



*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](http://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

August 16, 2023

Mr. Allen Lawson  
Director of Solid Waste Operations  
Carroll-Grayson-Galax Solid Waste Authority  
162 Landfill Road  
Hillsville, Virginia 24343

Location: Carroll County, Virginia  
Registration No.: 11598

Dear Mr. Lawson:

Attached is a renewal 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 14, 2024.

In the course of evaluating the application and arriving at a final decision to issue this permit, the Department of Environmental Quality (DEQ) deemed the application complete on May 2, 2023, and solicited written public comments by placing a newspaper advertisement in the *Galax Gazette* on June 30, 2023. The thirty-day required comment period, provided for in 9VAC5-80-270, expired on July 31, 2023.

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

This permit approval to operate shall not relieve Carroll-Grayson-Galax Solid Waste Authority 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. Allen Lawson  
August 16, 2023  
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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 me at (276) 608-8506.

Sincerely,



Rob Feagins  
Air Permit Manager

GRF/ABM/11598VA.FNL-24

Attachment: Permit

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



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Jeffrey Hurst  
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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: Carroll-Grayson-Galax Solid Waste Authority  
Facility Name: Carroll-Grayson-Galax Regional Landfill  
Facility Location: 162 Landfill Road, Hillsville, Virginia 24343


Registration Number: 11598  
Permit Number: SWRO-11598

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act

January 14, 2024  
Effective Date

January 13, 2029  
Expiration Date

  
A handwritten signature in blue ink, appearing to read "Jeffrey Hurst", is positioned above a horizontal line.

← Jeffrey Hurst  
Regional Director

August 16, 2023  
Signature Date

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## **Facility Information**

Permittee  
Carroll-Grayson-Galax Solid Waste Authority  
162 Landfill Road  
Hillsville, Virginia 24343

Responsible Official  
Mr. Allen Lawson  
Director of Solid Waste Operations

Facility  
Carroll-Grayson-Galax Regional Landfill  
162 Landfill Road  
Hillsville, Virginia 24343

Contact Person  
Mr. Allen Lawson  
Director of Solid Waste Operations  
(276) 728-4907

County-Plant Identification Number: 51-035-00087

Facility Description: NAICS 562212 - The Carroll-Grayson-Galax Regional Landfill facility consists of two landfill units located on contiguous property and separated by landfill haul roads. Each landfill unit accepts only municipal solid waste (MSW), and construction and demolition debris.

The first landfill unit, Landfill #1, Solid Waste Permit Number 508, accepted waste from 1987 until December 12, 2012. Landfill #1 is no longer accepting waste and received final closure status on June 17, 2014. DEQ issued a certificate to operate on March 16, 2010, for the second landfill unit, Landfill #2, Solid Waste Permit Number 605, and this unit is currently accepting waste. Total capacity of the facility including both landfill units is 3,771,555 cubic meters. Total permitted mass capacity of the facility is 2,796,969 megagrams. Currently, there is no landfill gas (LFG) collection and control system in place for either landfill unit.

Emissions from the landfill units include non-methane organic compounds (NMOC), volatile organic compounds (VOC), hazardous air pollutants (HAP), and fugitive dust. This source is located in an attainment area for all pollutants and is a Prevention of Significant Deterioration (PSD) minor source. The facility is permitted under a minor New Source Review (NSR) permit dated July 19, 2022.

## 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
ES-1	Not applicable	Municipal solid waste (MSW) landfill consisting of two landfill units: Landfill #1, and Landfill #2 (Solid Waste Permit Numbers 508 and 605)	Total design capacity of 3,771,555 cubic meters	None	Not applicable	None	July 19, 2022
ES-2	Not applicable	Landfill surface and haul roads	Not applicable	Wet suppression	Not applicable	Fugitive dust	July 19, 2022
GEN-01	EP-GEN-01	Generac natural gas-fired emergency generator engine	24 KW and 36 HP	None	Not applicable	None	Not applicable
GEN-02	EP-GEN-02	Generac natural gas-fired emergency generator engine	18 KW and 20.4 HP	None	Not applicable	None	Not applicable
GEN-03	EP-GEN-03	Caterpillar model D50GC diesel emergency generator engine	50 KW and 111.3 HP	Turbocharger	Not applicable	CO	Not applicable

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

## **Fuel Burning Equipment Requirements – (Emission Unit ID: GEN-01, GEN-02, and GEN-03)**

### **Limitations**

1. Fuel Burning Equipment Requirements - Emissions from the operation of emergency generator engine GEN-01 shall not exceed the limits specified below:

NO<sub>x</sub> + HC                                      10 g/HP-hr

CO    387 g/HP-hr

The permittee shall operate and maintain the engine to comply with the emission limits over the entire life of the engine.

(9VAC5-80-110, 40 CFR 60.4233(d), and 40 CFR 60.4234)

2. Fuel Burning Equipment Requirements - The permittee shall demonstrate compliance with the emission limits specified for emergency generator engine GEN-01 in Condition 1 as follows:
  - a. If the engine and control device are operated and maintained according to the manufacturer's emission-related written instructions, the permittee must keep records of conducted maintenance. The permittee must also meet any requirements applicable to the engine as specified in 40 CFR Part 1068, Subparts A through D. If engine settings are adjusted according to and consistent with the manufacturer's instructions, the engine will not be considered out of compliance with the emission limits specified in Condition 1.
  - b. If the engine and control device are not operated and maintained according to the manufacturer's emission-related written instructions, the permittee must keep a maintenance plan and records of conducted maintenance and, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions.  
(9VAC5-80-110 and 40 CFR 60.4243(b)(1))
3. Fuel Burning Equipment Requirements - The permittee shall operate emergency generator engine GEN-01 according to the requirements in paragraphs a. through c. of this condition. In order for the engine to be considered an emergency engine under 40 CFR Part 60 Subpart JJJJ, any operation other than emergency operation, maintenance and testing and operation in non-emergency situations for 50 hours per year, as described in paragraphs a. through c. is prohibited. If the permittee does not operate the engine according to the requirements in paragraphs a. through c., the engine will not be considered an emergency engine under 40 CFR Part 60 Subpart JJJJ and must meet all requirements for non-emergency engines.

- a. There is no time limit on the use of emergency generator engine GEN-01 in emergency situations.
  - b. Emergency generator engine GEN-01 may be operated for the purpose in paragraph b.i. of this condition for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph c. of this condition counts as part of the 100 hours per calendar year allowed by this paragraph b.
    - i. Emergency generator engine GEN-01 may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state, or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The permittee may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the permittee maintains records indicating that federal, state, or local standards require maintenance and testing of emergency generator engine GEN-01 beyond 100 hours per calendar year.
  - c. Emergency generator engine GEN-01 may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing provided in paragraph b. of this condition. Except as provided in 40 CFR 60.4243(d)(3)(i), the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.  
(9VAC5-80-110 and 40 CFR 60.4243(d))
4. Fuel Burning Equipment Requirements - Emergency generator engine GEN-03 must be certified to the Tier 2 or Tier 3 emission standards for new nonroad CI engines for the same rated power as described in 40 CFR Part 1039, Appendix I, for all pollutants and the smoke standards as specified in 40 CFR 1039.105 beginning in model year 2007. The permittee must operate and maintain emergency generator engine GEN-03 that achieves the applicable emission standards over the entire life of the engine.  
(9VAC5-80-110, 40 CFR 4205(b), 40 CFR 60.4202(a)(2), and 40 CFR 60.4206)
  5. Fuel Burning Equipment Requirements - Emergency generator engine GEN-03 must 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. Fuel Burning Equipment Requirements - Except as permitted in Condition 7 of this permit, the permittee must install and configure emergency generator engine GEN-03 according to the manufacturer's emission-related specifications and do all the following:

- a. Operate and maintain emergency generator engine GEN-03 and control device according to the manufacturer's emission-related written instructions;
  - b. Change only those emission-related settings of emergency generator engine GEN-03 that are permitted by the manufacturer; and
  - c. Meet any requirements of 40 CFR part 1068, applicable to emergency generator engine GEN-03.  
(9VAC5-80-110, 40 CFR 60.4211(a)(1) – (3), and 40 CFR 60.4211(c))
7. Fuel Burning Equipment Requirements - If emergency generator engine GEN-03 and control device are not installed, configured, operated, and maintained according to the manufacturer's emission-related written instructions, or if emission-related settings are changed in a way that is not permitted by the manufacturer, the permittee must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions.  
(9VAC5-80-110 and 40 CFR 60.4211(g)(2))
8. Fuel Burning Equipment Requirements - The permittee shall operate emergency generator engine GEN-03 according to the requirements in paragraphs a. through c. of this condition. In order for the engine to be considered an emergency engine under 40 CFR Part 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 paragraphs a. through c. is prohibited. If the permittee does not operate the engine according to the requirements in paragraphs a. through c., the engine will not be considered an emergency engine under 40 CFR Part 60 Subpart IIII and must meet all requirements for non-emergency engines.
  - a. There is no time limit on the use of emergency generator engine GEN-03 in emergency situations.
  - b. Emergency generator engine GEN-03 may be operated for the purpose in paragraph b.i. of this condition for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph c. of this condition counts as part of the 100 hours per calendar year allowed by this paragraph b.
    - i. Emergency generator engine GEN-03 may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state, or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The permittee may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the permittee maintains records indicating that federal, state, or local standards require maintenance and

testing of emergency generator engine GEN-03 beyond 100 hours per calendar year.

- c. Emergency generator engine GEN-03 may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing provided in paragraph b. of this condition. Except as provided in 40 CFR 60.4211(f)(3)(i), the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

(9VAC5-80-110 and 40 CFR 60.4211(f)(1) – (3))

- 9. Fuel Burning Equipment Requirements - Visible Emissions from each of the emergency generator engine (GEN-01 and GEN-02) exhaust 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 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 9VAC5-50-80)

### **Monitoring**

- 10. Fuel Burning Equipment Requirements - The permittee shall install a non-resettable hour meter on emergency generator engines GEN-01 and GEN-03. Each non-resettable hour meter shall be provided with adequate access for inspection and shall be in operation when the engine is operating. (9VAC5-80-110 and 9VAC5-50-50 F)

### **Recordkeeping**

- 11. Fuel Burning Equipment Requirements - The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:
  - a. All notifications submitted to comply with 40 CFR Part 60 Subpart JJJJ and all documentation supporting any notification.
  - b. Maintenance conducted on emergency generator engine GEN-01, and the maintenance plan required by Condition 2.b of this permit.
  - c. Maintenance conducted on emergency generator engine GEN-03, and the maintenance plan required by Condition 7 of this permit.

- d. Documentation from the manufacturer that emergency generator engine GEN-01 is certified to meet the applicable emission standards of 40 CFR Part 60 Subpart JJJJ and information as required in 40 CFR Parts 1048, 1054, and 1060, as applicable.
- e. Hours of operation of each emergency generator engine GEN-01 and GEN-03, as recorded through the non-resettable hour meter, including how many hours are spent for emergency operation, what classified the operation as emergency and how many hours are spent for non-emergency operation.

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

(9VAC5-80-110, 9VAC5-50-50, and 40 CFR 60.4245(a))

### **Testing**

- 12. Fuel Burning 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)
- 13. Fuel Burning Equipment Requirements - If emergency generator engine GEN-03 and control device are not installed, configured, operated, and maintained according to the manufacturer's emission-related written instructions, or if emission-related settings are changed in a way that is not permitted by the manufacturer, the permittee must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after the engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after emission-related settings are changed in a way that is not permitted by the manufacturer.  
(9VAC5-80-110 and 40 CFR 60.4211(g))
- 14. Fuel Burning Equipment Requirements - The permittee shall follow the test methods and procedures in 40 CFR 60.4212(a) through (e) when conducting performance tests on emergency generator engine GEN-03.  
(9VAC5-80-110 and 40 CFR 60.4212)
- 15. Fuel Burning Equipment Requirements - If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.  
(9VAC5-80-110)

(9VAC5-80-110 and Condition 4 of 7/19/2022 NSR Permit)

20. Process Equipment Requirements - The MSW landfill (ES-1) shall accept for disposal no more than 99,065 Mg of solid waste 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 5 of 7/19/2022 NSR Permit)
21. Process Equipment Requirements - Except where this permit is more restrictive than the applicable requirement, the MSW landfill (ES-1) shall be modified and operated in compliance with the applicable requirements of 9VAC5-40 Article 43.1 (Rule 4-43.1).  
(9VAC5-80-110 and Condition 6 of 7/19/2022 NSR Permit)

### **Monitoring and Testing**

22. Process Equipment Requirements - If the calculated non-methane organic compounds (NMOC) emission rate from the MSW Landfill (ES-1) is greater than or equal to 34 Mg per year, as calculated in accordance with 40 CFR 60.35f (a)(1), the permittee shall comply with subsection a, or 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 40 CFR 60.35f(a)(3), or Tier 3 testing in accordance with 40 CFR 60.35f(a)(4), except as provided in 40 CFR 60.35f(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 40 CFR 60.35f(a)(6); or
  - c. Submit a landfill gas collection and control system design plan meeting the requirements of 60.38f(d) to the Director, Southwest 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 40 CFR 60.33f(b)(2), or (3), and 40 CFR 60.33f(c), within 30 months after the applicable report pursuant to 40 CFR 60.33f(b)(1)(i) or (iii), and
  - e. Operate the installed gas collection and control system in compliance with 40 CFR 60.34f, 40 CFR 60.36f, and 40 CFR 60.37f.

The gas collection and control system may be removed if the provisions of 40 CFR 60.33f(f) are satisfied.

(9VAC5-80-110 and Condition 2 of 7/19/2022 NSR Permit)

23. 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 9VAC5-40-5965)
24. 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)

### **Recordkeeping**

25. Process Equipment Requirements - The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:
  - a. Readily accessible, on-site records of the MSW landfill (ES-1) capacity.
  - b. Annual calculated mass emission rate of NMOC from the MSW landfill (ES-1).
  - c. The current amount of solid waste in-place.
  - d. Annual solid waste acceptance rate, 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. Site-specific values for the concentration of NMOC (CNMOC) and the methane generation rate (k), if obtained.
  - f. Age of the MSW landfill (ES-1).
  - g. Description, location, amount, and placement date of all non-degradable refuse, including asbestos and demolition refuse, which are excluded from the landfill NMOC emission rate calculations.
  - h. Location of all vents and/or gas collection components and the installation date and location of all newly installed vents and/or gas collection components.
  - i. Records sufficient to calculate the facility's emissions on a 12-month rolling basis.

- j. Records required in 40 CFR 60.39f.

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

(9VAC5-80-110 and Condition 7 of 7/19/2022 NSR Permit)

## **Reporting**

26. Process Equipment Requirements - The permittee shall annually, except as provided in 40 CFR 60.38f(c)(3) and (c)(4), submit a NMOC emission rate report to the Director, Southwest Regional Office meeting the requirements of 40 CFR 60.38f(c).  
(9VAC5-80-110 and Condition 8 of 7/19/2022 NSR Permit)
27. Process Equipment Requirements - Within 30 days of the date the MSW landfill (ES-1) stopped accepting waste, the permittee shall submit a closure report to the Director, Southwest Regional Office and comply with 40 CFR 60.38f(f).  
(9VAC5-80-110 and Condition 9 of 7/19/2022 NSR Permit)
28. Process Equipment Requirements - No later than 30 days prior to the cessation of operation or removal of the control equipment provided in Condition 22, the permittee shall submit an equipment removal report to the Director, Southwest Regional Office in accordance with 40 CFR 60.38f(g).  
(9VAC5-80-110 and Condition 10 of 7/19/2022 NSR Permit)
29. Process Equipment Requirements - The permittee shall furnish written notification to the Director, Southwest Regional Office of:
- a. The actual date on which modification of the MSW landfill (ES-1) by vertical expansion of Landfill #2 Cell 3 commenced within 30 days after such date.
  - b. The actual date of initial waste acceptance in Landfill #2 Cell 3 within 15 days after such date.
  - c. The anticipated date of testing under Tiers 2, 3, or 4 to demonstrate NMOC emission rate of the landfill (ES-1) postmarked at least 30 days prior to such date. The Tier 4 notification shall meet the requirements of 40 CFR 60.38f(m).  
(9VAC5-80-110 and Condition 11 of 7/19/2022 NSR Permit)

## **Insignificant Emission Units**

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

<b>Emission Unit No.</b>	<b>Emission Unit Description</b>	<b>Citation</b>	<b>Pollutant(s) Emitted (9VAC5-80-720B)</b>	<b>Rated Capacity (9VAC5-80-720C)</b>
---	Office building natural gas-fired space heater	9VAC5-80-720 A	---	---
---	Two (2) natural gas-fired space heaters in the maintenance garage	9VAC5-80-720 A	---	---
---	Arjes Impactor 250 EVO tire shredder	9VAC5-80-720 B	PM10	---
---	Scale house natural gas-fired space heater	9VAC5-80-720 A	---	---

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

31. 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:

<b>Citation</b>	<b>Title of Citation</b>	<b>Description of Applicability</b>
None identified in the Form 805 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

32. 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)

33. 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)

34. 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)
35. 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)
36. 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)
37. 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)

38. General Conditions - Permit Deviation Reporting - The permittee shall notify the Director, Southwest Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. Owners subject to the requirements of 9VAC5-40-50 C 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. The occurrence should also be reported in the next semiannual compliance monitoring report pursuant to Condition 36 of this permit.  
(9VAC5-80-110 F. 2)

39. General Conditions - Failure/Malfunction Reporting - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall no later than four daytime business hours after the malfunction is discovered, notify the Director, Southwest Regional Office 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 Director, Southwest Regional Office.  
(9VAC5-80-110 and 9VAC5-20-180)
40. 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, 9VAC5-40-50, and 9VAC5-50-50)
41. 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. 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, 9VAC5-20-180 C, 9VAC5-40-50, and 9VAC5-50-50)

42. 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)
43. 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)
44. 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)
45. 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)
46. General Conditions - Property Rights - The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9VAC5-80-110)
47. 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)
48. 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)

49. 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.)
50. 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, 9VAC5-40-90, and 9VAC5-50-90)
51. 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, 9VAC5-50-20 E, and 9VAC5-40-20 E)

52. 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)
53. 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)
54. 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)
55. 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)
56. 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)
57. 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)
58. 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)

59. 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)
60. 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)
61. 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)
62. 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)
63. 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)