



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

September 4, 2024

Mr. L. Davis Phaup III
Director of Environmental, Health and Safety
Old Dominion Electric Cooperative
4201 Dominion Boulevard
Glen Allen, VA 23060
dphaup@odec.com

Location: Fauquier County
Registration No.: 40996

Dear Mr. Phaup:

Attached is a renewal 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 attached permit will be in effect beginning September 4, 2024.

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 May 4, 2020 and solicited written public comments by placing a newspaper advertisement in *The Fauquier Times* on July 31, 2024. The thirty-day required comment period, provided for in 9VAC5-80-670 expired on August 30, 2024.

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 Old Dominion Electric Cooperative of the responsibility to comply with all other local, state, and federal permit regulations.

To review any federal rules referenced in the attached permit, the US Government Publishing Office maintains the text of these rules at www.ecfr.gov, Title 40, Parts 60, 63, 70, and 72.

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 the DEQ 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:

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 the Northern Regional Office at 703-583-3800.

Sincerely,



for Robert J. Weld, Regional Director
Virginia Department of Environmental Quality
540-562-6870
robert.weld@deq.virginia.gov
Blue Ridge Regional Office
901 Russell Drive, Salem, VA 24153
540-562-6700

Attachment: Permit

cc: Christopher L. Rupe, DEQ BRRO Air Permit Writer (*electronic*)
Tadric Page, DEQ NRO Air Compliance Inspector (*electronic*)
Justin Wilkinson, DEQ NRO Air Permit Manager (*electronic*)
Roland Hartshorn, DEQ NRO Air Compliance Manager (*electronic*)
Yongtian (Tom) He, PhD, U.S. EPA Region III (he.yontian@epa.gov)
Maya Whitaker, DEQ Office of Air Permit Programs (OAPP) (*electronic*)



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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:	Old Dominion Electric Cooperative
Facility Name:	ODEC - Marsh Run Generation Facility
Facility Location:	12109 Lucky Hill Rd Remington, VA 22734
Registration Number:	40996
Permit Number:	NRO - 40996

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)

September 4, 2024
Effective Date

September 3, 2029
Expiration Date



for Robert J. Weld, Regional Director
Blue Ridge Regional Office

September 4, 2024
Signature Date

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Facility Information

Permittee

Old Dominion Electric Cooperative
4201 Dominion Boulevard
Glen Allen, VA 23060

Responsible Official

L. Davis Phaup, III
Director, Environmental, Health and Safety

Acid Rain Designated Representative

L. Davis Phaup, III
USEPA ATS-AAR ID number: 601174

Facility

ODEC - Marsh Run Generation Facility
12109 Lucky Hill Rd
Remington, VA 22734

Contact Person

L. Davis Phaup, III
Director, Environmental, Health and Safety
(804) 290-2190

County-Plant Identification Number: 51-061-00063

NATS Facility Identification Number (ORIS): 7836

Facility Description: NAICS 221112 - The Marsh Run Generation Facility, located in Fauquier County, Virginia, is a 600 megawatt (MW) peaking power station consisting of three simple-cycle, dual fuel combustion turbines (CT). The units are General Electric (GE) Model PG7241S-FA CTs, each with a rated heat input capacity of 1624 MMBtu/hr when firing on natural gas and 1820 MMBtu/hr when operating on fuel oil, and a base load of electrical power generating capacity of approximately 190 megawatts (MW) each. Additional equipment consists of two natural gas pipeline heaters, each rated at 9.0 MMBtu/hr, one 2.59 MMBtu/hr diesel driven emergency fire pump, two 1,000,000 gallon distillate fuel oil storage tanks, and one 250 gallon distillate fuel oil tank.

Emission Units

Process Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity ¹	Pollution Control Device (PCD) Description	PCD ID ²	Pollutant Controlled	Applicable Permit Date
EU1 EU2 EU3	S-1 S-2 S-3	Three (3) GE Model PG7241S (FA) simple cycle, dual fuel, combustion turbines	1,624 MMBtu/hr ³ (heat input when combusting natural gas) (each unit)	When firing natural gas – dry low NOx burners, each unit	CD-1	NOx	8/24/18
			1,820 MMBtu/hr ³ (heat input when combusting No. 2 distillate fuel oil) (each unit)	When firing distillate fuel oil – water injection, each unit	CD-2		
EU5A EU5B	S-5A S-5B	Two (2) natural gas fuel pipeline heaters	9.0 MMBtu/hr (heat input) (each unit)	None	---	---	8/24/18
EU6	S-6	One (1) emergency diesel fire pump	2.59 MMBtu/hr (heat input)	None	---	---	8/24/18
TNK1 TNK2	---	Two (2) fixed roof above ground storage tanks for No. 2 distillate fuel oil	1,000,000 gallons (nominal storage capacity) (each unit)	None	---	---	8/24/18

¹The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

²CD-1 = dry low NOx technology; CD-2 = water injection

³General Electric Performance Estimates @ 100% base load, 59°F, 60% Relative Humidity, and a pressure of 14.7 psia

Combustion Turbines (EU1 - EU3)

Limitations

1. **Combustion Turbines (EU1 - EU3) - Limitations** - Nitrogen oxides (NO_x) emissions from each combustion turbine (CT) (EU1 - EU3) shall be controlled by utilization of a dry low NO_x combustor when firing natural gas or water injection when firing No. 2 distillate fuel oil. The CTs shall be provided with adequate access for inspection.
(9VAC5-80-490 and Condition 1 of 8/24/18 Permit Document)
2. **Combustion Turbines (EU1 - EU3) - Limitations** - Sulfur dioxide (SO₂) emissions from each CT (EU1 - EU3) shall be controlled by the use of low sulfur fuels.
(9VAC5-80-490 and Condition 3 of 8/24/18 Permit Document)
3. **Combustion Turbines (EU1 - EU3) - Limitations** - Particulate matter (PM₁₀ and PM_{2.5}) emissions from each CT (EU1 – EU3) shall be controlled by the use of clean burning fuels and good combustion operating practices.
(9VAC5-80-490 and Condition 4 of 8/24/18 Permit Document)
4. **Combustion Turbines (EU1 - EU3) - Limitations** - Volatile organic compounds (VOC) and carbon monoxide (CO) emissions from each CT (EU1 – EU3) shall be controlled by the use of good combustion operating practices.
(9VAC5-80-490 and Condition 5 of 8/24/18 Permit Document)
5. **Combustion Turbines (EU1 - EU3) - Limitations** - The approved fuels for the CTs (EU1 – EU3) are natural gas (primary fuel) and No. 2 distillate fuel oil (backup fuel). Distillate oil is defined as fuel oil that meets the specifications for Fuel Oil Numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396, "Standard Specification for Fuel Oils", or other approved ASTM method, incorporated in 40 CFR 60 by reference. A change in the fuels may require a permit to modify and operate.
(9VAC5-80-490 and Condition 9 of 8/24/18 Permit Document)
6. **Combustion Turbines (EU1 - EU3) - Limitations** - The maximum sulfur content of the natural gas to be burned in the CTs (EU1 – EU3) shall not exceed 20 grains per 100 dry standard cubic feet. The annual average sulfur content of the natural gas to be burned in the CTs shall not exceed 0.5 grains per 100 dry standard cubic feet per year, calculated monthly as the average of each consecutive twelve month period. Compliance for the consecutive twelve month period shall be demonstrated monthly by averaging the total for the most recently completed calendar month with the individual monthly values for the preceding eleven months.
(9VAC5-80-490 and Condition 10 of 8/24/18 Permit Document)

7. **Combustion Turbines (EU1 - EU3) - Limitations** - The maximum sulfur content of the No. 2 distillate fuel oil to be burned in the CTs (EU1 – EU3) shall not exceed 0.05% percent by weight.
(9VAC5-80-490 and Condition 11 of 8/24/18 Permit Document)
8. **Combustion Turbines (EU1 - EU3) - Operating Hours**
- a. When firing natural gas, the combined hours of operation of the CTs (EU1 - EU3) shall not exceed 4,800 hours per year, calculated monthly as the sum of each consecutive twelve month period, excluding the hours specifically attributable to ISO-declared emergencies¹ as outlined in Condition 8.c below. See Condition 60.b and 60.1 for record keeping requirements to demonstrate compliance with this condition.
 - b. When firing No. 2 distillate fuel oil, the combined hours of operation of the GE (FA) CTs (EU1 - EU3) shall not exceed 512 hours per year, calculated monthly as the sum of each consecutive twelve month period, excluding the hours specifically attributable to ISO-declared emergencies as outlined in Condition 8.c below. See Condition 60.b and 60.1 for record keeping requirements to demonstrate compliance with this condition.
 - c. ISO-Declared Emergency Operating Hours (EU1 - EU3):
 - i. Any hours of operation firing natural gas on CTs (EU1 – EU3) attributable to an ISO-Declared Emergency, may be excluded from the limits in Conditions 8.a up to a maximum of 96 hours per year for each unit, calculated monthly as the sum of each consecutive twelve month period.
 - ii. Any hours of operation firing No. 2 distillate fuel oil on CTs (EU1 – EU3) attributable to an ISO-Declared Emergency, may be excluded from the limits in Conditions 8.b up to a maximum of 32 hours per year for each unit, calculated monthly as the sum of each consecutive twelve month period.
 - iii. Hours attributable to an ISO-Declared Emergency will be designated as a minimum of two (2) hours per event per unit as applicable.

¹ For purpose of this permit, an ISO emergency is:

- a. An abnormal system condition requiring manual or automatic action to maintain system frequency, to prevent loss of firm load, equipment damage, or tripping of system elements that could adversely affect the reliability of an electric system or the safety of persons or property;
- b. Capacity of deficiency of capacity of excess conditions;
- c. A fuel shortage requiring departure from normal operating procedures in order to minimize the use of such scarce fuel;
- d. Abnormal natural events or man-made threats that would require conservative operations to posture the system in a more reliable state; or
- e. An abnormal event external to the ISO service territory that may require ISO action.

- iv. See Condition 60.c and 60.1 for record keeping requirements to demonstrate compliance with this condition.
- d. Except for start-up and shut-down conditions, fuel switching, re-tuning, scheduled and non-scheduled maintenance, each CT (EU1 – EU3) shall be operated at 60-100 percent of its base load.

(9VAC5-80-490 and Condition 6 of 8/24/18 Permit Document)

9. **Combustion Turbines (EU1 - EU3) - Alternate Operating Scenarios: Fuel Switching -**
Fuel switching is limited to the following:

- a. Event 1 – Automatic or Operator Initiated Fuel Switching from Pipeline Natural Gas to Fuel Oil: The period will begin when gas usage is first reduced for the purpose of switching to oil and end when oil consumption and water injection have stabilized.
- b. Event 2 – Operator Initiated Fuel Switching from Fuel Oil to Pipeline Natural Gas: The period will begin when the turbine's work load is reduced for the purpose of switching to natural gas and end when oil usage ceases and the turbine is re-stabilized in Mode 6 for Dry Low NO_x Burners.
- c. Excess NO_x Emissions – Excess NO_x emissions from each CT (EU1 – EU3) shall be limited to no more than two 1-hour averaging periods for any fuel switching event, unless specifically authorized by DEQ for longer duration prior to the event. For each fuel switching event, the permittee shall:
 - i. Operate all equipment in a manner consistent with air pollution control practices for minimizing emissions.
 - ii. The permittee has provided and shall maintain a general description of the procedures to be followed during periods of fuel switching to ensure that the best operational practices to minimize emissions will be adhered to and the duration of excess emissions will be minimized.
 - iii. The description may be updated as needed by submitting such update to the Regional Air Compliance Manager of the DEQ's Northern Regional Office (NRO) within thirty days of implementation.
 - iv. Excess emissions during the fuel switching procedure will be recorded and included in the quarterly Excess Emission Report. The CEM data will be "flagged" to indicate that fuel switching took place.

All correspondence concerning this permit should be submitted to the following address:

Regional Air Compliance Manager
Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193

(9VAC5-80-490 and Condition 16 of 8/24/18 Permit Document)

10. Combustion Turbines (EU1 - EU3) - Short-term Emissions Limits: Natural Gas -

- a. Short-term emissions from the operation of each CT (EU1 – EU3) while firing natural gas shall not exceed the limits specified below (except during start-up and shut-down as defined in Condition 12, fuel switching in accordance with Condition 9 and re-tuning in accordance with Condition 26):

PM ₁₀	18 lbs/hr
PM _{2.5}	18 lbs/hr
Nitrogen Oxides (as NO ₂)	10.5 ppmvd 15% O ₂ (1-hour average)
Nitrogen Oxides (as NO ₂)	9.0 ppmvd 15% O ₂ (30-day average)
Carbon Monoxide	9.0 ppmvd 15% O ₂ (3-hour average)

- b. During fuel switching, as defined in Condition 9, the short-term combustion turbine emission limits for No. 2 distillate fuel oil contained in Condition 11 shall apply when switching from natural gas to fuel oil or from fuel oil to natural gas combustion. Excess emissions during fuel switching shall be any emissions above those specified in Condition 11.

(9VAC5-80-490 and Condition 17 of 8/24/18 Permit Document)

11. Combustion Turbines (EU1 - EU3) - Short-term Emission Limits: distillate Fuel Oil -

Short-term emissions from the operation of each CT (EU1 – EU3) while firing No. 2 distillate fuel oil shall not exceed the limits specified below (except during start-up, shut-down, fuel switching, and re-tuning conditions):

PM ₁₀	36 lbs/hr
PM _{2.5}	36 lbs/hr
Nitrogen Oxides (as NO ₂)	42* ppmvd 15% O ₂ (1-hour average)
Carbon Monoxide	20 ppmvd 15% O ₂ (3-hour average)

*when fuel bound nitrogen (FBN) content values are $\leq 0.015\%$. For $0.015\% < \text{FBN} \leq 0.05\%$, the adjusted standard shall be determined, recorded and maintained upon each new fuel delivery by the following formula (if an adjusted NO_x standard is desired by the permittee):

$$\text{NO}_x \text{ Standard} = (0.04 * \text{FBN}) + 0.0042$$

where:

FBN = Fuel bound nitrogen content of the distillate fuel oil (percent by weight)

Note (1): $0.0042\% = 42 \text{ ppm}$

Note (2): 0.05% is maximum FBN allowed in adjusting the NO_x emission standard

(9VAC5-80-490 and Condition 18 of 8/24/18 Permit Document)

12. **Combustion Turbines (EU1 - EU3) - Start-up and Shut-down** - For the purposes of this permit, definitions of start-up and shut-down (as they relate to the CTs (EU1 – EU3)) are provided below:

- a. “Start-up” is defined as either the time from ignition to one hour after achieving Emissions Compliance Control Mode or as the period commencing with ignition of the unit and consisting of two hours of continuous emission monitoring system (CEMS) data, whichever has the shorter time interval. Emissions Compliance Control Mode is defined as Mode 6 or pre-mix combustion modes for the units, when combusting natural gas fuel. These modes are the low NO_x control modes. When combusting fuel oil, the Emissions Compliance Control Mode is achieved when the water injection NO_x control system is activated.
- b. “Shut-down” is defined as either the period of time from initiation of a turbine shut-down until ignition stops or as the period comprised of the final two hours of CEMS data prior to the time when no fuel is being combusted, whichever has the shorter time interval.

(9VAC5-80-490 and Condition 19 of 8/24/18 Permit Document)

13. **Combustion Turbines (EU1 - EU3) - Annual Emission limits:**

- a. Total emissions from the combined operation of the three CTs (EU1 – EU3) shall not exceed the limits specified below:

Nitrogen Oxides (as NO_2)	245.2 tons/year
-------------------------------------	-----------------

The emissions rates shall be calculated daily as the sum of each consecutive 365-day period.

- b. Total emissions from the combined operation of the three CTs (EU1 – EU3) for all excluded hours associated with ISO-declared emergency (as defined in Condition 8.c) shall not exceed the limits specified below:

Carbon Monoxide	8.07 tons/year
Nitrogen Oxides (as NO ₂)	25.92 tons/year
PM ₁₀	4.32 tons/year
PM _{2.5}	4.32 tons/year
Volatile Organic Compounds (VOCs)	0.84 tons/year
Sulfur Dioxide (SO ₂)	5.73 tons/year

These emission limits are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition 8.

(9VAC5-80-490 and Condition 20 of 8/24/18 Permit Document)

14. **Combustion Turbines (EU1 - EU3) - Visible Emission Limitation** - Visible Emissions from each CT exhaust stack (S1 – S3) shall not exceed ten (10) percent opacity except during one 6-minute period in any one hour in which visible emissions shall not exceed twenty (20) percent opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during start-up, shut-down and malfunction.
(9VAC5-80-490 and Condition 22 of 8/24/18 Permit Document)
15. **Combustion Turbines (EU1 - EU3) - Limitations** - Each CT (EU1 – EU3) shall be controlled by proper operation and maintenance. CT operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.
(9VAC5-80-490 C)
16. **Combustion Turbines (EU1 - EU3) - Limitations** - Except where this permit is more restrictive than the applicable requirement, the CTs (EU1 – EU3) shall be operated in compliance with the current requirements of 40 CFR Part 60, Subpart GG (Standards of

Performance for Stationary Gas Turbines) and 40 CFR Part 60, Subpart A (General Provisions).
(9VAC5-80-490 and Condition 14 of the 8/24/18 Permit Document)

Monitoring

17. **Combustion Turbines (EU1 - EU3) - Monitoring - Continuous Emission Monitoring System (CEMS)** – At the discretion of the DEQ, the NO_x continuous emission monitoring systems (CEMS) required by this permit, the continuous monitoring data, and the quality assurance data shall be used to determine compliance with the NO_x emission limits and/or relevant emission standards. Each monitor is subject to such data capture requirements and/or quality assurance requirements as specified in this permit and as may be deemed appropriate by the DEQ.
(9VAC5-80-490 and Condition 23 of 8/24/18 Permit Document).

18. **Combustion Turbines (EU1 - EU3) - Monitoring - NO_x Continuous Emission Monitoring System (CEMS)** – CEMS shall be installed, maintained and operated to measure and record the emissions of nitrogen oxides from each CT's (EU1 – EU3) exhaust stack. An oxygen (O₂) monitor shall be co-located with each nitrogen oxides concentration monitor.

The CEMS shall be installed, calibrated, maintained and operated in accordance with the performance specifications and test procedures (as applicable) identified in 40 CFR 75, Appendices A and B. Upon request by the DEQ, the source shall conduct performance tests.

The quality assurance of data generated by the CEMS shall be demonstrated by implementing or exceeding the minimum requirements for CEMS quality assurance as defined in 40 CFR 75, Appendix B. A NO_x CEMS quality control program which meets the requirements of 40 CFR 75 and 40 CFR 75, Appendix B shall be implemented for all continuous monitoring systems. As per 40 CFR Part 75, Appendix B §2.2.3.f, no more than four (4) successive calendar quarters plus the allowable grace period allowed in 40 CFR Part 75 will elapse without performing a NO_x and O₂ analyzer linearity check. As per 40 CFR Part 75, Appendix B §2.3.3.a.4, no more than eight (8) successive calendar quarters plus the allowable grace period allowed in 40 CFR Part 75 will elapse without performing a NO_x CEMS relative accuracy test audit (RATA).
(9VAC5-80-490 and Condition 24 of 8/24/18 Permit Document)

19. **Combustion Turbines (EU1 - EU3) - Monitoring - NO_x Continuous Emission Monitoring System (CEMS)** – The NO_x CEMS required by this permit shall meet a minimum data capture of 90 percent of each CT's (EU1 – EU3) operating hours, calculated monthly as the sum of each consecutive twelve-month period. Compliance for the consecutive twelve-month period shall be demonstrated monthly, by first - adding the most recent completed calendar month's total hours of valid CEMS data and total hours of unit

operation to their respective monthly totals for the preceding eleven months, and then dividing the total hours of valid CEMS data in the twelve month period by the total hours of unit operation in the twelve month period to determine availability.

(9VAC5-80-490 and Condition 25 of 8/24/18 Permit Document)

20. **Combustion Turbines (EU1 - EU3) - Monitoring - Continuous Emission Monitoring System (CEMS)** – In the event of a NO_x CEMS failure, the permittee shall either:

- a. Use the maximum allowable hourly NO_x emission rate (in lbs/10⁶ Btu equivalent to the 1-hour average concentration limits listed in Conditions 10 and 11), for each hour of operation where CEMS data is not available. This data shall be included in the rolling 365-day emission summation; or
- b. Provide data, which demonstrates an accurate correlation between the water-to-fuel injection curve and actual emission rates. Upon approval of the DEQ, this curve can be used as surrogate CEMS data for future emission calculations.

(9VAC5-80-490 and Condition 26 of 8/24/18 Permit Document)

21. **Combustion Turbines (EU1 - EU3) - Monitoring - Continuous Monitoring System (CMS)** – The permittee shall install a continuous monitoring system (CMS) to measure and record the flow rate of fuel combusted by each CT (EU1 – EU3) for each hour when the unit is combusting fuel. The CMS shall consist of an in-line fuel flow meter, and automatically record the data with a data acquisition and handling system. These records shall be kept on file at the facility for the most current five year period.

(9VAC5-80-490 and Condition 27 of 8/24/18 Permit Document)

22. **Combustion Turbines (EU1 - EU3) - Monitoring - Natural Gas Sulfur Content Monitoring** – The permittee shall monitor the sulfur content of the natural gas being fired in each CT (EU1 – EU3), in accordance with 40 CFR Part 60, Subpart GG. ODEC's EPA approved custom fuel monitoring schedule is as follows:

- a. Analysis for fuel sulfur content of the natural gas shall be conducted using one of the total sulfur methods described in 40 CFR §60.335 (b)(10). Alternatively, if the total sulfur content of the gaseous fuel during the most recent performance test was less than 0.4 weight percent (4000 ppmw), ASTM D4084-82 or 94, D5504-01, D6228-98, or Gas Processors Association Standard 2377-86 (all of which are incorporated by reference – see 40 CFR §60.17), which measure the major sulfur compounds, may be used.
- b. Sulfur monitoring shall be conducted twice monthly for twelve months. If this monitoring demonstrates compliance with allowable permit limits, then sulfur monitoring shall be conducted once per month for six months.

- c. If the monitoring required in paragraph b above demonstrates consistent compliance with the fuel sulfur content allowable permit limits, sulfur monitoring shall be conducted once per quarter.
- d. The sulfur analyses required in paragraphs b and c above shall be conducted during unit operating months only.
- e. Should any sulfur analysis required in paragraph b above indicate noncompliance, the permittee shall notify the Regional Air Compliance Manager of the DEQ's NRO. Sulfur monitoring shall be conducted each day the CTs operate during the interim period when this custom schedule is being re-examined and those results may be submitted to show compliance.
- f. If there is a change in fuel supply, the permittee shall notify the Regional Air Compliance Manager of the DEQ's NRO of such change for re-examination 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 re-examined.
- g. As per 40 CFR §60.334(h)(3) and notwithstanding 40 CFR §60.334(h)(1), the owners or operators may elect not to monitor more frequently than once per year (40 CFR 75, Appendix D, Section 2.3.1.4 or 2.3.2.4) for the total sulfur content of gaseous fuel combusted in a turbine if the gaseous fuel is demonstrated to meet the definition of natural gas in 40 CFR §60.331(u), regardless of whether an existing custom schedule approved by the Administrator for 40 CFR Subpart GG requires such monitoring. The owner or operator shall use one of the following sources of information to make the required demonstration:
 - i. The gas quality characteristics in a current valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less; or,
 - ii. Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20 grains/100 scf. At a minimum, the amount of fuel sampling data shall be as specified in Section 2.3.1.4 or 2.3.2.4 of 40 CFR Part 75, Appendix D.

These records shall be available on-site for inspection by the DEQ and kept on file for the most current five year period.

(9VAC5-80-490 and Condition 28 of 8/24/18 Permit Document)

23. **Combustion Turbines (EU1 - EU3, TNK1 & TNK2) - Monitoring - Fuel Oil Sulfur and Nitrogen Content Monitoring** – The permittee shall sample the No. 2 distillate fuel oil storage tanks (TNK1 and TNK2) that supply fuel oil to the CTs (EU1 – EU3), to

determine the sulfur content on each occasion that fuel is transferred to the storage tanks from any other source or fuel vendor. For the purposes of this permit, an oil shipment/transfer is defined as a series of truck transport loads from a vendor's fuel oil tank(s) to each of the permittee's 1,000,000 gallon above ground storage tanks.

Fuel oil sulfur content shall be determined using ASTM D2880 or another approved, applicable ASTM method incorporated by reference in 40 CFR Part 60.

If the permittee claims an allowance for fuel bound nitrogen (see Condition 11 and/or if an F-value greater than zero is being or will be used by the permittee to calculate STD in 40 CFR §60.332), the permittee shall monitor the nitrogen content of the fuel combusted in the turbine in same fashion as for sulfur content required in this permit condition. The nitrogen content of the fuel shall be determined using methods described in §60.335(b)(9) or an EPA approved alternative procedure.

Records of fuel oil sulfur and nitrogen content shall be available on site for inspection by DEQ personnel. They shall be kept on file for the most current five year period. (9VAC5-80-490 and Condition 29 of 8/24/18 Permit Document)

24. **Combustion Turbines (EU1 - EU3) - Monitoring - Visible Emissions** - Observations for the presence of visible emissions from each of the combustion turbines (EU1-EU3) while firing No. 2 distillate fuel oil shall be made at the following frequencies, as applicable:

Emissions Unit Operating Hours per Year (hr/yr) (while firing No. 2 distillate fuel)	Frequency of Observations for Presence of Visible Emissions
Less than 250 hr/yr	Once per year
Greater than or equal to 250 hr/yr	Once every 250 hours

"Year" as used above means each rolling 12-month period, calculated monthly as the sum of each consecutive 12-month period. If a unit does not operate while firing No. 2 distillate fuel oil during the year, then no observation will be required.

Each observation shall be at least two minutes duration. If visible emissions are detected during the observation or at any time, the permittee shall:

- Take timely corrective action such that the combustion turbine resumes operation with no visible emissions, or,
- Conduct a visible emission evaluation (VEE) on the combustion turbine exhaust stack with visible emissions in accordance with EPA Reference Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six minutes, to assure visible emissions from

the emission unit is 10 percent opacity or less. If any observations exceed 10 percent opacity, the observation period shall continue until a total of 60 minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that the emissions unit resumes operation within the 10 percent opacity limit.

The permittee shall maintain written or electronic logs of operating hours and observations for each combustion turbine to demonstrate compliance. The logs shall include the hours of operation (while firing No. 2 distillate fuel) for each combustion turbine, the date and time of each observation, whether visible emissions were detected during the observation, the results of all VEEs, any corrective action taken, and the name of the observer. If any emissions unit has not been operated for any period, it shall be noted in the log.
(9VAC5-80-490 E & K, and 9VAC5-50-80)

Recordkeeping

25. **Combustion Turbines (EU1 - EU3) - Recordkeeping - Operation, Maintenance, and Training** - The permittee shall maintain records of the required training including a statement of time, place and nature training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the combustion turbines. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.
(9VAC5-80-490 F)

Reporting

26. **Combustion Turbines (EU1 - EU3) - Reporting – Excess Emissions (Re-tuning):**
Excess emissions resulting from the re-tuning of the dry low NO_x burners shall be permitted provided that:
- a. Best operational practices are adhered to and the duration of excess emissions shall be minimized but in no case exceed twelve hours per CT re-tuning event in any twenty-four hour period. The operator may request additional hours from the DEQ.
 - b. During each CT's re-tuning event, NO_x emission concentrations, based on an hourly average, shall not exceed the NO_x standards of the New Source Performance Standards (NSPS) 40 CFR 60 Subpart GG – Standards of Performance for Stationary Gas Turbines (40 CFR §60.330 *et seq.*).
 - c. The permittee shall notify the Regional Air Compliance Manager of the DEQ's NRO no less than twenty-four hours prior to each CT's re-tuning event. The notification shall include, but is not limited to, the following information:

- i. Identification of the specific CT to be re-tuned;
 - ii. Reason for the re-tuning event; and
 - iii. Measures that will be taken to minimize the length of the re-tuning event.
- d. The permittee shall furnish a written report to the Regional Air Compliance Manager of the DEQ's NRO of all pertinent facts concerning the re-tuning event, as soon as practicable but not later than fourteen business days after the re-tuning event. The notification shall include, but is not limited to, the following information:
- i. Identification of the CT that was re-tuned; and
 - ii. The magnitude of excess emissions per CT, any conversion factors used in the calculation of the excess emissions, and the date and time of commencement and completion of each period of excess emissions.
- e. NO_x emissions during each CT's re-tuning event shall be recorded and included in the associated quarterly reports and in the total annual emissions as required in Conditions 13 and 58.
- f. The re-tuning event for each CT shall be identified on the Data Acquisition Report required by Condition 28.

(9VAC5-80-490 F and Condition 34 of 8/24/18 Permit Document)

27. Combustion Turbines (EU1 - EU3) - Reporting – Excess Emissions (Malfunction):

Excess emissions resulting from malfunctions of the CTs (EU1 – EU3) shall be permitted provided that:

- a. Best operational practices are adhered to and the duration of excess emissions shall be minimized.
- b. During each malfunction, NO_x emission concentrations, based on an hourly average, shall not exceed the NO_x standards of the New Source Performance Standards (NSPS) 40 CFR 60 Subpart GG – Standards of Performance for Stationary Gas Turbines (40 CFR §60.330 *et seq.*).
- c. The permittee shall notify the Regional Air Compliance Manager of the DEQ's NRO within four daytime business hours after a malfunction is discovered. The notification shall include, but is not limited to, the following information:
 - i. Identification of the specific CT experiencing the malfunction;

- ii. The nature and quantity of emissions of air pollutants likely to have occurred during the malfunction.
- iii. Measures that will be taken to minimize the length of the malfunction.
- d. As per Conditions 28 and 74, the permittee shall furnish a written report to the Regional Air Compliance Manager of the DEQ's NRO of all pertinent facts concerning the malfunction event. The notification shall include, but is not limited to, the following information:
 - i. Identification of the CT that experienced the malfunction; and
 - ii. The magnitude of excess emissions per CT, any conversion factors used in the calculation of the excess emissions, and the date and time of commencement and completion of each period of excess emissions.
- e. NO_x emissions during each malfunction shall be recorded and included in the total annual emissions as listed in Conditions 13 and 58.
- f. The malfunction for each CT shall be identified on the Data Acquisition Report required by Condition 28.

(9VAC5-80-490 F and Condition 35 of 8/24/18 Permit Document)

28. **Excess Emissions Reporting – Reports for Continuous Monitoring Systems (Data Acquisition Report):** The permittee shall furnish on a quarterly basis written reports of excess emissions from any process monitored by a CEMS. The reports shall be sent to the Regional Air Compliance Manager of the DEQ's NRO, postmarked no later than the 30th day following the end of the calendar quarter. These reports shall include, but are not limited to the following information:

- a. For each month in the quarter, report each hour in which a NO_x permit limit is exceeded. The report shall include the following for each excess emission of NO_x: start time, duration, equipment involved, actual NO_x emissions in ppmdv@ 15% O₂, fuel type and consumption rate, nitrogen content of fuel oil (if oil fired and as required by Condition 23), actual weather conditions (temperature, barometric pressure and humidity) and CT load.
- b. 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.

(9VAC5-80-490, 9VAC5-50-400 and Condition 31 of 8/24/18 Permit Document)

Natural Gas Pipeline Heaters (EU5A & EU5B)

Limitations

29. **Pipeline Heaters - (EU5A & EU5B) - Limitations** - Nitrogen oxides (NO_x) emissions from each natural gas pipeline heater (EU5A & EU5B) shall be controlled by the use of good combustion operating techniques. The natural gas fueled pipeline heaters shall be provided with adequate access for inspection.
(9VAC5-80-490 and Condition 2 of 8/24/18 Permit Document)
30. **Pipeline Heaters - (EU5A & EU5B) - Limitations** - Sulfur dioxide (SO₂) emissions from each natural gas pipeline heater (EU5A & EU5B) shall be controlled by the use of low sulfur fuels.
(9VAC5-80-490 and Condition 3 of 8/24/18 Permit Document)
31. **Pipeline Heaters - (EU5A & EU5B) - Limitations** - PM₁₀ emissions from each natural gas pipeline heater (EU5A & EU5B) shall be controlled by the use of clean burning fuels and good combustion operating practices.
(9VAC5-80-490 and Condition 4 of 8/24/18 Permit Document)
32. **Pipeline Heaters - (EU5A & EU5B) - Limitations** - Volatile organic compounds (VOC) and carbon monoxide (CO) emissions from each natural gas pipeline heater (EU5A & EU5B) shall be controlled by the use of good combustion operating practices.
(9VAC5-80-490 and Condition 5 of 8/24/18 Permit Document)
33. **Pipeline Heaters - (EU5A & EU5B) - Limitations** - The approved fuel for the pipeline heaters (EU5A and EU5B) is natural gas. A change in the fuel may require a permit to modify and operate.
(9VAC5-80-490 and Condition 9 of 8/24/18 Permit Document)
34. **Pipeline Heaters - (EU5A & EU5B) - Limitations** - The combined hours of operation for the natural gas fuel pipeline heaters (EU5A & EU5B) shall not exceed 4,800 hours per year, calculated monthly as the sum of each consecutive twelve month period. See Condition 60.d for record keeping requirements to demonstrate compliance with this condition.
(9VAC5-80-490 B & C and Condition 7 of 8/24/18 Permit Document)
35. **Pipeline Heaters - (EU5A & EU5B) - Limitations** - The maximum sulfur content of the natural gas to be burned in the pipeline heaters (EU5A & EU5B) shall not exceed 20 grains per 100 dry standard cubic feet. The annual average sulfur content of the natural gas to be burned in the CTs shall not exceed 0.5 grains per 100 dry standard cubic feet per year, calculated monthly as the average of each consecutive twelve month period. Compliance for the consecutive twelve month period shall be demonstrated monthly by averaging the total for the most recently completed calendar month with the individual monthly values for the preceding eleven months.

(9VAC5-80-490 and Condition 10 of 8/24/18 Permit Document)

36. **Pipeline Heaters - (EU5A & EU5B) - Limitations** - Visible emissions from each pipeline heater (EU5A & EU5B) shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent. This condition applies at all times except during startup, shutdown and malfunction.
(9VAC5-80-490 and 9VAC5-50-80)

Emergency Diesel Fire Pump (EU6)

Limitations

37. **Emergency Fire Pump - (EU6) - Limitations** - Nitrogen oxides (NO_x) emissions from the emergency diesel fire pump (EU6) shall be controlled by the use of good combustion operating techniques. The emergency diesel fire pump shall be provided with adequate access for inspection.
(9VAC5-80-490 and Condition 2 of 8/24/18 Permit Document)
38. **Emergency Fire Pump - (EU6) - Limitations** - Sulfur dioxide (SO₂) emissions from the emergency diesel fire pump (EU6) shall be controlled by the use of low sulfur fuels.
(9VAC5-80-490 and Condition 3 of 8/24/18 Permit Document)
39. **Emergency Fire Pump - (EU6) - Limitations** - PM₁₀ emissions from the emergency diesel fire pump (EU6) shall be controlled by the use of clean burning fuels and good combustion operating practices.
(9VAC5-80-490 and Condition 4 of 8/24/18 Permit Document)
40. **Emergency Fire Pump - (EU6) - Limitations** - Volatile organic compounds (VOC) and carbon monoxide (CO) emissions from the emergency diesel fire pump (EU6) shall be controlled by the use of good combustion operating practices.
(9VAC5-80-490 and Condition 5 of 8/24/18 Permit Document)
41. **Emergency Fire Pump - (EU6) - Limitations** - The operation of the emergency diesel fire pump (EU6) shall not exceed 200 hours per year, calculated monthly as the sum of each consecutive twelve month period. See Condition 60.e for record keeping requirements to demonstrate compliance with this condition.
(9VAC5-80-490 B & C and Condition 8 of 8/24/18 Permit Document)
42. **Emergency Fire Pump - (EU6) - Limitations** - The approved fuel for the emergency diesel fire pump (EU6) is No. 2 distillate fuel oil. Distillate oil is defined as fuel oil that meets the specifications for Fuel Oil Numbers 1 or 2 under American Society for Testing and Materials, ASTM D396, "Standard Specification for Fuel Oils", or other approved ASTM method, incorporated in 40 CFR 60 by reference. A change in fuel may require a permit to modify and operate.

(9VAC5-80-490 B & C and Condition 9 of 8/24/18 Permit Document)

43. **Emergency Fire Pump - (EU6) - Limitations** - The maximum sulfur content of the No. 2 distillate fuel oil to be burned in the emergency diesel fire pump (EU6) shall not exceed 0.05% percent by weight.
(9VAC5-80-490 and Condition 11 of 8/24/18 Permit Document)
44. **Emergency Fire Pump - (EU6) - Limitations** - Visible emissions from the emergency fire pump (EU6) shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent. This condition applies at all times except during startup, shutdown and malfunction.
(9VAC5-80-490 and 9VAC5-50-80)

Monitoring

45. **Emergency Fire Pump - (EU6) - Monitoring** - Observations for the presence of visible emissions from the emergency diesel fire pump exhaust stack (S-6) shall be made at the following frequencies, as applicable:

**Emissions Unit Operating
Hours per Year (hr/yr)**

**Frequency of Observations for
Presence of Visible Emissions**

Less than 250 hr/yr

Once per year

Greater than or equal to 250 hr/yr

Once every 250 hours

“Year” as used above means each rolling 12-month period, calculated monthly as the sum of each consecutive 12-month period. If the fire pump does not operate during the year, then no observation will be required.

Each observation shall be at least two minutes duration. If visible emissions are detected during the observation or at any time, the permittee shall:

- a. Take timely corrective action such that the emissions unit resumes operation with no visible emissions, or,
- b. Conduct a visible emission evaluation (VEE) on the emissions unit exhaust stack with visible emissions in accordance with EPA Reference Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six minutes, to assure visible emissions from the emission unit is 20 percent opacity or less. If any observations exceed 20 percent opacity, the observation period shall continue until a total of 60 minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that the emissions unit resumes operation within the 20 percent opacity limit.

The permittee shall maintain written or electronic logs of operating hours and observations for the emergency engine to demonstrate compliance. The logs shall include the hours of operation for each engine, the date and time of each observation, whether visible emissions were detected during the observation, the results of all VEEs, any corrective action taken, and the name of the observer. If any emissions unit has not been operated for any period, it shall be noted in the log.
(9VAC5-80-490 E & K, and 9VAC5-50-80)

MACT ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (EU6)

Emissions and Operating Limits

46. **MACT Subpart ZZZZ - (EU6) - Operating Limitations** - The emergency diesel fire pump (EU6) shall meet the following operating limitations:
- a. Change oil and filter every 500 hours of operation or annually, whichever comes first;
 - b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and
 - c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

(9VAC5-80-490 and 40 CFR 63.6603(a))

General Compliance Requirements

47. **MACT Subpart ZZZZ - (EU6) - General Compliance Requirements** - Except where this permit is more restrictive than the applicable requirement, the emergency diesel fire pump (EU6) shall be operated in compliance with the requirements of 40 CFR 63, Subpart ZZZZ and 40 CFR 63, Subpart A – General Provisions. At all times the permittee shall operate and maintain the affected source in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records and inspection of the source.
(9VAC5-80-490, 40 CFR 63.6605, and 40 CFR 63.6665)

Testing and Initial Compliance Requirements

48. **MACT Subpart ZZZZ - (EU6) - Testing and Initial Compliance Requirements** - The permittee shall install a non-resettable hour meter if one is not already installed.

(9VAC5-80-490 and 40 CFR 63.6625(f))

49. **MACT Subpart ZZZZ - (EU6) - Testing and Initial Compliance Requirements** - The permittee shall minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine not to exceed 30 minutes.
(9VAC5-80-490 and 40 CFR 63.6625(h))
50. **MACT Subpart ZZZZ – (EU6) – Testing and Initial Compliance Requirements** – The permittee may utilize an oil analysis program as described in 40 CFR 63.6625(i) to extend the specified oil change requirement in Table 2(d) to Subpart ZZZZ of Part 63. If an oil analysis program is utilized, the analysis program shall be part of the maintenance plan for the engine.
(9VAC5-80-490 and 40 CFR 63.6625(i))

Continuous Compliance Requirements

51. **MACT Subpart ZZZZ - (EU6) - Continuous Compliance Requirements** - The permittee shall follow the work and management practices for existing emergency engines as described in Item 9 of Tables 6 to Subpart ZZZZ of Part 63:
- a. Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or
 - b. Develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.
- (9VAC5-80-490 and 40 CFR 63.6640(a))
52. **MACT Subpart ZZZZ - (EU6) - Continuous Compliance Requirements** - The permittee must report each instance in which the source did not meet the operating limitations in Item 4 of Table 2d to Subpart ZZZZ of Part 63, and any applicable requirement included in Table 8 to Subpart ZZZZ of Part 63. The permittee shall report all deviations in the semiannual monitoring reports as outlined in Condition 71.
(9VAC5-80-490 and 40 CFR 63.6640(b))
53. **MACT Subpart ZZZZ - (EU6) - Continuous Compliance Requirements** - In order for the diesel fire pump to be considered an emergency stationary RICE under Subpart ZZZZ, any operation other than those listed in 40 CFR 63.6640(f), as described in 40 CFR 63.6640(f), is prohibited. If the permittee does not operate the engine according to the requirements in 40 CFR 63.6640(f), the engine will not be considered an emergency engine under Subpart ZZZZ and shall meet all requirements for non-emergency engines.
(9VAC5-80-490 and 40 CFR 63.6640(f))

Recordkeeping

54. **MACT Subpart ZZZZ - (EU6) - Recordkeeping** - The permittee shall keep the following records:

- a. Records required to show continuous compliance with work and management practices in Condition 51.
- b. Records of the maintenance conducted on diesel fire pump in order to demonstrate that the source operated and maintained the engine according to the permittee's maintenance plan.
- c. If the oil program described in Condition 50 is implemented, the permittee shall keep records of the parameters that are analyzed as part of the program, the results of the analysis and the oil changes for the engine.
- d. Records of the hours of operation of the engine that is recorded through the non-resettable hour meter. Including documentation of how many hours are spent for emergency operation, what classified the operation as emergency operation, and how many hours are spent for non-emergency operation.

These records shall be in a form suitable and readily available for expeditious review. Each record shall be kept for 5 years following the date of each occurrence, maintenance, corrective action, report, or record.
(9VAC5-80-490 and 40 CFR 63.6655)

55. **MACT Subpart ZZZZ - (EU6) - Recordkeeping** - The permittee's records shall be in a form suitable and readily available for expeditious review, according to §63.10(b)(1).

- a. As specified in §63.10(b)(1), the permittee shall keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.
- b. The permittee shall keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action report, or record, according to §63.10(b)(1).

(9VAC5-80-490 and 40 CFR 63.6660)

No. 2 Fuel Oil Storage Tanks (TNK1 & TNK2)

Limitations

56. **No. 2 Fuel Oil Storage Tanks - (TNK1 and TNK2) - Limitations** - The two 1,000,000 gallons fixed-roof above ground storage tanks (TNK1 and TNK2) shall be used to store only No. 2 distillate fuel oil.
(9VAC5-80-490 and Condition 13 of 8/24/18 Permit Document)

Facility Wide Conditions

57. **Facility Wide Conditions - Limitations - Fuel Certification** - The permittee shall obtain a certification from the fuel supplier and/or fuel delivery company with each shipment of No. 2 distillate fuel oil. Each fuel supplier certification shall include the following:
- a. The name of the fuel supplier;
 - b. The date on which the No. 2 distillate oil was received;
 - c. The volume of No. 2 distillate oil delivered in the shipment;
 - d. A statement that the No. 2 distillate oil complies with the American Society for Testing and Materials specifications for fuel oil numbers 1 and 2; and
 - e. The sulfur content of the No. 2 distillate oil.
- (9VAC5-80-490 and Condition 12 of 8/24/18 Permit Document)
58. **Facility Wide Conditions - Limitations** – Nitrogen Oxide emissions (as NO₂) from the combined operation of all the emission sources at the Marsh Run Generation Facility (EU1 - EU3, EU5A, EU5B, and EU6) shall not exceed 247.6 tons per year, calculated daily as the sum of each consecutive 365-day period.
(9VAC5-80-490 and Condition 21 of 8/24/18 Permit Document)
59. **Facility Wide Conditions - Monitoring - Maintenance/Operating Procedures** - At all times, including periods of start-up, shutdown, and malfunction, the permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment and process equipment which affect such emissions:
- a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
 - b. Maintain an inventory of spare parts.

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

Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.
(9VAC5-80-490 B & C and Condition 37 of 8/24/18 Permit Document)

60. **Facility Wide Conditions - Recordkeeping** – The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the DEQ NRO Air Compliance Manager. These records shall include, but are not limited to:
- a. Fuel records to demonstrate compliance with Conditions 5, 6, 7, 22, 23, 33, 35, 42, 43, and 57.
 - b. Annual hours of operation for each CT (EU1 – EU3) excluding the hours specifically attributable to ISO-declared emergencies, calculated monthly as the sum of each consecutive twelve-month period, as required by Condition 8.a and 8.b.
 - c. Annual hours of operation attributable to ISO-declared emergencies, calculated monthly as the sum of each consecutive twelve-month period, as required by Condition 8.c, and the corresponding information related to each ISO-declared emergency, to include but not limited to, documentation of the ISO-declared emergency, date, time and length of operation.
 - d. Annual hours of operation for the natural gas pipeline heaters (EU5A and EU5B), calculated monthly as the sum of each consecutive twelve-month period, as required by Condition 34.
 - e. Annual hours of operation for the emergency diesel fire pump (EU6), calculated monthly as the sum of each consecutive twelve-month period, as required by Condition 41.
 - f. The hourly fuel consumption (in scf/hour and gallons/hour) of each CT (EU1 – EU3), when in operation, as required in Condition 21.
 - g. Data and calculations necessary to demonstrate compliance with the emission limits contained in Conditions 13 and 58.

- h. Records as required by Condition 55 for the emergency diesel fire pump (EU6).
- i. Scheduled and unscheduled maintenance and operator training, as required in Condition 59.
- j. Results of all stack tests, visible emission evaluations and performance evaluations.
- k. Continuous monitoring system calibrations and calibration checks.
- l. Compliance for the consecutive twelve month period (as applicable for the items above) shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding eleven months.

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

(9VAC5-80-490 F, 9VAC5-80-490 E & K, Condition 30 of 8/24/18 Permit Document, and 40 CFR 63.6655)

- 61. **Facility Wide Conditions - Testing** - The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from DEQ, test ports shall be provided at the appropriate locations.
(9VAC5-80-490 and 9VAC5-50-30)
- 62. **Facility Wide Conditions - Testing** – Upon request by the DEQ, the permitted facility shall be modified so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. This includes modifying the facility such that volumetric flow rates and pollutant emission rates can be accurately determined by the applicable test methods and providing stack or duct that is free from cyclonic flow. Test ports shall be provided when requested at the appropriate locations.
(9VAC5-80-490 E & F and Condition 15 of 8/24/18 Permit Document)
- 63. **Facility Wide Conditions - Testing** – If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9VAC5-80-490 E)
- 64. **Facility Wide Conditions - Reporting** –
 - a. The following documents submitted to the DEQ shall be signed by a responsible official: (i) any emission statement, application, form, report, or compliance certification; (ii) any document required to be so signed by any provision of the regulations of the DEQ; or (iii) any other document containing emissions data or

compliance information the owner wishes the DEQ to consider in the administration of its air quality programs. A responsible official is defined as follows:

- i. For a business entity, such as a corporation, association or cooperative, a responsible official is either:
 - (1) The president, secretary, treasurer, or a vice president of the business entity in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the business entity; or
 - (2) A duly authorized representative of such business entity if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars) or (ii) the authority to sign documents has been assigned or delegated to such representative in accordance with procedures of the business entity.
 - ii. For a partnership or sole proprietorship, a responsible official is a general partner or the proprietor, respectively.
 - iii. For a municipality, state, federal, or other public agency, a responsible official is either a principal executive officer or ranking elected official. A principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- b. Any person signing a document under subsection 'a' of this section shall make the following certification:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- c. Subsection 'b' of this condition shall be interpreted to mean that the signer shall have some form of direction or supervision over the persons gathering the data and preparing the document (the preparers), although the signer need not personally nor directly supervise these activities. The signer need not be in the same line of authority

as the preparers, nor do the persons gathering the data and preparing the form need to be employees (e.g., outside contractors can be used). It is sufficient that the signer has authority to assure that the necessary actions are taken to prepare a complete and accurate document.

- d. Any person who fails to submit any relevant facts or who has submitted incorrect information in a document shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

(9VAC5-80-490 F and Condition 36 of 8/24/18 Permit Document)

Insignificant Emission Units

65. **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)
IS-1	Fuel Oil Tank for Emergency Diesel Fire Pump	9VAC5-80-720 B	VOC	--
IS-2	CT Units 1-3 Turbine Lube Oil System Reservoirs	9VAC5-80-720 B	VOC	--
IS-3	CT Units 1-3 Propylene Glycol Coolant System Reservoirs	9VAC5-80-720 B	VOC	--
IS-4	CT Units 1-3 False Start Drain Tanks	9VAC5-80-720 B	VOC	--
IS-5	Oil Water Separators (5)	9VAC5-80-720 B	VOC	--

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9VAC5-80-490. (9VAC5-80-490)

Permit Shield & Inapplicable Requirements

66. **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
40 CFR 60 Subpart Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units	the heaters are less than 10 MMBtu/hr.
40 CFR 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels)	the storage vessels store liquids with a vapor pressure less than 3.5 kilopascals (0.5 psia).
40 CFR 60 Subpart KKKK	Standards of Performance for Stationary Combustion Turbines	the stationary combustion turbines commenced construction before February 18, 2005
40 CFR 63 Subpart YYYY	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines	rule applies only to major sources of HAP; ODEC-Marsh Run is not a major source of HAP
40 CFR 63 Subpart DDDDD	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Major Sources	rule applies only to major sources of HAP; ODEC-Marsh Run is not a major source of HAP
40 CFR 63 Subpart UUUUU	National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units	does not apply to gas-fired, non-steam turbines such as those operated by ODEC-Marsh Run (EU1-EU3)

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 or (ii) the DEQ pursuant to §10.1-1307.3 or §10.1-1315 of the Virginia Air Pollution Control Law.
(9VAC5-80-490 and 9VAC5-80-500)

General Conditions

67. **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)

68. General Conditions - Permit Expiration

- a. 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.
- b. 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.
- c. 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 DEQ takes final action on the application under 9VAC5-80-510.
- d. 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 DEQ 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 DEQ any additional information identified as being needed to process the application.

(9VAC5-80-490, 9VAC5-80-430, and 9VAC5-80-530)

69. **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)

70. **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)

71. **General Conditions - Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to the DEQ no later than March 1 and September 1 of each calendar year. This report shall 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)

72. **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 the Environmental Protection Agency (EPA) and the 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 the 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)

73. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the Northern 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 71 of this permit.
(9VAC5-80-490)
74. **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 Northern Regional Office of 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 or 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 or 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 Northern Regional Office.
(9VAC5-20-180 C, 9VAC5-80-490, and Condition 33 of 8/24/18 Permit Document)
75. **General Conditions - Failure/Malfunction Reporting** - The emission units that have continuous monitors subject to 9VAC5-40-50 C or 9VAC5-50-50 C are not subject to the 14 day written notification.
(9VAC5-80-490, 9VAC5-20-180 C, and 9VAC5-50-50)
76. **General Conditions - Failure/Malfunction Reporting** - The emission units subject to the reporting and the procedure requirements of 9VAC5-40-50 C or the procedures of 9VAC5-50-50 C are listed below:

- a. EU1

b. EU2

c. EU3

(9VAC5-80-490, 9VAC5-20-180 C, and 9VAC5-50-50)

77. **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 DEQ 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) or 9VAC5-40-41 B.6, 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)

78. **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)

79. **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)

80. **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)
81. **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 9VAC5-80-660)
82. **General Conditions - Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.
(9VAC5-80-490)
83. **General Conditions - Duty to Submit Information** - The permittee shall furnish to the DEQ, within a reasonable time, any information that the DEQ 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 DEQ 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 DEQ along with a claim of confidentiality.
(9VAC5-80-490)
84. **General Conditions - Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the DEQ shall contain a certification by a responsible official that meets the requirements of 9VAC5-80-430 G.
(9VAC5-80-490)
85. **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.)
86. **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)

87. **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 DEQ, 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)

88. **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)

89. **General Conditions - Inspection and Entry Requirements** - The permittee shall allow the 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 shall be kept under the terms and conditions of the permit.
- b. Have access to and copy, at reasonable times, any records that shall 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)

90. **General Conditions - Reopening for Cause** - The permit shall be reopened by the DEQ 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 DEQ 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 DEQ determines that the permit shall be revised or revoked to assure compliance with the applicable requirements.
- c. The permit shall not be reopened by the DEQ 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)

91. **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 the DEQ upon request. (9VAC5-80-490 and 9VAC5-80-510)
92. **General Conditions - Permit Copy** - The permittee shall keep a copy of the August 24, 2018 mNSR permit document on the premises of the facility to which it applies. (9VAC5-80-490 and Condition 42 of the August 24, 2018 Permit Document)
93. **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 DEQ 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 DEQ 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)
94. **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 DEQ may suspend, under such conditions and for such period of time as the DEQ 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)
95. **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)

96. **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)
97. **General Conditions - Asbestos Requirements** - The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150). (9VAC5-80-490 and 9VAC5-60-70)
98. **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)
99. **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)
100. **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

101. **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)

102. 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))

103. 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))

104. 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)
EU1 - EU3	None. Emission Units EU1 thru EU3 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)

105. **Phase II Acid Rain Program - Nitrogen Oxides Requirements** - Emission Units EU1 thru EU3 are not fired with coal so there are no NO_x emission limits under 40 CFR 76.
(9VAC5-80-490 and 40 CFR 72.9(d))

106. 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))

107. 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))

108. 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 DEQ 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 DEQ 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))

109. **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 are identified in the following tables. The units are subject to the requirements for the CSAPR NO_x Annual Trading Program, CSAPR SO₂ Group 1 Trading Program, and CSAPR NO_x Ozone Season Group 3 Trading Program.

Unit ID: Combustion Turbine (EU1)

Parameter	Continuous emission monitoring system or systems (CEMS) requirements pursuant to 40 CFR 75 Subpart B (for SO ₂ monitoring) and 40 CFR 75 Subpart H (for NO _x monitoring)	Excepted monitoring system requirements for gas- and oil-fired units pursuant to 40 CFR 75 Appendix D	Excepted monitoring system requirements for gas- and oil-fired peaking units pursuant to 40 CFR 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 75 Subpart E
SO ₂	---	X	---	---	---
NO _x	X	---	---	---	---
Heat Input	---	X	---	---	---

Unit ID: Combustion Turbine (EU2)

Parameter	Continuous emission monitoring system or systems (CEMS) requirements pursuant to 40 CFR 75 Subpart B (for SO ₂ monitoring) and 40 CFR 75 Subpart H (for NO _x monitoring)	Excepted monitoring system requirements for gas- and oil-fired units pursuant to 40 CFR 75 Appendix D	Excepted monitoring system requirements for gas- and oil-fired peaking units pursuant to 40 CFR 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 75 Subpart E
SO ₂	---	X	---	---	---
NO _x	X	---	---	---	---
Heat Input	---	X	---	---	---

Unit ID: Combustion Turbine (EU3)

Parameter	Continuous emission monitoring system or systems (CEMS) requirements pursuant to 40 CFR 75 Subpart B (for SO ₂ monitoring) and 40 CFR 75 Subpart H (for NO _x monitoring)	Excepted monitoring system requirements for gas- and oil-fired units pursuant to 40 CFR 75 Appendix D	Excepted monitoring system requirements for gas- and oil-fired peaking units pursuant to 40 CFR 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 75 Subpart E
SO ₂	---	X	---	---	---
NO _x	X	---	---	---	---
Heat Input	---	X	---	---	---

110. **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), 97.630 through 97.635 (CSAPR SO₂ Group 1 Trading Program), and 97.1030 through 97.1035 (CSAPR NO_x Ozone Season Group 3 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)

111. **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 www.epa.gov/airmarkets/monitoring-plans-part-75-sources.
(9VAC5-80-490 and 40 CFR 97)
112. **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), 97.635 (CSAPR SO₂ Group 1 Trading Program), and 97.1035 (CSAPR NO_x Ozone Season Group 3 Trading Program). The Administrator's response approving or disapproving any petition for an alternative monitoring system is available on the EPA's website at www.epa.gov/airmarkets/part-75-petition-responses.
(9VAC5-80-490 and 40 CFR 97)
113. **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), 97.630 through 97.634 (CSAPR SO₂ Group 1 Trading Program), and 97.1030 through 97.1034 (CSAPR NO_x Ozone Season Group 3 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), 97.635 (CSAPR SO₂ Group 1 Trading Program), and 97.1035 (CSAPR NO_x Ozone Season Group 3 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 www.epa.gov/airmarkets/part-75-petition-responses.
(9VAC5-80-490 and 40 CFR 97)
114. **CSAPR** – The descriptions of monitoring applicable to a unit included above meet the requirement of 40 CFR 97.430 through 97.434 (CSAPR NO_x Annual Trading Program), 97.630 through 97.634 (CSAPR SO₂ Group 1 Trading Program), and 97.1030 through 97.1034 (CSAPR NO_x Ozone Season Group 3 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 the unit's monitoring system description.
(9VAC5-80-490 and 40 CFR 97)

CSAPR NO_x Annual Trading Program requirements (40 CFR 97.406)

115. **CSAPR NO_x Annual Trading Program** - The following conditions must be adhered to for Emission Units (EU1, EU2, and EU3) 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 NOx Annual source and each CSAPR NOx 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 NOx Annual allowances under 40 CFR 97.411(a)(2) and (b) and 97.412 and to determine compliance with the CSAPR NOx 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. NOx emissions requirements.
 - i. CSAPR NOx 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 NOx Annual source and each CSAPR NOx Annual unit at the source shall hold, in the source's compliance account, CSAPR NOx 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 NOx emissions for such control period from all CSAPR NOx Annual units at the source.
 - (2) If total NOx emissions during a control period in a given year from the CSAPR NOx Annual units at a CSAPR NOx Annual source are in excess of

the CSAPR NO_x Annual emissions limitation set forth in Condition 115.c.i(1) 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 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 Condition 115.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 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 a 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 Conditions 115.c.ii(1) through 115.c.ii(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 Conditions 115.c.ii(1) through 115.c.ii(3) above and each day of such control period shall constitute a separate violation of 40 CFR 97 Subpart AAAAAA and the Clean Air Act.

iii. Compliance periods.

- (1) A CSAPR NO_x Annual unit shall be subject to the requirements under Condition 115.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 Condition 115.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 CSAPR NO_x Annual allowances held for compliance.
 - (1) A CSAPR NO_x Annual allowance held for compliance with the requirements under Condition 115.c.i(1) above for a control period in a given year must be a CSAPR NO_x Annual allowance that was allocated or auctioned 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 Conditions 115.c.i(2)(a) and 115.c.ii(1) through 115.c.ii(3) above for a control period in a given year must be a CSAPR NO_x Annual allowance that was allocated or auctioned 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 97 Subpart AAAAAA.
 - 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 97 Subpart AAAAAA, 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 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 97, Subpart AAAAAA.

- ii. A description of whether a unit is required to monitor and report NO_x emissions using a continuous emissions monitoring system (under Subpart H of 40 CFR 75), an excepted monitoring system (under Appendices D and E to 40 CFR 75), a low mass emissions excepted monitoring methodology (under 40 CFR 75.19), or an alternative monitoring system (under Subpart E of 40 CFR 75) in accordance with 40 CFR 97.430 through 97.435 may be added to, or changed in, a Title V permit using minor permit modification procedures in accordance with 40 CFR 70.7(e)(2) and 71.7(e)(1), provided that the requirements applicable to the described monitoring and reporting (as added or changed, respectively) are already incorporated in such permit. This paragraph explicitly provides that the addition of, or change to, a unit's description as described in the prior sentence is eligible for minor permit modification procedures in accordance with 40 CFR 70.7(e)(2)(i)(B) and 71.7(e)(1)(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 five years from the date the document is created. This period may be extended for cause, at any time before the end of five 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 five-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 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 70 and 71.

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

116. CSAPR SO₂ Group 1 Trading Program - The following conditions must be adhered to for Emission Units (EU1, EU2, and EU3) 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 Condition 116.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 Condition 116.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 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 Condition 116.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 the year of 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 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 Conditions 116.c.ii(1) through 116.c.ii(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 Conditions 116.c.ii(1) through 116.c.ii(3) above and each day of such control period shall constitute a separate violation of 40 CFR 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 Condition 116.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 Condition 116.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 CSAPR SO₂ Group 1 allowances held for compliance.

- (1) A CSAPR SO₂ Group 1 allowance held for compliance with the requirements under Condition 116.c.i(1) above for a control period in a given year must be a CSAPR SO₂ Group 1 allowance that was allocated or auctioned 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 Conditions 116.c.i(2)(a) and 116.c.ii(1) through 116.c.ii(3) above for a control period in a given year must be a CSAPR SO₂ Group 1 allowance that was allocated or auctioned 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 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 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 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 97 Subpart CCCCC.
 - ii. A description of whether a unit is required to monitor and report SO₂ emissions using a continuous emission monitoring system (under subpart B of 40 CFR 75), an excepted monitoring system (under appendices D and E to 40 CFR 75), a low mass emissions excepted monitoring methodology (under 40 CFR 75.19), or an alternative monitoring system (under Subpart E of 40 CFR 75) in accordance with 40 CFR 97.630 through 97.635 may be added to, or changed in, a Title V permit using minor permit modification procedures in accordance with 40 CFR 70.7(e)(2) and 71.7(e)(1), provided that the requirements applicable to the described monitoring and reporting (as added or changed, respectively) are already incorporated in such permit. This paragraph explicitly provides that the addition of, or change to, a unit's description as described in the prior sentence is eligible for minor permit modification procedures in accordance with 40 CFR 70.7(e)(2)(i)(B) and 71.7(e)(1)(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 five years from the date the document is created. This period may be extended for cause, at any time before the end of five 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 five-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 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 70 and 71.
- 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)

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

117. CSAPR NO_x Ozone Season Group 3 Trading Program - The following conditions must be adhered to for Emission Units (EU1, EU2, and EU3), which are subject to the CSAPR NO_x 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 and heat input 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 and 97.1012 and to determine compliance with the CSAPR NO_x Ozone Season Group 3 primary and secondary emissions limitations and assurance provisions under Condition 117.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 limitations.
 - (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 Group 3 units at a CSAPR NO_x Ozone Season Group 3 source are in excess of the CSAPR NO_x Ozone Season Group 3 primary emissions limitation set forth in Condition 117.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 40 CFR 97 Subpart GGGGG and the Clean Air Act.
- ii. CSAPR NO_x Ozone Season Group 3 assurance provisions
 - (1) If total NO_x emissions during a control period in a given year from all base CSAPR NO_x Ozone Season Group 3 units at base CSAPR NO_x Ozone Season Group 3 sources in a 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 NOx 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 NOx emissions exceeds the respective common designated representative's assurance level; and
 - (b) The amount by which total NOx emissions from all base CSAPR NOx Ozone Season Group 3 units at base CSAPR NOx 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 NOx Ozone Season Group 3 allowances required under Condition 117.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 the year of such control period.
- (3) Total NOx emissions from all CSAPR NOx Ozone Season Group 3 units at CSAPR NOx Ozone Season Group 3 sources in a state during a control period in a given year exceed the state assurance level if such total NOx emissions exceed the sum, for such control period, of the state NOx Ozone Season Group 3 trading budget under 40 CFR 97.1010(a) and the state's variability limit under 40 CFR 97.1010(e).
- (4) It shall not be a violation of 40 CFR 97 Subpart GGGGG or of the Clean Air Act if total NOx emissions from all base CSAPR NOx Ozone Season Group 3 units at base CSAPR NOx Ozone Season Group 3 sources in a state during a control period exceed the state assurance level or if a common designated representative's share of total NOx emissions from the base CSAPR NOx Ozone Season Group 3 units at base CSAPR NOx 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 NOx Ozone Season Group 3 allowances for a control period in a given year in accordance with Conditions 117.c.ii(1) through 117.c.ii(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 NOx Ozone Season Group 3 allowance that the owners and operators fail to hold for such control period in accordance with Conditions 117.c.ii(1) through 117.c.ii(3) above and each day of such control period shall constitute a separate violation of 40 CFR 97 Subpart GGGGG and the Clean Air Act.

iii. Compliance periods.

- (1) A CSAPR NOx Ozone Season Group 3 unit shall be subject to the requirements under Conditions 117.c.i(1), 117.c.i(2), and 117.c.ii above for the control period starting on the later of May 1, 2021, 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 NOx Ozone Season Group 3 unit shall be subject to the requirements under Condition 117.c above for the control period starting on the later of May 1, 2024, 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 CSAPR NOx Ozone Season Group 3 allowances held for compliance

- (1) A CSAPR NOx Ozone Season Group 3 allowance held for compliance with the requirements under Condition 117.c.i(1) above for a control period in a given year must be a CSAPR NOx Ozone Season Group 3 allowance that was allocated or auctioned for such control period or a control period in a prior year.
- (2) A CSAPR NOx Ozone Season Group 3 allowance held for compliance with the requirements under Conditions 117.c.i(2)(a) and 117.c.ii(1) through 117.c.ii(3) above for a control period in a given year must be a CSAPR NOx Ozone Season Group 3 allowance that was allocated or auctioned 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 NOx 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 97 Subpart GGGGG.

vi. *Limited authorization.* A CSAPR NOx Ozone Season Group 3 allowance is a limited authorization to emit one ton or less of NOx 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 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 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 97 Subpart GGGGG.
 - ii. A description of whether a unit is required to monitor and report NO_x emissions using a continuous emission monitoring system (under Subpart H of 40 CFR 75), an excepted monitoring system (under Appendices D and E to 40 CFR 75), a low mass emissions excepted monitoring methodology (under 40 CFR 75.19), or an alternative monitoring system (under Subpart E of 40 CFR 75) in accordance with 40 CFR 97.1030 through 97.1035 may be added to, or changed in, a Title V permit using minor permit modification procedures in accordance with 40 CFR 70.7(e)(2) and 71.7(e)(1), provided that the requirements applicable to the described monitoring and reporting (as added or changed, respectively) are already incorporated in such permit. This paragraph explicitly provides that the addition of, or change to, a unit's description as described in the prior sentence is eligible for minor permit modification procedures in accordance with 40 CFR 70.7(e)(2)(i)(B) and 71.7(e)(1)(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 five years from the date the document is created. This period may be extended for cause, at any time before the end of five 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 five-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 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 NOx Ozone Season Group 3 Trading Program.
- ii. The designated representative of a CSAPR NOx Ozone Season Group 3 source and each CSAPR NOx Ozone Season Group 3 unit at the source shall make all submissions required under the CSAPR NOx 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 70 and 71.
- f. Liability
- i. Any provision of the CSAPR NOx Ozone Season Group 3 Trading Program that applies to a CSAPR NOx Ozone Season Group 3 source or the designated representative of a CSAPR NOx Ozone Season Group 3 source shall also apply to the owners and operators of such source and of the CSAPR NOx Ozone Season Group 3 units at the source.
 - ii. Any provision of the CSAPR NOx Ozone Season Group 3 Trading Program that applies to a CSAPR NOx Ozone Season Group 3 unit or the designated representative of a CSAPR NOx 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 NOx 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 NOx Ozone Season Group 3 source or CSAPR NOx 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 97.1006)