



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTHWEST REGIONAL OFFICE
355-A Deadmore Street, Abingdon, Virginia 24210
(276) 676-4800
www.deq.virginia.gov

Travis A. Voyles
Secretary of Natural and Historic Resources

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

Jeffrey Hurst
Regional Director

May 30, 2024

Mr. Joshua Knight
Division Director of Capital Construction
Spotsylvania County
9104 Courthouse Road
Spotsylvania, VA 22553

Location: Spotsylvania County
Registration No.: 41016

Dear Mr. Knight:

Attached is an initial Title V permit to operate your facility pursuant to 9VAC5 Chapter 80 Article 1 of the Virginia Regulations for the Control and Abatement of Air Pollution. The attached permit will be in effect beginning May 30, 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 December 18, 2023, and solicited written public comments by placing a newspaper advertisement in The Free Lance - Star newspaper on April 8, 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 Spotsylvania County of the responsibility to comply with all other local, state, and federal permit regulations.

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

Mr. Joshua Knight

May 30, 2024

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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.

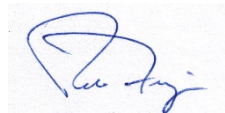
As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal of this decision by filing a Notice of Appeal with:

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

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

If you have any questions concerning this permit, please contact Justin Wilkinson in the Northern Regional Office at (571) 408-1651.

Sincerely,



Rob Feagins
Air Permit Manager
Southwest Regional Office

GRF/JTD/NROT5Permit41016-24.docx

Attachments: Permit
Test Report Format

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



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**Federal Operating Permit
Article 1**

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9VAC5-80-50 through 9VAC5-80-300, of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name: Spotsylvania County
Facility Name: Livingston Sanitary Landfill
Facility Location: 6241 Massey Road
Spotsylvania, VA 22551

Registration Number: 41016
Permit Number: NRO41016

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act

May 30, 2024
Effective Date

May 29, 2029
Expiration Date


Jeffrey Hurst, Regional Director
Southwest Regional Office

May 30, 2024
Signature Date

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Facility Information

Permittee
Spotsylvania County
9104 Courthouse Road
Spotsylvania, VA 22553

Responsible Official
Benjamin L. Loveday, PE
Assistant County Administrator

Facility
Livingston Sanitary Landfill
6241 Massey Road
Spotsylvania, VA 22551

Contact Person
Joshua Knight
Division Director of Capital Construction
540-507-7305

County-Plant Identification Number: 51-177-00107

Facility Description: NAICS 562212 – Solid Waste Landfill - This industry comprises establishments primarily engaged in operating landfills for the disposal of nonhazardous solid waste or the combined activity of collecting and/or hauling nonhazardous waste materials within a local area and operating landfills for the disposal of nonhazardous solid waste.

The Livingston Sanitary Landfill is a municipal solid waste (MSW) landfill operated by Spotsylvania County under Solid Waste Permit 547. The MSW landfill consists of two landfill units and various landfill cells. One landfill unit (Landfill No. 2) continues to accept, process and dispose of MSW; the other landfill unit (Landfill No. 1) was closed in 1996. The landfill is permitted at a design capacity of 5,860,000 megagrams (Mg) and 8,592,600 cubic yards (yd³) under a minor New Source Review (NSR) Permit dated July 29, 2021. The facility is a Title V minor source and is a Title V source by rule because any landfill that is at least 2.5 million Mg and 2.5 million m³ is required to obtain a Title V permit (T5) by New Source Performance Standards (NSPS) Subpart XXX regardless of emission rate.

Emission Units

Process Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description *	PCD ID	Pollutant Controlled	Applicable Permit Date
01	02A 02B	Municipal Solid Waste (MSW) Landfill and Open Flare(s) to combust up to 2,000 scfm of landfill gas	5.86 million megagrams	Landfill Gas Flare(s) to combust up to 2,000 scfm of landfill gas	02A 02B	NMOC VOC GHG	July 29, 2021 NSR permit

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

Landfill Requirements – (Emission Unit ID 01)

Limitations

1. Landfill Requirements – The MSW landfill (Emission Unit ID 01) which includes Landfill No. 1 and Landfill No. 2 Phase I and Phase II shall not accept more than 5.86 million megagrams (million Mg) of municipal solid waste for disposal in the landfill. An increase to this maximum amount of waste accepted by the landfill (Emission Unit ID 01) may require a new or amended permit.
(9 VAC 5-80-110 and Condition 1 of the 7/29/2021 permit)
2. Landfill Requirements – The MSW landfill (Emission Unit ID 01) shall accept for disposal no more than 220,814 tons (200,319 Mg) of solid waste per year, excluding all nondegradable refuse and clean daily cover materials, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9VAC5-80-110 and Condition 5 of the 7/29/2021 permit)
3. Landfill Requirements – If the calculated non-methane organic compounds (NMOC) emission rate is greater than or equal to 34 Mg (as calculated in 40CFR60.764(a)(1)), the permittee shall comply with subsection a, subsection b, or subsections c, d, and e as follows:
 - a. Demonstrate that the NMOC emission rate is less than 34 Mg per year through either Tier 2 testing in accordance with §60.764(a)(3) or Tier 3 testing in accordance with §60.764(a)(4) except as provided in §60.764(a)(5); or
 - b. Demonstrate both of the following:
 - i. Using Tier 1 or Tier 2 that NMOC emissions are greater than or equal to 34 and less than 50 Mg/year, and
 - ii. Surface methane emissions do not exceed 500 ppm demonstrated by Tier 4 monitoring conducted in accordance with §60.764(a)(6); or
 - c. Submit a landfill gas (LFG) collection and control system design plan meeting the requirements of §60.762(b)(2)(i) to the Air Compliance Manager, DEQ Northern Regional Office within one year after the first annual report in which the NMOC emission rate is greater than or equal to 34 Mg per year,
 - d. Install a gas collection and control system in compliance with §60.762(b)(2)(ii)(C) or (D) and §60.762(b)(2)(iii) within 30 months after the applicable report pursuant to §60.762(b)(2)(ii)(A) or (B), §60.762(b)(2)(iii)(A), §60.762(b)(2)(iii)(B), §60.762(b)(2)(iii)(C), §60.762(b)(2)(iii)(D) and

- e. Operate the installed gas collection and control system in compliance with §60.762(b)(2)(iv).

The gas collection and control system (GCCS) may be removed if the provisions of §60.762(b)(2)(v) are satisfied.
(9VAC5-80-110, §60.762(b), 9VAC5-50-410, and Condition 2 of the 7/29/2021 permit)

- 4. Landfill Requirements – If a GCCS is required by Condition 3, the GCCS installed to comply with Condition 3 shall have the following destruction efficiencies for the collected landfill gas:

VOC 98% or 0.017 lb/MMBtu (as propane)
NMOC 98% or 20 ppmvd as hexane at 3% oxygen

Compliance with this condition shall be demonstrated by operation of the open flare(s) (PCD ID 02A and 02B) in accordance with 40 CFR 60.18 and Condition 6.
(9 VAC 5-80-110, §60.762(b), and Condition 3 of the 7/29/2021 permit)

- 5. Landfill Requirements – Unless otherwise specified, dust emission controls shall include the following or equivalent as a minimum:
 - a. Dust from grading, cell construction, waste compaction, application of daily cover, storage piles and traffic areas shall be controlled by wet suppression or equivalent (as approved in writing by the DEQ) control measures.
 - b. All material being stockpiled shall be kept moist to control dust during storage and handling, or covered to minimize emissions.
 - c. Dust from haul roads and traffic areas shall be controlled by the application of asphalt, water, or suitable chemicals or equivalent methods as approved by the DEQ.
 - d. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. These measures shall include paving the entrance road to the facility up to the scales. Fugitive dust emissions shall be controlled by use of a water truck or equivalent. Dirt, product, or raw material spilled or tracked onto paved surfaces shall be promptly removed.

(9VAC5-80-110 and Condition 4 of the 7/29/2021 permit)

- 6. Landfill Requirements – Each open flare (PCD ID 02A and 02B) shall be operated with no visible emissions, as determined by 40 CFR 60, Appendix A, Method 22, except for periods not to exceed a total of five minutes during two consecutive hours.
(9 VAC 5-80-110 and Condition 6 of the 7/29/2021 permit)

Recordkeeping

7. Landfill Requirements – 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 Air Compliance Manager of the DEQ NRO. These records shall include, but are not limited to:
- a. Readily accessible, on-site records of the MSW landfill capacity.
 - b. Annual calculated mass emission rate of NMOC from the MSW landfill.
 - c. The current amount of solid waste in-place.
 - d. The monthly and annual waste acceptance rate.
 - e. Site-specific values for C_{NMOC} and k , if obtained.
 - f. Age of MSW landfill.
 - g. Description, location, amount, and placement date of all non-degradable refuse, including asbestos and demolition refuse which are excluded from the waste acceptance rates in Conditions 1 and 2 and from the landfill gas generation calculations.
 - h. Description and amount of clean daily cover materials which are excluded from the waste acceptance rates in Conditions 1 and 2 and from the landfill gas generation calculations.
 - i. Installation date and location of all vents and/or gas collection components.
 - j. Records sufficient to calculate the facility's emissions on a 12-month rolling basis.
 - k. Monthly and annual throughput of landfill gas, in cubic feet, to the utility flare.
 - l. Records required in 40 CFR 60.768.
 - m. Records of maintenance, operating procedures, and training as required by Condition 18 of the 7/29/2021 permit.
 - n. The results of all visible emission evaluations.

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

(9 VAC 5-80-110, §60.768 and Condition 8 of the 7/29/2021 permit)

Reporting

8. Landfill Requirements – The permittee shall submit an initial and amended Design Capacity Report in accordance with the requirements of 40 CFR 60.767(a). One copy of each Design Capacity Report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 14.
(9 VAC 5-80-110, §60.767(a), and Condition 9 of the 7/29/2021 permit)
9. Landfill Requirements – The permittee shall annually, except as provided in 40 CFR 60.767 (b) (1) (ii), submit a NMOC emission rate report to the Air Compliance Manager of the DEQ NRO meeting the requirements of 40 CFR 60.767 (b). One copy of the NMOC emission report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 14. This initial report shall be submitted no later than 90 days after commencing construction on the MSW landfill expansion.
(9 VAC 5-80-110, §60.767(b), and Condition 10 of the 7/29/2021 permit)
10. Landfill Requirements – Within 30 days of the date the MSW landfill stopped accepting waste, the permittee shall submit a closure report to the Air Compliance Manager of the DEQ NRO and comply with 40 CFR 60.767 (e). One copy of the closure report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 14.
(9 VAC 5-80-110, §60.767(e), and Condition 11 of the 7/29/2021 permit)
11. Landfill Requirements – No later than 30 days prior to the cessation of operation or removal of the control equipment provided in Condition 3, the permittee shall submit an equipment removal report to the Air Compliance Manager of the DEQ NRO in accordance with 40 CFR 60.767 (f). One copy of the equipment removal report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 14.
(9 VAC 5-80-110, §60.767(f), and Condition 12 of the 7/29/2021 permit)
12. Landfill Requirements – Reports shall be submitted electronically as provided in §60.767(i). Reports submitted electronically pursuant to §60.767(i) do not need to also be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 14.
(9VAC5-80-110 and §60.767(i))

Testing

13. Landfill Requirements – Initial performance tests shall be conducted to determine compliance with Conditions 4 and 6. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30, and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The performance test shall include a test method performance audit (PA), where applicable. The details of the tests are to be arranged with the Air Compliance Manager of the DEQ NRO. The permittee shall submit a test protocol at least 30 days prior to testing. Samples taken as required by this

permit shall be analyzed in accordance with 1 VAC 30-45, Certification for Noncommercial Environmental Laboratories, or 1 VAC 30-46, Accreditation for Commercial Environmental Laboratories. The test report shall be submitted as required in Condition 14.c and shall conform to the test report format enclosed with this permit. (9 VAC 5-80-110, §60.672(b)(2)(iii) and Condition 13 of the 7/29/2021 permit)

NOTIFICATIONS

14. Landfill Requirements – The permittee shall furnish written notification to the Air Compliance Manager, DEQ Northern Regional Office of:
 - a. The specifications for each flare added to the GCCS, at a minimum including manufacturer, flare type, maximum flow rating, emissions information demonstrating compliance with Conditions 4 and 6 at least 30 days prior to the anticipated date of installation.
 - b. The anticipated date of testing under Tiers 2, 3, or 4 to demonstrate NMOC emission rate of the landfill postmarked at least 30 days prior to such date. The Tier 4 notification shall meet the requirements of 40CFR60.767(l).
 - c. The anticipated date of performance tests of the gas collection and control system postmarked at least 30 days prior to such date.
 - d. The actual date on which construction of any MSW landfill modification commenced within 30 days after such date.

Except as provided in Condition 12, copies of the written notifications referenced in items 14.a through 14.d are to be sent to:

Chief, Air Section
United States Environmental Protection Agency
Region III, Enforcement & Compliance Assurance Division
Air, RCRA and Toxics Branch (3ED21)
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2852
(9VAC5-80-110, 9VAC5-50-50 and Condition 14 of the 7/29/2021 permit)

Insignificant Emission Units

15. 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)
T01	Diamond Z Model 1248 Tub Grinder	9VAC5-80-720 B	PM	
T02	Astec Peterson 5710D Horizontal Grinder	9VAC5-80-720 B	PM	
H01	GORDONRAY BH Infrared Heater UDAP-100 LPG	9VAC5-80-720 B	VOC, SO _x , NO _x , CO, PM	
H02	Reznor UDAP-100 LPG Heater	9VAC5-80-720 B	VOC, SO _x , NO _x , CO, PM	

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 9VAC5-80-110. (9VAC5-80-110)

Permit Shield & Inapplicable Requirements

16. 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
9VAC5-40 Article 43	Emission Standards for Municipal Solid Waste Landfills	Applies to landfills which commenced construction, reconstruction or modification prior to May 30, 1991 and have not reconstructed or modified after May 30, 1991.
40 CFR 64	Compliance Assurance Monitoring	Applies to emission units that have potential pre-control emissions greater than major-source levels.

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.
(9VAC5-80-110 and 9VAC5-80-140)

General Conditions

17. 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.
(9VAC5-80-110)
18. 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 Department consistent with the requirements of 9VAC5-80-80, 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 9VAC5-80-80 F, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9VAC5 Chapter 80, until the DEQ takes final action on the application under 9VAC5-80-150.
 - d. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9VAC5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9VAC5 Chapter 80.
 - e. If an applicant submits a timely and complete application under section 9VAC5-80-80 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 9VAC5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
 - f. The protection under subsections F 1 and F 5 (ii) of section 9VAC5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9VAC5-80-80 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.

(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)

19. 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.

(9VAC5-80-110)

20. 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.

(9VAC5-80-110)

21. 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 must be signed by a responsible official, consistent with 9VAC5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; 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 semiannual reporting period."

(9VAC5-80-110)

22. 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 9VAC5-80-80 G, and shall include:

- a. The time period included in the certification. The time period to be addressed is January 1 to December 31;
- b. The identification of each term or condition of the permit that is the basis of the certification;
- c. The compliance status;
- d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
- e. Consistent with subsection 9VAC5-80-110, 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

(9VAC5-80-110)

23. General Conditions - Permit Deviation Reporting - The permittee shall notify the Air Compliance Manager, DEQ 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. Such notification shall be made no later than four daytime business hours after the malfunction is discovered. 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. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the permittee shall notify the Air Compliance Manager of the DEQ NRO. The occurrence should also be reported in the next semiannual compliance monitoring report pursuant to Condition 21 of this permit.
(9VAC5-80-110 F. 2 and Condition 20 of the 7/29/2021 permit)
24. Record of Malfunctions – The permittee shall maintain records of the occurrence and duration of any bypass, malfunction, shutdown or failure of the facility or its associated air pollution control equipment that results in excess emissions for more than one hour. Records shall include the date, time, duration, description (emission unit, pollutant affected, cause), corrective action, preventive measures taken and name of person generating the record.
(9 VAC 5-20-180 J, 9 VAC 5-80-1180 D and Condition 19 of the 7/29/2021 permit)
25. 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 Air Compliance Manager, DEQ 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.
(9VAC5-80-110, 9VAC5-20-180, and Condition 20 of the 7/29/2021 permit)
26. 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.
(9VAC5-20-180 and 9VAC5-50-50)

27. 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 semiannually quarterly. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter OR All semiannual reports shall be postmarked by the 30th day following the end of each calendar semiannual period (June 30th and December 31st). 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.
(9VAC5-80-110 and 9VAC5-20-180 C)

28. 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.
(9VAC5-80-110)

29. 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.
(9VAC5-80-110)

30. 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.

(9VAC5-80-110)

31. 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 9VAC5-80-50, 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.
(9VAC80-110, 9VAC5-80-190, and 9VAC5-80-260)
32. General Conditions - Property Rights - The permit does not convey any property rights of any sort, or any exclusive privilege.
(9VAC5-80-110)
33. 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.
(9VAC5-80-110)
34. 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 9VAC5-80-80 G.
(9VAC5-80-110)
35. General Conditions - Duty to Pay Permit Fees - The owner of any source for which a permit was issued under 9VAC5-80-50 through 9VAC5-80-300 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.
(9VAC5-80-110, 9VAC5-80-310 et seq., and 9VAC5-80-2310 et seq.)
36. 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.

(9VAC5-80-110 and 9VAC5-50-90)

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

The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions:

- a. Develop a maintenance schedule and maintain records of all scheduled and nonscheduled 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 the DEQ personnel upon request.

(9VAC5-80-110, 9VAC5-50-20 E and Condition 18 of the 7/29/2021 permit)

38. 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 9VAC5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9VAC5 Chapter 80, Article 1.
(9VAC5-80-110)

39. 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 must be kept under the terms and conditions of the permit.
 - b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
 - d. Sample or monitor at reasonable times' substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9VAC5-80-110 and Condition 17 of the 7/29/2021 permit)

40. 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 9VAC5-80-80 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 must 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 9VAC5-80-110 D.

(9VAC5-80-110)

41. 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.
(9VAC5-80-110 and 9VAC5-80-150)

42. General Conditions - Transfer of Permits

- a. No person shall transfer a permit from one location to another, unless authorized under 9VAC5-80-130, or from one piece of equipment to another.
- b. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the DEQ of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9VAC5-80-200.
- c. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the DEQ of the change in source name within 30 days of the name change and shall comply with the requirements of 9VAC5-80-200.

(9VAC5-80-110 and 9VAC5-80-160)

43. 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 1. 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.

(9VAC5-80-110, 9VAC5-80-190 C, 9VAC5-80-260, and Condition 16 of the 7/29/2021 permit)

44. 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.
(9VAC5-80-110 and 9VAC5-80-80 E)
45. 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.
(9VAC5-80-110 and 40 CFR Part 82)
46. 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).
(9VAC5-60-70 and 9VAC5-80-110)
47. 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.
(9VAC5-80-110 and 40 CFR Part 68)
48. 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.
(9VAC5-80-110)
49. 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 9VAC5-80-110, except subsection N, shall be included to determine compliance.

- b. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
- c. The owner shall meet all applicable requirements including the requirements of 9VAC5-80-50 through 9VAC5-80-300.

(9VAC5-80-110)

- 50. General Conditions - Violation of Ambient Air Quality Standard – The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.
(Condition 21 of the 7/29/2021 permit)
- 51. General Conditions - Change of Ownership – In the case of a transfer of ownership of a stationary source, the new owner shall abide by any current minor NSR permit issued to the previous owner. The new owner shall notify the Air Compliance Manager of the DEQ NRO of the change of ownership within 30 days of the transfer.
(Condition 22 of the 7/29/2021 permit)
- 52. General Conditions - Permit Copy – The permittee shall keep a copy of the 7/29/2021 permit on the premises of the facility.
(Condition 23 of the 7/29/2021 permit)

SOURCE TESTING REPORT FORMAT

Report Cover

1. Plant name and location
2. Units tested at source (indicate Ref. No. used by source in permit or registration)
3. Test Dates
4. Tester; name, address and report date

Certification

1. Signed by team leader/certified observer (include certification date)
2. Signed by responsible company official
3. *Signed by reviewer

Copy of Approved Test Protocol

Summary

1. Reason for testing
2. Test dates
3. Identification of unit tested & the maximum rated capacity
4. *For each emission unit, a table showing:
 - a. Operating rate
 - b. Test Methods
 - c. Pollutants tested
 - d. Test results for each run and the run average
 - e. Pollutant standard or limit
5. Summarized process and control equipment data for each run and the average, as required by the test protocol
6. A statement that test was conducted in accordance with the test protocol or identification & discussion of deviations, including the likely impact on results
7. Any other important information

Source Operation

1. Description of process and control devices
2. Process and control equipment flow diagram
3. Sampling port location and dimensioned cross section. Attached protocol includes: sketch of stack (elevation view) showing sampling port locations, upstream and downstream flow disturbances and their distances from ports; and a sketch of stack (plan view) showing sampling ports, ducts entering the stack and stack diameter or dimensions

Test Results

1. Detailed test results for each run
2. *Sample calculations
3. *Description of collected samples, to include audits when applicable

Appendix

1. *Raw production data
2. *Raw field data
3. *Laboratory reports
4. *Chain of custody records for lab samples
5. *Calibration procedures and results
6. Project participants and titles
7. Observers' names (industry and agency)
8. Related correspondence
9. Standard procedures

* Not applicable to visible emission evaluations