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

November 21, 2024

Mr. Mark Stein
Project Manager
Imerys Norfolk Incorporated
1316 Priority Lane
Chesapeake, Virginia 23324
mark.stein@imerys.com

Location: Chesapeake
Registration No.: TRO-60077

Dear Mr. Stein:

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 January 1, 2025.

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 February 7, 2023, and solicited written public comments by placing a newspaper advertisement in the Virginian-Pilot on Tuesday, September 3, 2024. The thirty-day required comment period, provided for in 9VAC5-80-270, expired on Thursday, October 3, 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 Imerys Norfolk Incorporated 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 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.

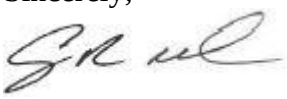
As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal of this decision by filing a Notice of Appeal with:

Michael S. Rolband, Director
Department of Environmental Quality
PO 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 Jennifer M. Fore at (804) 494-9638 or by email at **jennifer.fore@deq.virginia.gov**.

Sincerely,



Craig R. Nicol
Regional Director
Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach, Virginia 23462
(757) 518-2000

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Attachments: Permit
Statement of Legal and Factual Basis
Source Testing Report Format

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Secretary of Natural and Historic Resources

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

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:	Imerys Norfolk, Inc.
Facility Name:	Imerys Norfolk, Inc.
Facility Location:	1316 Priority Lane, Chesapeake, VA 23324
Registration Number:	60077
Permit Number:	TRO-60077

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act

January 1, 2025
Effective Date

December 31, 2029
Expiration Date

Craig R. Nicol,
Regional Director

November 21, 2024
Signature Date

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Facility Information

Permittee
Imerys Norfolk, Inc.
1316 Priority Lane,
Chesapeake, VA 23324

Responsible Official
Alessandro Minichiello
Plant Manager
(757) 284-3229
Alex.Minichiello@imerys.com

Facility
Imerys Norfolk, Inc.
1316 Priority Lane,
Chesapeake, VA 23324

Contact Person
Mark Stein
Project Manager
(757) 284-3227
mark.stein@imerys.com

County-Plant Identification Number: 51-550-00004

Facility Description: NAICS 327120 - Clay Building Material and Refractories Manufacturing

Emission Units

Process Equipment to be operated at the Clinker Unloading and Storage consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description*	PCD ID	Pollutant Controlled	Applicable Permit Date
1	-	Clinker Unloading	350 tons/hr	wet suppression	-	PM	10/25/2019
4	-	Clinker Storage Building	350 tons/hr	-	-	-	10/25/2019
7	DC-306	Clinker Loading Hopper	6 tons	IAC / 120TB-BHT-144S6	DC-306	PM	10/25/2019

Process Equipment to be operated at Fondu Mills (#1 and #2) 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
11	DC-204	#1 Fondu Mill Clinker Tank	300 tons	MikroPul / 60P-6-200	DC-204	PM	10/25/2019
12	DC-201	#1 Fondu Mill Fan	20 tons/hr	Fuller / 6 Zone #96	DC-201	PM, PM-10	10/25/2019
13	DC-202	#1 Fondu Mill Purge Bin	45 tons	DCE / Dalamatic DLMV	DC-202	PM, PM-10	10/25/2019
14	DC-203	#1 Fondu Mill Feed	20 tons/hr	MikroPul	DC-203	PM, PM-10	10/25/2019
16	DC-305	#2 Fondu Mill Clinker Tank	300 tons	Scheuch / skdb 08/08-1.1-01	DC-305	PM, PM-10, PM-2.5	10/25/2019
17	DC-303	#2 Fondu Mill Feed System	20 tons/hr	Scheuch / sfdt 05/09-C-01	DC-303	PM, PM-10, PM-2.5	10/25/2019

18	DC-304	#2 Fondu Mill Draft Fan	20 tons/hr	Scheuch / sfdt 05/12-C-03	DC-304	PM, PM-10, PM-2.5	10/25/2019
19	DC-301	#2 Fondu Mill Separator Fan	20 tons/hr	Scheuch / sfdw 05/12-5-05	DC-301	PM, PM-10, PM-2.5	10/25/2019
20	DC-307	#2 Fondu Mill Purge Bin #1	45 tons	Scheuch / skdb 08/08-1.1-01	DC-307	PM, PM-10, PM-2.5	10/25/2019
21	DC-308	#2 Fondu Mill Purge Bin #2	45 tons	Scheuch / skdb 08/08-1.1-01	DC-308	PM, PM-10, PM-2.5	10/25/2019
22	DC-302	#2 Fondu Mill Material Transport	20 tons	Scheuch / skdb 05/07-C-01	DC-302	PM, PM-10, PM-2.5	10/25/2019

Process Equipment to be operated at Raw Material Storage 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
25	DC-104	Silo 30	9000 tons	MikroPul / 289S8	DC-104	PM	10/25/2019
26	DC-101	Silo 14	3000 tons	MikroPul / 64S820B	DC-101	PM	10/25/2019
27	DC-103	Silo 20	3000 tons	MikroPul / 64S820B	DC-103	PM	10/25/2019
28	DC-106	Alesa Day Bin	250 tons	MikroPul / 25S-8-30	DC-106	PM	10/25/2019

Process Equipment to be operated at the Packhouse (Distribution Building) 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
40	DC-401	Silo #1	1200 tons	MikroPul / 49S820B	DC-401	PM, PM-10	10/25/2019
41	DC-402	Silo #2	1200 tons	MikroPul / 49S820B	DC-402	PM, PM-10	10/25/2019
42	DC-406	Silo #3	1200 tons	MikroPul / 49S820B	DC-406	PM, PM-10	10/25/2019
43	DC-407	Silo #4	1200 tons	MikroPul / 49S820B	DC-407	PM, PM-10	10/25/2019

44	DC-403	Silo #5	1200 tons	MikroPul / 49S820B	DC-403	PM, PM-10	10/25/2019
45	DC-404	Silo #6	1200 tons	MikroPul / 49S820B	DC-404	PM, PM-10	10/25/2019
46	DC-405	Silo #11	200 tons	MikroPul / 36S8B	DC-405	PM, PM-10	10/25/2019
47	DC-408	Co-Grind Mix Bin	150 tons	MikroPul / 25S830B	DC-408	PM, PM-10	10/25/2019
48	DC-418	S80 Additive Bag Dump	N/A	N/A (Integrated Unit)	DC-418	PM, PM-10	10/25/2019
49	DC-419	Secar Silo Recirc	60 tons/hr	DCE / SU32RS5AD	DC-419	PM, PM-10	10/25/2019
50	DC-415	Fused Day Bin	100 tons/hr	MikroPul / 64S-8	DC-415	PM, PM-10	10/25/2019
51	DC-409	Secar Day Bin	100 tons/hr	MikroPul / 64S-8	DC-409	PM, PM-10	10/25/2019
52	DC-410	Fused Air Slide	100 tons/hr	MikroPul / 30-N-6	DC-410	PM, PM-10	10/25/2019
53	DC-411	Bulk Loading	100 tons/hr	MikroPul / 64S-820	DC-411	PM, PM-10	10/25/2019
54	DC-417	Fused Rotary Packer / Big Bag	100 tons/hr	MikroPul / 81S-1020	DC-417	PM, PM-10	10/25/2019
55	DC-413	Big Bags (2)	70 tons/hr (combined)	MikroPul / 81S-1020	DC-413	PM, PM-10	10/25/2019
56	DC-416	Fused Rotary Packer	100 tons/hr	MikroPul / 81S-1020	DC-416	PM, PM-10	10/25/2019
57	DC-412	Secar Rotary Packer	100 tons/hr	Hoskawa / M196S8C	DC-412	PM, PM-10	10/25/2019
58	DC-414	Palletizer	100 tons/hr	MikroPul / 495820C	DC-414	PM, PM-10	10/25/2019

Process Equipment to be operated at the Bulk Transfer Conveyor 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
65	DC-108	Diversified Storage Systems (DSS) Portable Hopper / Conveyor, Bazooka Tube 1200	18 tons/hr	Diversified Storage Systems – WAM 400 Pulse Jet	DC-108	PM, PM-10, PM-2.5	10/25/2019

Process Equipment to be operated at the Secar 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
70	DC-701	Silo #23	165 tons	MikroPul	DC-701	PM	10/25/2019
71	DC-702	Silo #21	140 tons	MikroPul / 81S-10-B	DC-702	PM	10/25/2019
72	DC-704	Silo #22	140 tons	MikroPul / 81S-10-B	DC-704	PM	10/25/2019
73	DC-706	Silo #24	35 tons	MikroPul / 259-8-30	DC-706	PM	10/25/2019
74	DC-711	Raw Mill	10 tons/hr	MikroPul / 81S-1020-B	DC-711	PM	10/25/2019
75	DC-721	Raw Mix Silo	200 tons	MikroPul / 16S-8-30	DC-721	PM	10/25/2019
76	DC-722	Constant Level Silo	25 tons	MikroPul / 16S-8-30	DC-722	PM	10/25/2019
77	DC-723	Ropey Silo	40 tons	DCE / S1-34	DC-723	PM	10/25/2019
78	DC-731 (ESP)	Kiln / Rotary Clinker Cooler / Crusher	9 tons/hr	PPC / 38’ x 11’ x 12’	DC-731 (ESP)	PM, PM-10, PM-2.5, NOx, VOC, SO2, CO	10/25/2019
79	DC-741	Clinker Bucket Elevator BE and Associated Silos	15 tons/hr	MikroPul / 1215-6-20-C	DC-741	PM	10/25/2019
80	DC-742	Finish Mill Feed #2	10 tons/hr	MikroPul / 25S-40-C	DC-742	PM	10/25/2019
81	DC-703	Supplemental Alumina Silo	200 tons	Modu-Kleen	DC-703	PM	10/25/2019
82	DC-751	Finish Mill	10 tons/hr	MikroPul / H224820	DC-751	PM	10/25/2019
83	DC-752	Finish Mill Feed #1	10 tons/hr	MikroPul / 35-R82-C	DC-752	PM	10/25/2019
84	DC-784	Grate Clinker Cooler	9 tons/hr	To be determined (unit not yet installed)	DC-784	PM, PM-10, PM-2.5	10/25/2019

Process Equipment to be operated at the Blending Plant 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
110	DC-110	Bulk & Small Bag Pneumatic Unloading Station	25 tons/hr	To be determined (unit not yet installed)	DC-110	PM, PM-10, PM-2.5	10/25/2019
111-118	DC-111-118	Pneumatic Bulk Truck Unloading to Silos	25 tons/hr	To be determined (unit not yet installed)	DC-111-118	PM, PM-10, PM-2.5	10/25/2019
119	DC-119	Aggregate Bin Loading – Manual Bag Dump Bins	5 tons/hr	To be determined (unit not yet installed)	DC-119	PM, PM-10, PM-2.5	10/25/2019
120	DC-120	Additives Bin Loading – Manual Bag Dump Bins	1 tons/hr	To be determined (unit not yet installed)	DC-120	PM, PM-10, PM-2.5	10/25/2019
121	DC-121	Batch Mixing	25 tons/hr	To be determined (unit not yet installed)	DC-121	PM, PM-10, PM-2.5	10/25/2019
122	DC-122	Product Bagging – 1 Large Bag and 1 Small Bag Filling Machines	25 tons/hr	To be determined (unit not yet installed)	DC-122	PM, PM-10, PM-2.5	10/25/2019
123	DC-123	Bulk Truck Loading	25 tons/hr	To be determined (unit not yet installed)	DC-123	PM, PM-10, PM-2.5	10/25/2019

Engines to be operated at the facility consist of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description*	PCD ID	Pollutant Controlled	Applicable Permit Date
SE-1	-	Standby Engine #1 (Diesel Pony Motor for Kiln / Cooler) Hatz Diesel - 2018 Model Year	14 hp	-	-	-	-
SE-2	-	Standby Engine #2 (Diesel Pony Motor for Kiln / Cooler) Hatz Diesel - 2007 Model Year	14 hp	-	-	-	-

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

Emergency Diesel Engine Requirements – (Standby Emergency Generators, Emission Unit ID#s SE-1 & SE-2)

Limitations

1. **Engine Requirements** - Visible emissions from the engines 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 opacity.
(9VAC5-80-110 and 9VAC5-50-80)

2. **NSPS Subpart IIII Requirements** - For the engines (Unit Ref. Nos. SE-1 & SE-2), the permittee shall comply with the emissions standards for new nonroad CI engines in 40 CFR 60.4202, for all pollutants, for the same model year and maximum engine power.
(9VAC5-80-110 and 40 CFR 60.4205(b))

3. **NSPS Subpart IIII Requirements** - The permittee shall operate the engines (Unit Ref. Nos. SE-1 & SE-2) according to the requirements of 40 CFR 60.4211(f) (1), (2) and (3). To be considered an emergency engine under 40 CFR 60 Subpart IIII, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in 40 CFR 60.4211(f) (1) through (3), is prohibited. If an engine is not operated according to the requirements in 40 CFR 60.4211(f) (1) through (3), the engine will not be considered an emergency engine under 40 CFR 60 Subpart IIII and must meet all requirements for non-emergency engines. Operation for non-emergency purposes may require a permit to modify and operate pursuant to 9VAC5-80 Article 6.
(9VAC5-80-110 and 40 CFR 60.4211(f))

4. **NSPS Subpart IIII Requirements** - The permittee shall operate and maintain the engines (Unit Ref. Nos. SE-1 & SE-2) so that the emissions standards as required in 40 CFR 60.4204 and 40 CFR 60.4205 are achieved over the entire life of the engine.
(9VAC5-80-110 and 40 CFR 60.4206)

5. **NSPS Subpart IIII Requirements** - For the engines (Unit Ref. Nos. SE-1 & SE-2), the permittee shall use diesel fuel that meets the requirements of 40 CFR 1090.305 for nonroad diesel fuel.
(9VAC5-80-110 and 40 CFR 60.4207(b))

6. **NSPS Subpart IIII Requirements** - For the engines (Unit Ref. Nos. SE-1 & SE-2), the permittee shall comply by purchasing, installing and configuring an engine certified to the emissions standards in 40 CFR 60.4204(b), or 40 CFR 60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, National Fire Protection Association nameplate) engine power. The engine shall be installed and configured according to the manufacturer's emission-related specifications, except as permitted in 40 CFR 60.4211(g).
(9VAC5-80-110 and 40 CFR 60.4211(c))

7. **NSPS Subpart IIII Requirements** - For the engines (Unit Ref. Nos. SE-1 & SE-2), the permittee shall comply with the requirements of 40 CFR 60.4211(a) (1) through (3), except as permitted in 40 CFR 60.4211(g).
(9VAC5-80-110 and 40 CFR 60.4211(a))

8. **NSPS Subpart IIII Requirements** - For the engines (Unit Ref. Nos. SE-1 & SE-2), the permittee shall comply with the applicable General Provisions (40 CFR 60 Subpart A) as indicated in Table 8 to 40 CFR 60 Subpart IIII.
(9VAC5-80-110 and 40 CFR 60.4218)

9. **MACT Subpart ZZZZ Requirements (SE-1 & SE-2)** - The engines (Unit Ref. Nos. SE-1 & SE-2) shall meet the requirements of 40 CFR 63 Subpart ZZZZ by meeting the requirements of 40 CFR 60 Subpart IIII, for compression ignition engines. No further requirements apply for such engines under 40 CFR 63 Subpart ZZZZ.
(9VAC5-80-110 and 40 CFR 63.6590(c))

Monitoring

10. **NSPS Subpart IIII Requirements** - For Engines (Unit Ref. Nos. SE-1 & SE-2), if the permittee does not install, configure, operate, and maintain the engine and control device according to the manufacturer's emission-related written instructions, or the permittee changes emission-related settings in a way that is not permitted by the manufacturer, the permittee shall demonstrate compliance according to 40 CFR 60.4211(g) (1) through (3).
(9VAC5-80-110 and 40 CFR 60.4211(g))

11. **NSPS Subpart IIII Requirements** - The permittee shall install a non-resettable hour meter prior to startup of the engines (Unit Ref. Nos. SE-1 & SE-2), unless the permittee maintains records demonstrating that the engines meet the standards applicable to non-emergency engines.
(9VAC5-80-110 and 40 CFR 60.4209(a))

12. **Emergency Engines** (Unit Ref. Nos. SE-1 & SE-2) - Observations for the presence of visible emissions from each emergency engine exhaust stack 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. 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 30 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 each 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.
(9VAC5-80-110 E & K)

Recordkeeping

13. **NSPS Subpart IIII Requirements** - Unless the permittee can demonstrate that the engines (Unit Ref. Nos. SE-1 & SE-2) meet the Subpart IIII standards applicable to non-emergency engines, the permittee shall keep records as described in 40 CFR 60.4214(b).
(9VAC5-80-110 and 40 CFR 60.4214(b))

Process Equipment Requirements - (Emission Unit ID#s 1, 4, 7, 11-14, 16-22, 25-28, 40-58, 65, 70-84, 110-123, and 78) (Emission Units of Clinker unloading and storage, #1 Fondu Mill, #2 Fondu Mill, Raw Material Storage, Packhouse (Distribution Building), Bulk Transfer Conveyor, Secar, Blending Plant and Kiln)

Limitations

14. **Process Equipment Requirements** - Particulate emissions from the #1 Fondu plant (Unit Ref. Nos. 11 - 14), #2 Fondu plant (Unit Ref. Nos. 16 - 18, 20 - 22), Secar plant (Unit Ref. Nos. 70 - 77, 79 - 83), and distribution building (Unit Ref. Nos. 40 - 58) shall be controlled by dust collectors. The fabric filters shall be provided with adequate access for inspection and shall be in operation when the above listed equipment is operating.
(9VAC5-80-110 and Condition 1 of 10/25/2019 Permit)

15. **Process Equipment Requirements** - Particulate Matter (PM), PM-10, and PM-2.5 emissions from Unit Ref. Nos. 19, 84, and 110 - 123 shall be controlled by fabric filters. The fabric filters shall be provided with adequate access for inspection and shall be in operation when the associated equipment is operating.
(9VAC5-80-110 and Condition 2 of 10/25/2019 Permit)

16. **Process Equipment Requirements** - Particulate emissions from the clinker unloading process shall be controlled by wet suppression. The wet suppression process shall be provided with adequate access for inspection and shall remain in operation whenever the transfer of material to and from the dock is conducted.
(9VAC5-80-110 and Condition 3 of 10/25/2019 Permit)

17. **Process Equipment Requirements** - PM, PM-10, and PM-2.5 emissions from the kiln / rotary cooler / crusher process (Unit Ref. No. 78) shall be controlled by an electrostatic precipitator (ESP). The ESP shall be provided with adequate access for inspection and shall be in operation when Unit Ref. No. 78 is operating.
(9VAC5-80-110 and Condition 4 of 10/25/2019 Permit)

18. **Process Equipment Requirements** - PM, PM-10, and PM-2.5 emissions from the bulk transfer conveyor (Unit Ref. No. 65) shall be controlled by a dust collector. The dust collector shall be provided with adequate access for inspection and shall be in operation when the bulk transfer conveyor (Unit Ref. No. 65) is operating.
(9VAC5-80-110 and Condition 5 of 10/25/2019 Permit)

19. **Process Equipment Requirements** - Nitrogen Oxide (NOx) emissions from the kiln (Unit Ref. No. 78) shall be controlled by the use of low-NOx burners, good operating practices, and performing appropriate maintenance procedures in accordance with the manufacturer recommendations. The low-NOx burners shall be installed and operated in accordance with manufacturer's specifications and recommendations.
(9VAC5-80-110 and Condition 6 of 10/25/2019 Permit)

20. **Limitations** - The production of calcium aluminate clinker from the kiln (Unit Ref. No. 78) shall not exceed 72,360 tons per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9VAC5-80-110 and Condition 13 of 10/25/2019 Permit)

21. **Limitations** - The throughput of calcium aluminate clinker and Bauxite through the #1 Fondu Mill building and #2 Fondu Mill building combined shall not exceed 230,000 tons per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9VAC5-80-110 and Condition 14 of 10/25/2019 Permit)

22. **Limitations** - The throughput of all products through the distribution building shall not exceed 272,000 tons per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9VAC5-80-110 and Condition 15 of 10/25/2019 Permit)

23. **Throughput** - The throughput of calcium aluminate clinker unloaded from ships shall not exceed 230,000 tons per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9VAC5-80-110 and Condition 16 of 10/25/2019 Permit)

24. **Throughput** - The throughput of Bauxite unloaded from ships shall not exceed 10,000 tons per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9VAC5-80-110 and Condition 17 of 10/25/2019 Permit)

25. **Limitations** - The throughput of all materials through the bulk transfer conveyor (Unit Ref. No. 65) shall not exceed 9,000 tons/year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9VAC5-80-110 and Condition 18 of 10/25/2019 Permit)

26. **Fuel** - The approved fuels for the kiln (Unit Ref. No. 78) are distillate fuel and natural gas. A change in fuels shall be considered a change in the method of operation of the kiln and may require a new or amended permit. However, if a change in the fuel is not subject to new source review permitting requirements, this condition should not be construed to prohibit such a change.
(9VAC5-80-110 and Condition 19 of 10/25/2019 Permit)

27. **Fuel Throughput** - The kiln (Unit Ref. No. 78) shall consume no more than 950,000 gallons of distillate fuel per year and 239 million cubic feet of natural gas, 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 20 of 10/25/2019 Permit)

28. **Limitations** - Raw material processed in the kiln (Unit Ref. No. 78) shall meet the specifications below:

    a. Lime with a maximum sulfur content per shipment of 0.17% and a maximum annual average sulfur content of 0.0675% using test method ASTM C25 or a DEQ-approved equivalent method.

    b. Alumina with a maximum sulfur content per shipment of 0.17% and a maximum annual average sulfur content of 0.0675% using test method ASTM El915 or a DEQ-approved equivalent method.

    c. Exceedance of these specifications may be considered credible evidence of the exceedance of emission limits.

    (9VAC5-80-110 and Condition 21 of 10/25/2019 Permit)

29. **Raw Material Certification** - The permittee shall obtain a certification from the raw material supplier with each shipment of raw material that will be processed in the kiln (Unit Ref. No. 78). Each raw material certification shall include the following:

    a. The name of the raw material supplier;

    b. The date on which the raw material was received;

    c. The quantity of raw material delivered in the shipment;

    d. The sulfur content of the raw material; and

    e. A statement that the raw material sulfur content was tested in accordance with the appropriate American Society for Testing and Materials specifications as specified in Condition 28.

    Raw material sampling and analysis may be conducted by the facility in cases where the sulfur content is not provided by the raw material supplier. Documentation of such raw material sampling and analysis shall contain the information required under provisions (a) through (e) of this condition.
    (9VAC5-80-110 and Condition 22 of 10/25/2019 Permit)

30. **Fuel** - The distillate fuel shall meet the specifications below:

    DISTILLATE OIL which meets the ASTM D396 specification for Grades 1 or 2 S15 fuel oil: Maximum sulfur content per shipment: 0.0015%; or

DIESEL FUEL which meets the ASTM D975 specification for Grades 1 or 2 S15 diesel fuel: Maximum sulfur content per shipment: 0.0015%

(9VAC5-80-110 and Condition 23 of 10/25/2019 Permit)

31. **Fuel Certification** - The permittee shall obtain a certification from the fuel supplier with each shipment of distillate fuel. Each fuel supplier certification shall include the following:

    a. The name of the fuel supplier;

    b. The date on which the distillate fuel was received;

    c. The quantity of distillate fuel delivered in the shipment; and

    d. A statement that the distillate fuel complies with the American Society for Testing and Materials specifications for Grades 1 or 2 S15 fuel, or other DEQ approved fuel specifications.

    Fuel sampling and analysis, independent of that used for certification, as may be periodically required or conducted by DEQ may be used to determine compliance with the fuel specifications stipulated in Condition 30. Exceedance of these specifications may be considered credible evidence of the exceedance of emission limits.
    (9VAC5-80-1180 and Condition 24 of 10/25/2019 Permit)

32. **Process Emission Limits** - Emissions from the operation of the clinker unloading process and the outdoor storage piles shall not exceed the limits specified below:

Pollutant	Lb/hr	Tons/year
PM (Filterable only)	17.0	5.6
PM_{10} (Filterable and Condensable)	8.0	2.6

    These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 16, 23, and 24.
    (9VAC5-80-110 and Condition 26 of 10/25/2019 Permit)

33. **Process Emission Limits** - Emissions from the operation of the #1 Fondu plant (Unit Ref. Nos. 11-14) shall not exceed the limits specified below:

Pollutant	gr/dscf (each unit)	Tons/year (combined)
PM (Filterable only)	0.02	19.4
PM_{10} (Filterable and Condensable)	0.02	19.4

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 14, 40, 46, and 48.
(9VAC5-80-110 and Condition 27 of 10/25/2019 Permit)

34. **Process Emission Limits** - Emissions from the operation of the #2 Fondu plant (Unit Ref. Nos. 16 - 22) shall not exceed the limits specified below:

Pollutant	gr/dscf (each unit)	Tons/year (combined)
PM (Filterable only)	0.01	15.9
PM_{10} (Filterable and Condensable)	0.01	15.9
$PM_{2.5}$ (Filterable and Condensable	0.01	15.9

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 14, 15, 40, 46, and 48.
(9VAC5-80-110 and Condition 28 of 10/25/2019 Permit)

35. **Process Emission Limits** - Emissions from the operation of units at the blending plant (Unit Ref. Nos. 110-123) shall not exceed the limits specified below:

Pollutant	gr/dscf (each unit)	Tons/year (combined)
PM (Filterable only)	0.01	5.3
PM_{10} (Filterable and Condensable)	0.01	5.3
$PM_{2.5}$ (Filterable and Condensable)	0.01	5.3

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 15, 40, 46, and 48.
(9VAC5-80-110 and Condition 29 of 10/25/2019 Permit)

36. **Process Emission Limits** - Emissions from the operation of the kiln / rotary cooler / crusher (Unit Ref. No. 78) shall not exceed the limits specified below:

Pollutant	Lb/hr	Tons/year
PM (filterable only)	9.00	36.2
PM_{10} (Condensable and Filterable)	12.42	49.9
$PM_{2.5}$ (Condensable and Filterable)	12.42	49.9
Sulfur Dioxide	61.25	97.8
Nitrogen Oxides (as NO_2)	37.80	152.0
Carbon Monoxide	12.60	50.7
Volatile Organic Compounds	1.08	4.3

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 17, 19, 26 through 31, 39, 44, 47, and 48.
(9VAC5-80-110 and Condition 30 of 10/25/2019 Permit)

37. **Process Emission Limits** - Emissions from the operation of the grate clinker cooler (Unit Ref. No. 84) shall not exceed the limits specified below:

Pollutant	gr/dscf	Tons/year
PM (Filterable only)	0.01	11.3
PM_{10} (Filterable and Condensable)	0.01	11.3
$PM_{2.5}$ (Condensable and or Filterable)	0.01	11.3

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 15, 40, 46, and 48.
(9VAC5-80-110 and Condition 31 of 10/25/2019 Permit)

38. **Process Emission Limits** - Emissions from the operation of the distribution building shall not exceed the limits specified below:

Pollutant	lbs/hr	Tons/year
PM (Filterable only)	3.6	15.6
PM_{10} (Filterable only)	3.6	15.6

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 14, 40, 46, and 48.
(9VAC5-80-110 and Condition 32 of 10/25/2019 Permit)

39. **Visible Emission Limit** - Visible emissions from the ESP for the kiln and clinker cooler (combined) stack (Unit Ref. No. 78) shall not exceed ten (10) percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.
(9VAC5-80-110 and Condition 33 of 10/25/2019 Permit)

40. **Visible Emission Limit** - Visible emissions from each fabric filter in the #1 Fondu plant (Unit Ref. Nos. 11 - 14), #2 Fondu plant (Unit Ref. Nos. 16 - 22), Secar plant (Unit Ref. Nos. 70 - 77, 79 - 84), blending plant (Unit Ref. Nos. 110 - 123), and distribution building (Unit Ref. Nos. 40 - 58) shall not exceed five (5) percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A).
(9VAC5-80-110 and Condition 34 of 10/25/2019 Permit)

41. **Visible Emission Limit** - Visible emissions from the dust collector on the bulk transfer conveyor (Unit Ref. No. 65) shall not exceed five (5) percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A).
(9VAC5-80-110 and Condition 35 of 10/25/2019 Permit)

42. **Permit Invalidation** - The portions of this permit to construct the kiln modification (Unit Ref. No. 78), clinker cooler replacement (replacing rotary cooler included with Unit Ref. No. 78 with Unit Ref. No. 84), and blending plant (Unit Ref. Nos. 110 - 123) shall become invalid, unless an extension is granted by the DEQ, if:

    a. A program of continuous construction is not commenced within 18 months from May 8, 2018.

    b. A program of construction is discontinued for a period of 18 months or more, or is not completed within a reasonable time, except for a DEQ approved period between phases of the phased construction of a new stationary source or project.

    (9VAC5-80-110 and Condition 42 of 10/25/2019 Permit)

Monitoring

43. **Process Equipment Requirements - Monitoring Devices** - The bulk transfer conveyor (Unit Ref. No. 65) shall be equipped with a device to continuously measure the differential pressure across the dust collector. The monitoring device shall be installed, maintained, calibrated, and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the bulk transfer conveyor (Unit Ref. No. 65) is operating.
(9VAC5-80-110 and Condition 7 of 10/25/2019 Permit)

44. **Process Equipment Requirements - Monitoring Devices** - The ESP (associated with Unit Ref. No. 78) shall be equipped with devices to continuously measure the secondary current (direct current amperes) and secondary voltage (direct current volts), by field, across the ESP. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the ESP is operating.
(9VAC5-80-110 and Condition 8 of 10/25/2019 Permit)

45. **Monitoring Device Observation** - To ensure good performance, the control monitoring device used to continuously measure the differential pressure across the dust collector shall be observed by the permittee with a frequency of not less than once per week, on a day on which the bulk transfer conveyor (Unit Ref. No. 65) is operating. The permittee shall establish an acceptable normal range for the differential pressure, based on manufacturer recommendations or good engineering judgement, within 30 days of startup, and take corrective action when outside the normal range. The permittee shall keep a log of the observations from the control monitoring device associated with the dust collector. This log shall include the date, time, name of the observer, the results of the observation, and the date and time of corrective actions taken, whenever operations outside of the established range were observed.
(9VAC5-80-110 and Condition 9 of 10/25/2019 Permit)

46. **Monitoring Device Observation** - The permittee shall evaluate the exhaust vents or stack of each fabric filter specified in Conditions 14 and 15 once per week during the daylight hours of normal operations for the presence of visible emissions. If any visible emissions are noted, the permittee shall perform corrective action such that the units resume operation with no visible emissions. If, following corrective action, visible emissions continue to be present, the permittee shall perform a visible emissions evaluation in accordance with 40 CFR 60, Appendix A, Method 9, to assure that visible emissions from the fabric filter stacks do not exceed 5% opacity. All visible emissions evaluations including any corrective actions taken shall be recorded in a log book and maintained on-site.
(9VAC5-80-110 and Condition 10 of 10/25/2019 Permit)

47. **Monitoring Device Observation** - To ensure good performance, the control monitoring device used to continuously measure the secondary current (direct current amperes) and secondary voltage (direct current volts), by field, across the ESP (associated with Unit Ref. No. 78) shall be observed by the permittee with a frequency of not less than once per day. The permittee shall keep a log of the observations from the control monitoring device.
(9VAC5-80-110 and Condition 11 of 10/25/2019 Permit)

Recordkeeping

48. **On Site Records** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include, but are not limited to:

    a. Annual production of calcium aluminate clinker (in tons) from the kiln (Unit Ref. No. 78), calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.

b. Annual throughput of calcium aluminate clinker and Bauxite (in tons) through the #1 Fondu plant building and #2 Fondu plant building combined, 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.

c. Annual throughput of products through the distribution building, 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.

d. Annual throughput of calcium aluminate clinker unloaded from ships, 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.

e. Annual throughput of Bauxite unloaded from ships, 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.

f. Annual throughput of distillate fuel (in gallons), and natural gas (in millions of cubic feet) 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.

g. Annual throughout of all materials through the bulk transfer conveyor (Unit Ref. No. 65), 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.

h. A log of the operating days of the bulk transfer conveyor (Unit Ref. No. 65) and the day on which the observations from the control monitoring device associated with the dust collector on the bulk transfer conveyor (Unit Ref. No. 65) were taken as specified in Condition 45.

i. A log of the observations specified in Condition 46.

j. A log of the observations from the control monitoring device specified in Condition 47.

k. Specification sheets to include documentation of maximum air flow rating (in scfm) for each fabric filter.

l. All raw material certifications and documentation of raw material sampling and analysis as specified in Condition 29.

m. Monthly emissions calculations for CO, NOx (as NO_2), SO_2, VOC, PM, PM-10, and PM-2.5 emissions from the facility using calculation methods approved by the Tidewater Regional Office to verify compliance with the ton/yr emissions limitations in Conditions 32 through 38.

n. All fuel supplier certifications.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.
(9VAC5-80-110 and Condition 37 of 10/25/2019 Permit)

Testing

49. **Emissions Testing** - The permitted facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. Sampling ports shall be provided when requested at the appropriate locations and safe sampling platforms and access shall be provided.
(9VAC5-80-110 and Condition 12 of 10/25/2019 Permit)

50. **Stack Test** - Initial performance tests for NOx, CO, PM, PM-10, and PM-2.5 shall be conducted on the kiln (Unit Ref. No. 78) after the modification is complete, using appropriate test methods (40 CFR Part 51 or 40 CFR 60, Appendix A as applicable) to determine compliance with the emission limits contained in Condition 36. The tests shall be performed, reported, and demonstrate compliance within 60 days after achieving the maximum production rate at which the facility will be operated but in no event later than 180 days after start-up of the permitted facility. Tests shall be conducted and reported, and data reduced as set forth in 9VAC5-50-30. The details of the tests are to be arranged with the Tidewater Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. One copy of the test results shall be submitted to the Tidewater Regional Office within 60 days after test completion and shall conform to the test report format enclosed with this permit.
(9VAC5-80-110 and Condition 36 of 10/25/2019 Permit)

51. **Process Equipment Requirements** - The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the DEQ, test ports shall be provided at the appropriate locations.
(9VAC5-80-110 and 9VAC5-50-30)

52. **Process Equipment Requirements** - If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9VAC5-80-110)

Reporting

53. **Initial Notifications** - The permittee shall furnish written notifications to the Tidewater Regional Office of:

    a. The anticipated start-up date after modification of the kiln (Unit Ref. No. 78) postmarked not more than 60 days nor less than 30 days prior to such date.

    b. The actual start-up date of the kiln Unit Ref. No. 78 within 15 days after such date.

    c. The anticipated date of performance tests for the kiln (Unit Ref. No. 78) postmarked at least 30 days prior to such date.

    (9VAC5-80-110 and Condition 39 of 10/25/2019 Permit)

54. **Initial Notifications** - The permittee shall furnish written notification to the Tidewater Regional Office of:

    a. The actual date(s) on which construction of Unit Ref. Nos. 84 and 110 - 123 commenced within 30 days after such date.

    b. The anticipated start-up date(s) of Unit Ref. Nos. 84 and 110 - 123 postmarked not more than 60 days nor less than 30 days prior to such date.

    c. The actual start-up date(s) of Unit Ref. Nos. 84 and 110 - 123 within 15 days after such date.

    (9VAC5-80-110 and Condition 40 of 10/25/2019 Permit)

Insignificant Emission Units

55. **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)
500	State Industries Natural Gas Water Heater	A3		0.199 MMBtu/hr
501	Ruud Natural Gas Water Heater	A3		0.036 MMBtu/hr
502	500 Gallon Diesel Tank (for refueling diesel vehicles)	A1	VOC	
503	25,000 Gallon Diesel Tank (closed – not in use)	A2	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 9VAC5-80-110. (9VAC5-80-110)

Permit Shield & Inapplicable Requirements

56. **Permit Shield & Inapplicable Requirements** - Compliance with the provisions of this permit shall be deemed in 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
NA		No inapplicable requirements were identified in the Title V permit Application

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

57. **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)

58. **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 to 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)

59. **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)

60. **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)

61. **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)

62. **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)

63. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the Tidewater Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. Owners subject to the requirements of 9VAC5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9VAC5-50-40. The occurrence should also be reported in the next semiannual compliance monitoring report pursuant to Condition 61 of this permit.
(9VAC5-80-110 F.2)

64. **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 Tidewater 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 9VAC5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 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 Tidewater Regional Office.
(9VAC5-80-110 and 9VAC5-20-180)

65. **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)

66. **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.
(9VAC5-80-110, 9VAC5-20-180 C, and 9VAC5-50-50)

67. **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)

68. **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)

69. **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)

70. **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.
(9VAC5-80-110, 9VAC5-80-190, and 9VAC5-80-260)

71. **General Conditions - Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.
(9VAC5-80-110)

72. **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)

73. **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)

74. **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.)

75. **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)

76. **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.
(9VAC5-80-110 and 9VAC5-50-20 E)

77. **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)

78. **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)

79. **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)

80. **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)

81. **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)

82. **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, and 9VAC5-80-260)

83. **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)

84. **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)

85. **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)

86. **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)

87. **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)

88. **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)