



*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000

[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

Craig R. Nicol  
Regional Director

October 16, 2024

Mr. Sean Iseminger  
Director, Power Generation Station II  
Virginia Electric and Power Company  
DBA: Dominion – Southampton Power Station  
120 Tredegar Street  
Richmond, Virginia 23219  
[Sean.Q.Iseminger@DominionEnergy.com](mailto:Sean.Q.Iseminger@DominionEnergy.com)

Location: Southampton County  
**Registration No.: 61093**

Dear Mr. Iseminger:

Attached is a renewal Title V permit to operate your facility pursuant to 9VAC5 Chapter 80 Article 3 of the Virginia Regulations for the Control and Abatement of Air Pollution. The attached permit will be in effect beginning October 16, 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 October 15, 2024, and solicited written public comments by placing a newspaper advertisement in the *Tidewater News* newspaper on Wednesday, August 28, 2024. The thirty-day required comment period, provided for in 9VAC5-80-670, expired on Friday, September 27, 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 the Dominion – Southampton Power Station 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.

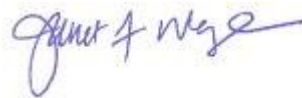
As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal of this decision by filing a Notice of Appeal with:

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 Mayanni McCourty at 757-647-9026 or by email at [mayanni.mccourty@deq.virginia.gov](mailto:mayanni.mccourty@deq.virginia.gov).

Sincerely,



Janet F. Weyland  
Deputy Regional Director

JFW/MSO/MAM/61093\_019\_24\_T4R\_Dominion-SHPS\_CvrLtr.docx

Attachment: Permit

cc: John Brandt, DEQ TRO Air Compliance Manager ([john.brandt@deq.virginia.gov](mailto:john.brandt@deq.virginia.gov))  
Maya Whitaker, DEQ Office of Air Permit Programs (OAPP)  
([maya.whitaker@deq.virginia.gov](mailto:maya.whitaker@deq.virginia.gov))  
Yongtian (Tom) He, PhD, U.S. EPA Region III ([He.Yongtian@epa.gov](mailto:He.Yongtian@epa.gov))  
Krystal Stankunas, U.S. EPA Region III ([Stankunas.Krystal@epa.gov](mailto:Stankunas.Krystal@epa.gov))  
Todd Alonzo, Manager Environmental ([todd.m.alonzo@dominionenergy.com](mailto:todd.m.alonzo@dominionenergy.com))



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**Article 3  
Federal Operating Permit**

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

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

Permittee Name: **Virginia Electric and Power Company**  
Facility Name: **Dominion – Southampton Power Station**  
Facility Location: **30134 General Thomas Highway**  
**Franklin, Virginia 23851**  
Registration Number: **61093**  
Permit Number: **TRO – 61093**

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act

Federally Enforceable Requirements - Title IV Acid Rain Program

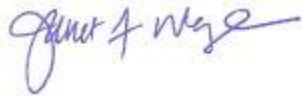
Federally Enforceable Requirements - Cross State Air Pollution Control Rule (CSAPR)

**October 16, 2024**

Effective Date

**October 15, 2029**

Expiration Date



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Janet F. Weyland  
Deputy Regional Director

**October 16, 2024**

Signature Date

Table of Contents, page 3  
Permit Conditions, pages 8 to 70

## Table of Contents

<b>Table of Contents .....</b>	<b>3</b>
<b>Facility Information .....</b>	<b>4</b>
<b>Emission Units .....</b>	<b>5</b>
<b>Fuel Burning Equipment Requirements – Boilers (001 and 002).....</b>	<b>8</b>
LIMITATIONS .....	8
MONITORING .....	12
RECORDKEEPING.....	17
TESTING .....	18
<b>Internal Combustion Engine Requirements – Engines (006, 018, and 019).....</b>	<b>21</b>
MONITORING .....	24
RECORDKEEPING.....	26
TESTING .....	27
<b>Biomass, Ash, and Lime Handling Equipment Requirements - (010, 016, 017, 101A, 101B, 101C, 102, 103, 104-1 through 104-10) .....</b>	<b>28</b>
LIMITATIONS .....	28
MONITORING .....	30
RECORDKEEPING.....	31
TESTING .....	31
<b>Facility Wide Conditions .....</b>	<b>31</b>
<b>Insignificant Emission Units .....</b>	<b>33</b>
<b>Permit Shield &amp; Inapplicable Requirements .....</b>	<b>33</b>
<b>General Conditions .....</b>	<b>35</b>
<b>Title IV (Phase II Acid Rain Program) Permit Allowances and Requirements .....</b>	<b>45</b>
<b>Cross State Air Pollution Rule (CSAPR) .....</b>	<b>50</b>
CSAPR NOX ANNUAL TRADING PROGRAM REQUIREMENTS (40 CFR 97.406).....	51
CSAPR SO <sub>2</sub> GROUP 1 TRADING PROGRAM REQUIREMENTS (40 CFR 97.606) .....	57
CSAPR NOX OZONE SEASON GROUP 3 TRADING PROGRAM REQUIREMENTS (40 CFR 97.1006)	
63	
<b>State-Only Enforceable Requirements.....</b>	<b>70</b>

## **Facility Information**

### **Permittee**

Virginia Electric and Power Company  
DBA: Dominion – Southampton Power Station  
120 Tredegar Street  
Richmond, Virginia 23219

### **Responsible Official**

Sean Iseminger  
Director, Power Generation Station II  
[Sean.Q.Iseminger@DominionEnergy.com](mailto:Sean.Q.Iseminger@DominionEnergy.com)

### **Acid Rain Designated Representative**

Robert W. Sauer  
Vice President, System Operations  
[robert.w.sauer@dominionenergy.com](mailto:robert.w.sauer@dominionenergy.com)

### **Alternate Acid Rain Designated Representative**

Sean Iseminger  
Director, Power Generation Station II

### **Facility**

Dominion – Southampton Power Station  
30134 General Thomas Highway  
Franklin, Virginia 23851

### **Contact Person**

Todd Alonzo  
Manager Environmental  
804-432-6622  
[todd.m.alonzo@dominionenergy.com](mailto:todd.m.alonzo@dominionenergy.com)

County-Plant Identification Number: 51-175-00051

### **Facility Description: NAICS 221117 – Biomass Electric Power Generation**

The Dominion – Southampton Power Station is a biomass powered electric power generation facility. The facility consists of two spreader stoker boilers (001 and 002) that combusts biomass and distillate oil (for startup, shutdown, and flame stabilization only) to generate electricity. The boilers were converted from coal fired units to biomass fired units in 2013. In addition, the facility operates an emergency auxiliary diesel generator (006), an emergency diesel fire pump engine (018), a natural gas/propane emergency generator (019), and biomass, ash, and lime handling equipment. The boilers and engines are subject to federal requirements. The facility is in Southampton County, which is an attainment area for all air pollutants.

## Emission Units

Process Equipment to be operated consists of:

### Fuel Burning Equipment

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description *	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
001	001	Primary Biomass Boiler #1 Biomass (primary) and distillate oil (start up, shutdown, and flame stabilization only) Constructed: 1990 Converted: 2013 (biomass)	394 MMBtu/hr	Overfire Air System, SNCR, Dry Lime Scrubber, Fabric Filter Baghouse	EC-1a, EC-1b, EC-1c, EC-1d	NOx, SO <sub>2</sub> , PM, PM10, PM2.5	April 16, 2015
002	001	Primary Biomass Boiler #2 Biomass (primary) and distillate oil (start up, shutdown, and flame stabilization only) Constructed: 1990 Converted: 2013 (biomass)	394 MMBtu/hr	Overfire Air System, SNCR, Dry Lime Scrubber, Fabric Filter Baghouse	EC-2a, EC-2b, EC-2c, EC-2d	NOx, SO <sub>2</sub> , PM, PM10, PM2.5	April 16, 2015

### Internal Combustion Engines

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description *	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
006	006	Emergency Auxiliary Diesel Generator Manufactured: 1991	1.4 MMBtu/hr 410 kW (nominal) 550 HP	-	-	-	April 16, 2015

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description *	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
018	018	Emergency John Deere Diesel Fire Pump Engine Manufactured: 2013	190 HP	-	-	-	April 16, 2015
019	019	Communications Tower Emergency Generator Cummins Model C20 N6, 60Hz Spark Ignited Generator Propane (primary) and Natural gas (backup) Constructed: 2018	0.265 MMBtu/hr (propane) 40 HP (natural gas) 43.5 HP (propane)	-	-	-	-

### Biomass, Ash, and Lime Handling

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description *	PCD ID	Pollutant(s) Controlled	Applicable Permit Date
010	010	Biomass Storage Silo	180 tons	Bin Vent Filter	EC-10	PM, PM10, PM2.5	April 16, 2015
016	Fugitive	Ash Unloading Feeder	80 tons/hr	Ash Conditioning System	EC-16	PM, PM10, PM2.5	April 16, 2015
017	017	Pebble Lime Storage Silo	135 tons	Bin Vent Filter	EC-17	PM, PM10, PM2.5	April 16, 2015
101A & B	Fugitive	Biomass Truck Tipper to Receiving Hoppers	269 tons/hr	Partial Enclosure	-	PM, PM10, PM2.5	April 16, 2015
101C	Fugitive	Emergency Reclaimer	90 tons/hr	Partial Enclosure	-	PM, PM10, PM2.5	April 16, 2015
102	Fugitive	Biomass Storage Pile	3 MMCF	-	-	PM, PM10, PM2.5	April 16, 2015



<b>Emission Unit ID</b>	<b>Stack ID</b>	<b>Emission Unit Description</b>	<b>Size/Rated Capacity*</b>	<b>Pollution Control Device (PCD) Description *</b>	<b>PCD ID</b>	<b>Pollutant(s) Controlled</b>	<b>Applicable Permit Date</b>
103	Fugitive	Biomass Stacker	269 tons/hr	-	-	PM, PM10, PM2.5	April 16, 2015
104-1	Fugitive	Truck Tipper Reclaimer #1 to Conveyor A Transfer Point	269 tons/hr	Partial Enclosure	-	PM, PM10, PM2.5	April 16, 2015
104-2	Fugitive	Truck Tipper Reclaimer #2 to Conveyor A Transfer Point	269 tons/hr	Partial Enclosure	-	PM, PM10, PM2.5	April 16, 2015
104-3	Fugitive	Conveyor B Diverter Gate #2 Transfer Point	269 tons/hr	Partial Enclosure	-	PM, PM10, PM2.5	April 16, 2015
104-4	Fugitive	Conveyor C to Stacker Transfer Point	269 tons/hr	Partial Enclosure	-	PM, PM10, PM2.5	April 16, 2015
104-5	Fugitive	Reclaimer to Conveyor D Transfer Point	90 tons/hr	Partial Enclosure	-	PM, PM10, PM2.5	April 16, 2015
104-6	Fugitive	Emergency Reclaimer to Conveyor D Transfer Point	90 tons/hr	Partial Enclosure	-	PM, PM10, PM2.5	April 16, 2015
104-7	Fugitive	Diverter Gate #2 to Conveyor E Transfer Point	90 tons/hr	Partial Enclosure	-	PM, PM10, PM2.5	April 16, 2015
104-8	Fugitive	Conveyor D to Conveyor E Transfer Point	90 tons/hr	Partial Enclosure	-	PM, PM10, PM2.5	April 16, 2015
104-9	Fugitive	Conveyor E to Fuel Bunker Drag Chain Transfer Point	90 tons/hr	Partial Enclosure	-	PM, PM10, PM2.5	April 16, 2015
104-10	Fugitive	Biomass Screening and Hogging System	269 tons/hr	Full Enclosure	-	PM, PM10, PM2.5	April 16, 2015
105	-	Lime Slaker	3,000 lb/hr	Dust suppression aspirator and water jet spray system (venturi scrubber)	EC-105	PM	April 16, 2015

\*The Size/Rated capacities and PCD efficiencies are provided for informational purposes only and are not applicable requirements.

## Fuel Burning Equipment Requirements – Boilers (001 and 002)

### Limitations

1. Fuel Burning Equipment Requirements – The approved fuels for the primary biomass boilers (001 and 002) are listed in the table below. A change in the fuel may require a permit to modify and operate:

Emission Unit ID	Emission Unit Description	Approved Fuels
001	Primary Boiler #1	Biomass and Distillate Oil (Start-up, shutdown, and flame stabilization only)
002	Primary Boiler #2	Biomass and Distillate Oil (Start-up, shutdown, and flame stabilization only)

(9VAC5-80-490 and Condition 20 of 4/16/2015 Permit)

2. Fuel Burning Equipment Requirements - Fuel - The distillate oil shall meet the specifications below:

Emission Unit ID	Emission Unit Description	Maximum % Sulfur (by weight, per shipment)	Annual Average % Sulfur	ASTM Method
001	Primary Boiler #1	0.3	0.2	D396 (for numbers 1 or 2 fuel oil)
002	Primary Boiler #2	0.3	0.2	D396 (for numbers 1 or 2 fuel oil)

(9VAC5-80-490 and Condition 26 of 4/16/2015 Permit)

3. Fuel Burning Equipment Requirements - Visible Emission Limit - Visible emissions from the boiler stacks (001 and 002) shall not exceed ten (10) percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed twenty (20) percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A). (9VAC5-80-490, 40 CFR 60.43b(f), 40 CFR 60.46b(d), and Condition 33 of 4/16/2015 Permit)
4. Fuel Burning Equipment Requirements - Fuel - The biomass shall meet the specifications below:

Biomass means those residuals that are akin to traditional cellulosic biomass including forest-derived biomass (e.g., green wood, forest thinning, clean and unadulterated bark, sawdust, trim, and tree harvesting residuals from logging and sawmill materials), wood collected from forest fire clearance activities, trees and clean wood found in disaster debris, and clean biomass from land clearing operations, each as specified in the definition of

Clean Cellulosic Biomass in 40 CFR 241.2, excluding any wood which contains chemical treatments or has affixed thereto paint and/or finishing materials or paper or plastic laminates. Approved biomass is biomass that does not contain contaminants at concentrations not normally associated with virgin biomass materials.  
(9VAC5-80-490 and Condition 21 of 4/16/2015 Permit)

5. Fuel Burning Equipment Requirements - Fuel Quality Data - The permittee shall obtain the following fuel quality data on the biomass for the primary biomass boilers (001 and 002):
- a. An analysis of the biomass heat content as-fired at least once per calendar week;
  - b. An ultimate analysis of the biomass as-fired at least once per calendar quarter;
  - c. An analysis of the biomass fluoride content as-fired at least once per calendar quarter; and
  - d. Fuel sampling and analysis, as may be periodically required or conducted by DEQ, may be used to determine compliance with the fuel specifications stipulated in this permit.

Details of the sampling procedures shall be arranged with the Tidewater Regional Office. These records shall be available on site for inspection by the Department personnel and shall be kept current for the most recent five year period.  
(9VAC5-80-490 and Condition 22 of 4/16/2015 Permit)

6. Fuel Burning Equipment Requirements - Firing Rate - The firing rates for the primary biomass boilers (001 and 002) are as listed in the table below:

<b>Firing Rate</b>	<b>Limit</b>
Primary Boilers, Combined	788 MMBtu/hr
Primary Boilers, Combined Total	6,109,480 MMBtu/yr

The annual limit is 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.  
(9VAC5-80-490 and Condition 24 of 4/16/2015 Permit)

7. Fuel Burning Equipment Requirements - Operating Hours - Hourly operating limits for the primary biomass boilers (001 and 002) are listed in the table below:

<b>Emission Unit ID</b>	<b>Emission Unit Description</b>	<b>Limit (hr/yr)</b>
001	Primary Boiler #1	8,400
002	Primary Boiler #2	8,400

These annual limits are 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.

(9VAC5-80-490 and Condition 25 of 4/16/2015 Permit)

8. Fuel Burning Equipment Requirements - Process Emission Limits - Emissions from the operation of each of the primary biomass boilers (001 and 002) shall not exceed the limits specified below:

Pollutant	Lbs/MMBtu	Lbs/hr	Tons/yr
PM <sub>2.5</sub> - total	-	11.67	49.01
PM <sub>10</sub> - filterable	0.017	6.7	-
PM <sub>10</sub> - total	-	12.20	51.25
PM - filterable	0.019	7.5	-
PM - total	-	13.65	57.33
Sulfur Dioxide	0.0125 <sup>(a)</sup>	4.9	19.1
Nitrogen Oxide (as NO <sub>2</sub> ) <sup>(b)</sup>	0.135 <sup>(a)</sup>	53.2	206.2
Carbon Monoxide <sup>(c)</sup>	0.30 <sup>(a)</sup>	-	458.2
Volatile Organic Compounds <sup>(c)</sup>	-	5.05	21.21
Fluorides (as HF)	-	0.4	1.7
Sulfuric Acid Mist	-	0.96	4.05

<sup>(a)</sup> Compliance is determined on a 30-day rolling average.

<sup>(b)</sup> Lower Limits may be imposed by the DEQ after review of in-stack testing and optimizing the SNCR.

<sup>(c)</sup> Lower limits may be imposed by the DEQ after review of in-stack testing.

These emissions are derived from the estimated overall emission contribution from operating limits, process requirements and/or calculations. 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 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14, 27, 29, 84, 85, and 86.

(9VAC5-80-490, 40 CFR 60.43b, 40 CFR 60.44b(d), and Condition 29 of 4/16/2015 Permit)

9. Fuel Burning Equipment Requirements - Particulate matter emissions from the primary biomass boilers (001 and 002) shall be controlled by an in-line multiple cyclone, a lime water injection spray dryer and a fabric filter rated at 99.9 percent control efficiency. The control systems shall be provided with adequate access for inspection and shall be in operation when the primary biomass boilers are operating. The fabric filter may be bypassed during non-biomass fuel boiler start-ups to alleviate potential moisture damage to the baghouse at low start-up temperatures. Bypass of the fabric filter shall not exceed 12 hours per start-up.

(9VAC5-80-490 and Condition 3 of 4/16/2015 Permit)

10. Fuel Burning Equipment Requirements - Sulfur dioxide (SO<sub>2</sub>) emissions from the primary biomass boilers (001 and 002) shall be controlled by a lime-water injection spray dryer (a dry flue gas desulfurization (FGD) system). The lime-water spray dryer shall be provided with adequate access for inspection and shall be in operation when the primary biomass boilers are operating.  
(9VAC5-80-490 and Condition 5 of 4/16/2015 Permit)
11. Fuel Burning Equipment Requirements - Nitrogen oxide (as NO<sub>2</sub>) emissions from the primary biomass boilers (001 and 002) shall be controlled by a selective non-catalytic reduction (SNCR) system, a continuous biomass feed system, staged combustion, and low excess air.  
(9VAC5-80-490 and Condition 6 of 4/16/2015 Permit)
12. Fuel Burning Equipment Requirements - MACT Subpart DDDDD Requirements – The permittee shall comply with the following applicable requirements of 40 CFR 63, Subpart DDDDD for the existing, industrial, stoker unit burning wet biomass boilers (001 and 002):
  - a. Compliance with 40 CFR 63, Subpart DDDDD shall be achieved by the date specified in 40 CFR 63.7495(b);
  - b. Submit applicable notifications specified in 40 CFR 63.7495(d), 40 CFR 63.7545, and Subpart A of 40 CFR 63;
  - c. The permittee shall comply with the applicable emission limits in Table 2, work practice standards in Table 3, and operating limits in Table 4 of this subpart. These standards apply at all times the units are operating, except during periods of startup and shutdown, during which time the units must comply only with items 5 and 6 of Table 3;
  - d. At all times, the permittee must operate and maintain the primary biomass boilers, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to DEQ that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source;
  - e. The permittee shall comply with the applicable general compliance requirements according to 40 CFR 63.7505;
  - f. The permittee shall comply with the applicable testing, fuel analyses and initial compliance requirements according to 40 CFR 63.7510;
  - g. The permittee shall conduct subsequent performance tests, fuel analyses or tune-ups as specified in 40 CFR 63.7515;
  - h. The permittee shall conduct all performance tests as specified in 40 CFR 63.7520;
  - i. The permittee shall perform all fuel analyses and fuel specifications as specified in 40 CFR 63.7521;

- j. The permittee shall monitor, install, operate and maintain the equipment according to 40 CFR 63.7525;
- k. The permittee shall demonstrate initial compliance with emission limitations, fuel specifications and work practice standards according to 40 CFR 63.7530;
- l. The permittee shall monitor and collect data according to 40 CFR 63.7535 and, if applicable, the site-specific monitoring plan required by 40 CFR 63.7505(d);
- m. The permittee shall demonstrate continuing compliance with the emission limitations, fuel specifications and work practice standards according to 40 CFR 63.7540; and
- n. The permittee shall submit applicable reports as specified in 40 CFR 63.7550 and maintain records as specified in 40 CFR 63.7555 and 40 CFR 63.7560.  
(9VAC5-80-490, 40 CFR 63.7495(b), 40 CFR 63.7495(d), 40 CFR 63.7545, 40 CFR 63.7500(a)(1), 40 CFR 63.7500(a)(2), 40 CFR 63.7500(f), 40 CFR 63.7505(a), 40 CFR 63.7500(a)(3), 40 CFR 63.7505, 40 CFR 63.7505(c), 40 CFR 63.7510, 40 CFR 63.7515, 40 CFR 63.7520, 40 CFR 63.7521, 40 CFR 63.7525, 40 CFR 63.7530, 40 CFR 63.7535, 40 CFR 63.7540, 40 CFR 63.7550, 40 CFR 63.7555, and 40 CFR 63.7560)

## Monitoring

- 13. Fuel Burning Equipment Requirements - Continuous Emission Monitors (CEMs) – Continuous emission monitors shall be installed to measure and record the concentration of opacity (at the common stack), SO<sub>2</sub> (at each boiler outlet duct), NO<sub>x</sub> (at each boiler outlet duct) and CO<sub>2</sub> or O<sub>2</sub> (at each boiler outlet duct) emitted from the primary biomass boilers (001 and 002). The CEMs shall be maintained and calibrated in accordance with approved procedures (reference to 40 CFR 60.13). A 30 day notification prior to the demonstration of continuous monitoring system performance and subsequent notifications are to be submitted to the Director, Tidewater Regional Office.  
(9VAC5-80-490, 9VAC5-50-40, 40 CFR 60.13, 40 CFR 60.46b, 40 CFR 60.48b, and Condition 14 of 4/16/2015 Permit)
- 14. Fuel Burning Equipment Requirements - Continuous Emission Monitors (CEMs) – The continuous monitoring data generated by the SO<sub>2</sub> and NO<sub>x</sub> monitors on the primary biomass boilers (001 and 002) shall be used to determine compliance with the emission standards on a 30-day rolling average basis. All of the data capture, quality assurance provisions and reporting requirements of NSPS Subpart Db shall apply, unless otherwise approved by the Regional Director of the Tidewater Regional Office.  
(9VAC5-80-490, 9VAC5-50-40, 40 CFR 60.13, and Condition 15 of 4/16/2015 Permit)
- 15. Fuel Burning Equipment Requirements - Continuous Emission Monitors (CEMs) – For the continuous emission monitors for opacity on the primary biomass boilers (001 and 002) and all other continuous emission monitors required by this permit, and the continuous monitoring and quality assurance data may, at the discretion of the Board, be used as evidence of violation of the emission standards. These monitors are subject to such data capture requirements and/or quality assurance requirements as may be deemed appropriate

by the Board (refer to 40 CFR 60.13 and Appendix B).

(9VAC5-80-490, 9VAC5-50-40, 40 CFR 60.13, and Condition 16 of 4/16/2015 Permit)

16. Fuel Burning Equipment Requirements - Continuous Emission Monitors (CEMs) – A continuous emission monitor meeting the design specifications of 40 CFR Part 60, Appendix B Performance Specification 4A, shall be installed to measure and record the emissions of CO from each primary biomass boiler (001 and 002) as lbs/MMBtu. The CEMs shall be installed, calibrated, maintained, audited and operated in accordance with DEQ approved procedures which are equivalent to the requirements of 40 CFR 60.13 and Appendices B and F. Data shall be reduced to 30-day rolling averages per the procedures for NO<sub>x</sub> contained in 40 CFR 60 Subpart Db, unless otherwise approved by the Regional Director of the Tidewater Regional Office. The monitor shall be used to demonstrate compliance with the 30-day rolling average CO emission standard (lb/MMBtu basis) as noted in Condition 8.  
(9VAC5-80-490, 9VAC5-50-40, 40 CFR 60.46b, and Condition 17 of 4/16/2015 Permit)
17. Fuel Burning Equipment Requirements - Stack Flowmeter – A flow monitor shall be used to measure the stack exhaust gas flow from the common stack. The stack gas flow monitor shall be installed, operated, and maintained in accordance with the provisions of 40 CFR 75 Appendices A and B, except that non-bias adjusted and non-substituted data will be used. Heat input shall be determined at the common stack according to procedures in Part 75, and that heat input shall be apportioned to the each primary biomass boiler (001 and 002) following the provisions of Part 75 Apportionment in Appendix F of that part to demonstrate compliance with the limitations in this permit. The permittee shall submit stack gas flow monitor reports as required by 40 CFR 75 Appendices A and B.  
(9VAC5-80-490, 9VAC5-50-40, and Condition 18 of 4/16/2015 Permit)
18. Fuel Burning Equipment Requirements - Continuous Emission Monitors (CEMs) - All continuous emission monitoring systems (CEMs) and continuous opacity monitor (COMs) shall be operated in accordance with the applicable procedures under Performance Specification 1, 2, and 3 of 40 CFR 60, Appendix B.  
(9VAC5-80-490 and 40 CFR 60.13)
19. Fuel Burning Equipment Requirements - Compliance Assurance Monitoring (CAM) - The permittee shall monitor, operate, calibrate and maintain the baghouses for the primary biomass boilers (001 and 002) according to the following:

Indicators	Indicator 1: Opacity	Indicator 2: Operational Status of Equipment	Indicator 3: Exhaust Temperature
<b>Measurement Approach</b>	Continuous Opacity Monitors (COMs).	<p>Actions taken in the event an opacity excursion is observed:</p> <ul style="list-style-type: none"> <li>- Initiate a cleaning cycle for each baghouse. Monitor the opacity as the baghouses (which are dedicated to either Unit 1 or Unit 2) go through a cleaning cycle.</li> <li>- The opacity will drop when the compartment with the problem or leaking bag goes off line to clean.</li> <li>- Once the problem compartment is identified, the compartment is isolated and the issue resolved (e.g., replacement of bags).</li> </ul>	Monitor exhaust gas temperature between scrubber and baghouse.
<b>Indicator Range</b>	Continuous operation between 0% - 10% opacity per hour. Excursion is one six-minute period greater than 10% opacity.	Varies, these are work practices.	Exhaust gas temperature at the baghouse inlet (15-minute average) not to exceed value based on temperatures measured during stack testing that demonstrates compliance.
<b>Performance Criteria: Data Representativeness</b>	Location and installation of monitors is per 40 CFR 60, Appendix B, Performance Specification 1 (PS-1).	N/A. COMs satisfy 40 CFR 64.3(b).	Location and installation of temperature monitor at inlet duct to baghouse.
<b>Verification of Operational Status</b>	The monitoring device shall be installed and calibrated according to manufacturer's recommendations prior to the initial performance tests.	Verification procedures for operation in accordance with manufacturer's recommendations, at a minimum.	Verification procedures, including installation, calibration, and operation in accordance with manufacturer's recommendations, at a minimum.
<b>QA/QC Practices and Criteria</b>	COMs was installed and evaluated in accordance with PS-1. Zero and span drift are checked daily and filter audits are performed in accordance with PS-1. Filter audits performed annually.	N/A	Calibrate maintain and operate instrumentation using procedures that are based on the manufacturer's specifications, at a minimum.
<b>Monitoring Frequency</b>	Measured continuously.	As needed.	Measured continuously.
<b>Data Collection Procedures</b>	Data collected by computerized data acquisition and handling system (DAHS). The system collects and retains all relevant opacity data.	Events and corrective actions are logged as needed.	Data are collected by computerized data acquisition and handling system connected to the plant distributed control system. The system collects and retains all relevant temperature data.
<b>Averaging Period</b>	Six-minute block averages.	N/A	One minute data values.

(9VAC5-80-490 and 40 CFR 64.6(c))



20. Fuel Burning Equipment Requirements - Compliance Assurance Monitoring (CAM) - The permittee shall conduct the monitoring and fulfill the other obligations specified in 40 CFR 64.7 through 40 CFR 64.9.  
(9VAC5-80-490 and 40 CFR 64.6(c))
21. Fuel Burning Equipment Requirements - Compliance Assurance Monitoring (CAM) - At all times, the permittee shall maintain the monitoring equipment, including, but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.  
(9VAC5-80-490 and 40 CFR 64.7(b))
22. Fuel Burning Equipment Requirements - Compliance Assurance Monitoring (CAM) - Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permittee shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the primary biomass boilers (001 and 002) are operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of compliance assurance monitoring, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The permittee shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by inadequate maintenance or improper operation are not malfunctions.  
(9VAC5-80-490 and 40 CFR 64.7(c))
23. Fuel Burning Equipment Requirements - Compliance Assurance Monitoring (CAM) - Upon detecting an excursion or exceedance, the permittee shall restore operation of the primary biomass boilers (001 and 002) (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup and shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator, designated condition, or below the applicable emission limitation or standard, as applicable.  
(9VAC5-80-490 and 40 CFR 64.7(d)(1))

24. Fuel Burning Equipment Requirements - Compliance Assurance Monitoring (CAM) - Determination that acceptable procedures were used in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.  
(9VAC5-80-490 and 40 CFR 64.7(d)(2))
25. Fuel Burning Equipment Requirements - Compliance Assurance Monitoring (CAM) - If the permittee identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify the Tidewater Regional Office and, if necessary, submit a proposed modification to this permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.  
(9VAC5-80-490 and 40 CFR 64.7(e))
26. Fuel Burning Equipment Requirements - Compliance Assurance Monitoring (CAM) - If the number of exceedances or excursions exceeds 5 percent duration of the operating time for the primary biomass boilers (001 and 002) for a semiannual reporting period, the permittee shall develop, implement and maintain a Quality Improvement Plan (QIP) in accordance with 40 CFR 64.8. If a QIP is required, the permittee shall have it available for inspection. The QIP initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the permittee shall modify the plan to include procedures for conducting one or more of the following, as appropriate:
  - a. Improved preventative maintenance practices;
  - b. Process operation changes;
  - c. Appropriate improvements to control methods;
  - d. Other steps appropriate to correct control performance; and
  - e. More frequent or improved monitoring.  
(9VAC5-80-490 and 40 CFR 64.8(a) and (b))

## Recordkeeping

27. 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 Tidewater Regional Office. These records shall include, but are not limited to:
- a. Annual hours of operation for each of the primary biomass boilers (001 and 002), 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. Records of fabric filter bypass time for non-biomass fuel start-ups of the primary biomass boilers (001 and 002);
  - c. Records of distillate oil sulfur content per shipment and annual average sulfur content, 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. Records of maximum firing rate (combined, in MMBtu/hr);
  - e. Total annual heat input (combined, in MMBtu/yr) for the primary biomass boilers (001 and 002). 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. All fuel supplier certifications in accordance with Condition 85, including records demonstrating that the oil meets the definition of very low sulfur oil, in accordance with 40 CFR 60.42b(j) and 40 CFR 60.49b(r);
  - g. All fuel quality data in accordance with Condition 5;
  - h. All CEMs data for opacity, CO, SO<sub>2</sub>, NO<sub>x</sub> and CO<sub>2</sub> or O<sub>2</sub> for the primary biomass boilers (001 and 002);
  - i. All emission calculations demonstrating compliance with the emission limitations set forth in Condition 8. Such records shall include, but are not limited to all pollutant-specific emission factors, throughputs and assumptions used in the calculations. Annual emissions shall be 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;
  - j. All stack test results demonstrating compliance with the lb/mmBtu limitations specified in Condition 8;
  - k. Scheduled and unscheduled maintenance;
  - l. Operator training;
  - m. Records of CEMs performance evaluation data, in accordance with 40 CFR 60.49b(b);

- n. Records of amounts of fuel combusted during each day, in accordance with 40 CFR 60.49b(d);
- o. Records of opacity, in accordance with 40 CFR 60.49b(f); and
- p. Records of NO<sub>x</sub> standard information for each steam generating unit operating day, in accordance with 40 CFR 60.49b(g).

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

(9VAC5-80-490, 9VAC5-50-50, 40 CFR 60.49b(b), 40 CFR 60.49b(d), 40 CFR 60.49b(f), 40 CFR 60.49b(g), 40 CFR 60.42b(j), 40 CFR 60.49b(o), 40 CFR 60.49b(r), and Condition 37 of 4/16/2015 Permit)

- 28. Fuel Burning Equipment Requirements - Compliance Assurance Monitoring (CAM) - The permittee shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan (QIP) required pursuant to 40 CFR 64.8 and any activities undertaken to implement a quality improvement plan (QIP), and other supporting information required to be maintained under this part (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).  
(9VAC5-80-490 and 40 CFR 64.9(b))

## Testing

- 29. Fuel Burning Equipment Requirements – Visible Emission Evaluation (VEE) Alternative – A continuous opacity monitoring system may be used to satisfy the visible emission evaluation requirement in lieu of 40 CFR, Part 60, Appendix A, Method 9. The reported test data shall include averages of all six minute continuous periods within the test period and within the duration of any mass emission performance tests being conducted. It is the responsibility of the permittee to demonstrate that the monitoring system has met the requirements of the applicable performance evaluation, that the monitoring system has been properly maintained and operated, and that the resulting data has not been altered in any way. If monitoring system data indicates compliance for a period during which Method 9 data indicates non-compliance, the Method 9 data shall be used to determine compliance with the visible emission limit.  
(9VAC5-80-490, 40 CFR 60.46b, and Condition 41 of 4/16/2015 Permit)
- 30. Fuel Burning Equipment Requirements - If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.  
(9VAC5-80-490)

## Reporting

31. Fuel Burning Equipment Requirements - The permittee shall submit fuel quality reports to the Tidewater Regional Office within 30 days after the end of each calendar quarter. If no shipments of distillate oil were received during the calendar quarter, the quarterly report shall consist of the dates included in the calendar quarter and a statement that no oil was received during the calendar quarter. If distillate oil was received during the calendar quarter, the reports shall include:
- a. The dates included in the calendar quarter;
  - b. A copy of all fuel supplier certifications for all shipments of distillate oil received during the calendar quarter or a quarterly summary from each fuel supplier that includes the information specified in Condition 2 for each shipment of distillate oil; and
  - c. A signed statement from the owner or operator of the facility that the fuel supplier certifications or summaries of fuel supplier certifications represent all of the distillate oil burned or received at the facility.  
(9VAC5-80-490 and 9VAC5-50-50)
32. Fuel Burning Equipment Requirements - Excess Emission Reports - The permittee shall submit written reports to the Tidewater Regional Office of excess emissions from the primary biomass boilers monitored by the CO continuous monitoring system on a quarterly basis, postmarked no later than the 30th day following the end of the calendar quarter. These reports shall include, but are not limited to the following information:
- a. The magnitude of excess emissions, any conversion factors used in the calculation of excess emissions, 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 process, the nature and cause of the 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 that report.

These reports shall be available for inspection by the DEQ and shall be current for the most recent five years.  
(9VAC5-80-490)

33. Fuel Burning Equipment Requirements - Compliance Assurance Monitoring (CAM) Reporting - The permittee shall submit CAM reports as part of the Title V semi-annual monitoring reports required by General Condition 93 of this permit to the Tidewater Regional Office. Such reports shall include at a minimum:
- a. Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
  - b. Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and
  - c. A description of the actions taken to implement a quality improvement plan (QIP) during the reporting period as specified in 40 CFR 64.8. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.
- (9VAC5-80-490 and 40 CFR 64.9(a))
34. Fuel Burning Equipment Requirements – NSPS Subpart Db – Reporting – The owner shall submit reports containing the information recorded in Condition 27.p.  
(9VAC5-80-490 and 40 CFR 60.49b(i))
35. Fuel Burning Equipment Requirements – NSPS Subpart Db – Reporting – The permittee is required to submit excess emission reports for any excess emissions that occurred during the reporting period. Excess emissions are defined as all 6-minute periods during which the average opacity exceeds the opacity standards under 40 CFR 60.43b(f). Excess emissions are defined as any calculated 30-day rolling average NO<sub>x</sub> emission rate, as determined under 40 CFR 60.46b(e), that exceeds the applicable emission limits in 40 CFR 60.44b.  
(9VAC5-80-490 and 40 CFR 60.49b(h))
36. Fuel Burning Equipment Requirements – NSPS Subpart Db – Reporting – The permittee shall submit reports to the Administrator certifying that only very low sulfur oil meeting this definition, natural gas, wood, and/or other fuels that are known to contain insignificant amounts of sulfur were combusted in the affected facility during the reporting period.  
(9VAC5-80-490 and 40 CFR 60.49b(r))

37. Fuel Burning Equipment Requirements – NSPS Subpart Db – Reporting – The reporting period for the reports required under this subpart is each 6 month period. All reports shall be submitted to the Administrator and shall be postmarked by the 30th day following the end of the reporting period. The permittee may submit electronic quarterly reports in lieu of submitting the written reports in accordance with 40 CFR 60.49b(v). (9VAC5-80-490, 40 CFR 60.49b(v), and 40 CFR 60.49b(w))

### **Internal Combustion Engine Requirements – Engines (006, 018, and 019)**

38. Internal Combustion Engine Requirements – The approved fuels for the engines (006 and 018) are listed in the table below. A change in the fuel may require a permit to modify and operate:

<b>Emission Unit ID</b>	<b>Emission Unit Description</b>	<b>Approved Fuels</b>
006	Auxiliary Generator	Distillate Oil
018	Emergency Fire Pump Engine	Distillate Oil

(9VAC5-80-490 and Condition 20 of 4/16/2015 Permit)

39. Internal Combustion Engine Requirements - Operating Hours - Hourly operating limits for the engines (006 and 018) are listed in the table below.

<b>Emission Unit ID</b>	<b>Emission Unit Description</b>	<b>Limit (hr/yr)</b>
006	Auxiliary Generator	336
018	Emergency Fire Pump Engine	500

These annual limits are 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.

(9VAC5-80-490 and Condition 25 of 4/16/2015 Permit)

40. Internal Combustion Engine Requirements - Fuel - The distillate oil shall meet the specifications below:

<b>Emission Unit ID</b>	<b>Emission Unit Description</b>	<b>Maximum % Sulfur (by weight, per shipment)</b>	<b>Average % Sulfur</b>	<b>ASTM Method</b>
006	Auxiliary Generator	0.3	-	D396 (for numbers 1 or 2 fuel oil)

(9VAC5-80-490 and Condition 26 of 4/16/2015 Permit)

41. Internal Combustion Engine Requirements - Process Emission Limits - Emissions from the operation of the portable auxiliary diesel generator (006) shall not exceed the limits specified below:

<b>Pollutant</b>	<b>Lbs/hr</b>	<b>Tons/yr</b>
Nitrogen Oxide (as NO <sub>2</sub> )	6.2	1.0

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. The permittee shall calculate annual NO<sub>x</sub> emissions monthly as the sum of each consecutive 12-month period using monthly hours of operation and pollutant-specific AP-42 emission factors (F-factors or AP-42) or other appropriate unit-specific factor (manufacturer specifications). In lieu of such calculations, the permittee may elect to make a one-time demonstration of the correlation between hours of operation of the unit and annual emissions. In such case, compliance with the annual hours of operation limitations for Unit Ref. No. 006 shall be deemed sufficient to demonstrate compliance with the annual NO<sub>x</sub> limitation set forth in the table above. The permittee shall make a one-time demonstration of maximum hourly NO<sub>x</sub> emissions from the auxiliary diesel generator using manufacturer specifications for maximum heat input (or power output) and appropriate AP-42 emission factors or manufacturer test data. The permittee shall maintain a record of this one-time demonstration of maximum hourly NO<sub>x</sub> emissions on-site for the life of the unit.

(9VAC5-80-490 and Condition 32 of 4/16/2015 Permit)

42. Internal Combustion Engine Requirements - Visible Emission Limit - Visible emissions from the portable auxiliary diesel generator (006) shall not exceed ten (10) percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed twenty (20) percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during start-up, shutdown or malfunction.

(9VAC5-80-490 and Condition 34 of 4/16/2015 PSD permit)

43. Internal Combustion Engine Requirements - Visible Emission Limit - Visible emissions from each engine (018 and 019) 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 EPA Method 9 (reference 40 CFR 60, Appendix A).

(9VAC5-80-490 and 9VAC5-50-80)

44. Internal Combustion Engine Requirements - NSPS Subpart IIII Requirements – For engine (018), the permittee shall comply with the emissions standards in Table 4 to 40 CFR 60 Subpart IIII, for all pollutants.

(9VAC5-80-490 and 40 CFR 60.4205(c))



45. Internal Combustion Engine Requirements - NSPS Subpart IIII Requirements – The permittee shall operate and maintain the engine (018) 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.  
(9VAC5-80-490 and 40 CFR 60.4206)
46. Internal Combustion Engine Requirements - NSPS Subpart IIII Requirements – For engine (018), the permittee shall use diesel fuel that meets the requirements of 40 CFR 1090.305 for nonroad diesel fuel.  
(9VAC5-80-490, 40 CFR 60.4207(b), and Condition 26 of 4/16/2015 Permit)
47. Internal Combustion Engine Requirements - NSPS Subpart IIII Requirements – For engine (018), 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).  
(9VAC5-80-490 and 40 CFR 60.4211(a))
48. Internal Combustion Engine Requirements - NSPS Subpart IIII Requirements – For engine (018), 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).  
(9VAC5-80-490 and 40 CFR 60.4211(c))
49. Internal Combustion Engine Requirements - NSPS Subpart IIII Requirements – The permittee shall operate the engine (018) 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.  
(9VAC5-80-490 and 40 CFR 60.4211(f))
50. Internal Combustion Engine Requirements - NSPS Subpart IIII Requirements – For engine (018), 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.  
(9VAC5-80-490 and 40 CFR 60.4218)

51. Internal Combustion Engine Requirements - NSPS Subpart JJJJ Requirements – For engine (019), the permittee shall comply with the emission standards in Table 1 to 40 CFR 60 Subpart JJJJ. The permittee shall comply with the applicable emission standards over the entire life of the engine(s).  
(9VAC5-80-490, 40 CFR 60.4233(d) and (h), and 40 CFR 60.4234)
52. Internal Combustion Engine Requirements - NSPS Subpart JJJJ Requirements – The permittee shall operate the engine (019) according to the requirements in 40 CFR 60.4243(d)(1) through (3). In order for the engine to be considered an emergency stationary ICE under 40 CFR 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 40 CFR 60.4243(d)(1) through (d) (3), is prohibited. If the permittee does not operate the engine according to the requirements in 40 CFR 60.4243(d)(1), (2) or (3), the engine will not be considered an emergency engine under 40 CFR 60 Subpart JJJJ and shall 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.  
(9VAC5-80-490 and 40 CFR 60.4243(d))
53. Internal Combustion Engine Requirements - NSPS Subpart JJJJ Requirements – For engine (019), the permittee shall comply with the General Provisions (40 CFR 60.1 through 60.19) as applicable according to Table 3 to 40 CFR 60 Subpart JJJJ.  
(9VAC5-80-490 and 40 CFR 60.4246)
54. Internal Combustion Engine Requirements - MACT Subpart ZZZZ Requirements – The engines (018 and 019) must meet the requirements of 40 CFR 63 Subpart ZZZZ by meeting the applicable requirements of 40 CFR 60 Subpart IIII and 40 CFR 60 Subpart JJJJ, respectively. No further requirements apply to these engines under 40 CFR 63 Subpart ZZZZ.  
(9VAC5-80-490 and 40 CFR 63.6590(c))

## **Monitoring**

55. Internal Combustion Engine Requirements - NSPS Subpart IIII Requirements – The permittee shall install a non-resettable hour meter prior to startup of engine (018), unless the permittee maintains records demonstrating that the engine meets the standards applicable to non-emergency engines.  
(9VAC5-80-490 and 40 CFR 60.4209(a))
56. Internal Combustion Engine Requirements - NSPS Subpart IIII Requirements - For engine (018), 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).  
(9VAC5-80-490 and 40 CFR 60.4211(g))

57. Internal Combustion Engine Requirements - NSPS Subpart JJJJ Requirements – The permittee shall install a non-resettable hour meter upon startup of the engine (019), unless the permittee maintains records demonstrating that the engines meets the standards applicable to non-emergency engines.  
(9VAC5-80-490 and 40 CFR 60.4237(c))
58. Internal Combustion Engine Requirements - NSPS Subpart JJJJ Requirements – For engine (019), the permittee shall demonstrate compliance according to one of the methods specified in 40 CFR 60.4243(b)(1) and (2).  
(9VAC5-80-490 and 40 CFR 60.4243(b))
59. Internal Combustion Engine Requirements - Observations for the presence of visible emissions from each emergency engine exhaust stack (006, 018, and 019) shall be made at the following frequencies, as applicable:

<b>Emissions Unit Operating Hours (hrs/yr)</b>	<b>Frequency of Observations for Presence of Visible Emissions</b>
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 engine (006) is 10% percent opacity or less and from the engines (018 and 019) is 20% percent opacity or less. If any observations exceed 10% percent opacity for engine (006) and 20% percent opacity for engines (018 and 019), the observation period shall continue until a total of 60 minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that the emissions unit resumes operation within the 10% percent opacity limit for engine (006) and 20% percent opacity limit for engines (018 and 019).

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.  
(9VAC5-80-490)

### **Recordkeeping**

60. Internal Combustion Engine Requirements - NSPS Subpart IIII Requirements – Unless the permittee can demonstrate that the engine (018) meets the Subpart IIII standards applicable to non-emergency engines, the permittee shall keep records as described in 40 CFR 60.4214(b).  
(9VAC5-80-490 and 40 CFR 60.4214(b))
61. Internal Combustion Engine Requirements - NSPS Subpart JJJJ Requirements – For engine (019), the permittee shall keep records of the information specified in 40 CFR 60.4245(a) (1) through (4).  
(9VAC5-80-490 and 40 CFR 60.4245(a))
62. Internal Combustion Engine Requirements - NSPS Subpart JJJJ Requirements – If the engine (019) does not meet the standards applicable to non-emergency engines, the permittee shall keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The permittee shall document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation.  
(9VAC5-80-490 and 40 CFR 60.4245(b))
63. Internal Combustion Engine 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 Tidewater Regional Office. These records shall include, but are not limited to:
  - a. Annual hours of operation for each of the auxiliary diesel generator (006) and the diesel firewater pump engine (018), 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. All fuel supplier certifications. Vendor receipts containing the required information pertaining to low sulfur oil shall be considered certifications for the purposes of this permit;

- c. A one-time calculation of maximum hourly NO<sub>x</sub> emissions from the portable auxiliary diesel generator (006) to be maintained on-site and readily accessible for inspection for the life of the unit;
- d. Calculations of annual NO<sub>x</sub> emissions from the portable auxiliary diesel generator (006) calculated monthly as the sum of each consecutive 12-month period. In lieu of monthly calculations, the permittee may elect to maintain records of a one-time demonstration of maximum annual emissions based on maximum annual operating hours. Such records shall be maintained on-site and be readily accessible for inspection for the life of the unit; and
- e. Visible emissions observations and evaluations, as required by Condition 59.

These records shall be available on site for inspection by the Department of Environmental Quality (DEQ) and shall be current for the most recent five years.  
(9VAC5-80-490, 9VAC5-50-50, and Condition 37 of 4/16/2015 Permit)

## Testing

- 64. Internal Combustion Engine Requirements - NSPS Subpart IIII Requirements – For engine (018), performance testing required by 40 CFR 60 Subpart IIII shall be conducted according to 40 CFR 60.4212(a) through (e).  
(9VAC5-80-490 and 40 CFR 60.4212)
- 65. Internal Combustion Engine Requirements - NSPS Subpart JJJJ Requirements – If propane is used in the engine (019) for more than 100 hours per year and the engine is not certified to the emission standards when using propane, the permittee is required to conduct a performance test to demonstrate compliance with the emission standards of 40 CFR 60.4233.  
(9VAC5-80-490 and 40 CFR 60.4243(e))
- 66. Internal Combustion Engine Requirements - NSPS Subpart JJJJ Requirements – If the engine (019) is a non-certified engine or, if certified, the permittee does not operate and maintain the engine and control device according to the manufacturer's written emission-related instructions, the permittee is required to perform initial performance testing as indicated in 40 CFR 60.4243, but the permittee is not required to conduct subsequent performance testing unless the stationary engine undergoes rebuild, major repair or maintenance. Engine rebuilding means to overhaul an engine or to otherwise perform extensive service on the engine (or on a portion of the engine or engine system). For the purpose of 40 CFR 60.4243(f), perform extensive service means to disassemble the engine (or portion of the engine or engine system), inspect and/or replace many of the parts, and reassemble the engine (or portion of the engine or engine system) in such a manner that significantly increases the service life of the resultant engine.  
(9VAC5-80-490 and 40 CFR 60.4243(f))

67. Internal Combustion Engine Requirements - NSPS Subpart JJJJ Requirements – If the permittee conducts performance tests on engine (019), it shall follow the procedures in 40 CFR 60.4244(a) through (f).  
(9VAC5-80-490 and 40 CFR 60.4244)
68. Internal Combustion Engine Requirements - Additional Testing - If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.  
(9VAC5-80-490)

**Biomass, Ash, and Lime Handling Equipment Requirements - (010, 016, 017, 101A, 101B, 101C, 102, 103, 104-1 through 104-10, and 105)**

**Limitations**

69. Biomass, Ash, and Lime Handling Equipment Requirements - Particulate matter emissions from the biomass storage silo (010) and lime storage silo (017) shall be controlled by bag filters. The bag filters shall be provided with adequate access for inspection and shall be in operation when the biomass storage silo, lime storage silo, recycle flyash bin, and ash silo are operating.  
(9VAC5-80-490 and Condition 4 of 4/16/2015 PSD permit)
70. Biomass, Ash, and Lime Handling Equipment Requirements - Particulate matter emissions from the lime slaker (105) shall be controlled by a dust suppression aspirator and water jet spray system (venturi scrubber). The aspirator vapor discharge shall be piped to the slurry tank for complete enclosure of all dust particles produced during the slaking process.  
(9VAC5-80-490 and Condition 7 of 4/16/2015 PSD permit)
71. Biomass, Ash, and Lime Handling Equipment Requirements - Fugitive dust emissions from the truck tippers (101A and 101B) shall be controlled by enclosures and covers.  
(9VAC5-80-490 and Condition 8 of 4/16/2015 PSD permit)
72. Biomass, Ash, and Lime Handling Equipment Requirements - Fugitive dust emissions from the biomass screening and hogging operations (104-10) shall be controlled by total enclosures.  
(9VAC5-80-490 and Condition 9 of 4/16/2015 PSD permit)
73. Biomass, Ash, and Lime Handling Equipment Requirements - Fugitive dust emissions from the biomass conveyors and transfer points shall be controlled by enclosed conveyors and chutes.  
(9VAC5-80-490 and Condition 10 of 4/16/2015 PSD permit)

74. Biomass, Ash, and Lime Handling Equipment Requirements - Discharge from the ash and flue gas desulfurization product storage silo shall be mixed with water to minimize fugitive dust emissions as necessary.  
(9VAC5-80-490 and Condition 11 of 4/16/2015 PSD permit)
75. Biomass, Ash, and Lime Handling Equipment Requirements - Fugitive dust emissions from the furnace bottom ash drag shall be controlled by quenching ash with water.  
(9VAC5-80-490 and Condition 12 of 4/16/2015 PSD permit)
76. Biomass, Ash, and Lime Handling Equipment Requirements - Fugitive dust and fugitive emission controls shall include the following, or equivalent, as approved by DEQ:
- a. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; paving of roadways, and maintenance of roadways in a clean condition;
  - b. Open equipment for conveying or transporting materials likely to create objectionable air pollution when airborne shall be covered, or treated in an equally effective manner at all times when in motion;
  - c. Prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion;
  - d. Dust from material handling, and load-outs, shall be controlled by wet suppression or equivalent. The wet suppression spray systems shall be operated at optimum design; and
  - e. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. These measures shall include paving the entrance/access road to the facility. Dirt, product, or raw material spilled or tracked onto paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.
- (9VAC5-80-490 and Condition 13 of 4/16/2015 PSD permit)
77. Biomass, Ash, and Lime Handling Equipment Requirements - Fugitive dust emissions from the operation of the lime storage silo (017) shall not exceed the limits specified below:

Pollutant	Lbs/hr	Tons/yr
PM <sub>10</sub> - total	0.20	0.5
PM - total	0.27	0.62

These emissions are derived from the estimated overall emission contribution from operating limits and are included for emission inventory purposes. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with the emission limits may be determined as stated in Conditions 69, 70, 74, 80, and 82.

(9VAC5-80-490 and Condition 30 of 4/16/2015 PSD permit)

78. Biomass, Ash, and Lime Handling Equipment Requirements - Particulate emissions from the operation of the biomass handling system and storage pile shall not exceed the limitations specified below:

Pollutant	Tons/yr
PM <sub>2.5</sub> - total	0.1
PM <sub>10</sub> - total	0.6
PM - total	1.5

These emissions are derived from the estimated overall emission contribution from operating limits and are included for emission inventory purposes. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with the emission limits may be determined as stated in Conditions 4, 69, 71, 72, 73, 76, 79, 81, and 82.

(9VAC5-80-490 and Condition 31 of 4/16/2015 PSD permit)

79. Biomass, Ash, and Lime Handling Equipment Requirements - Visible Emission Limit - Visible emissions from the biomass handling system shall not exceed ten (10) percent opacity as determined using the methods specified in 9VAC5-50-20(A)(3).  
(9VAC5-80-490 and Condition 35 of 4/16/2015 PSD permit)
80. Biomass, Ash, and Lime Handling Equipment Requirements - Visible Emission Limit - Visible emissions from any fabric filter vent or exhaust duct shall not exceed five (5) percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A).  
(9VAC5-80-490 and Condition 36 of 4/16/2015 PSD permit)

## Monitoring

81. Biomass, Ash, and Lime Handling Equipment Requirements - Visible Emissions Monitoring - Visible emission observations (VEO) from the biomass handling system and any fabric filter vent or exhaust duct shall be conducted at least once a week. If visible emissions are observed, the permittee shall:
- Take timely corrective action such that the equipment resumes operation with no visible emissions; or
  - Perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from any fabric filter vent or exhaust duct is less than five (5) percent opacity or the biomass handling system is less than ten (10) percent opacity. The VEE shall be conducted for a minimum of six (6) minutes. If any of the 15-second observations exceeds the appropriate opacity value listed in Conditions 79 or 80, the VEE shall be conducted for a total of sixty (60) minutes. If compliance is not demonstrated by the VEE, timely corrective action shall



be taken such that the equipment resumes operation with visible emissions of less than the allowable limits listed in Conditions 79 or 80.

A record of the date, time, observer, cause and corrective measures taken shall be made. If no visible emissions were observed, a record of the date, time and observer shall be made. These records shall be maintained on site by the permittee for the most recent 5-year period. (9VAC5-80-490)

### **Recordkeeping**

82. Biomass, Ash, and Lime Handling Equipment Requirements - The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. These records shall include, but are not limited to:

- a. The results of the weekly opacity observations, along with any corrective actions, as required by Condition 81.

These records shall be available on site for inspection by DEQ and shall be current for the most recent five (5) years.  
(9VAC5-80-490 and 9VAC5-50-50)

### **Testing**

83. Biomass, Ash, and Lime Handling Equipment Requirements - Testing - If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate methods in accordance with procedures approved by the DEQ.  
(9VAC5-80-490)

### **Facility Wide Conditions**

84. Facility Wide Conditions - Fuel Throughput - The facility-wide throughput limit of distillate oil is as listed in the table below:

<b>Fuel Type</b>	<b>Limit</b>
Distillate Oil	2,800,000 gallons/yr

These annual limits are 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.  
(9VAC5-80-490 and Condition 23 of 4/16/2015 Permit)

85. Facility Wide Conditions - Fuel Certification - The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:
- a. The name of the fuel supplier;
  - b. The date on which the distillate oil was received;
  - c. The quantity of distillate oil delivered in the shipment;
  - d. A statement that the distillate oil complies with the American Society for Testing and Materials specifications (ASTM D396) for numbers 1 or 2 fuel oil;
  - e. A statement that the sulfur content of the distillate oil is less than or equal to 0.3 percent by weight per shipment for boilers (001 and 002) and engine (006); and
  - f. A statement that the sulfur content of the distillate oil is less than or equal to 0.0015 percent by weight per shipment for engine (018).

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 Conditions 2 and 40. Exceedance of these specifications may be considered credible evidence of the exceedance of emission limits.  
(9VAC5-80-490, 9VAC5-50-410, and Condition 27 of 4/16/2015 PSD permit)

86. 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 Tidewater Regional Office. These records shall include, but are not limited to:
- a. Annual throughput of distillate oil, in gallons, 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.

These records shall be available on site for inspection by the Department of Environmental Quality (DEQ) and shall be current for the most recent five years.  
(9VAC5-80-490 and Condition 37 of 4/16/2015 PSD permit)

## Insignificant Emission Units

87. 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>
ISU-1	Turbine Lube Oil Reservoir	9VAC5-80-720 B	VOC	-
ISU-2	Water Based (non-solvent) Parts Washer	9VAC5-80-720 B	VOC	-
ISU-3	Used Oil Tank	9VAC5-80-720 C.3.	-	500 gallons
ISU-4	Oil/Water Separator (Oil Sump)	9VAC5-80-720 C.3.	-	280 gallons
ISU-5	Distillate Oil Storage Tank	9VAC5-80-720 B	VOC	-
ISU-6	Cooling Tower	9VAC5-80-720 B	PM, PM10, and PM2.5	-

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

## Permit Shield & Inapplicable Requirements

88. 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>
40 CFR 60 Subpart D	Standards of Performance for Fossil-Fuel-Fired Steam Generators	According to 40 CFR 60.40b(j), any affected facility meeting applicability requirements in 40 CFR 60.40b(a) is not subject to NSPS Subpart D.
40 CFR 60 Subpart Da	Standards of Performance for Electric Utility Steam Generating Units	An EPA applicability determination dated February 21, 2012 determined that NSPS Subpart Da does not apply.
40 CFR 60 Subpart K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978	No. 2 Fuel Oil is excluded from the NSPS Subpart K definition of "Petroleum Liquids." Dominion only stores No. 2 Fuel Oil. [40 CFR 60.111(b)] Fuel oil storage tank construction date: 1990.
40 CFR 60 Subpart Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984	No. 2 Fuel Oil is excluded from the NSPS Subpart Ka definition of "Petroleum Liquids." Dominion only stores No. 2 Fuel Oil. [40 CFR 60.111a(b)] Fuel oil storage tank construction date: 1990.
40 CFR 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984	There are no longer any units at the facility that are subject to NSPS Subpart Kb.
40 CFR 63 Subpart UUUUU	National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units	Biomass fired units are not subject to NSPS Subpart UUUUU.
40 CFR 60 Subpart Y	Standards of Performance for Coal Preparation and Processing Plants	Dominion is no longer a coal preparation and processing plant.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act or (ii) the DEQ pursuant to §10.1-1307.3 or §10.1-1315 of the Virginia Air Pollution Control Law.  
(9VAC5-80-490 and 9VAC5-80-500)

## General Conditions

89. General Conditions - Federal Enforceability - All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.  
(9VAC5-80-490)

90. General Conditions - Permit Expiration

- a. This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the DEQ consistent with the requirements of 9VAC5-80-430, the right of the facility to operate shall be terminated upon permit expiration.
- b. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
- c. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 3, Part II of 9VAC5 Chapter 80, until the DEQ takes final action on the application under 9VAC5-80-510.
- d. In accordance with 9VAC5-80-430F.7.d, a complete acid rain permit application shall be binding on the owners and operators and the designated representative of the affected source and the affected units covered by the permit application and shall be enforceable as an acid rain permit from the date of submission of the permit application until the issuance or denial of such permit as a final agency action subject to judicial review.
- e. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9VAC5-80-430 for a renewal permit, except in compliance with a permit issued under Article 3, Part II of 9VAC5 Chapter 80.
- f. If an applicant submits a timely and complete application under section 9VAC5-80-430 for a permit renewal but the DEQ fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9VAC5-80-500, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

- g. The protection under subsections F 1 and F 5 (ii) of section 9VAC5-80-430 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9VAC5-80-430 D, the applicant fails to submit by the deadline specified in writing by the DEQ any additional information identified as being needed to process the application.

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

- 91. General Conditions - Recordkeeping and Reporting - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

- a. The date, place as defined in the permit, and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of such analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

(9VAC5-80-490)

- 92. General Conditions - Recordkeeping and Reporting - Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9VAC5-80-490)

- 93. 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 9VAC5-80-430 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; and
- b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:

- i. Exceedances of emissions limitations or operational restrictions;
  - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring or periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
  - iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."  
(9VAC5-80-490)

94. General Conditions - Annual Compliance Certification - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to the Environmental Protection Agency (EPA) and the DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9VAC5-80-430 G, and shall include:

- a. The time period included in the certification. The time period to be addressed is January 1 to December 31;
- b. The identification of each term or condition of the permit that is the basis of the certification;
- c. The compliance status;
- d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
- e. Consistent with subsection 9VAC5-80-490 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;

- f. Such other facts as the permit may require to determine the compliance status of the source; and
- g. One copy of the annual compliance certification shall be submitted to the EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

[R3\\_APD\\_Permits@epa.gov](mailto:R3_APD_Permits@epa.gov)  
(9VAC5-80-490)

- 95. 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 9VAC5-40-50 C and 9VAC5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9VAC5-40-40 and 9VAC5-50-40. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 93 of this permit.  
(9VAC5-80-490)
- 96. 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 9VAC5-40-50 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 Tidewater Regional Office.  
(9VAC5-20-180 C and 9VAC5-80-490)
- 97. General Conditions - Failure/Malfunction Reporting - The emission units that have continuous monitors subject to 9VAC5-40-50 C or 9VAC5-50-50 C are not subject to the 14 day written notification.  
(9VAC5-80-490, 9VAC5-20-180 C, and 9VAC5-50-50)



98. General Conditions - Failure/Malfunction Reporting - The emission units subject to the reporting and the procedure requirements of 9VAC5-40-50 C or the procedures of 9VAC5-50-50 C are listed below:

- a. 001
- b. 002

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

99. 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 semi-annual reports shall be postmarked by the 30th day following the end of each calendar semi-annual period (June 30th and January 30th). All reports shall include the following information:

- a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9VAC5-40-41 B.6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;
- b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
- c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
- d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.

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

100. General Conditions - Severability - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.  
(9VAC5-80-490)

101. General Conditions - Duty to Comply - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.  
(9VAC5-80-490)
102. General Conditions - Need to Halt or Reduce Activity not a Defense - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.  
(9VAC5-80-490)
103. General Conditions - Permit Modification - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9VAC5-80-360, 9VAC5-80-1100, 9VAC5-80-1605, or 9VAC5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.  
(9VAC5-80-490, 9VAC5-80-550, and 9VAC5-80-660)
104. General Conditions - Property Rights - The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9VAC5-80-490)
105. General Conditions - Duty to Submit Information - The permittee shall furnish to the DEQ, within a reasonable time, any information that the DEQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the DEQ copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the DEQ along with a claim of confidentiality.  
(9VAC5-80-490)
106. General Conditions - Duty to Submit Information - Any document (including reports) required in a permit condition to be submitted to the DEQ shall contain a certification by a responsible official that meets the requirements of 9VAC5-80-430 G.  
(9VAC5-80-490)
107. General Conditions - Duty to Pay Permit Fees - The owner of any source for which a permit was issued under 9VAC5-80-360 through 9VAC5-80-700 shall pay annual emissions fees, as applicable, consistent with the requirements of 9VAC5-80-310 through 9VAC5-80-350

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

108. General Conditions - Fugitive Dust Emission Standards - During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
  - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
  - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
  - d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
  - e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
- (9VAC5-80-490 and 9VAC5-50-90)
109. General Conditions - Startup, Shutdown, and Malfunction - At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the DEQ, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.  
(9VAC5-80-490 and 9VAC5-50-20 E)

110. General Conditions - Alternative Operating Scenarios - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9VAC5-80-500 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9VAC5 Chapter 80, Article 3.  
(9VAC5-80-490)
111. 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.  
(9VAC5-80-490)
112. General Conditions - Reopening for Cause - The permit shall be reopened by the DEQ if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9VAC5-80-430 F. The conditions for reopening a permit are as follows:
- a. The permit shall be reopened if the DEQ or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
  - b. The permit shall be reopened if the administrator or the DEQ determines that the permit 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 9VAC5-80-490 D.  
(9VAC5-80-490)

113. General Conditions - Permit Availability - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to the DEQ upon request.  
(9VAC5-80-490 and 9VAC5-80-510)

114. General Conditions - Transfer of Permits

- a. No person shall transfer a permit from one location to another.
- b. In the case of a transfer of ownership of an affected source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the DEQ of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9VAC5-80-560.
- c. In the case of a name change of an affected source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the DEQ of the change in source name within 30 days of the name change and shall comply with the requirements of 9VAC5-80-560.  
(9VAC5-80-490 and 9VAC5-80-520)

115. General Conditions - Permit Revocation or Termination for Cause - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9VAC5 Chapter 80 Article 3. The DEQ may suspend, under such conditions and for such period of time as the DEQ may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.  
(9VAC5-80-490, 9VAC5-80-550, and 9VAC5-80-660)

116. General Conditions - Duty to Supplement or Correct Application - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.  
(9VAC5-80-490 and 9VAC5-80-430)

117. General Conditions - Stratospheric Ozone Protection - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.  
(9VAC5-80-490 and 40 CFR Part 82, Subparts A-F)
118. General Conditions - Asbestos Requirements – The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).  
(9VAC5-80-490 and 9VAC5-60-70)
119. General Conditions - Accidental Release Prevention - If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(9VAC5-80-490 and 40 CFR Part 68)
120. General Conditions - Changes to Permits for Emissions Trading - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.  
(9VAC5-80-490)
121. General Conditions - Emissions Trading - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
- a. All terms and conditions required under 9VAC5-80-490, except subsection N, shall be included to determine compliance.
  - b. The permit shield described in 9VAC5-80-500 shall extend to all terms and conditions that allow such increases and decreases in emissions.
  - c. The owner shall meet all applicable requirements including the requirements of 9VAC5-80-360 through 9VAC5-80-700.
- (9VAC5-80-490)

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

122. Phase II Acid Rain Program - Statutory and Regulatory Authorities - In accordance with the Air Pollution Control Law of Virginia §10.1-1308 and §10.1-1322, the Environmental Protection Agency (EPA) Final Full Approval of the Operating Permits Program (Titles IV and V) published in the Federal Register December 4, 2001, Volume 66, Number 233, Rules and Regulations, Pages 62961-62967 and effective November 30, 2001, and Title 40, the Code of Federal Regulations §§72.1 through 76.15, the Commonwealth of Virginia Department of Environmental Quality (DEQ) issues this permit pursuant to 9VAC5 Chapter 80, Article 3 of the Virginia Regulations for the Control and Abatement of Air Pollution (Federal Operating Permit Article 3).  
(9VAC5-80-490)

### **123. Phase II Acid Rain Program - Permit Requirements**

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

### **124. Phase II Acid Rain Program - Monitoring Requirements**

- a. The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR Part 75.
- b. The emissions measurements recorded and reported in accordance with 40 CFR Part 75 shall be used to determine compliance by the source or unit, as appropriate, with

the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.

- c. The requirements of 40 CFR Part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the federal Clean Air Act and other provisions of the operating permit for the source.  
(9VAC5-80-490 and 40 CFR 72.9(b))

#### 125. Phase II Acid Rain Program - Sulfur Dioxide Requirements

- a. The owners and operators of each source and each affected unit at the source shall:
  - i. Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
  - ii. SO<sub>2</sub> Allowance Allocations for affected units - Because Emission Units 001 and 002 were not eligible for SO<sub>2</sub> allowance allocations by the U.S. EPA under Section 405 of the Clean Air Act and the Acid Rain Program, no allocations were assigned in 40 CFR Part 73, Table 2 to comply with the applicable Acid Rain emissions limitations for sulfur dioxide as listed in Table 2 of 40 CFR 73.10.  
(9VAC5-80-420, 9VAC5-80-490, and 40 CFR Parts 72 and 73)

#### 126. Phase II Acid Rain Program – Sulfur Dioxide Requirements

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



- iv. Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR Part 75, an affected unit under 9VAC5-80-380 A.3. that is not a substitution or compensating unit.
- c. Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- d. An allowance shall not be deducted in order to comply with the sulfur dioxide requirements of 40 CFR 72.9(c)(1)(i) prior to the calendar year for which the allowance was allocated.
- e. An allowance allocated by the EPA Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- f. An allowance allocated by the EPA Administrator under the Acid Rain Program does not constitute a property right.

(9VAC5-80-420, 9VAC5-80-490, and 40 CFR 72.9(c))

127. Phase II Acid Rain Program - Nitrogen Oxides Requirements - The emission units (001 and 002) do not burn coal so there are no NO<sub>x</sub> emission limits.  
(9VAC5-80-490 and 40 CFR 72.9(d))

128. Phase II Acid Rain Program - Excess Emissions Requirements

- a. The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR Part 77.
- b. The owners and operators of an affected source that has excess emissions in any calendar year shall:
  - i. Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR Part 77; and
  - ii. Comply with the terms of an approved offset plan, as required by 40 CFR Part 77.

(9VAC5-80-420, 9VAC5-80-490, and 40 CFR 72.9(e))

129. Phase II Acid Rain Program - Recordkeeping and Reporting Requirements

- a. Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
  - i. The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
  - ii. All emissions monitoring information, in accordance with 40 CFR Part 75, provided that to the extent that 40 CFR Part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
  - iii. Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
  - iv. Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- b. The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR Part 72 Subpart I and 40 CFR Part 75.

(9VAC5-80-420, 9VAC5-80-490, and 40 CFR 72.9(f))

130. Phase II Acid Rain Program - Liability

- a. Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 9VAC5-80-390 or 9VAC5-80-400 and 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the federal Clean Air Act and by the DEQ pursuant to §§ 10.1-1316 and 10.1-1320 of the Code of Virginia.
- b. Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the federal Clean Air Act and 18 U.S.C.

1001 and by the DEQ pursuant to §§ 10.1-1316 and 10.1-1320 of the Code of Virginia.

- c. No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- d. Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
- e. Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- f. Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
- g. Each violation of a provision of the Acid Rain Program regulations (40 CFR Parts 72, 73, 74, 75, 76, 77, and 78) by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the federal Clean Air Act.

(9VAC5-80-420, 9VAC5-80-490, and 40 CFR 72.9(g))

131. Phase II Acid Rain Program - Effect on Other Authorities - No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 9VAC5-80-390 or 9VAC5-80-400 and 40 CFR 72.7 or 72.8 shall be construed as:

- a. Except as expressly provided in Title IV of the federal Clean Air Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the federal Clean Air Act, including the provisions of title I of the federal Clean Air Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- b. Limiting the number of allowances a source can hold; *provided*, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the federal Clean Air Act;
- c. Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;

- d. Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- e. Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

(9VAC5-80-420, 9VAC5-80-490, and 40 CFR 72.9(h))

### Cross State Air Pollution Rule (CSAPR)

The CSAPR subject units and the unit-specific monitoring provisions are identified in the following table. The units are subject to the requirements for the CSAPR NO<sub>x</sub> Annual Trading Program, CSAPR SO<sub>2</sub> Group 1 Trading Program, and CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program.

Unit ID: 1 and 2

Parameter	Continuous emission monitoring system or systems (CEMS) requirements pursuant to 40 CFR 75 Subpart B (for SO <sub>2</sub> monitoring) and 40 CFR 75 Subpart H (for NO <sub>x</sub> monitoring)	Excepted monitoring system requirements for gas- and oil-fired units pursuant to 40 CFR 75 Appendix D	Excepted monitoring system requirements for gas- and oil-fired peaking units pursuant to 40 CFR 75 Appendix E	Low Mass Emissions excepted monitoring (LME) requirements for gas- and oil-fired units pursuant to 40 CFR 75.19	EPA-approved alternative monitoring system requirements pursuant to 40 CFR 75 Subpart E
SO <sub>2</sub>	X	-----	-----	-----	-----
NO <sub>x</sub>	X	-----	-----	-----	-----
Heat Input	X	-----	-----	-----	-----

132. **CSAPR** – The above description of the monitoring used by a unit does not change, create an exemption from, or otherwise affect the monitoring, recordkeeping, and reporting requirements applicable to the unit under 40 CFR 97.430 through 97.435 (CSAPR NO<sub>x</sub> Annual Trading Program), 97.630 through 97.635 (CSAPR SO<sub>2</sub> Group 1 Trading Program), and 97.1030 through 97.1035 (CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program). The monitoring, recordkeeping and reporting requirements applicable to each unit are included below in the standard conditions for the applicable CSAPR trading programs. (9VAC5-80-490 and 40 CFR 97)

133. **CSAPR** – Owners and operators must submit to the Administrator a monitoring plan for each unit in accordance with 40 CFR 75.53, 75.62 and 75.73, as applicable. The monitoring plan for each unit is available at [www.epa.gov/airmarkets/monitoring-plans-part-75-sources](http://www.epa.gov/airmarkets/monitoring-plans-part-75-sources). (9VAC5-80-490 and 40 CFR 97)
134. **CSAPR** – Owners and operators that want to use an alternative monitoring system must submit to the Administrator a petition requesting approval of the alternative monitoring system in accordance with 40 CFR part 75, subpart E and 40 CFR 75.66 and 97.435 (CSAPR NO<sub>x</sub> Annual Trading Program), 97.635 (CSAPR SO<sub>2</sub> Group 1 Trading Program), and 97.1035 (CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program). The Administrator's response approving or disapproving any petition for an alternative monitoring system is available on the EPA's website at [www.epa.gov/airmarkets/part-75-petition-responses](http://www.epa.gov/airmarkets/part-75-petition-responses). (9VAC5-80-490 and 40 CFR 97)
135. **CSAPR** – Owners and operators that want to use an alternative to any monitoring, recordkeeping, or reporting requirement under 40 CFR 97.430 through 97.434 (CSAPR NO<sub>x</sub> Annual Trading Program), 97.630 through 97.634 (CSAPR SO<sub>2</sub> Group 1 Trading Program), and 97.1030 through 97.1034 (CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program) must submit to the Administrator a petition requesting approval of the alternative in accordance with 40 CFR 75.66 and 97.435 (CSAPR NO<sub>x</sub> Annual Trading Program), 97.635 (CSAPR SO<sub>2</sub> Group 1 Trading Program), and 97.1035 (CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program). The Administrator's response approving or disapproving any petition for an alternative to a monitoring, recordkeeping, or reporting requirement is available on EPA's website at [www.epa.gov/airmarkets/part-75-petition-responses](http://www.epa.gov/airmarkets/part-75-petition-responses). (9VAC5-80-490 and 40 CFR 97)
136. **CSAPR** – The descriptions of monitoring applicable to a unit included above meet the requirement of 40 CFR 97.430 through 97.434 (CSAPR NO<sub>x</sub> Annual Trading Program), 97.630 through 97.634 (CSAPR SO<sub>2</sub> Group 1 Trading Program), and 97.1030 through 97.1034 (CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program), and therefore minor permit modification procedures, in accordance with 40 CFR 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B), may be used to add to or change the unit's monitoring system description. (9VAC5-80-490 and 40 CFR 97)

#### **CSAPR NO<sub>x</sub> Annual Trading Program requirements (40 CFR 97.406)**

137. **CSAPR NO<sub>x</sub> Annual Trading Program** - The following conditions must be adhered to for Units 1 and 2, which are subject to the CSAPR NO<sub>x</sub> Annual Trading Program:
- a. *Designated representative requirements.* - The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.413 through 97.418.

- b. *Emissions monitoring, reporting, and recordkeeping requirements.*
  - i. The owners and operators, and the designated representative, of each CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.430 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.431 (initial monitoring system certification and recertification procedures), 97.432 (monitoring system out-of-control periods), 97.433 (notifications concerning monitoring), 97.434 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.435 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
  - ii. The emissions data determined in accordance with 40 CFR 97.430 through 97.435 shall be used to calculate allocations of CSAPR NO<sub>x</sub> Annual allowances under 40 CFR 97.411(a)(2) and (b) and 97.412 and to determine compliance with the CSAPR NO<sub>x</sub> Annual emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.430 through 97.435 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.
- c. NO<sub>x</sub> emissions requirements.
  - i. CSAPR NO<sub>x</sub> Annual emissions limitation.
    - (1) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall hold, in the source's compliance account, CSAPR NO<sub>x</sub> Annual allowances available for deduction for such control period under 40 CFR 97.424(a) in an amount not less than the tons of total NO<sub>x</sub> emissions for such control period from all CSAPR NO<sub>x</sub> Annual units at the source.
    - (2) If total NO<sub>x</sub> emissions during a control period in a given year from the CSAPR NO<sub>x</sub> Annual units at a CSAPR NO<sub>x</sub> Annual source are in excess of the CSAPR NO<sub>x</sub> Annual emissions limitation set forth in Condition 137.c.i(1) above, then:

- (a) The owners and operators of the source and each CSAPR NO<sub>x</sub> Annual unit at the source shall hold the CSAPR NO<sub>x</sub> Annual allowances required for deduction under 40 CFR 97.424(d); and
  - (b) The owners and operators of the source and each CSAPR NO<sub>x</sub> Annual unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR 97, Subpart AAAAA and the Clean Air Act.
- ii. CSAPR NO<sub>x</sub> Annual assurance provisions.
  - (1) If total NO<sub>x</sub> emissions during a control period in a given year from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO<sub>x</sub> emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO<sub>x</sub> Annual allowances available for deduction for such control period under 40 CFR 97.425(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.425(b), of multiplying —
    - (a) The quotient of the amount by which the common designated representative's share of such NO<sub>x</sub> emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such NO<sub>x</sub> emissions exceeds the respective common designated representative's assurance level; and
    - (b) The amount by which total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in the state for such control period exceed the state assurance level.
  - (2) The owners and operators shall hold the CSAPR NO<sub>x</sub> Annual allowances required under Condition 137.c.ii(1) above, as of midnight of November 1

(if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.

- (3) Total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in the state during a control period in a given year exceed the state assurance level if such total NO<sub>x</sub> emissions exceed the sum, for such control period, of the state NO<sub>x</sub> Annual trading budget under 40 CFR 97.410(a) and the state's variability limit under 40 CFR 97.410(b).
- (4) It shall not be a violation of 40 CFR 97 Subpart AAAAAA or of the Clean Air Act if total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in a state during a control period exceed the state assurance level or if a common designated representative's share of total NO<sub>x</sub> emissions from the CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in the state during a control period exceeds the common designated representative's assurance level.
- (5) To the extent the owners and operators fail to hold CSAPR NO<sub>x</sub> Annual allowances for a control period in a given year in accordance with Conditions 137.c.ii(1) through 137.c.ii(3) above,
  - (a) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
  - (b) Each CSAPR NO<sub>x</sub> Annual allowance that the owners and operators fail to hold for such control period in accordance with Conditions 137.c.ii(1) through 137.c.ii(3) above and each day of such control period shall constitute a separate violation of 40 CFR 97 Subpart AAAAAA and the Clean Air Act.

iii. Compliance periods.

- (1) A CSAPR NO<sub>x</sub> Annual unit shall be subject to the requirements under Condition 137.c.i above for the control period starting on the later of January 1, 2015, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
- (2) A CSAPR NO<sub>x</sub> Annual unit shall be subject to the requirements under Condition 137.c.ii above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.



- iv. Vintage of CSAPR NO<sub>x</sub> Annual allowances held for compliance.
  - (1) A CSAPR NO<sub>x</sub> Annual allowance held for compliance with the requirements under Condition 137.c.i(1) above for a control period in a given year must be a CSAPR NO<sub>x</sub> Annual allowance that was allocated or auctioned for such control period or a control period in a prior year.
  - (2) A CSAPR NO<sub>x</sub> Annual allowance held for compliance with the requirements under Conditions 137.c.i(2)(a) and 137.c.ii(1) through 137.c.ii(3) above for a control period in a given year must be a CSAPR NO<sub>x</sub> Annual allowance that was allocated or auctioned for a control period in a prior year or the control period in the given year or in the immediately following year.
- v. *Allowance Management System requirements.* Each CSAPR NO<sub>x</sub> Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR 97 Subpart AAAAA.
- vi. *Limited authorization.* A CSAPR NO<sub>x</sub> Annual allowance is a limited authorization to emit one ton of NO<sub>x</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:
  - (1) Such authorization shall only be used in accordance with the CSAPR NO<sub>x</sub> Annual Trading Program; and
  - (2) Notwithstanding any other provision of 40 CFR 97 Subpart AAAAA, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- vii. *Property right.* A CSAPR NO<sub>x</sub> Annual allowance does not constitute a property right.
- d. Title V permit requirements.
  - i. No Title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NO<sub>x</sub> Annual allowances in accordance with 40 CFR 97, Subpart AAAAA.
  - ii. A description of whether a unit is required to monitor and report NO<sub>x</sub> emissions using a continuous emissions monitoring system (under Subpart H of 40 CFR

75), an excepted monitoring system (under Appendices D and E to 40 CFR 75), a low mass emissions excepted monitoring methodology (under 40 CFR 75.19), or an alternative monitoring system (under Subpart E of 40 CFR 75) in accordance with 40 CFR 97.430 through 97.435 may be added to, or changed in, a Title V permit using minor permit modification procedures in accordance with 40 CFR 70.7(e)(2) and 71.7(e)(1), provided that the requirements applicable to the described monitoring and reporting (as added or changed, respectively) are already incorporated in such permit. This paragraph explicitly provides that the addition of, or change to, a unit's description as described in the prior sentence is eligible for minor permit modification procedures in accordance with 40 CFR 70.7(e)(2)(i)(B) and 71.7(e)(1)(i)(B).

- e. Additional recordkeeping and reporting requirements.
  - i. Unless otherwise provided, the owners and operators of each CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the Administrator.
    - (1) The certificate of representation under 40 CFR 97.416 for the designated representative for the source and each CSAPR NO<sub>x</sub> Annual unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.416 changing the designated representative.
    - (2) All emissions monitoring information, in accordance with 40 CFR 97 Subpart AAAAA.
    - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NO<sub>x</sub> Annual Trading Program.
  - ii. The designated representative of a CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall make all submissions required under the CSAPR NO<sub>x</sub> Annual Trading Program, except as provided in 40 CFR 97.418. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a Title V operating permit program in 40 CFR 70 and 71.

- f. Liability.
  - i. Any provision of the CSAPR NO<sub>x</sub> Annual Trading Program that applies to a CSAPR NO<sub>x</sub> Annual source or the designated representative of a CSAPR NO<sub>x</sub> Annual source shall also apply to the owners and operators of such source and of the CSAPR NO<sub>x</sub> Annual units at the source.
  - ii. Any provision of the CSAPR NO<sub>x</sub> Annual Trading Program that applies to a CSAPR NO<sub>x</sub> Annual unit or the designated representative of a CSAPR NO<sub>x</sub> Annual unit shall also apply to the owners and operators of such unit.
- g. *Effect on other authorities.* No provision of the CSAPR NO<sub>x</sub> Annual Trading Program or exemption under 40 CFR 97.405 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NO<sub>x</sub> Annual source or CSAPR NO<sub>x</sub> Annual unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.  
(9VAC5-80-490 and 40 CFR 97.406)

**CSAPR SO<sub>2</sub> Group 1 Trading Program requirements (40 CFR 97.606)**

138. **CSAPR SO<sub>2</sub> Group 1 Trading Program** - The following conditions must be adhered to for Units 1 and 2, which are subject to the CSAPR SO<sub>2</sub> Group 1 Trading Program:

- a. *Designated representative requirements.* The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.613 through 97.618.
- b. Emissions monitoring, reporting, and recordkeeping requirements.
  - i. The owners and operators, and the designated representative, of each CSAPR SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.630 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.631 (initial monitoring system certification and recertification procedures), 97.632 (monitoring system out-of-control periods), 97.633 (notifications concerning monitoring), 97.634 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.635 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).

- ii. The emissions data determined in accordance with 40 CFR 97.630 through 97.635 shall be used to calculate allocations of CSAPR SO<sub>2</sub> Group 1 allowances under 40 CFR 97.611(a)(2) and (b) and 97.612 and to determine compliance with the CSAPR SO<sub>2</sub> Group 1 emissions limitation and assurance provisions under Condition 138.c below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.630 through 97.635 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.
- c. SO<sub>2</sub> emissions requirements.
  - i. CSAPR SO<sub>2</sub> Group 1 emissions limitation.
    - (1) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall hold, in the source's compliance account, CSAPR SO<sub>2</sub> Group 1 allowances available for deduction for such control period under 40 CFR 97.624(a) in an amount not less than the tons of total SO<sub>2</sub> emissions for such control period from all CSAPR SO<sub>2</sub> Group 1 units at the source.
    - (2) If total SO<sub>2</sub> emissions during a control period in a given year from the CSAPR SO<sub>2</sub> Group 1 units at a CSAPR SO<sub>2</sub> Group 1 source are in excess of the CSAPR SO<sub>2</sub> Group 1 emissions limitation set forth in Condition 138.c.i(1) above, then:
      - (a) The owners and operators of the source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall hold the CSAPR SO<sub>2</sub> Group 1 allowances required for deduction under 40 CFR 97.624(d); and
      - (b) The owners and operators of the source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation 40 CFR 97 Subpart CCCCC and the Clean Air Act.
  - ii. CSAPR SO<sub>2</sub> Group 1 assurance provisions
    - (1) If total SO<sub>2</sub> emissions during a control period in a given year from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in the state

exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such SO<sub>2</sub> emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR SO<sub>2</sub> Group 1 allowances available for deduction for such control period under 40 CFR 97.625(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.625(b), of multiplying —

- (a) The quotient of the amount by which the common designated representative's share of such SO<sub>2</sub> emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such SO<sub>2</sub> emissions exceeds the respective common designated representative's assurance level; and
  - (b) The amount by which total SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in the state for such control period exceed the state assurance level.
- (2) The owners and operators shall hold the CSAPR SO<sub>2</sub> Group 1 allowances required under Condition 138.c.ii(1) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after the year of such control period.
  - (3) Total SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in the state during a control period in a given year exceed the state assurance level if such total SO<sub>2</sub> emissions exceed the sum, for such control period, of the state SO<sub>2</sub> Group 1 trading budget under 40 CFR 97.610(a) and the state's variability limit under 40 CFR 97.610(b).
  - (4) It shall not be a violation of 40 CFR 97 Subpart CCCCC or of the Clean Air Act if total SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in the state during a control period exceed the state assurance level or if a common designated representative's share of total SO<sub>2</sub> emissions from the CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1

sources in the state during a control period exceeds the common designated representative's assurance level.

- (5) To the extent the owners and operators fail to hold CSAPR SO<sub>2</sub> Group 1 allowances for a control period in a given year in accordance with Conditions 138.c.ii(1) through 138.c.ii(3) above,
  - (a) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
  - (b) Each CSAPR SO<sub>2</sub> Group 1 allowance that the owners and operators fail to hold for such control period in accordance with Conditions 138.c.ii(1) through 138.c.ii(3) above and each day of such control period shall constitute a separate violation of 40 CFR 97 Subpart CCCCC and the Clean Air Act.

iii. Compliance periods.

- (1) A CSAPR SO<sub>2</sub> Group 1 unit shall be subject to the requirements under Condition 138.c.i above for the control period starting on the later of January 1, 2015, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.630(b) and for each control period thereafter.
- (2) A CSAPR SO<sub>2</sub> Group 1 unit shall be subject to the requirements under Condition 138.c.ii above for the control period starting on the later of January 1, 2017, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.630(b) and for each control period thereafter.

iv. Vintage of CSAPR SO<sub>2</sub> Group 1 allowances held for compliance.

- (1) A CSAPR SO<sub>2</sub> Group 1 allowance held for compliance with the requirements under Condition 138.c.i(1) above for a control period in a given year must be a CSAPR SO<sub>2</sub> Group 1 allowance that was allocated or auctioned for such control period or a control period in a prior year.
- (2) A CSAPR SO<sub>2</sub> Group 1 allowance held for compliance with the requirements under Conditions 138.c.i(2)(a) and 138.c.ii(1) through 138.c.ii(3) above for a control period in a given year must be a CSAPR SO<sub>2</sub> Group 1 allowance that was allocated or auctioned for a control period in a prior year or the control period in the given year or in the immediately following year.

- v. *Allowance Management System requirements.* Each CSAPR SO<sub>2</sub> Group 1 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR 97 Subpart CCCCC.
  - vi. *Limited authorization.* A CSAPR SO<sub>2</sub> Group 1 allowance is a limited authorization to emit one ton of SO<sub>2</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:
    - (1) Such authorization shall only be used in accordance with the CSAPR SO<sub>2</sub> Group 1 Trading Program; and
    - (2) Notwithstanding any other provision of 40 CFR 97 Subpart CCCCC, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
  - vii. *Property right.* A CSAPR SO<sub>2</sub> Group 1 allowance does not constitute a property right.
- d. Title V permit requirements.
- i. No Title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR SO<sub>2</sub> Group 1 allowances in accordance with 40 CFR 97 Subpart CCCCC.
  - ii. A description of whether a unit is required to monitor and report SO<sub>2</sub> emissions using a continuous emission monitoring system (under subpart B of 40 CFR 75), an excepted monitoring system (under appendices D and E to 40 CFR 75), a low mass emissions excepted monitoring methodology (under 40 CFR 75.19), or an alternative monitoring system (under Subpart E of 40 CFR 75) in accordance with 40 CFR 97.630 through 97.635 may be added to, or changed in, a Title V permit using minor permit modification procedures in accordance with 40 CFR 70.7(e)(2) and 71.7(e)(1), provided that the requirements applicable to the described monitoring and reporting (as added or changed, respectively) are already incorporated in such permit. This paragraph explicitly provides that the addition of, or change to, a unit's description as described in the prior sentence is eligible for minor permit modification procedures in accordance with 40 CFR 70.7I(2)(i)(B) and 71.7I(1)(i)(B).

- e. Additional recordkeeping and reporting requirements.
  - i. Unless otherwise provided, the owners and operators of each CSAPR SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the Administrator.
    - (1) The certificate of representation under 40 CFR 97.616 for the designated representative for the source and each CSAPR SO<sub>2</sub> Group 1 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.616 changing the designated representative.
    - (2) All emissions monitoring information, in accordance with 40 CFR 97 Subpart CCCCC.
    - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR SO<sub>2</sub> Group 1 Trading Program.
  - ii. The designated representative of a CSAPR SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall make all submissions required under the CSAPR SO<sub>2</sub> Group 1 Trading Program, except as provided in 40 CFR 97.618. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a Title V operating permit program in 40 CFR 70 and 71.
- f. Liability.
  - i. Any provision of the CSAPR SO<sub>2</sub> Group 1 Trading Program that applies to a CSAPR SO<sub>2</sub> Group 1 source or the designated representative of a CSAPR SO<sub>2</sub> Group 1 source shall also apply to the owners and operators of such source and of the CSAPR SO<sub>2</sub> Group 1 units at the source.
  - ii. Any provision of the CSAPR SO<sub>2</sub> Group 1 Trading Program that applies to a CSAPR SO<sub>2</sub> Group 1 unit or the designated representative of a CSAPR SO<sub>2</sub> Group 1 unit shall also apply to the owners and operators of such unit.



- g. *Effect on other authorities.* No provision of the CSAPR SO<sub>2</sub> Group 1 Trading Program or exemption under 40 CFR 97.605 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR SO<sub>2</sub> Group 1 source or CSAPR SO<sub>2</sub> Group 1 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

(9VAC5-80-490 and 40 CFR 97.606)

**CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program requirements (40 CFR 97.1006)**

**139. CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program** - The following conditions must be adhered to for Units 1 and 2, which are subject to the CSAPR NO<sub>x</sub> Group 3 Trading Program.

- a. *Designated representative requirements.* The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.1013 through 97.1018.
- b. Emissions monitoring, reporting, and recordkeeping requirements.
  - i. The owners and operators, and the designated representative, of each CSAPR NO<sub>x</sub> Ozone Season Group 3 source and each CSAPR NO<sub>x</sub> Ozone Season Group 3 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.1030 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.1031 (initial monitoring system certification and recertification procedures), 97.1032 (monitoring system out-of-control periods), 97.1033 (notifications concerning monitoring), 97.1034 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.1035 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
  - ii. The emissions and heat input data determined in accordance with 40 CFR 97.1030 through 97.1035 shall be used to calculate allocations of CSAPR NO<sub>x</sub> Ozone Season Group 3 allowances under 40 CFR 97.1011 and 97.1012 and to determine compliance with the CSAPR NO<sub>x</sub> Ozone Season Group 3 primary and secondary emissions limitations and assurance provisions under Condition 139.c below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the

monitoring location determined in accordance with 40 CFR 97.1030 through 97.1035 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

c. NOx emissions requirements.

i. CSAPR NOx Ozone Season Group 3 primary and secondary emissions limitations.

- (1) *Primary emissions limitation.* As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NOx Ozone Season Group 3 source and each CSAPR NOx Ozone Season Group 3 unit at the source shall hold, in the source's compliance account, CSAPR NOx Ozone Season Group 3 allowances available for deduction for such control period under 40 CFR 97.1024(a) in an amount not less than the amount determined under 40 CFR 97.1024(b), comprising the sum of:
  - (a) The tons of total NOx emissions for such control period from all CSAPR NOx Ozone Season Group 3 units at the source, plus
  - (b) Two times the excess, if any, over 50 tons of the sum, for all CSAPR NOx Ozone Season Group 3 units at the source and all calendar days of the control period, of any NOx emissions from such a unit on any calendar day of the control period exceeding the NOx emissions that would have occurred on that calendar day if the unit had combusted the same daily heat input and emitted at any backstop daily NOx emissions rate applicable to the unit for that control period.
- (2) *Exceedances of primary emissions limitation.* If total NOx emissions during a control period in a given year from the CSAPR NOx Ozone Season Group 3 units at a CSAPR NOx Ozone Season Group 3 source are in excess of the CSAPR NOx Ozone Season Group 3 primary emissions limitation set forth in Condition 139.c.i(a) above, then:
  - (a) The owners and operators of the source and each CSAPR NOx Ozone Season Group 3 unit at the source shall hold the CSAPR NOx Ozone Season Group 3 allowances required for deduction under 40 CFR 97.1024(d); and
  - (b) The owners and operators of the source and each CSAPR NOx Ozone Season Group 3 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess

emissions and each day of such control period shall constitute a separate violation 40 CFR 97 Subpart GGGGG and the Clean Air Act.

- (3) *Secondary emissions limitation.* The owner or operator of a CSAPR NO<sub>x</sub> Ozone Season Group 3 unit subject to an emissions limitation under 40 CFR 97.1025(c)(1) shall not discharge, or allow to be discharged, emissions of NO<sub>x</sub> to the atmosphere during a control period in excess of the tonnage amount calculated in accordance with 40 CFR 97.1025(c)(2).
  - (4) *Exceedances of secondary emissions limitation.* If total NO<sub>x</sub> emissions during a control period in a given year from a CSAPR NO<sub>x</sub> Ozone Season Group 3 unit are in excess of the amount of a CSAPR NO<sub>x</sub> Ozone Season Group 3 secondary emissions limitation applicable to the unit for the control period under Condition 139.c.i(3), then the owners and operators of the unit and the source at which the unit is located shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR 97 Subpart GGGGG and the Clean Air Act.
- ii. CSAPR NO<sub>x</sub> Ozone Season Group 3 assurance provisions.
- (1) If total NO<sub>x</sub> emissions during a control period in a given year from all base CSAPR NO<sub>x</sub> Ozone Season Group 3 units at base CSAPR NO<sub>x</sub> Ozone Season Group 3 sources in a state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO<sub>x</sub> emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO<sub>x</sub> Ozone Season Group 3 allowances available for deduction for such control period under 40 CFR 97.1025(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.1025(b), of multiplying —
    - (a) The quotient of the amount by which the common designated representative's share of such NO<sub>x</sub> emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such NO<sub>x</sub>

emissions exceeds the respective common designated representative's assurance level; and

- (b) The amount by which total NOx emissions from all base CSAPR NOx Ozone Season Group 3 units at base CSAPR NOx Ozone Season Group 3 sources in the state for such control period exceed the state assurance level.
- (2) The owners and operators shall hold the CSAPR NOx Ozone Season Group 3 allowances required under Condition 139.c.ii(1) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after the year of such control period.
  - (3) Total NOx emissions from all CSAPR NOx Ozone Season Group 3 units at CSAPR NOx Ozone Season Group 3 sources in a state during a control period in a given year exceed the state assurance level if such total NOx emissions exceed the sum, for such control period, of the state NOx Ozone Season Group 3 trading budget under 40 CFR 97.1010(a) and the state's variability limit under 40 CFR 97.1010(e).
  - (4) It shall not be a violation of 40 CFR 97 Subpart GGGGG or of the Clean Air Act if total NOx emissions from all base CSAPR NOx Ozone Season Group 3 units at base CSAPR NOx Ozone Season Group 3 sources in a state during a control period exceed the state assurance level or if a common designated representative's share of total NOx emissions from the base CSAPR NOx Ozone Season Group 3 units at base CSAPR NOx Ozone Season Group 3 sources in the state during a control period exceeds the common designated representative's assurance level.
  - (5) To the extent the owners and operators fail to hold CSAPR NOx Ozone Season Group 3 allowances for a control period in a given year in accordance with Conditions 139.c.ii(1) through 139.c.ii(3) above,
    - (a) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
    - (b) Each CSAPR NOx Ozone Season Group 3 allowance that the owners and operators fail to hold for such control period in accordance with Conditions 139.c.ii(1) through 139.c.ii(3) above and each day of such control period shall constitute a separate violation of 40 CFR 97 Subpart GGGGG and the Clean Air Act.

iii. Compliance periods.

- (1) A CSAPR NO<sub>x</sub> Ozone Season Group 3 unit shall be subject to the requirements under Conditions 139.c.ii(1) and i(2) and 139.c.ii above for the control period starting on the later of May 1, 2021, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.1030(b) and for each control period thereafter.
- (2) A CSAPR NO<sub>x</sub> Ozone Season Group 3 unit shall be subject to the requirements under Conditions 139.c.i(3) and (4) above for the control period starting on the later of May 1, 2024, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.1030(b) and for each control period thereafter.

iv. Vintage of CSAPR NO<sub>x</sub> Ozone Season Group 3 allowances held for compliance.

- (1) A CSAPR NO<sub>x</sub> Ozone Season Group 3 allowance held for compliance with the requirements under Conditions 139.c.ii(1) above for a control period in a given year must be a CSAPR NO<sub>x</sub> Ozone Season Group 3 allowance that was allocated or auctioned for such control period or a control period in a prior year.
- (2) A CSAPR NO<sub>x</sub> Ozone Season Group 3 allowance held for compliance with the requirements under Conditions 139.c.i(2)(a) and 139.c.ii(1) through 139.c.ii(3) above for a control period in a given year must be a CSAPR NO<sub>x</sub> Ozone Season Group 3 allowance that was allocated or auctioned for a control period in a prior year or the control period in the given year or in the immediately following year.

v. *Allowance Management System requirements.* Each CSAPR NO<sub>x</sub> Ozone Season Group 3 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR 97 Subpart GGGGG.

vi. *Limited authorization.* A CSAPR NO<sub>x</sub> Ozone Season Group 3 allowance is a limited authorization to emit one ton or less of NO<sub>x</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:

- (1) Such authorization shall only be used in accordance with the CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program; and
- (2) Notwithstanding any other provision of 40 CFR 97 Subpart GGGGG, the Administrator has the authority to terminate or limit the use and duration of

such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.

- vii. *Property right.* A CSAPR NO<sub>x</sub> Ozone Season Group 3 allowance does not constitute a property right.
- d. Title V permit requirements.
- i. No Title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NO<sub>x</sub> Ozone Season Group 3 allowances in accordance with 40 CFR 97 Subpart GGGGG.
  - ii. A description of whether a unit is required to monitor and report NO<sub>x</sub> emissions using a continuous emission monitoring system (under Subpart H of 40 CFR 75), an excepted monitoring system (under Appendices D and E to 40 CFR 75), a low mass emissions excepted monitoring methodology (under 40 CFR 75.19), or an alternative monitoring system (under Subpart E of 40 CFR 75) in accordance with 40 CFR 97.1030 through 97.1035 may be added to, or changed in, a Title V permit using minor permit modification procedures in accordance with 40 CFR 70.7(e)(2) and 71.7(e)(1), provided that the requirements applicable to the described monitoring and reporting (as added or changed, respectively) are already incorporated in such permit. This paragraph explicitly provides that the addition of, or change to, a unit's description as described in the prior sentence is eligible for minor permit modification procedures in accordance with 40 CFR 70.7(e)(2)(i)(B) and 71.7(e)(1)(i)(B).
- e. Additional recordkeeping and reporting requirements.
- i. Unless otherwise provided, the owners and operators of each CSAPR NO<sub>x</sub> Ozone Season Group 3 source and each CSAPR NO<sub>x</sub> Ozone Season Group 3 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the Administrator.
    - (1) The certificate of representation under 40 CFR 97.1016 for the designated representative for the source and each CSAPR NO<sub>x</sub> Ozone Season Group 3 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.1016 changing the designated representative.

- (2) All emissions monitoring information, in accordance with 40 CFR 97 Subpart GGGGG.
  - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NOx Ozone Season Group 3 Trading Program.
- ii. The designated representative of a CSAPR NOx Ozone Season Group 3 source and each CSAPR NOx Ozone Season Group 3 unit at the source shall make all submissions required under the CSAPR NOx Ozone Season Group 3 Trading Program, except as provided in 40 CFR 97.1018. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a Title V operating permit program in 40 CFR 70 and 71.
- f. Liability.
- i. Any provision of the CSAPR NOx Ozone Season Group 3 Trading Program that applies to a CSAPR NOx Ozone Season Group 3 source or the designated representative of a CSAPR NOx Ozone Season Group 3 source shall also apply to the owners and operators of such source and of the CSAPR NOx Ozone Season Group 3 units at the source.
  - ii. Any provision of the CSAPR NOx Ozone Season Group 3 Trading Program that applies to a CSAPR NOx Ozone Season Group 3 unit or the designated representative of a CSAPR NOx Ozone Season Group 3 unit shall also apply to the owners and operators of such unit.
- g. *Effect on other authorities.* No provision of the CSAPR NOx Ozone Season Group 3 Trading Program or exemption under 40 CFR 97.1005 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NOx Ozone Season Group 3 source or CSAPR NOx Ozone Season Group 3 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

(9VAC5-80-490 and 40 CFR 97.1006)

## **State-Only Enforceable Requirements**

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9VAC5-80-690 concerning review of proposed limits by the EPA and draft permits by affected states.

140. Odor (9VAC5 Chapter 50, Article 2)

(9VAC5-80-490 and 40 CFR 97.1006)