



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTHWEST REGIONAL OFFICE
355-A Deadmore Street, Abingdon, Virginia 24210
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Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Jeffrey Hurst
Regional Director

October 19, 2023

Ms. Jamille Ford
EHS Manager
Buchanan Generation, LLC
P.O. Box 166
Springdale Borough, Pennsylvania

Location: Buchanan County, Virginia
Registration No.: 11390

Dear Ms. Ford:

Attached is an administrative amendment to the April 20, 2022 Title V permit to operate your facility pursuant to 9VAC5 Chapter 80 Article 3 of the Virginia Regulations for the Control and Abatement of Air Pollution. The amended permit reflects the change in responsible official, pursuant to 9VAC5-80-200 A.2. This permit document replaces the permit issued on April 20, 2022.

In the course of evaluating the application and arriving at a final decision to issue this permit, the Department of Environmental Quality (DEQ) deemed the application complete on October 10, 2023.

This permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and/or civil charges. Please read all permit conditions carefully.

This permit approval to operate shall not relieve Buchanan Generation, LLC of the responsibility to comply with all other local, state, and federal permit regulations.

The Board's Regulations as contained in Title 9 of the Virginia Administrative Code 5-170-200 provide that you may request a formal hearing from this case decision by filing a petition with

Ms. Jamille Ford
October 19, 2023
Page 2

the Board within 30 days after this case decision notice was mailed or delivered to you. Please consult the relevant regulations for additional requirements for such requests.

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 of this decision by filing a Notice of Appeal with:

Michael S. Rolband, Director
Department of Environmental Quality
P. O. Box 1105
Richmond, VA 23218

If this permit was delivered to you by mail, three days are added to the thirty-day period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this permit, please contact me at (276) 608-8506.

Sincerely,

Rob Feagins
Air Permit Manager

GRF/JTD/11390VA.ADAMEN.FNL-23

Attachment: Amended Permit

cc: Director, OAPP (electronic file submission)
Manager, Data Analysis (electronic file submission)
Office of Permits and Air Toxics (3AP10), U.S. EPA, Region III (electronic file submission)



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Article 3
Federal Operating Permit

This permit is based upon federal Clean Air Act acid rain permitting requirements of Title IV, federal operating permit requirements of Title V, and Chapter 80, Article 3 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13: 10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, 9VAC5-80-360 through 9VAC5-80-700 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: Buchanan Generation, LLC
Facility Name: Buchanan Generating Station
Facility Location: Off State Route 2, one mile southwest of Marvin
Buchanan County, Virginia

Registration Number: 11390
Permit Number: SWRO11390

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act

Federally Enforceable Requirements - Title IV Acid Rain Program

Federally Enforceable Requirements - Cross State Air Pollution Control Rule (CSAPR)

April 20, 2022
Effective Date

October 19, 2023
Administrative Amendment Date

April 19, 2027
Expiration Date

Jeffrey Hurst
Regional Director

October 19, 2023
Amendment Signature Date

Table of Contents, page 3
Permit Conditions, pages 6 to 46

Table of Contents

Facility Information.....	4
Emission Units.....	5
Fuel Burning Equipment Requirements - (1 and 2)	6
Insignificant Emission Units	11
Permit Shield & Inapplicable Requirements	12
General Conditions	13
Title IV (Phase II Acid Rain Program) Permit Allowances and Requirements	22
Cross State Air Pollution Rule (CSAPR).....	28

Facility Information

Permittee
Buchanan Generation, LLC
P.O. Box 166
Springdale Borough, Pennsylvania 15144

Responsible Official
Mr. Scott Weis
Assistant VP of EHS

Acid Rain Designated Representative
Ms. Kathy French
Vice President, Environmental

Facility
Buchanan Generating Station
Off State Route 2, one mile southwest of Marvin
Buchanan County, Virginia

Contact Person
Ms. Jamille Ford
EHS Manager
(724) 274-3628

County-Plant Identification Number: 51-027-00148

NATS Facility Identification Number: 055738

Facility Description: NAICS 221112 - Buchanan Generating Station is a peaking electric power generation facility. It consists of two General Electric LM6000PC SPRINT simple cycle gas turbine generator sets, using coal seam methane gas, similar to pipeline quality natural gas, exclusively as a fuel. Each turbine has a maximum heat input of 424.6 MMBtu/hr, with a rated peak load of 50.58 MW output. The facility also includes two oil/water separators, each with a maximum hourly throughput of 15,000 gallons of water per hour.

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
1	S001	General Electric LM 6000PC SPRINT gas turbine	424.6 MMBtu/hr	Water Injection	W101	NO _x	1/31/02 (as amended 9/3/02, 11/14/02, 9/26/03 & 8/17/21)
2	S002	General Electric LM 6000PC SPRINT gas turbine	424.6 MMBtu/hr	Water Injection	W102	NO _x	1/31/02 (as amended 9/3/02, 11/14/02, 9/26/03 & 8/17/21)

*The Size/Rated capacity are provided for informational purposes only, and are not applicable requirements.

Fuel Burning Equipment Requirements - (Emission Unit ID: 1 and 2)

Limitations

1. Fuel Burning Equipment Requirements - The permittee shall meet all the applicable requirements of 40 CFR 60, Subpart GG Standards of Performance for Stationary Gas Turbines, except where specifically modified by this permit.
(9VAC5-80-490 and Condition 3 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))
2. Fuel Burning Equipment Requirements - Sulfur dioxide (SO₂) and particulate matter (PM) emissions from each combustion turbine (1 & 2) shall be controlled by the use of coal seam methane gas fuel, similar to pipeline quality natural gas, with maximum sulfur content not to exceed 0.8 percent by weight. The annual average sulfur content of the coal seam methane gas fuel shall not exceed 0.5 grains per 100 dry standard cubic feet per year, calculated monthly as the average of each consecutive 12-month period.
(9VAC5-80-490 and Condition 4 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))
3. Fuel Burning Equipment Requirements - Nitrogen oxide (NO_x) emissions from each combustion turbine (1 & 2) shall be controlled by water injection. When fuel is fired in a combustion turbine, water shall be injected into the combustion turbine to control nitrogen oxide emissions. The rate of water injection shall be sufficient to meet the emissions standards set forth in this permit.
(9VAC5-80-490 and Condition 5 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))
4. Fuel Burning Equipment Requirements - Carbon monoxide, volatile organic compounds (VOC), and PM emissions from each combustion turbine (1 & 2) shall be minimized by the use of good combustion operating practices.
(9VAC5-80-490 and Condition 7 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))
5. Fuel Burning Equipment Requirements - The approved fuel for the combustion turbines (1 & 2) is coal seam methane gas. A change in the fuel may require a permit to modify and operate.
(9VAC5-80-490 and Condition 9 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))
6. Fuel Burning Equipment Requirements - The two General Electric LM 6000PC SPRINT gas turbine generator sets (1 & 2) shall not operate more than a combined total of 13,400 unit operating hours per year, calculated monthly as the sum of each consecutive 12-month period. The combustion turbines shall consume no more than 5,759 million standard cubic

feet (MMSCF) of coal seam methane gas per year, calculated monthly as the sum of each consecutive 12-month period.

(9VAC5-80-490 and Condition 10 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))

7. Fuel Burning Equipment Requirements - Emissions from the operation of the two (2) combustion turbines (1 & 2) shall not exceed the limits specified below:

	<u>(each at base/peak load)</u>	<u>(combined total)</u>
Particulate Matter	3.0 lb/hr	20.1 tons/yr
PM10	3.0 lb/hr	20.1 tons/yr
Carbon Monoxide	51.0 lb/hr	120.6 tons/yr
Nitrogen Oxides (as NO ₂)	(25 ppmvd*) 39.0 lb/hr	247.9 tons/yr
Volatile Organic Compounds	4.0 lb/hr	8.2 tons/yr
Sulfur Dioxide	2.5 lb/hr	16.8 tons/yr

* (ppm by volume, one hour average at 15% oxygen as a dry sample and at ambient pressure, as measured per EPA Method 7E of 40 CFR 60 Appendix A)

The approved methods for determining compliance with this condition include compliance with Conditions 1 – 6, and 11, or DEQ-approved source emission tests. DEQ reserves the authority to require source emission tests for any regulated air pollutant.

(9VAC5-80-490 and Condition 13 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))

8. Fuel Burning Equipment Requirements - Emissions of nitrogen oxides from the operation of each combustion turbine (1 & 2) shall not exceed 121.9 ppmvd as a one hour average at 15% oxygen, adjusted to International Standards Organization (ISO) standard ambient conditions in accordance with Subpart GG of the NSPS. The permittee shall provide hourly average records of the ambient temperature, ambient humidity, and combustor inlet pressure so that the NO_x emissions data can be corrected to ISO standard ambient conditions, upon the request of the DEQ, in order to demonstrate compliance with this emission standard. The permittee shall expeditiously repair or replace ambient monitoring instrumentation in the event of instrument malfunction. In the event of malfunction, equivalent data may be provided from local representative meteorological sources. (9VAC5-80-490 and Condition 14 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))

9. Fuel Burning Equipment Requirements - Visible emissions from each combustion turbine exhaust stack (S001 & S002) shall not exceed ten (10) percent opacity as determined by EPA Method 9 (Reference 40 CFR, Appendix A). This condition applies at all times except during start-up, shutdown or malfunction.
(9VAC5-80-490 and Condition 15 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))
10. Fuel Burning Equipment Requirements - Excess emissions from startup, shutdown or malfunction may be permitted, if best operational practices are followed, and if at all times the permittee maintains and operates to the extent practicable, the affected facility, including associated air pollution equipment, in a manner consistent with good air pollution control practice for minimizing emissions. Allowable episodes of excess emissions from startup, shutdown or malfunction shall in no case exceed 1.0 hours in any 24-hour period, unless specifically authorized by DEQ for longer duration. Excess emissions from startup and shutdown shall be included in total annual facility emissions as determined from data from continuous monitoring systems.
(9VAC5-80-490 and Condition 16 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))

Monitoring

11. Fuel Burning Equipment Requirements - Continuous monitoring systems (CEMS) shall be installed, operated and maintained to monitor and record emissions of nitrogen oxides (measured as NO₂), as ppmvd corrected to 15% O₂, from the combustion turbines (1 & 2). The CEMS shall be installed, calibrated, maintained, audited and operated in accordance with the requirements of 40 CFR 75.
(9VAC5-80-490 and Condition 6 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))
12. Fuel Burning Equipment Requirements - Continuous monitoring systems shall be installed and operated to monitor and record the fuel consumption in each turbine (1 & 2). These monitoring systems shall be operated at all times and shall be accurate to within ± 5.0 percent. The systems shall be maintained and calibrated in accordance with manufacturer's specifications. As a minimum, the monitoring systems shall be inspected at least annually. The permittee shall maintain the records of fuel consumption at the site. These records shall be kept on file for the most current five year period and available for inspection by DEQ personnel.
(9VAC5-80-490 and Condition 11 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))
13. Fuel Burning Equipment Requirements - The permittee shall monitor the sulfur content of the coal seam methane gas being fired in the combustion turbines (1 & 2), in accordance with Subpart GG of the NSPS and subsection a. below. The permittee shall comply with the custom fuel sulfur monitoring schedule contained in subsections b. and c. of this

condition. The permittee may submit subsequent custom fuel sampling schedules through the DEQ for EPA approval. The permittee shall maintain records certifying the sulfur content of the gas.

- a. Analysis for the sulfur content of the coal seam methane gas shall be conducted as referenced in 40 CFR 60.334(b)(2), using one of the approved ASTM reference methods for the measurement of sulfur in gaseous fuels or an approved alternative method. The approved reference methods are: ASTM D1072-80, D3031-81, D4084-82, or D3246 81. Fuel vendor analyses by these methods may be used.
- b. Monitoring for the sulfur content of the fuel shall be conducted once per quarter.
- c. Should any sulfur analysis required in paragraph b. above indicate noncompliance, the permittee shall notify the Southwest Regional Office. Sulfur monitoring shall be conducted each day the turbines operate during an interim period when this custom schedule is being reexamined due to noncompliance, and those results may be submitted to show compliance.
- d. If there is a change in fuel supply, the permittee must notify the Director, Southwest Regional Office of such change for reexamination of this custom schedule. A change in fuel quality may be deemed a change in fuel supply. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being reexamined.

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

(9VAC5-80-490 and Condition 17 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))

14. Fuel Burning Equipment Requirements - A Visible Emission Evaluation (VEE) in accordance with 40 CFR, Part 60, Appendix A, Method 9, shall be conducted on each combustion turbine stack (S001 & S002) at base load each time a Relative Accuracy Test Audit (RATA) is performed for the CEMS, in order to determine compliance with the opacity limit specified in Condition 9. Each test shall consist of 10 sets of 24 consecutive observations (at 15 second intervals) to yield 6 minute averages. Should conditions prevent concurrent opacity observations, the Director, Southwest Regional Office shall be notified in writing, within 7 days, with visible emissions testing to be rescheduled within 30 days. Rescheduled testing shall be conducted under the same conditions (as possible) as the Relative Accuracy Test Audit. A copy of the test result shall be submitted to the Director, Southwest Regional Office within 45 days after test completion and shall include, at a minimum, any data required by 40 CFR 60, Appendix A, Method 9. The permittee shall also maintain a record of each VEE and any corrective actions, including, at a minimum, any data required by 40 CFR 60, Appendix A, Method 9.
(9VAC5-80-490 E and F)

Recordkeeping

15. Fuel Burning Equipment Requirements - The permittee shall maintain records of all emission data and operating parameters for the gas turbine generator sets (1 & 2) necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:

- a. The combined fuel consumption of the two combustion turbines, calculated monthly as the sum of each consecutive 12-month period;
- b. The number of combined annual unit operating hours, calculated monthly as the sum of each consecutive 12-month period;
- c. All the fuel analysis reports for sulfur content in accordance with Condition 13;
- d. Annual NO_x emission reports, calculated daily as the sum of each consecutive 365-day period; and
- e. Results of visible emissions evaluations of the combustion turbine exhaust stacks.

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

(9VAC5-80-490 and Condition 18 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))

16. Fuel Burning Equipment Requirements - In order to minimize the duration and frequency of excess emissions due to malfunctions of process equipment or air pollution control equipment, the permittee shall:

- a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance. These records shall be maintained on site for a period of 5 years and shall be made available to DEQ personnel upon request, and
- b. Maintain an inventory of spare parts that are needed to minimize durations of air pollution control equipment breakdowns.

(9VAC5-80-490 and Condition 23 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))

17. Fuel Burning Equipment Requirements - The permittee shall have available written operating procedures for the related air pollution control equipment. Operators shall be trained in the proper operation of all such equipment and shall be familiar with the written operating procedures. These procedures shall be based on the manufacturer's

recommendations, at minimum. The permittee shall maintain records of training provided, including names of trainees, date of training and nature of training.
(9VAC5-80-490 and Condition 24 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))

Testing

18. Fuel Burning Equipment Requirements - The permitted facility (1 & 2) shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. Test ports shall be provided at the appropriate locations.
(9VAC5-80-490 and Condition 8 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))
19. Fuel Burning Equipment Requirements - 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.
(9VAC5-80-490)

Reporting

20. Fuel Burning Equipment Requirements - Quarterly reports of excess emissions shall be submitted to the Director, Southwest Regional Office in accordance with 40 CFR Part 60, Section 7(c). The report shall be postmarked by the 30th day following the end of the calendar quarter. In addition to the information required by 40 CFR part 60, Section 7(c), each report shall include the average fuel consumption, ambient conditions, and gas turbine load during the period of excess emissions. For the purpose of this report, periods of excess emissions are defined as follows:
 - a. Any one hour period (excluding the 1 hour allowance during a 24-hour period for startup, shutdown, or malfunction) during which the continuous emission monitoring system, exceeds the nitrogen oxide ppmvd limits specified in Condition 7.
 - b. Any period during which the sulfur content of the coal seam methane gas being fired in the gas turbines exceeds 0.8 percent by weight.
 - c. Operating hours when monitoring data is not available.
(9VAC5-80-490 and Condition 12 of 1/31/02 NSR Permit (as amended 9/3/02, 11/14/02, 9/26/03 and 8/17/21))

Insignificant Emission Units

21. Insignificant Emission Units - The following emission units at the facility are identified in the application as insignificant emission units under 9VAC5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9VAC5-80-720B)	Rated Capacity (9VAC5-80-720C)
T1	Unit 1 – Turbine Lube Oil Tank	5-80-720 C.3	Not Applicable	200 gal
T2	Unit 1 – Generator Lube Oil Tank	5-80-720 C.3	Not Applicable	500 gal
T3	Unit 1 – Hydraulic Oil Tank	5-80-720 C.3	Not Applicable	50 gal
T4	Unit 2 – Turbine Lube Oil Tank	5-80-720 C.3	Not Applicable	200 gal
T5	Unit 2 – Generator Lube Oil Tank	5-80-720 C.3	Not Applicable	500 gal
T6	Unit 2 – Hydraulic Oil Tank	5-80-720 C.3	Not Applicable	50 gal
T7	Oil/Water Separator - Waste Oil Tank	5-80-720 C.3	Not Applicable	150 gal
T8	Oil/Water Separator	5-80-720 B.2	VOC	Not Applicable
T9	Oil/Water Separator	5-80-720 B.2	VOC	Not Applicable

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 9VAC5-80-490. (9VAC5-80-490)

Permit Shield & Inapplicable Requirements

22. 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
NESHAP Subpart YYYY	Stationary Combustion Turbines	Currently only applies to new sources at a major source of Hazardous Air Pollutants (HAPS)

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 DEQ pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9VAC5-80-490 and 9VAC5-80-500)

General Conditions

23. 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.
(9VAC5-80-490)
24. 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 DEQ consistent with the requirements of 9VAC5-80-430, the right of the facility to operate shall be terminated upon 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.
 - If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 3, Part II of 9VAC5 Chapter 80, until the Board takes final action on the application under 9VAC5-80-510.
 - In accordance with 9VAC5-80-430F.7.d, a complete acid rain permit application shall be binding on the owners and operators and the designated representative of the affected source and the affected units covered by the permit application and shall be enforceable as an acid rain permit from the date of submission of the permit application until the issuance or denial of such permit as a final agency action subject to judicial review.

- e. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9VAC5-80-430 for a renewal permit, except in compliance with a permit issued under Article 3, Part II of 9VAC5 Chapter 80.
 - f. If an applicant submits a timely and complete application under section 9VAC5-80-430 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9VAC5-80-500, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
 - g. The protection under subsections F 1 and F 5 (ii) of section 9VAC5-80-430 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9VAC5-80-430 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9VAC5-80-490, 9VAC5-80-430 and 9VAC5-80-530)
25. 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; and
 - f. The operating conditions existing at the time of sampling or measurement.
(9VAC5-80-490)
26. 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.
(9VAC5-80-490)

27. 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 9VAC5-80-430 G, and shall include:
- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; and
 - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - i. Exceedances of emissions limitations or operational restrictions;
 - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring or 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."
(9VAC5-80-490)
28. 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 9VAC5-80-430 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 9VAC5-80-490 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; and
- 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

(9VAC5-80-490)

29. General Conditions - Permit Deviation Reporting - The permittee shall notify the Director, Southwest Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. Owners subject to the requirements of 9VAC5-40-50 C and 9VAC5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9VAC5-40-40 and 9VAC5-50-40. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 27 of this permit.
(9VAC5-80-490)

30. 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 no later than four daytime business hours after the malfunction is discovered, notify the Director, Southwest Regional Office such failure or malfunction and within 14 days provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9VAC5-40-50 C and 9VAC5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9VAC5-40-40 and 9VAC5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Southwest Regional Office.
(9VAC5-20-180 C and 9VAC5-80-490)

31. General Conditions - Failure/Malfunction Reporting - The emission units that have continuous monitors subject to 9VAC5-40-50 C and 9VAC5-50-50 C are not subject to the 14 day written notification.
(9VAC5-80-490, 9VAC5-20-180 C and 9VAC5-50-50)
32. General Conditions - Failure/Malfunction Reporting - The emission units subject to the reporting and the procedure requirements of 9VAC5-50-50 C are listed below:
 - a. 1
 - b. 2
(9VAC5-80-490, 9VAC5-20-180 C and 9VAC5-50-50)
33. General Conditions - Failure/Malfunction Reporting - Each owner required to install a continuous monitoring system (CMS) or monitoring device subject to 9VAC5-40-41 or 9VAC5-50-410 shall submit a written report of excess emissions (as defined in the applicable subpart in 9VAC5-50-410) and either a monitoring systems performance report or a summary report form, or both, to the board quarterly. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter. All reports shall include the following information:
 - a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
 - d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.

All malfunctions of emission units not subject to 9VAC5-40-50 C and 9VAC5-50-50 C require written reports within 14 days of the discovery of the malfunction.
(9VAC5-80-490, 9VAC5-20-180 C and 9VAC5-50-50)
34. 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.
(9VAC5-80-490)

35. 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.
(9VAC5-80-490)
36. 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.
(9VAC5-80-490)
37. 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 9VAC5-80-360, 9VAC5-80-1100, 9VAC5-80-1605, or 9VAC5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9VAC5-80-490, 9VAC5-80-550 and VAC5-80-660)
38. General Conditions - Property Rights - The permit does not convey any property rights of any sort, or any exclusive privilege.
(9VAC5-80-490)
39. 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.
(9VAC5-80-490)
40. 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 9VAC5-80-430 G.
(9VAC5-80-490)
41. General Conditions - Duty to Pay Permit Fees - The owner of any source for which a permit was issued under 9VAC5-80-360 through 9VAC5-80-700 shall pay annual emissions fees,

as applicable, consistent with the requirements of 9VAC5-80-310 through 9VAC5-80-350 and annual maintenance fees, as applicable, consistent with the requirements of 9VAC5-80-2310 through 9VAC5-80-2350.
(9VAC5-80-490, 9VAC5-80-310 et seq. and 9VAC5-80-2310 et seq.)

42. 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.
(9VAC5-80-490 and 9VAC5-50-90)
43. General Conditions - Startup, Shutdown, and Malfunction - At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9VAC5-80-490 and 9VAC5-50-20 E)
44. 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 9VAC5-80-500 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9VAC5 Chapter 80, Article 3.
(9VAC5-80-490)

45. 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.

(9VAC5-80-490)

46. 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 9VAC5-80-430 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 9VAC5-80-490 D.
(9VAC5-80-490)
- 47. 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.
(9VAC5-80-490 and 9VAC5-80-510)
- 48. General Conditions - Transfer of Permits
 - a. No person shall transfer a permit from one location to another.
 - b. In the case of a transfer of ownership of an affected 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 9VAC5-80-560.
 - c. In the case of a name change of an affected 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 9VAC5-80-560.
(9VAC5-80-490 and 9VAC5-80-520)
- 49. 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 9VAC5 Chapter 80 Article 3. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.
(9VAC5-80-490, 9VAC5-80-550 and 9VAC5-80-660)
- 50. 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.
(9VAC5-80-490 and 9VAC5-80-430)

51. 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.
(9VAC5-80-490 and 40 CFR Part 82, Subparts A-F)
52. General Conditions - 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.
(9VAC5-80-490 and 40 CFR Part 68)
53. 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.
(9VAC5-80-490)
54. 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 9VAC5-80-490, except subsection N, shall be included to determine compliance.
 - b. The permit shield described in 9VAC5-80-500 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 9VAC5-80-360 through 9VAC5-80-700.
(9VAC5-80-490)

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

55. Phase II Acid Rain Program - Statutory and Regulatory Authorities - In accordance with the Air Pollution Control Law of Virginia §10.1-1308 and §10.1-1322, the Environmental Protection Agency (EPA) Final Full Approval of the Operating Permits Program (Titles IV and V) published in the Federal Register December 4, 2001, Volume 66, Number 233, Rules and Regulations, Pages 62961-62967 and effective November 30, 2001, and Title 40, the Code of Federal Regulations §§72.1 through 76.16, the Commonwealth of Virginia Department of Environmental Quality (DEQ) issues this permit pursuant to 9VAC5 Chapter 80, Article 3 of the Virginia Regulations for the Control and Abatement of Air Pollution (Federal Operating Permit Article 3).
(9VAC5-80-490)

56. Phase II Acid Rain Program - Permit Requirements

- a. The designated representative of each affected source and each affected unit at the source shall:
 - i. Submit a complete Acid Rain Permit application and acid rain compliance plan under 40 CFR Part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
 - ii. Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit.
- b. The owners and operators of each affected source and each affected unit at the source shall:
 - i. Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
 - ii. Have an Acid Rain Permit.
(9VAC5-80-420, 9VAC5-80-430, 9VAC5-80-490 and 40 CFR Part 72.9(a))

57. Phase II Acid Rain Program - Monitoring Requirements

- a. The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR Part 75.
- b. The emissions measurements recorded and reported in accordance with 40 CFR Part 75 shall be used to determine compliance by the source or unit, as appropriate, with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- c. The requirements of 40 CFR Part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the federal Clean Air Act and other provisions of the operating permit for the source.
(9VAC5-80-490 and 40 CFR 72.9(b))

58. Phase II Acid Rain Program - Sulfur Dioxide Requirements

- a. The owners and operators of each source and each affected unit at the source shall:

- i. Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
- ii. Comply with the applicable Acid Rain emissions limitations for sulfur dioxide as listed in Table 2 of 40 CFR 73.10 (see below for Phase II SO₂ Allocations table).

Emission Unit ID	Total Annual Phase II SO ₂ Allocations Under Table 2, 40 CFR 73 (TPY)
1 & 2	Because the combustion turbines (1 and 2) were not eligible for SO ₂ allowance allocations by the U.S. EPA under Section 405 of the Clean Air Act and the Acid Rain Program, no allocations were assigned in 40 CFR Part 73, Table 2.

(9VAC5-80-420, 9VAC5-80-490 and 40 CFR Parts 72 and 73)

59. Phase II Acid Rain Program - Sulfur Dioxide Requirements - SO₂ allowances may be acquired from other sources in addition to those allocated by U.S. EPA. No revision to this permit is necessary in order for the owners and operators of this unit to hold additional allowances recorded in accordance with 40 CFR Part 73. The owners and operators of this unit remain obligated to hold sufficient allowances to account for SO₂ emissions from this unit in accordance with 40 CFR 72.9(c)(1).
(9VAC5-80-420, 9VAC5-80-490 and 40 CFR Parts 72 and 73)

60. Phase II Acid Rain Program - Sulfur Dioxide Requirements

- a. Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the federal Clean Air Act.
- b. An affected unit shall be subject to the requirements under 9VAC5-80-420 C.1.as follows:
 - i. Starting January 1, 1995, an affected unit under 9VAC5-80-380 A.2.; or
 - ii. Starting on the later of January 1, 1995, in accordance with 40 CFR 72.41 and 72.43, an affected unit under 40 CFR 72.6(a)(2) or (3) that is a substitution or compensating unit; or
 - iii. Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2) that is not a substitution or compensating unit; or
 - iv. Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR Part 75, an affected unit under 9VAC5-80-380 A.3. that is not a substitution or compensating unit.

- c. Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
 - d. An allowance shall not be deducted in order to comply with the sulfur dioxide requirements of 40 CFR 72.9(c)(1)(i) prior to the calendar year for which the allowance was allocated.
 - e. An allowance allocated by the EPA Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
 - f. An allowance allocated by the EPA Administrator under the Acid Rain Program does not constitute a property right.
(9VAC5-80-420, 9VAC5-80-490 and 40 CFR 72.9(c))
61. Phase II Acid Rain Program - Nitrogen Oxides Requirements - The combustion turbines (1 & 2) are fired with gas and, therefore, are not subject to NO_x limits under 40 CFR Part 76.
(9VAC5-80-490 and 40 CFR 72.9(d))
62. Phase II Acid Rain Program - Excess Emissions Requirements
- a. The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR Part 77.
 - b. The owners and operators of an affected source that has excess emissions in any calendar year shall:
 - i. Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR Part 77; and
 - ii. Comply with the terms of an approved offset plan, as required by 40 CFR Part 77.
(9VAC5-80-420, 9VAC5-80-490 and 40 CFR 72.9(e))
63. Phase II Acid Rain Program - Recordkeeping and Reporting Requirements
- a. Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:

- i. The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
 - ii. All emissions monitoring information, in accordance with 40 CFR Part 75, provided that to the extent that 40 CFR Part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
 - iii. Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
 - iv. Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- b. The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR Part 72 Subpart I and 40 CFR Part 75. (9VAC5-80-420, 9VAC5-80-490 and 40 CFR 72.9(f))

64. Phase II Acid Rain Program - Liability

- a. Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 9VAC5-80-390 or 9VAC5-80-400 and 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the federal Clean Air Act and by the board pursuant to §§ 10.1-1316 and 10.1-1320 of the Code of Virginia.
- b. Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the federal Clean Air Act and 18 U.S.C. 1001 and by the board pursuant to §§ 10.1-1316 and 10.1-1320 of the Code of Virginia.
- c. No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- d. Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.

- e. Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
 - f. Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
 - g. Each violation of a provision of the Acid Rain Program regulations (40 CFR Parts 72, 73, 74, 75, 76, 77, and 78) by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the federal Clean Air Act.
(9VAC5-80-420, 9VAC5-80-490 and 40 CFR 72.9(g))
65. Phase II Acid Rain Program - Effect on Other Authorities - No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 9VAC5-80-390 or 9VAC5-80-400 and 40 CFR 72.7 or 72.8 shall be construed as:
- a. Except as expressly provided in Title IV of the federal Clean Air Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the federal Clean Air Act, including the provisions of title I of the federal Clean Air Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
 - b. Limiting the number of allowances a source can hold; *provided*, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the federal Clean Air Act;
 - c. Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
 - d. Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
 - e. Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.
(9VAC5-80-420, 9VAC5-80-490 and 40 CFR 72.9(h))

Cross State Air Pollution Rule (CSAPR)

The CSAPR subject units, and the unit-specific monitoring provisions at this source, are identified in the following table. These units are subject to the requirements for the CSAPR NO_x Annual Trading Program, CSAPR NO_x Ozone Season Group 3 Trading Program and CSAPR SO₂ Group 1 Trading Program.

Unit ID: 1 and 2

Parameter	Continuous emission monitoring system or systems (CEMS) requirements pursuant to 40 CFR part 75, subpart B (for SO ₂ monitoring) and 40 CFR part 75, subpart H (for NO _x monitoring)	Excepted monitoring system requirements for gas- and oil-fired units pursuant to 40 CFR part 75, appendix D	Excepted monitoring system requirements for gas- and oil-fired peaking units pursuant to 40 CFR part 75, appendix E	Low Mass Emissions excepted monitoring (LME) requirements for gas- and oil-fired units pursuant to 40 CFR 75.19	EPA-approved alternative monitoring system requirements pursuant to 40 CFR part 75, subpart E
SO ₂		X	-----		
NO _x	X	-----			
Heat Input		X	-----		

66. CSAPR - The above description of the monitoring used by a unit does not change, create an exemption from, or otherwise affect the monitoring, recordkeeping, and reporting requirements applicable to the unit under 40 CFR 97.430 through 97.435 (CSAPR NO_x Annual Trading Program), 97.1030 through 97.1035 (CSAPR NO_x Ozone Season Group 3 Trading Program), and 97.630 through 97.635 (CSAPR SO₂ Group 1 Trading Program). The monitoring, recordkeeping and reporting requirements applicable to each unit are included below in the standard conditions for the applicable CSAPR trading programs. (9VAC5-80-490 and 40 CFR 97)
67. CSAPR - Owners and operators must submit to the Administrator a monitoring plan for each unit in accordance with 40 CFR 75.53, 75.62 and 75.73, as applicable. The monitoring plan for each unit is available at the EPA's website at <https://www.epa.gov/airmarkets/monitoring-plans-part-75-sources>. (9VAC5-80-490 and 40 CFR 97)
68. CSAPR - Owners and operators that want to use an alternative monitoring system must submit to the Administrator a petition requesting approval of the alternative monitoring system in accordance with 40 CFR Part 75, Subpart E and 40 CFR 75.66 and 97.435 (CSAPR NO_x Annual Trading Program), 97.1035 (CSAPR NO_x Ozone Season Group 3 Trading Program), and 97.635 (CSAPR SO₂ Group 1 Trading Program). The Administrator's response approving or disapproving any petition for an alternative

monitoring system is available on the EPA's website at
<https://www.epa.gov/airmarkets/part-75-petition-responses>.
(9VAC5-80-490 and 40 CFR 97)

69. CSAPR - Owners and operators that want to use an alternative to any monitoring, recordkeeping, or reporting requirement under 40 CFR 97.430 through 97.434 (CSAPR NO_x Annual Trading Program), 97.1030 through 97.1034 (CSAPR NO_x Ozone Season 3 Trading Program), and 97.630 through 97.634 (CSAPR SO₂ Group 1 Trading Program), must submit to the Administrator a petition requesting approval of the alternative in accordance with 40 CFR 75.66 and 97.435 (CSAPR NO_x Annual Trading Program), and 97.1035 (CSAPR NO_x Ozone Season Trading Program). The Administrator's response approving or disapproving any petition for an alternative to a monitoring, recordkeeping, or reporting requirement is available on EPA's website at <https://www.epa.gov/airmarkets/part-75-petition-responses>. (9VAC5-80-490 and 40 CFR 97)
70. CSAPR - The descriptions of monitoring applicable to the units included above meet the requirement of 40 CFR 97.430 through 97.434 (CSAPR NO_x Annual Trading Program), 97.1030 through 97.1034 (CSAPR NO_x Ozone Season Group 3 Trading Program), and 97.630 through 97.634 (CSAPR SO₂ Group 1 Trading Program), and therefore minor permit modification procedures, in accordance with 40 CFR 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B), may be used to add to or change these units' monitoring system description. (9VAC5-80-490 and 40 CFR 97)

CSAPR NO_x Annual Trading Program requirements (40 CFR 97.406)

71. CSAPR NO_x Annual Trading Program - The following conditions must be adhered to for the combustion turbines (1 and 2), which are subject to the CSAPR NO_x Annual Trading Program:
- a. Designated representative requirements. - The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.413 through 97.418.
 - b. Emissions monitoring, reporting, and recordkeeping requirements.
 - i. The owners and operators, and the designated representative, of each CSAPR NO_x Annual source and each CSAPR NO_x Annual unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.430 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.431 (initial monitoring system certification and recertification procedures), 97.432 (monitoring system out-of-control periods), 97.433

(notifications concerning monitoring), 97.434 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.435 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).

- ii. The emissions data determined in accordance with 40 CFR 97.430 through 97.435 shall be used to calculate allocations of CSAPR NO_x Annual allowances under 40 CFR 97.411(a)(2) and (b) and 97.412 and to determine compliance with the CSAPR NO_x Annual emissions limitation and assurance provisions under paragraph c. below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.430 through 97.435 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.
- c. NO_x emissions requirements.
 - i. CSAPR NO_x Annual emissions limitation.
 - (1) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO_x Annual source and each CSAPR NO_x Annual unit at the source shall hold, in the source's compliance account, CSAPR NO_x Annual allowances available for deduction for such control period under 40 CFR 97.424(a) in an amount not less than the tons of total NO_x emissions for such control period from all CSAPR NO_x Annual units at the source.
 - (2) If total NO_x emissions during a control period in a given year from the CSAPR NO_x Annual units at a CSAPR NO_x Annual source are in excess of the CSAPR NO_x Annual emissions limitation set forth in paragraph (c)(i)(a) above, then:
 - (a) The owners and operators of the source and each CSAPR NO_x Annual unit at the source shall hold the CSAPR NO_x Annual allowances required for deduction under 40 CFR 97.424(d); and
 - (b) The owners and operators of the source and each CSAPR NO_x Annual unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart AAAAA and the Clean Air Act.

ii. CSAPR NO_x Annual assurance provisions.

- (1) If total NO_x emissions during a control period in a given year from all CSAPR NO_x Annual units at CSAPR NO_x Annual sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO_x emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO_x Annual allowances available for deduction for such control period under 40 CFR 97.425(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.425(b), of multiplying— (A) The quotient of the amount by which the common designated representative's share of such NO_x emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such NO_x emissions exceeds the respective common designated representative's assurance level; and (B) The amount by which total NO_x emissions from all CSAPR NO_x Annual units at CSAPR NO_x Annual sources in the state for such control period exceed the state assurance level.
- (2) The owners and operators shall hold the CSAPR NO_x Annual allowances required under paragraph c.ii.(1) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
- (3) Total NO_x emissions from all CSAPR NO_x Annual units at CSAPR NO_x Annual sources in the state during a control period in a given year exceed the state assurance level if such total NO_x emissions exceed the sum, for such control period, of the state NO_x Annual trading budget under 40 CFR 97.410(a) and the state's variability limit under 40 CFR 97.410(b).
- (4) It shall not be a violation of 40 CFR part 97, subpart AAAAAA or of the Clean Air Act if total NO_x emissions from all CSAPR NO_x Annual units at CSAPR NO_x Annual sources in the state during a control period exceed the state assurance level or if a common designated representative's share of total NO_x emissions from the CSAPR NO_x Annual units at CSAPR NO_x Annual sources in the state during a control period exceeds the common designated representative's assurance level.

- (5) To the extent the owners and operators fail to hold CSAPR NO_x Annual allowances for a control period in a given year in accordance with paragraphs c.ii.(1) through (3) above,
 - (a) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
 - (b) Each CSAPR NO_x Annual allowance that the owners and operators fail to hold for such control period in accordance with paragraphs c.ii.(1) through (3) above and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart AAAAA and the Clean Air Act.
- iii. Compliance periods.
 - (1) A CSAPR NO_x Annual unit shall be subject to the requirements under paragraph c.i. above for the control period starting on the later of January 1, 2015, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
 - (2) A CSAPR NO_x Annual unit shall be subject to the requirements under paragraph c.ii. above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
- iv. Vintage of allowances held for compliance.
 - (1) A CSAPR NO_x Annual allowance held for compliance with the requirements under paragraph c.i.(1) above for a control period in a given year must be a CSAPR NO_x Annual allowance that was allocated for such control period or a control period in a prior year.
 - (2) A CSAPR NO_x Annual allowance held for compliance with the requirements under paragraphs c.i.(2)(a) and c.ii.(1) through (3) above for a control period in a given year must be a CSAPR NO_x Annual allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- v. Allowance Management System requirements. Each CSAPR NO_x Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR Part 97, Subpart AAAAA.

- vi. Limited authorization. A CSAPR NO_x Annual allowance is a limited authorization to emit one ton of NO_x during the control period in one year. Such authorization is limited in its use and duration as follows:
 - (1) Such authorization shall only be used in accordance with the CSAPR NO_x Annual Trading Program; and
 - (2) Notwithstanding any other provision of 40 CFR Part 97, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
 - vii. Property right. A CSAPR NO_x Annual allowance does not constitute a property right.
- d. Title V permit revision requirements.
- i. No Title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NO_x Annual allowances in accordance with 40 CFR Part 97, subpart AAAAA.
 - ii. This permit incorporates the CSAPR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.430 through 97.435, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR Part 75, Subparts B and H), an excepted monitoring system (pursuant to 40 CFR Part 75, Appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR 75.19), and an alternative monitoring system (pursuant to 40 CFR Part 75, Subpart E). Therefore, the Description of CSAPR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this Title V permit using minor permit modification procedures in accordance with 40 CFR 97.406(d)(2) and 70.7(e)(2)(i)(B).
- e. Additional recordkeeping and reporting requirements.
- i. Unless otherwise provided, the owners and operators of each CSAPR NO_x Annual source and each CSAPR NO_x Annual unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
 - (1) The certificate of representation under 40 CFR 97.416 for the designated representative for the source and each CSAPR NO_x Annual unit at the source and all documents that demonstrate the truth of the statements in the

certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.416 changing the designated representative.

- (2) All emissions monitoring information, in accordance with 40 CFR Part 97, Subpart AAAAA.
 - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NO_x Annual Trading Program.
- ii. The designated representative of a CSAPR NO_x Annual source and each CSAPR NO_x Annual unit at the source shall make all submissions required under the CSAPR NO_x Annual Trading Program, except as provided in 40 CFR 97.418. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a Title V operating permit program in 40 CFR Part 70.
- f. Liability.
- i. Any provision of the CSAPR NO_x Annual Trading Program that applies to a CSAPR NO_x Annual source or the designated representative of a CSAPR NO_x Annual source shall also apply to the owners and operators of such source and of the CSAPR NO_x Annual units at the source.
 - ii. Any provision of the CSAPR NO_x Annual Trading Program that applies to a CSAPR NO_x Annual unit or the designated representative of a CSAPR NO_x Annual unit shall also apply to the owners and operators of such unit.
- g. Effect on other authorities. No provision of the CSAPR NO_x Annual Trading Program or exemption under 40 CFR 97.405 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NO_x Annual source or CSAPR NO_x Annual unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.
(9VAC5-80-490 and 40 CFR 97.406)

CSAPR NO_x Ozone Season Group 3 Trading Program Requirements (40 CFR 97.1006)

72. CSAPR NO_x Ozone Season Group 3 Trading Program - The following conditions must be adhered to for the combustion turbines (1 and 2), which are subject to the CSAPR NO_x Ozone Season Group 3 Trading Program:

- a. Designated representative requirements. The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.1013 through 97.1018.
- b. Emissions monitoring, reporting, and recordkeeping requirements.
 - i. The owners and operators, and the designated representative, of each CSAPR NO_x Ozone Season Group 3 source and each CSAPR NO_x Ozone Season Group 3 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.1030 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.1031 (initial monitoring system certification and recertification procedures), 97.1032 (monitoring system out-of-control periods), 97.1033 (notifications concerning monitoring), 97.1034 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.1035 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
 - ii. The emissions data determined in accordance with 40 CFR 97.1030 through 97.1035 shall be used to calculate allocations of CSAPR NO_x Ozone Season Group 3 allowances under 40 CFR 97.1011(a)(2) and (b) and 97.1012 and to determine compliance with the CSAPR NO_x Ozone Season Group 3 emissions limitation and assurance provisions under paragraph c. below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.1030 through 97.1035 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.
- c. NO_x emissions requirements.
 - i. CSAPR NO_x Ozone Season Group 3 emissions limitation.
 - (1) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO_x Ozone Season Group 3 source and each CSAPR NO_x Ozone Season Group 3 unit at the source shall hold, in the source's compliance account, CSAPR NO_x Ozone Season Group 3 allowances available for deduction for such control period under 40 CFR 97.1024(a) in an amount not less than the tons of total NO_x emissions for such control period from all CSAPR NO_x Ozone Season Group 3 units at the source.

- (2) If total NO_x emissions during a control period in a given year from the CSAPR NO_x Ozone Season units at a CSAPR NO_x Ozone Season source are in excess of the CSAPR NO_x Ozone Season emissions limitation set forth in paragraph c.i.(1) above, then:
 - (a) The owners and operators of the source and each CSAPR NO_x Ozone Season Group 3 unit at the source shall hold the CSAPR NO_x Ozone Season Group 3 allowances required for deduction under 40 CFR 97.1024(d); and
 - (b) The owners and operators of the source and each CSAPR NO_x Ozone Season Group 3 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart GGGGG and the Clean Air Act.
- ii. CSAPR NO_x Ozone Season Group 1 assurance provisions.
 - (1) If total NO_x emissions during a control period in a given year from all CSAPR NO_x Ozone Season units at CSAPR NO_x Ozone Season Group 3 sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO_x emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO_x Ozone Season Group 3 allowances available for deduction for such control period under 40 CFR 97.1025(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.1025(b), of multiplying—
 - (a) The quotient of the amount by which the common designated representative's share of such NO_x emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such NO_x emissions exceeds the respective common designated representative's assurance level; and

- (b) The amount by which total NO_x emissions from all CSAPR NO_x Ozone Season Group 3 units at CSAPR NO_x Ozone Season Group 3 sources in the state for such control period exceed the state assurance level.
 - (2) The owners and operators shall hold the CSAPR NO_x Ozone Season Group 3 allowances required under paragraph c.ii.(1) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
 - (3) Total NO_x emissions from all CSAPR NO_x Ozone Season Group 3 units at CSAPR NO_x Ozone Season Group 3 sources in the state during a control period in a given year exceed the state assurance level if such total NO_x emissions exceed the sum, for such control period, of the State NO_x Ozone Season Group 3 trading budget under 40 CFR 97.1010(a) and the state's variability limit under 40 CFR 97.1010(b).
 - (4) It shall not be a violation of 40 CFR Part 97, Subpart GGGGG or of the Clean Air Act if total NO_x emissions from all CSAPR NO_x Ozone Season Group 3 units at CSAPR NO_x Ozone Season Group 1 sources in the state during a control period exceed the state assurance level or if a common designated representative's share of total NO_x emissions from the CSAPR NO_x Ozone Season Group 3 units at CSAPR NO_x Ozone Season Group 3 sources in the state during a control period exceeds the common designated representative's assurance level.
 - (5) To the extent the owners and operators fail to hold CSAPR NO_x Ozone Season Group 3 allowances for a control period in a given year in accordance with paragraphs c.ii.(1) through (3) above,
 - (a) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
 - (b) Each CSAPR NO_x Ozone Season Group 3 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs c.ii.(1) through (3) above and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart GGGGG and the Clean Air Act.
- iii. Compliance periods.
- (1) A CSAPR NO_x Ozone Season Group 3 unit shall be subject to the requirements under paragraph c.i. above for the control period starting on

the later of May 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.1030(b) and for each control period thereafter.

- (2) A CSAPR NO_x Ozone Season Group 3 unit shall be subject to the requirements under paragraph c.ii. above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.1030(b) and for each control period thereafter.
- iv. Vintage of allowances held for compliance.
 - (1) A CSAPR NO_x Ozone Season Group 3 allowance held for compliance with the requirements under paragraph c.i.(1) above for a control period in a given year must be a CSAPR NO_x Ozone Season Group 3 allowance that was allocated for such control period or a control period in a prior year.
 - (2) A CSAPR NO_x Ozone Group 3 Season allowance held for compliance with the requirements under paragraphs c.i.(2)(a) and c.ii.(1) through (3) above for a control period in a given year must be a CSAPR NO_x Ozone Season Group 3 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- v. Allowance Management System requirements. Each CSAPR NO_x Ozone Season Group 3 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR Part 97, Subpart GGGGG.
- vi. Limited authorization. A CSAPR NO_x Ozone Season allowance is a limited authorization to emit one ton of NO_x during the control period in one year. Such authorization is limited in its use and duration as follows:
 - (1) Such authorization shall only be used in accordance with the CSAPR NO_x Ozone Season Group 3 Trading Program; and
 - (2) Notwithstanding any other provision of 40 CFR Part 97, Subpart GGGGG, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- vii. Property right. A CSAPR NO_x Ozone Season Group 3 allowance does not constitute a property right.

- d. Title V permit revision requirements.
 - i. No Title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NO_x Ozone Season Group 3 allowances in accordance with 40 CFR Part 97, Subpart GGGGG.
 - ii. This permit incorporates the CSAPR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.1030 through 97.1035, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR Part 75, Subparts B and H), an excepted monitoring system (pursuant to 40 CFR Part 75, Appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR 75.19), and an alternative monitoring system (pursuant to 40 CFR Part 75, Subpart E). Therefore, the Description of CSAPR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this Title V permit using minor permit modification procedures in accordance with 40 CFR 97.1006(d)(2) and 70.7(e)(2)(i)(B).
- e. Additional recordkeeping and reporting requirements.
 - i. Unless otherwise provided, the owners and operators of each CSAPR NO_x Ozone Season Group 3 source and each CSAPR NO_x Ozone Season Group 3 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
 - (1) The certificate of representation under 40 CFR 97.1016 for the designated representative for the source and each CSAPR NO_x Ozone Season Group 3 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.1016 changing the designated representative.
 - (2) All emissions monitoring information, in accordance with 40 CFR Part 97, Subpart GGGGG.
 - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NO_x Ozone Season Group 3 Trading Program.
 - ii. The designated representative of a CSAPR NO_x Ozone Season Group 3 source and each CSAPR NO_x Ozone Season Group 3 unit at the source shall make all

submissions required under the CSAPR NO_x Ozone Season Group 3 Trading Program, except as provided in 40 CFR 97.1018. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a Title V operating permit program in 40 CFR Part 70.

- f. Liability.
 - i. Any provision of the CSAPR NO_x Ozone Season Group 3 Trading Program that applies to a CSAPR NO_x Ozone Season Group 3 source or the designated representative of a CSAPR NO_x Ozone Season Group 3 source shall also apply to the owners and operators of such source and of the CSAPR NO_x Ozone Season Group 3 units at the source.
 - ii. Any provision of the CSAPR NO_x Ozone Season Group 3 Trading Program that applies to a CSAPR NO_x Ozone Season Group 3 unit or the designated representative of a CSAPR NO_x Ozone Season Group 3 unit shall also apply to the owners and operators of such unit.
- g. Effect on other authorities. - No provision of the CSAPR NO_x Ozone Season Group 3 Trading Program or exemption under 40 CFR 97.1005 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NO_x Ozone Season Group 3 source or CSAPR NO_x Ozone Season Group 3 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act. (9VAC5-80-490 and 40 CFR 97.506)

CSAPR SO₂ Group 1 Trading Program requirements (40 CFR 97.606)

- 73. CSAPR SO₂ Group 1 Trading Program - The following conditions must be adhered to for the combustion turbines (1 and 2), which are subject to the CSAPR SO₂ Group 1 Trading Program:
 - a. Designated representative requirements. The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.613 through 97.618.
 - b. Emissions monitoring, reporting, and recordkeeping requirements.
 - i. The owners and operators, and the designated representative, of each CSAPR SO₂ Group 1 source and each CSAPR SO₂ Group 1 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.630 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term

cold storage), 97.631 (initial monitoring system certification and recertification procedures), 97.632 (monitoring system out-of-control periods), 97.633 (notifications concerning monitoring), 97.634 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.635 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).

- ii. The emissions data determined in accordance with 40 CFR 97.630 through 97.635 shall be used to calculate allocations of CSAPR SO₂ Group 1 allowances under 40 CFR 97.611(a)(2) and (b) and 97.612 and to determine compliance with the CSAPR SO₂ Group 1 emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.630 through 97.635 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.
- c. SO₂ emissions requirements.
- i. CSAPR SO₂ Group 1 emissions limitation.
 - (1) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR SO₂ Group 1 source and each CSAPR SO₂ Group 1 unit at the source shall hold, in the source's compliance account, CSAPR SO₂ Group 1 allowances available for deduction for such control period under 40 CFR 97.624(a) in an amount not less than the tons of total SO₂ emissions for such control period from all CSAPR SO₂ Group 1 units at the source.
 - (2) If total SO₂ emissions during a control period in a given year from the CSAPR SO₂ Group 1 units at a CSAPR SO₂ Group 1 source are in excess of the CSAPR SO₂ Group 1 emissions limitation set forth in paragraph c.i.(1) above, then:
 - (a) The owners and operators of the source and each CSAPR SO₂ Group 1 unit at the source shall hold the CSAPR SO₂ Group 1 allowances required for deduction under 40 CFR 97.624(d); and
 - (b) The owners and operators of the source and each CSAPR SO₂ Group 1 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of

such control period shall constitute a separate violation 40 CFR Part 97, Subpart CCCCC and the Clean Air Act.

- ii. CSAPR SO₂ Group 1 assurance provisions.
 - (1) If total SO₂ emissions during a control period in a given year from all CSAPR SO₂ Group 1 units at CSAPR SO₂ Group 1 sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such SO₂ emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR SO₂ Group 1 allowances available for deduction for such control period under 40 CFR 97.625(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.625(b), of multiplying—
 - (a) The quotient of the amount by which the common designated representative's share of such SO₂ emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such SO₂ emissions exceeds the respective common designated representative's assurance level; and
 - (b) The amount by which total SO₂ emissions from all CSAPR SO₂ Group 1 units at CSAPR SO₂ Group 1 sources in the state for such control period exceed the state assurance level.
 - (2) The owners and operators shall hold the CSAPR SO₂ Group 1 allowances required under paragraph c.ii.(1) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
 - (3) Total SO₂ emissions from all CSAPR SO₂ Group 1 units at CSAPR SO₂ Group 1 sources in the state during a control period in a given year exceed the state assurance level if such total SO₂ emissions exceed the sum, for such control period, of the state SO₂ Group 1 trading budget under 40 CFR 97.610(a) and the state's variability limit under 40 CFR 97.610(b).

- (4) It shall not be a violation of 40 CFR Part 97, Subpart CCCCC or of the Clean Air Act if total SO₂ emissions from all CSAPR SO₂ Group 1 units at CSAPR SO₂ Group 1 sources in the state during a control period exceed the state assurance level or if a common designated representative's share of total SO₂ emissions from the CSAPR SO₂ Group 1 units at CSAPR SO₂ Group 1 sources in the state during a control period exceeds the common designated representative's assurance level.
- (5) To the extent the owners and operators fail to hold CSAPR SO₂ Group 1 allowances for a control period in a given year in accordance with paragraphs c.ii.(1) through (3) above,
 - (a) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
 - (b) Each CSAPR SO₂ Group 1 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs c.ii.(1) through (3) above and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart CCCCC and the Clean Air Act.

iii. Compliance periods.

- (1) A CSAPR SO₂ Group 1 unit shall be subject to the requirements under paragraph c.i. above for the control period starting on the later of January 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.630(b) and for each control period thereafter.
- (2) A CSAPR SO₂ Group 1 unit shall be subject to the requirements under paragraph c.ii. above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.630(b) and for each control period thereafter.

iv. Vintage of allowances held for compliance.

- (1) A CSAPR SO₂ Group 1 allowance held for compliance with the requirements under paragraph c.i.(1) above for a control period in a given year must be a CSAPR SO₂ Group 1 allowance that was allocated for such control period or a control period in a prior year.
- (2) A CSAPR SO₂ Group 1 allowance held for compliance with the requirements under paragraphs c.i.(2)(a) and c.ii.(1) through (3) above for a

control period in a given year must be a CSAPR SO₂ Group 1 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.

- v. Allowance Management System requirements. Each CSAPR SO₂ Group 1 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR Part 97, Subpart CCCCC.
 - vi. Limited authorization. A CSAPR SO₂ Group 1 allowance is a limited authorization to emit one ton of SO₂ during the control period in one year. Such authorization is limited in its use and duration as follows:
 - (1) Such authorization shall only be used in accordance with the CSAPR SO₂ Group 1 Trading Program; and
 - (2) Notwithstanding any other provision of 40 CFR Part 97, Subpart CCCCC, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
 - vii. Property right. A CSAPR SO₂ Group 1 allowance does not constitute a property right.
- d. Title V permit revision requirements.
- i. No Title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR SO₂ Group 1 allowances in accordance with 40 CFR Part 97, Subpart CCCCC.
 - ii. This permit incorporates the CSAPR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.630 through 97.635, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR Part 75, Subparts B and H), an excepted monitoring system (pursuant to 40 CFR Part 75, Appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR Part 75.19), and an alternative monitoring system (pursuant to 40 CFR Part 75, Subpart E). Therefore, the Description of CSAPR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this Title V permit using minor permit modification procedures in accordance with 40 CFR 97.606(d)(2) and 70.7(e)(2)(i)(B).

- e. Additional recordkeeping and reporting requirements.
 - i. Unless otherwise provided, the owners and operators of each CSAPR SO₂ Group 1 source and each CSAPR SO₂ Group 1 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
 - (1) The certificate of representation under 40 CFR 97.616 for the designated representative for the source and each CSAPR SO₂ Group 1 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.616 changing the designated representative.
 - (2) All emissions monitoring information, in accordance with 40 CFR Part 97, Subpart CCCCC.
 - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR SO₂ Group 1 Trading Program.
 - ii. The designated representative of a CSAPR SO₂ Group 1 source and each CSAPR SO₂ Group 1 unit at the source shall make all submissions required under the CSAPR SO₂ Group 1 Trading Program, except as provided in 40 CFR 97.618. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a Title V operating permit program in 40 CFR Part 70.
- f. Liability.
 - i. Any provision of the CSAPR SO₂ Group 1 Trading Program that applies to a CSAPR SO₂ Group 1 source or the designated representative of a CSAPR SO₂ Group 1 source shall also apply to the owners and operators of such source and of the CSAPR SO₂ Group 1 units at the source.
 - ii. Any provision of the CSAPR SO₂ Group 1 Trading Program that applies to a CSAPR SO₂ Group 1 unit or the designated representative of a CSAPR SO₂ Group 1 unit shall also apply to the owners and operators of such unit.

- g. Effect on other authorities. - No provision of the CSAPR SO₂ Group 1 Trading Program or exemption under 40 CFR 97.605 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR SO₂ Group 1 source or CSAPR SO₂ Group 1 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.
(9VAC5-80-490 and 40 CFR 97.606)



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Jeffrey Hurst
Regional Director

STATEMENT OF LEGAL AND FACTUAL BASIS
Administrative Amendment

Buchanan Generation, LLC
Off State Route 2, one mile southwest of Marvin, Buchanan County, Virginia
Permit No. SWRO11390

Title V of the 1990 Clean Air Act Amendments required each state to develop a permit program to ensure that certain facilities have federal Air Pollution Operating Permits, called Title V Operating Permits. The facility is also subject to the acid rain regulations at 9VAC5-80-360 through 9VAC5-80-700. As required by 40 CFR Part 70 and 9VAC5 Chapter 80, Buchanan Generation, LLC has applied for an administrative amendment to the Title V Operating Permit for its peaking power plant in Buchanan County, Virginia. The Department has reviewed the application and has prepared an administrative amendment to the Title V Operating Permit.

Permit Writer: _____
Justin DiBenedetto
(276) 608-8625

Date: October 19, 2023

Air Permit Manager: _____
Rob Feagins

Date: October 19, 2023

Regional Director: _____
Jeffrey Hurst

Date: October 19, 2023

REQUESTED AMENDMENT

On October 10, 2023, the Southwest Regional Office received a request from Buchanan Generation, LLC for an administrative amendment to the Article 3 federal operating permit for their Buchanan Generating Station located off State Route 2, one mile southwest of Marvin in Buchanan County, Virginia. The permittee requests a change in the responsible official indicated in the permit.

ARTICLE 3 PERMIT AMENDMENT AND MODIFICATION PROCEDURES

The provisions of 9VAC5-80-560 (administrative permit amendments), 9VAC5-80-570 (minor modification procedures), and 9VAC5-80-590 (significant modification procedures), have been reviewed for applicability to the requested change. The provisions of 9VAC5-80-560 A.2 indicate an administrative permit amendment is required for identification of a change in the name, address, or phone number of any person identified in the permit.

CHANGES TO ARTICLE 3 OPERATING PERMIT

The Article 3 permit is amended to identify the responsible official as Mr. Scott Weis, Assistant VP of EHS.

PUBLIC PARTICIPATION

The provisions of 9VAC5-80-670 indicate administrative amendments shall be incorporated into the permit without providing notice to the public or affected states. Therefore, a public notice is not required.

In accordance with the provisions of 9VAC5-80-560.B.3, a copy of the amended permit will be submitted to the United States Environmental Protection Agency.