 VAC 5-80-110 and Condition 3 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

3. **Limitations** – The fuel throughput to the two Cleaver Brooks boilers (B-1 and B-2) shall not exceed the lesser of the following:

Approved Fuel Type	Quantity Allowed
Animal Fat and/or Residual Oil	2,170,000 gallons
OR	
Residual Oil	1,974,522.3 ÷ %S gallons
Where: <div style="text-align: center;">%S = The percent sulfur content of the residual oil. Use <u>2.5</u> for 2.5% sulfur content.</div>	

The annual fuel throughput shall be calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
 (9 VAC 5-80-110 and Condition 4 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

4. **Limitations** – The distillate oil, residual oil, and processed animal fat shall meet the specifications below:

DISTILLATE OIL which meets the ASTM D396 specification for numbers 2 fuel oil:
 Maximum sulfur content per shipment: 0.05%

RESIDUAL OIL which meets ASTM D396 specifications for number 6 fuel oil:
 Maximum sulfur content per shipment: 2.5%

PROCESSED ANIMAL FATS derived from Valley Proteins, Inc. rendering operations.

(9 VAC 5-80-110 and Condition 5 of the 8/19/04 Permit as amended 2/1/06, 12/6/06,

7/30/08, 9/9/09, 12/21/12, and 8/26/14)

5. **Limitations** – Emissions from the operation of each boiler (B-1 and B-2) when burning processed animal fat shall not exceed the limits specified below:

Particulate Matter (PM)	0.40 lbs/hr
PM-10	0.40 lbs/hr
Sulfur Dioxide	0.42 lbs/hr
Nitrogen Oxides (as NO ₂)	7.75 lbs/hr
Carbon Monoxide	0.70 lbs/hr
Volatile Organic Compounds	0.36 lbs/hr

Compliance with these emission limits may be determined as stated in Conditions 1, 3, and 4. (9 VAC 5-80-110 and Condition 7 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

6. **Limitations** – Emissions from the operation of each boiler (B-1 and B-2) when burning residual oil (No.6) shall not exceed the limits specified below:

Particulate Matter (PM)	4.09 lbs/hr
PM-10	3.56 lbs/hr
Sulfur Dioxide	61.23 lbs/hr
Nitrogen Oxides (as NO ₂)	8.58 lbs/hr
Carbon Monoxide	0.78 lbs/hr

Compliance with these emission limits may be determined as stated in Conditions 1 and 4. (9 VAC 5-80-110 and Condition 8 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

7. **Limitations** – Emissions from the operation of each boiler (B-1 and B-2) when burning natural gas shall not exceed the limits specified below:

Particulate Matter (PM)	0.17 lbs/hr
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PM-10	0.17 lbs/hr
Sulfur Dioxide	0.01 lbs/hr
Nitrogen Oxides (as NO ₂)	2.29 lbs/hr
Carbon Monoxide	1.93 lbs/hr
Volatile Organic Compounds	0.13 lbs/hr

Compliance with these emission limits may be determined as stated in Condition 1.
(9 VAC 5-80-110 and Condition 9 of the 8/19/04 Permit as amended 2/1/06, 12/6/06,
7/30/08, 9/9/09, 12/21/12, and 8/26/14)

8. **Limitations** – Total emissions from the operation of the two boilers (B-1 and B-2) when burning processed animal fat, residual oil, or natural gas shall not exceed the limits specified below:

Particulate Matter (PM)	14.5 tons/yr
PM-10	11.1 tons/yr
Sulfur Dioxide	155.1 tons/yr
Nitrogen Oxides (as NO ₂)	63.8 tons/yr
Carbon Monoxide	16.9 tons/yr
Volatile Organic Compounds	2.3 tons/yr

Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period. Emissions may be calculated using the equation in Condition 18. These emissions are derived from the estimated overall emissions contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these limits shall be determined as stated in Conditions 1, 2, 3, 4, 9, 10, and 18.
(9 VAC 5-80-110 and Condition 10 of the 8/19/04 Permit as amended 2/1/06, 12/6/06,
7/30/08, 9/9/09, 12/21/12, and 8/26/14)

9. **Limitations** – Visible emissions from each of the two boilers (B-1 and B-2) shall not exceed 20 percent opacity when burning residual oil or natural gas except during one six-minute

period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by 40 CFR 60, Appendix A, Method 9. This condition applies at all times except during startup, shutdown, or malfunction.

(9 VAC 5-80-110, 9 VAC 5-50-80, and Condition 11 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

10. **Limitations** – Visible emissions from each of the two boilers (B-1 and B-2) shall not exceed 10 percent opacity when burning processed animal fat except during one six-minute period in any one hour in which visible emissions shall not exceed 20 percent opacity as determined by 40 CFR 60, Appendix A, Method 9. This condition applies at all times except during startup, shutdown, and malfunction.

(9 VAC 5-80-110, 9 VAC 5-50-80, and Condition 12 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

11. **Limitations** - 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. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment and process equipment which affect such emissions:

- a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
- b. Maintain an inventory of spare parts.
- c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
- d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures, prior to their first operation of such equipment. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

(9 VAC 5-80-110 and Condition 31 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

12. **Limitations** – **MACT JJJJJJ** – Except where this permit is more restrictive than the applicable requirement, the boilers (B-1 and B-2) shall be operated in compliance with the requirements of 40 CFR 63, Subpart JJJJJJ.

(9 VAC 5-80-110 and Condition 13 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

13. **Limitations** - **MACT JJJJJJ** – For each boiler (B-1 and B-2), the permittee shall comply with the applicable standards in 40 CFR 63.11201, and with each work practice standard, emission reduction measure, and management practice specified in Table 2 to 40 CFR 63,

Subpart JJJJJ. The permittee must conduct an initial tune-up of each boiler as specified in 40 CFR 63.11214 and conduct a tune-up of each boiler biennially as specified in 40 CFR 63.11223.

(9 VAC 5-80-110, 40 CFR 63.11201, and Table 2 to 40 CFR 63, Subpart JJJJJ)

14. **Limitations - MACT JJJJJ** - For each boiler (B-1 and B-2), the permittee shall comply with the applicable requirements of the General Provisions of 40 CFR 63 Subpart A, as outlined in Table 8 to 40 CFR 63, Subpart JJJJJ.

(9 VAC 5-80-110 and 40 CFR 63.11235)

15. **Limitations - MACT JJJJJ** - For each boiler (B-1 and B-2), the permittee shall comply with the applicable general compliance requirements in 40 CFR 63.11205. At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the permittee to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the DEQ that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(9 VAC 5-80-110 and 40 CFR 63.11205)

16. **Limitations - MACT JJJJJ** - For each boiler (B-1 and B-2), the permittee shall comply with the applicable continuous compliance requirements in 40 CFR 63.11223, as follows:

- a. You must conduct a performance tune-up according to paragraph (b) of this Condition and keep records as required in 40 CFR 63.11225(c) to demonstrate continuous compliance. You must conduct the tune-up while burning the type of fuel that provided the majority of the heat input to the boiler over the 12 months prior to the tune-up.
- b. For each boiler (B-1 and B-2), the permittee must conduct a tune-up of the boiler biennially to demonstrate continuous compliance as specified in paragraphs (b)(1) through (7) of this Condition. Each biennial tune-up must be conducted no more than 25 months after the previous tune-up.

- (1) As applicable, inspect the burner, and clean or replace any components of the burner as necessary. The permittee may delay the burner inspection until the next scheduled unit shutdown, not to exceed 36 months from the previous inspection.

- (2) Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available.

- (3) Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly. You may delay the inspection until the next scheduled unit shutdown, not to exceed 36 months from the previous inspection.
- (4) Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any nitrogen oxide requirement to which the unit is subject.
- (5) Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer.
- (6) Maintain on-site and submit, if requested by the DEQ, a report containing the information in paragraphs (a) through (c) below.
 - (a) The concentrations of CO in the effluent stream in parts per million, by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler.
 - (b) A description of any corrective actions taken as a part of the tune-up of the boiler.
 - (c) The type and amount of fuel used over the 12 months prior to the tune-up of the boiler, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel use by each unit.
- (7) If the unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of startup.

(9 VAC 5-80-110 and 40 CFR 63.11223)

17. **Monitoring** – The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil or residual oil. Each fuel supplier certification shall include the following:
- a. The name of the fuel supplier;
 - b. The date on which the distillate oil or residual oil was received;
 - c. The quantity of distillate oil or residual oil delivered in the shipment;
 - d. A statement that the distillate oil complies with the American Society for Testing and Materials specifications (ASTM D396) for number 2 fuel oil;

- e. A statement that the residual oil complies with the American Society for Testing and Materials specifications (ASTM D396) for number 6 fuel oil; and
- f. The sulfur content of the distillate oil or residual oil.

(9 VAC 5-80-110 and Condition 6 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

18. **Monitoring** – Total emissions (Q_{total}) of each pollutant from the two boilers (B-1 and B-2) shall be calculated as follows:

$$Q_{total} = \sum_{i=1}^n QF_i + \sum_{i=1}^n QR_i + \sum_{i=1}^n QN_i$$

Where:

- Q_{total} = Total pollutant emission rate (in tons/year) from all boilers.
- QF_i = Total pollutant emission rate (in tons/year) from each boiler (i) burning processed animal fat or blended fat/distillate using DEQ-approved pollutant specific emission factors.
- QR_i = Total pollutant emission rate (in tons) from each boiler (i) burning residual oil using DEQ-approved pollutant specific emission factors.
- QN_i = Total pollutant emission rate (in tons/year) from each boiler (i) burning natural gas using DEQ-approved pollutant specific emission factors.

The emissions shall be calculated monthly as the sum of each consecutive 12-month period to verify compliance with the annual emission limits included in Condition 8.
(9 VAC 5-80-110 and Condition 27 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

19. **Monitoring** – The permittee shall perform periodic monitoring of the boiler stacks (B1E-1 and B1E-2) as follows:

- a. Conduct weekly inspections of each stack to determine the presence of visible emissions when burning liquid fuels. The person conducting the inspection does not have to be EPA, Method 9 certified. However, the individual should be familiar with the procedures of EPA, Method 9 including using the proper location to observe visible emissions. If during the inspection, visible emissions are observed, the permittee shall take one of the following actions:
 - (i) Timely corrective action shall be initiated within 4 hours of the inspection such that the stack operates with no visible emissions within 24 hours of the initial observation; or

- (ii) An EPA Method 9 (40 CFR Part 60, Appendix A) visible emission evaluation (VEE) shall be conducted. If a VEE is conducted, the individual performing the VEE must hold a current EPA Method 9 certification. The VEE shall be conducted for a minimum period of six minutes. If any of the observations exceed the applicable opacity limit, the observation period shall continue until 60 minutes of observation have been completed or until a violation of the opacity limit for that stack has been documented, whichever period is shorter.
- b. If the results of any VEE, while burning residual oil, exceed the standard in Condition 9, a performance test shall be conducted for particulate matter (PM) on the boiler stack which exceeded the standard using EPA Methods 5 and 202 (40 CFR Part 60, Appendix A). The tests shall be performed while burning residual oil, and demonstrate compliance with the PM emission limit contained in Condition 6 within 90 days of the exceedance of the opacity standard or within one calendar year of the previous stack test of that boiler stack whichever occurs later. The details of the test are to be arranged with the DEQ. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the DEQ, within 45 days after test completion and shall conform to the test report format enclosed with this permit.
- c. If the results of any VEE, while burning processed animal fat, exceed the standard in Condition 10, a performance test shall be conducted for particulate matter (PM) on the boiler stack which exceeded the standard using EPA Methods 5 and 202 (40 CFR Part 60, Appendix A). The tests shall be performed, while burning processed animal fat and demonstrate compliance with the emission limit contained in Condition 5 within 90 days of the exceedance of the opacity standard or within one calendar year of the previous stack test of that boiler stack whichever occurs later. The details of the test are to be arranged with the DEQ. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the DEQ, within 45 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-80-110)

20. **Monitoring** – When a performance test is required by Condition 19.b or 19.c., the permittee shall conduct a concurrent VEE, in accordance with 40 CFR, Part 60, Appendix A, Method 9, on the stack being tested. Each test shall consist of 30 sets of 24 consecutive observations (at 15 second intervals) to yield a six minute average. The details of the tests are to be arranged with the DEQ. The permittee shall submit a test protocol at least 30 days prior to testing. Should conditions prevent concurrent opacity observations, the DEQ, shall be notified in writing, within seven days, and visible emissions testing is to be rescheduled within 30 days. Rescheduled testing is to be conducted under the same conditions (as possible) as the performance tests. One copy of the test result shall be submitted to the DEQ, within 45 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-80-110)

21. **Recordkeeping** – The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the DEQ. These records shall include, but are not limited to:

- a. The monthly and annual throughput of processed animal fat used in the two boilers (B-1 and B-2), calculated monthly as the sum of each consecutive 12-month period.
- b. The monthly and annual throughput of residual oil (No. 6) used in the two boilers (B-1 and B-2), calculated monthly as the sum of each consecutive 12-month period.
- c. The monthly and annual throughput of natural gas used in the two boilers (B-1 and B-2), calculated monthly as the sum of each consecutive 12-month period.
- d. The quantity of distillate oil and processed animal fat used in producing the blended animal fat for each batch blended.
- e. Emission calculations demonstrating compliance with annual emission limitations in Condition 8.
- f. All visible emission evaluations and stack test results.
- g. Fuel specification test results and certifications including sulfur content and heating value.
- h. A daily log of the type and percent sulfur content of the fuel burned in the two boilers (B-1 and B-2).
- i. Records of Maintenance/Operating Procedures and training as required in Condition 11.
- j. A log of weekly inspections performed on the boiler stacks (BE-1 and BE-2) as required in Condition 19 to include the following:
 - (1) The date, time and name of the person performing each inspection;
 - (2) Whether or not visible emissions are observed and the suspected cause of such emissions;
 - (3) The date, time, and type of corrective actions taken.
- k. Scheduled and unscheduled maintenance and operator training.

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

(9 VAC 5-80-110 and Condition 28 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

22. **Recordkeeping – MACT JJJJJ** - You must maintain the records specified in (a) through (d) of this Condition for each boiler (B-1 and B-2):
- a. As required in § 63.10(b)(2)(xiv), the permittee must keep a copy of each notification and report that you submitted to comply with this subpart and all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted.
 - b. You must keep records to document conformance with the work practices, emission reduction measures, and management practices required by § 63.11214 and § 63.11223 as specified in (1) through (3) below.
 - (1) Records must identify each boiler, the date of tune-up, the procedures followed for tune-up, and the manufacturer's specifications to which the boiler was tuned.
 - (2) A copy of the energy assessment report.
 - (3) Records of the occurrence and duration of each malfunction of the boiler, or of the associated air pollution control and monitoring equipment.
 - c. Records of actions taken during periods of malfunction to minimize emissions in accordance with the general duty to minimize emissions in § 63.11205(a), including corrective actions to restore the malfunctioning boiler, air pollution control, or monitoring equipment to its normal or usual manner of operation.
 - d. You must keep the records of all inspection and monitoring data required by § 63.11221 and § 63.11222, and the information identified in (1) through (6) below for each required inspection or monitoring:
 - (1) The date, place, and time of the monitoring event.
 - (2) Person conducting the monitoring.
 - (3) Technique or method used.
 - (4) Operating conditions during the activity.
 - (5) Results, including the date, time, and duration of the period from the time the monitoring indicated a problem to the time that monitoring indicated proper operation.
 - (6) Maintenance or corrective action taken (if applicable).

Your records must be in a form suitable and readily available for expeditious review. These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-80-110 and 40 CFR 63.11225)

23. **Testing** – Upon request by the DEQ, the permittee shall conduct additional visible emission evaluations from the two boilers (B-1 and B-2) to demonstrate compliance with the visible emission limits contained in this permit. The details of the tests shall be arranged with the DEQ.

(9 VAC 5-80-110 and Condition 26 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

24. **Testing** – If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.

(9 VAC 5-80-110)

25. **Reporting – MACT JJJJJJ** - For each boiler (B-1 and B-2), the permittee shall comply with the applicable notification and reporting requirements in 40 CFR 63.11225, as follows:

a. You must submit the notifications specified in (1) through (3) below.

(1) You must submit all of the notifications in §§ 63.7(b), 63.8(e) and (f), and 63.9(b) through (e), (g), and (h), that apply to you by the dates specified in those sections except as specified in paragraphs (2) and (3) below.

(2) An Initial Notification must be submitted no later than January 20, 2014 or within 120 days after the source becomes subject to the standard.

(3) You must submit the Notification of Compliance Status no later than 120 days after the applicable compliance date specified in § 63.11196. You must submit the Notification of Compliance Status in accordance with paragraphs (a)(3)(i) and (iv) of this Condition. The Notification of Compliance Status must include the information and certification(s) of compliance in paragraphs (i) through (iii) below, as applicable, and signed by a responsible official.

(i) You must submit the information required in § 63.9(h)(2), except the information listed in § 63.9(h)(2)(i)(B), (D), (E), and (F).

(ii) “This facility complies with the requirements in § 63.11214 to conduct an initial tune-up of the boiler.”

(iii) “This facility has had an energy assessment performed according to § 63.11214(c).”

(iv) For units that do not qualify for a statutory exemption as provided in section 129(g)(1) of the Clean Air Act: “No secondary materials that are solid waste were combusted in any affected unit.”

(v) The notification must be submitted electronically using the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX)

(www.epa.gov/cdx). However, if the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the written Notification of Compliance Status must be submitted to the DEQ at the appropriate address listed in § 63.13.

- b. You must prepare, by March 1 of each year, and submit to the DEQ upon request, an annual compliance certification report for the previous calendar year containing the information specified in paragraphs (1) through (2) below.
- (1) Company name and address.
 - (2) Statement by a responsible official, with the official's name, title, phone number, email address, and signature, certifying the truth, accuracy and completeness of the notification and a statement of whether the source has complied with all the relevant standards and other requirements of this subpart. Your notification must include the following certification(s) of compliance, as applicable, and signed by a responsible official:
 - (i) “This facility complies with the requirements in § 63.11223 to conduct a biennial tune-up.”
 - (ii) For units that do not qualify for a statutory exemption as provided in section 129(g)(1) of the Clean Air Act: “No secondary materials that are solid waste were combusted in any affected unit.”

(9 VAC 5-80-110 and 40 CFR 63.11225)

Process Equipment Requirements – (Units CC-1, FC-1 and FC-2)

26. **Limitations** – Particulate matter, volatile organic compounds, and odorous emissions from the processing equipment shall be controlled by wet and chemical scrubbers or incinerated as combustion air in the boilers (B-1 and B-2) as follows:

a. High Intensity Emissions and Odors

Emissions and high intensity odors from all cooker process equipment (including, but not limited to pressors, screens, sedimentor, and centrifuge) shall be controlled by a wet 6,000 cfm venturi scrubber (VS-1) and a 15,000 cfm packed tower scrubber (PTS-3) operated in series.

b. Non-Condensable Emissions and Odors

Emissions and odors from the Dupps 320 U continuous cooker's (CC-1) and feather cookers' (FC-1 and FC-2) non-condensable gases following the condenser units (ACC-250 and ACC-251) and the 3,000 cfm Venturi scrubber (VS-2) shall be incinerated as combustion air in the boilers (B-1 and B-2).

Whenever the boiler(s) is not available, these emissions and odors shall pass through the 15,000 cfm packed tower scrubber (PTS-3). The bypass of the boilers is permitted only during times when the boilers are operating at a firing load of less than 60 percent.

c. Low Intensity Emissions and Odors

Low intensity emissions and odors from the process equipment and raw material and odors from the processing building shall be controlled by one stage of chemical scrubbing in the cross-flow scrubber (CFS-1).

(9 VAC 5-80-110 and Condition 14 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

27. **Limitations** – A positive oxidation-reduction potential (ORP) shall be maintained at all times when exhaust gases are directed to the scrubbers (PTS-3 and CFS-1).

(9 VAC 5-80-110 and Condition 15 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

28. **Limitations** – The exhaust temperature of the emissions leaving the Venturi scrubbers (VS-1 and VS-2) shall be maintained below 130°F.

(9 VAC 5-80-110 and Condition 18 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

29. **Limitations** – The total amount of material received for rendering shall not exceed 150,000

tons 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 21 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

30. **Limitations** – Total emissions from the scrubber controlling the rendering process (PTS-3) shall not exceed the limits specified below:

Particulate Matter (PM)	1.35 lbs/hr	3.56 tons/yr
Volatile Organic Compounds	2.28 lbs/hr	6.00 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedances of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these limits shall be determined as stated in Conditions 29 and 31.

(9 VAC 5-80-110 and Condition 22 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

31. **Limitations** – Visible emissions from the scrubbers (PTS-3 and CFS-1) shall not exceed 10% opacity during one six-minute period in any one hour in which visible emissions shall not exceed 20% opacity as determined by 40 CFR 60, Appendix A, Method 9. This condition applies at all times except during startup, shutdown, and malfunction.

(9 VAC 5-80-110, 9 VAC 5-50-80, and Condition 23 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

32. **Monitoring** – The packed tower scrubber (PTS-3) and the cross-flow scrubber (CFS-1) shall be equipped with devices to continuously measure the oxidation-reduction potential (ORP) of the scrubber solution used in each of the scrubbers (PTS-3 and CFS-1). Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the packed tower scrubber (PTS-3) and the cross-flow scrubber (CFS-1) are operating.

(9 VAC 5-80-110 and Condition 16 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

33. **Monitoring** – The monitoring devices used to continuously measure the scrubber ORP shall be observed by the permittee with a frequency of not less than once per day. The permittee shall keep a log of the observations from the packed tower scrubber (PTS-3) and the cross-flow scrubber (CFS-1).
(9 VAC 5-80-110 and Condition 17 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)
34. **Monitoring** – The Venturi scrubbers (VS-1 and VS-2) shall be equipped with devices to continuously measure the scrubber exhaust temperature. Each monitoring device shall be installed, maintained, calibrated, and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the Venturi scrubbers (VS-1 and VS-2) are operating.
(9 VAC 5-80-110 and Condition 19 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)
35. **Monitoring** – The monitoring devices used to continuously measure the Venturi scrubbers' exhaust temperature (VS-1 and VS-2) shall be observed by the permittee with a frequency of not less than once per day. The permittee shall keep a log of the observations from the Venturi scrubbers (VS-1 and VS-2).
(9 VAC 5-80-110 and Condition 20 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)
36. **Monitoring and Recordkeeping** – The permittee shall perform daily inspections of each scrubber (PTS-3 and CFS-1) to determine the presence of visible emissions. The person conducting this inspection does not have to be EPA Method 9 certified. However, the individual should be familiar with the procedures of EPA Method 9 including using the proper location to observe visible emissions. If during the inspection, visible emissions are observed, a visible emission evaluation (VEE) shall be conducted in accordance with 40 CFR 60, Appendix A, Method 9, unless timely corrective action is initiated within two hours of the inspection such that the scrubber operates with no visible emissions within 24 hours of the initial observation. If a VEE is conducted, the individual performing the VEE must hold a current EPA Method 9 certification. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed the applicable opacity standard for the scrubber, the VEE shall be conducted for a total of 60 minutes or until a violation of the opacity standard for the scrubber has been documented, whichever period is shorter.
(9 VAC 5-80-110)
37. **Monitoring and Recordkeeping** – The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the DEQ. These records shall include, but are not limited to:

- a. The monthly and annual throughput of material (in tons) processed by the Dupps 320U Continuous Cooker (CC-1). Annual throughput shall be calculated monthly as the sum of each consecutive 12-month period.
- b. The monthly and annual throughput of material (in tons) processed by the Feather Cookers (FC-1 and FC-2). Annual throughput shall be calculated monthly as the sum of each consecutive 12-month period.
- c. A log of all daily monitoring device observations as required by Conditions 33 and 35 to include ORP data on each scrubber (PTS-3 and CFS-1) and the exhaust gas temperature from the Venturi scrubber (VS and VS-1).
- d. A log of daily inspections performed on the scrubber (PTS-3 and CFS-1) as required in Condition 36 to include the following:
 - (1) The date, time and name of the person performing each inspection;
 - (2) Whether or not visible emissions are observed and the suspected cause of such emissions;
 - (3) The date, time, and type of corrective actions taken.
- e. All visible emission evaluations and stack test results.
- f. Scheduled and unscheduled maintenance and operator training.

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

(9 VAC 5-80-110 and Condition 28 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

38. **Testing** – Upon request by the DEQ, the permittee shall conduct additional performance tests for volatile organic compounds and particulate matter (both filterable and condensable) from the packed tower scrubber (PTS-3) to demonstrate compliance with the emission limits contained in this permit. The details of the tests shall be arranged with the DEQ.

(9 VAC 5-80-110 and Condition 25 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14).

39. **Testing** – Upon request by the DEQ, the permittee shall conduct additional visible emission evaluations from the scrubbers (PTS-3 and CFS-1) to demonstrate compliance with the visible emission limits contained in this permit. The details of the tests shall be arranged with the DEQ.

(9 VAC 5-80-110 and Condition 26 of the 8/19/04 Permit as amended 2/1/06, 12/6/06, 7/30/08, 9/9/09, 12/21/12, and 8/26/14)

40. **Testing** – If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110)

Insignificant Emission Units

41. **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 (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
F-1	Truck shop furnace (0.4 MMBtu/hr)	9 VAC 5-80-720 A	---	---
FB-1 to FB-4	Feed bin storage silos (30 tons each)	9 VAC 5-80-720 B	PM and PM-10	---
FB-5 to FB-6	Feed bin storage silos (18 tons each)	9 VAC 5-80-720 B	PM and PM-10	---
T-1	Distillate oil fuel tank (10,000 gals)	9 VAC 5-80-720 B	VOC	---
T-2	Distillate oil fuel tank (2,000 gals)	9 VAC 5-80-720 B	VOC	---
TG-1	Gasoline tank (550 gals)	9 VAC 5-80-720 B	VOC	---
TP-4	Residual oil fuel tank (20,000 gals)	9 VAC 5-80-720 B	VOC	---
A-5	#2 heating oil tank (275 gals)	9 VAC 5-80-720 B	VOC	---

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

Permit Shield & Inapplicable Requirements

42. **Permit Shield and 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 identified	---	---

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

General Conditions

43. **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)
44. **Permit Expiration** – This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.
(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
45. **Permit Expiration** – The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
46. **Permit Expiration** – If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
47. **Permit Expiration** – No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
48. **Permit Expiration** – If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
49. **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 to 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)
50. **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)

51. **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)

52. **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 purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) 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,
 - (3) 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)

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

- a. The time period included in the certification. The time period to be addressed is January 1 to December 31.
- b. The identification of each term or condition of the permit that is the basis of the certification.
- c. The compliance status.
- d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
- e. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
- f. Such other facts as the permit may require to determine the compliance status of the source.
- g. One copy of the annual compliance certification shall be sent to EPA at the following address:

R3_APD_Permits@epa.gov

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

54. Permit Deviation Reporting – The permittee shall notify the DEQ, 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 52 of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

55. **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 DEQ, by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the DEQ.
(9 VAC 5-20-180 C)
56. **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)
57. **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 5-80-110 G.2)
58. **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)
59. **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 5-80-190 and 9 VAC 5-80-260)
60. **Property Rights** – The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

61. **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)
62. **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)
63. **Duty to Pay Permit Fees** – The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the DEQ.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)
64. **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, oil, 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 other 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)

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

(9 VAC 5-50-20 E)

66. **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)

67. **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)

68. **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.

- 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)

69. **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)

70. **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)

71. **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)

72. **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)

73. **Malfunction as an Affirmative Defense** – A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of Condition 74 are met.

(9 VAC 5-80-250)

74. **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 emissions 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, telegraph, or any other method that allows the permittee to comply with the deadline. The notice fulfills the requirement 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 requirements under 9 VAC 5-20-180 C.

(9 VAC 5-80-250)

75. 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)

76. Malfunction as an Affirmative Defense – The provisions of Conditions 73 through 75 are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

77. 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 of the 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)

78. **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)
79. **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)
80. **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)
81. **Accidental Release Prevention** – If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)
82. **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)
83. **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)