



*Commonwealth of Virginia*

*VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY*

[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

August 23, 2024

Mr. Jonathan W. Paxson  
Superintendent of Waste Disposal  
City of Virginia Beach  
Department of Public Works, Waste Management Division  
Virginia Beach Landfill No. 2  
1989 Jake Sears Road  
Virginia Beach, VA 23464  
[jpaxson@vbgov.com](mailto:jpaxson@vbgov.com)

Location: City of Virginia Beach  
Registration No.: 61322

Dear Mr. Paxson:

Attached is a renewal and significant modification to Title V permit to operate your facility pursuant to 9VAC5 Chapter 80 Article 1 of the Virginia Regulations for the Control and Abatement of Air Pollution. The attached permit will be in effect beginning August 23, 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 January 31, 2019 and solicited written public comments by placing a newspaper advertisement in *The Virginia Pilot* on July 19, 2024. The thirty-day required comment period, provided for in 9VAC5-80-270 expired on August 19, 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 Virginia Beach Landfill No. 2 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:

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

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

If you have any questions concerning this permit, please contact the Tidewater Regional Office at 757-518-2000.

Sincerely,



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

Attachment: Permit

cc: Anita Walthall, DEQ BRRO Air Permit Writer (*electronic*)  
Mariama Ouedraogo, DEQ TRO Air Permit Manager (*electronic*)  
Collin Blalock, DEQ TRO Air Compliance Inspector (*electronic*)  
John Brandt, DEQ TRO Air Compliance Manager (*electronic*)  
Yongtian (Tom) He, PhD, EPA Region III ([he.yongtian@epa.gov](mailto:he.yongtian@epa.gov))  
Maya Whitaker, DEQ Office of Air Permit Programs (OAPP) (*electronic*)



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Federal Operating Permit  
Article 1

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

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

**Permittee Name:** City of Virginia Beach  
Department of Public Works, Waste Management Division  
**Facility Name:** Virginia Beach Landfill No. 2  
**Facility Location:** 1989 Jake Sears Road  
Virginia Beach, Virginia 23464  
**Registration No.:** 61322  
**Permit No.:** TRO - 61322

This permit includes the following programs: Federally Enforceable Requirements - Clean Air Act

August 23, 2024  
Effective Date

August 22, 2029  
Expiration Date

Paul R. Jenkins  
for Robert J. Weld, BRRO Regional Director

August 23, 2024  
Signature Date

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## **Facility Information**

### **Permittee**

City of Virginia Beach  
Department of Public Works, Waste Management Division  
1989 Jake Sears Road  
Virginia Beach, VA 23464

### **Responsible Official**

Jonathan W. Paxson  
Superintendent of Waste Disposal

### **Facility**

Virginia Beach Landfill No. 2  
1989 Jake Sears Road  
Virginia Beach, Virginia 23464

### **Contact Person**

Jonathan W. Paxson  
Superintendent of Waste Disposal  
757-385-1980

County-Plant Identification Number: 51-810-00105

**Facility Description:** NAICS 562212 - Solid Waste Landfill: Establishments primarily engaged in operating landfills for the disposal of nonhazardous solid waste, or the combined activity of collecting and/or hauling materials nonhazardous waste materials within a local areas and operating landfills for the disposal of nonhazardous solid waste. An establishment of this type may produce byproducts, such as methane.

Virginia Beach Landfill No. 2 is a municipal solid waste landfill facility owned and operated by the City of Virginia Beach, Waste Management Division. The facility is Title V “permit by rule” source and an area source for hazardous air pollutants.

## Emission Units

Process Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description*	PCD ID	Pollutant Controlled	Applicable Permit Date
MSW-1		Municipal Solid Waste Landfill (1971); w/ active GCCS	11,611,965 Mg	LFG Specialties, Model 1530, 2000 scfm	PCD-1	VOC, NMOC	July 1, 2024

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

## **Landfill Requirements - (MSW-1, PCD-1)**

### **Limitation**

1. **Landfill Limitation (MSW-1) - Design Capacity** – The design capacity of the landfill is 11,611,965 megagrams. A change in the design capacity may require an air permit to construct and operate.  
(9VAC5-80-110 and Condition 2 of July 1, 2024 Permit Document)
2. **Landfill Limitation (PCD-1) – Visible Emissions** - Visible emissions from the flare (PCD-1) shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A).  
(9VAC5-80-110)

### **Monitoring**

3. **Landfill Monitoring (MSW-1)** - If the calculated non-methane organic compounds (NMOC) emission rate is greater than or equal to 34 Mg (as calculated in 40 CFR 60.35f(a)(1), the permittee shall comply with subsection a, subsection b, or subsections c, d, and e as follows:
  - a. Demonstrate that the NMOC emission rate is less than 34 Mg per year through either Tier 2 testing in accordance with 40 CFR 60.35f(a)(3) or Tier 3 testing in accordance with 40 CFR 60.35f(a)(4) except as provided in 40 CFR 60.35f(a)(5); or
  - b. Demonstrate both of the following:
    - i. Using Tier 1 or Tier 2 that NMOC emissions are greater than or equal to 34 and less than 50 Mg/year, and
    - ii. Surface methane emissions do not exceed 500 ppm demonstrated by Tier 4 monitoring conducted in accordance with 40 CFR 60.35f(a)(6); or
  - c. Submit a landfill gas (LFG) collection and control system design plan meeting the requirements of 40 CFR 60.33f(e)(2) to the Tidewater Regional Office within one year after the first annual report in which the NMOC emission rate is greater than or equal to 34 Mg per year,
  - d. Install a gas collection and control system in compliance with 40 CFR 60.33f(b)(2) and 40 CFR 60.33f(c) within 30 months after the applicable report pursuant to 40 CFR 60.33f(b)(1)(i), and

- e. Operate the installed gas collection and control system in compliance with 40 CFR 60.34f, 60.36f, and 60.37f.
- f. The gas collection and control system may be removed if the provisions of 40 CFR 60.33f(f) are satisfied.

(9VAC5-80-110, 9VAC5-40-5935, 9VAC5-40-5955, 9VAC5-40-5960, 9VAC5-40-5965, and 9VAC5-50-410)

4. **Landfill Monitoring (PCD-1)** - The permittee shall observe the open flare (PCD-1) for no less than two minutes to check for visible emissions at least once per calendar week in which the flare was operated. If visible emissions are detected during the observation or at any time, the permittee shall:
- a. Take timely corrective action such that the flare resumes normal operation with no visible emissions, or,
  - b. Conduct a visible emissions evaluation (VEE), in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) to determine the percent opacity from the flare. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceeds 20 percent opacity, the VEE shall be conducted for a total of 60 minutes. If compliance with Condition 2 is not demonstrated by the VEE, timely and corrective action shall be taken such that the flare resumes operation with visible emissions of 20 percent or less.

The permittee shall record the following in a visible emissions observations log: date and time of each observation, name of the observer, whether there were visible emissions, any VEE recordings and any corrective action taken.

After 6 months in which no visible emissions are detected during the weekly visible emissions observations or at any time, the permittee may reduce the frequency of visible emissions observations at the flare from once per calendar week to once per calendar month. The permittee shall conduct the monthly observations in accordance with the procedures and requirements described above. If visible emissions are observed from the flare at any time, the corrective action procedures or EPA Reference Method 9 testing (or both, if required by Condition 4.b) described above shall be immediately instituted. If Reference Method 9 testing over 60 minutes does not demonstrate compliance with the opacity limit in Condition 2, the permittee shall resume weekly visible emissions observations. After six months in which no visible emissions are detected during the weekly visible emissions observations or at any time, a monthly observation schedule may again be instituted for the flare.

(9VAC5-80-110 E & K)



## Recordkeeping

5. **Landfill Recordkeeping (MSW-1) – On-Site Records** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include, but are not limited to:
- a. Readily accessible, on-site records of the MSW landfill (MSW-1) design capacity.
  - b. Annual calculated mass emission rate of NMOC from the MSW landfill (MSW-1).
  - c. The current amount of solid waste in-place. (Condition 13 of July 1, 2024 Permit Document)
  - d. The year-by-year or average waste acceptance rate. (Condition 13 of July 1, 2024 Permit Document)
  - e. Site-specific values for  $C_{NMOC}$  and  $k$ , if obtained.
  - f. Age of the landfill (MSW-1).
  - g. Description, location, amount, and placement date of all nondegradable refuse, including asbestos and demolition refuse, which are excluded from the waste acceptance rates and from the landfill gas generation calculations. (Condition 13 of July 1, 2024 Permit Document)
  - h. Description and amount of clean daily cover materials which are excluded from the waste acceptance rates and from the landfill gas generation calculations.
  - i. Records sufficient to calculate the facility's emissions on a 12-month rolling basis.
  - j. Records required in 40 CFR 60.39f.
  - k. Installation date and location of all vents, wells, and flares. (Condition 13 of July 1, 2024 Permit Document)
  - l. Scheduled and unscheduled maintenance (Condition 13 of July 1, 2024 Permit Document)
  - m. Results of all visible emissions evaluations.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.  
(9VAC5-80-110 E & K, 9VAC5-40-5970, and 9VAC5-50-50)

## Reporting

6. **Landfill Reporting (MSW-1) – NMOC Emissions Report** - The permittee shall annually, except as provided in 40 CFR 60.38f(c)(3), submit a NMOC emission rate report to the Tidewater Regional Office meeting the requirements of 40 CFR 60.38f(c). Except as provided in Condition 8, one copy of the NMOC emission report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 9.  
(9VAC5-80-110 and 9VAC5-40-5970)
7. **Landfill Reporting (MSW-1) – Closure Report** - Within 30 days of the date the MSW landfill (MSW-1) stopped accepting waste, the permittee shall submit a closure report to the Tidewater Regional Office and comply with 40 CFR 60.38f(e). Except as provided in Condition 8, one copy of the closure report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 9.  
(9VAC5-80-110 and 9VAC5-40-5970)
8. **Landfill Reporting (MSW-1) – Electronic Reporting** - Reports shall be submitted electronically as provided in 40 CFR 60.38f(j). Reports submitted electronically pursuant to 40 CFR 60.38f(j) do not need to also be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 9.  
(9VAC5-80-110 and 9VAC5-40-5970)

## Notification

9. **Landfill Notification (MSW-1)** – The permittee shall furnish written notification to the Tidewater Regional Office of:
  - a. The actual date on which construction of any MSW landfill modification commenced within 30 days after such date.
  - b. The anticipated date of testing under Tiers 2, 3, or 4 to demonstrate NMOC emission rate of the landfill postmarked at least 30 days prior to such date. The Tier 4 notification shall meet the requirements of 40 CFR 60.38f(m).
  - c. The anticipated date of performance tests of the gas collection and control system postmarked at least 30 days prior to such date.

Except as provided in Condition 8, copies of the written notifications referenced in items 9 a. through 9 c. are to be sent to:

Chief, Air Section  
United States Environmental Protection Agency  
Region III, Enforcement & Compliance Assurance Division  
Air, RCRA and Toxics Branch (3ED21)  
Four Penn Center

1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103-2852

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

## Insignificant Emission Units

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

Emission Unit No.	Emission Unit Description	Citation	Pollutant Emitted (9VAC5-80-720 B)	Rated Capacity (9VAC5-80-720 C)
LCS-1	Leachate collection system	9VAC5-80-720 B	VOC	---

This emission unit is presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9VAC5-80-110.  
(9VAC5-80-110)

## Compliance Plan

Not applicable.

## Permit Shield & Inapplicable Requirements

11. **Permit Shield & Inapplicable Requirements** - Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
None identified	---	---

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

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

## **General Conditions**

12. **General Conditions - Federal Enforceability** - All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.  
(9VAC5-80-110)

13. **General Conditions - Permit Expiration**

- a. This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9VAC5-80-80, the right of the facility to operate shall be terminated upon permit expiration.
- b. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
- c. If an applicant submits a timely and complete application for an initial permit or renewal under 9VAC5-80-80 F, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9VAC5 Chapter 80, until the DEQ takes final action on the application under 9VAC5-80-150.
- d. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9VAC5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9VAC5 Chapter 80.
- e. If an applicant submits a timely and complete application under section 9VAC5-80-80 for a permit renewal but the DEQ fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9VAC5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
- f. The protection under subsections F 1 and F 5 (ii) of section 9VAC5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9VAC5-80-80 D, the applicant fails to submit by the deadline specified in writing by the DEQ any additional information identified as being needed to process the application.

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

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

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

(9VAC5-80-110)

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

(9VAC5-80-110)

16. **General Conditions – Recordkeeping and Reporting** – The permittee shall submit the results of monitoring contained in any applicable requirement to the DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9VAC5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; and
- b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
  - i. Exceedances of emissions limitations or operational restrictions;
  - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring or periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
  - iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semiannual reporting period.”

(9VAC5-80-110)

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

- a. The time period included in the certification. The time period to be addressed is January 1 to December 31;
- b. The identification of each term or condition of the permit that is the basis of the certification;
- c. The compliance status;
- d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
- e. Consistent with subsection 9VAC5-80-110, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;
- f. Such other facts as the permit may require to determine the compliance status of the source; and
- g. One copy of the annual compliance certification shall be submitted to the EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

[R3\\_APD\\_Permits@epa.gov](mailto:R3_APD_Permits@epa.gov)

(9VAC5-80-110)

18. **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. The occurrence should also be reported in the next semiannual compliance monitoring report pursuant to Condition 16 of this permit.  
(9VAC5-80-110 F. 2 and Condition 18 of July 1, 2024 Permit Document)
19. **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. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Tidewater Regional Office.  
(9VAC5-80-110 and 9VAC5-20-180)
20. **General Conditions – Severability** – The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.  
(9VAC5-80-110)
21. **General Conditions – Duty to Comply** – The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.  
(9VAC5-80-110)
22. **General Conditions – Need to Halt or Reduce Activity not a Defense** – It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.  
(9VAC5-80-110)
23. **General Conditions – Permit Modification** – A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9VAC5-80-50, 9VAC5-80-1100, 9VAC5-80-1605, or 9VAC5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.  
(9VAC80-110, 9VAC5-80-190, and 9VAC5-80-260)

24. **General Conditions – Property Rights** – The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9VAC5-80-110)
25. **General Conditions – Duty to Submit Information** – The permittee shall furnish to the DEQ, within a reasonable time, any information that the DEQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the DEQ copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the DEQ along with a claim of confidentiality.  
(9VAC5-80-110)
26. **General Conditions – Duty to Submit Information** – Any document (including reports) required in a permit condition to be submitted to the DEQ shall contain a certification by a responsible official that meets the requirements of 9VAC5-80-80 G.  
(9VAC5-80-110)
27. **General Conditions – Duty to Pay Permit Fees** – The owner of any source for which a permit was issued under 9VAC5-80-50 through 9VAC5-80-300 shall pay annual emissions fees, as applicable, consistent with the requirements of 9VAC5-80-310 through 9VAC5-80-350 and annual maintenance fees, as applicable, consistent with the requirements of 9VAC5-80-2310 through 9VAC5-80-2350.  
(9VAC5-80-110, 9VAC5-80-310 et seq., and 9VAC5-80-2310 et seq.)
28. **General Conditions – Fugitive Dust Emission Standards** – During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
  - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
  - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations.



- d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
- e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9VAC5-80-110, 9VAC5-50-90, and Condition 3 of the July 1, 2024 Permit Document)

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

(9VAC5-80-110, 9VAC5-40-20 E, and Condition 16 of July 1, 2024 Permit Document)

30. **General Conditions - Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9VAC5 Chapter 80, Article 1.

(9VAC5-80-110)

31. **General Conditions - Inspection and Entry Requirements** - The permittee shall allow the DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
- b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
- c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

- d. Sample or monitor at reasonable times' substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9VAC5-80-110 and Condition 15 of July 1, 2024 Permit Document)

- 32. **General Conditions - Reopening for Cause** - The permit shall be reopened by the DEQ if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9VAC5-80-80 F. The conditions for reopening a permit are as follows:

- a. The permit shall be reopened if the DEQ or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- b. The permit shall be reopened if the administrator or the DEQ determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- c. The permit shall not be reopened by the DEQ if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9VAC5-80-110 D.

(9VAC5-80-110)

- 33. **General Conditions - Permit Availability** - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to the DEQ upon request.  
(9VAC5-80-110 and 9VAC5-80-150)

- 34. **General Conditions - Transfer of Permits**

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

of the change in source name within 30 days of the name change and shall comply with the requirements of 9VAC5-80-200.

(9VAC5-80-110, 9VAC5-80-160, and Condition 20 of July 1, 2024 Permit Document)

35. **General Conditions - Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9VAC5 Chapter 80 Article 1. The DEQ may suspend, under such conditions and for such period of time as the DEQ may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.  
(9VAC5-80-110, 9VAC5-80-190 C, and 9VAC5-80-260)
36. **General Conditions - Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.  
(9VAC5-80-110 and 9VAC5-80-80 E)
37. **General Conditions - Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.  
(9VAC5-80-110 and 40 CFR Part 82)
38. **General Conditions - Asbestos Requirements** - The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).  
(9VAC5-60-70 and 9VAC5-80-110)
39. **General Conditions - Accidental Release Prevention** - If the permittee has more or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(9VAC5-80-110 and 40 CFR Part 68)

40. **General Conditions - Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.  
(9VAC5-80-110)
41. **General Conditions - Emissions Trading** - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
- a. All terms and conditions required under 9VAC5-80-110, except subsection N, shall be included to determine compliance.
  - b. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
  - c. The owner shall meet all applicable requirements including the requirements of 9VAC5-80-50 through 9VAC5-80-300.

(9VAC5-80-110)