



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

P.O. Box 1105, Richmond, Virginia 23218

(800) 592-5482

www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director
(804) 698-4000

MEMORANDUM

TO: Regional Directors
Regional Air Permit Managers
Regional Air Compliance Managers
Central Office Air Managers

CC: Jeffery A. Steers, Director of Central Operations

FROM: Michael G. Dowd, Director, Air and Renewable Energy Division

SUBJECT: APG-360 – Air Permit Guidance for Processing Non-Metallic Mineral Processing Facility General Permits

DATE: March 31, 2020

Purpose:

The purpose of this document is to formalize guidance surrounding implementation of the Nonmetallic Mineral Processing General Permit (NMMPGP) contained in Chapter 510 of the Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution.

Since promulgation of the NMMPGP in December 2002, DEQ has built the program around discussion and case-specific determinations. This document collects those decisions, adjusts former approaches based on experience, and formalizes guidance based on the near two decades of implementation. This guidance supersedes previous NMMPGP implementation guidance including the November 22, 2002 memo from Yogesh Doshi providing helpful hints for General Permit implementation. The document also provides a comparison of the stringency of the NMMPGP to the current New Source Performance Standard for Nonmetallic Mineral Processing Facilities (40CFR60 Subpart OOO) to facilitate compliance determinations for affected facilities.

Electronic Copy:

Once effective, an electronic copy of this guidance will be available on:

- The Virginia Regulatory Town Hall under the Department of Environmental Quality (<http://www.townhall.virginia.gov/L/gdocs.cfm?agencynumber=440>);

Contact Information:

Please contact Patrick Corbett at 804-698-4016 or patrick.corbett@deq.virginia.gov with any questions regarding the application of this guidance.

Certification:

As required by Subsection B of § 2.2-4002.1 of the APA, the agency certifies that this guidance document conforms to the definition of a guidance document in § 2.2-4101 of the Code of Virginia.

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any alternative method. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

APG-360 – Air Permit Guidance for Processing Non-Metallic Mineral Processing Facility General Permits

A. Authority for General Permits

9VAC5-80-1250 authorizes implementation of Virginia’s minor new source review (minor NSR) permit approvals by issuing General Permits (GPs). Since each GP, and any subsequent change, is a regulation, each GP has to be approved by the State Air Pollution Control Board and issued in accordance with the applicable requirements of the Administrative Process Act. Each GP will only be applicable to equipment in a single source category or equipment type that have the same or similar requirements governing operation, emissions, monitoring, reporting and recordkeeping. Equipment covered under the applicable GP will not be subject to case-by-case standards, determinations and requirements and may operate in accordance with the requirements of the GP as long as it continues to qualify for coverage¹. Authorization to operate under and in compliance with the provisions of a GP satisfy the requirement to obtain a minor NSR permit².

A GP is a regulation not a case-specific minor NSR permit; a GP cannot be altered for a specific case. Every source is subject to the same set of requirements laid out in the particular GP. DEQ reviews any applications, confirms a source qualifies for coverage by a GP, and authorizes the source to operate under the GP. This is a different standard than DEQ’s normal issuance of a case-specific minor NSR permit.

A GP is an option for a source to choose. Nothing in a GP restricts a source’s ability to apply for a case-specific permit pursuant to current regulations for minor NSR.

The Non-Metallic Mineral Processing GP (NMMPGP) was initially promulgated on December 1, 2002 as 9VAC5 Chapter 510. The minor NSR regulations have undergone multiple iterations; therefore, this document references all case-specific permits as “Article 6 permits” regardless of the timeframe the permit was originally issued. This guidance pertains only to the NMMPGP and supersedes previous NMMPGP implementation guidance including the November 22, 2002 memo from Yogesh Doshi providing helpful hints for implementation.

B. Applications

The NMMPGP, at 9VAC5-510-100 and -110, specifies the minimum required information and the form of the initial application by a source for coverage under the NMMPGP. DEQ posts the application documents on the external website with other forms used in the Air Programs (currently <https://www.deq.virginia.gov/Programs/Air/Forms.aspx>).

C. Review of the NMMPGP Application

The application will be reviewed by the DEQ Regional Office to determine if the source meets the qualification criteria for authorization to operate under the NMMPGP. Normally, the Regional Office

¹ It is possible that equipment could be covered by an Article 6 permit prior to a General Permit for that equipment being available. In such cases, any previous permit requirement that is more stringent than the requirements of the General Permit must remain in effect. The General Permit cannot replace a permit issued pursuant to a major NSR program because those programs do not provide for General Permits.

² Minor NSR is satisfied for the covered equipment only. Any equipment that is not part of the General Permit may still be subject to the requirements of the minor NSR program. For example, a boiler at a quarry would not be covered by the nonmetallic mineral general permit or any other General Permit at this time. Therefore, the owner would either need to determine the boiler is exempt from minor NSR or receive a minor NSR permit.

will complete a review of the initial application, and provide a written response to the source within 30 days of receipt of the application.

The review will consist, at a minimum, of:

- A review of the application to determine if it contains all the necessary information to determine if the source qualifies for coverage.
- A review to determine if the information in the application demonstrates that the source meets all of the criteria to qualify for coverage under the NMMPGP.

For a source to qualify for authorization to operate under the NMMPGP, it must meet the definition of “nonmetallic mineral processing facility.” That definition states in part that the facility is “any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located...” Therefore, the NMMPGP can only be used for nonmetallic mineral processing facilities that are engaged in crushing or grinding material. If a crusher is not part of the proposed facility, the NMMPGP cannot be used. A “nonmetallic mineral” is defined in the NMMPGP (9VAC5-510-20) and includes mixtures that are made up of a majority nonmetallic minerals. This means a mixture must be made up of more than 50% nonmetallic mineral. The definition in the NMMPGP is identical to the definition contained in NSPS OOO. DEQ uses the Applicability Determination Index maintained by EPA to facilitate determinations regarding whether or not a material meets the definition of “nonmetallic mineral.” For example, concrete is a nonmetallic mineral because it is a mixture primarily made of nonmetallic minerals; however, construction and demolition debris would be a nonmetallic mineral only if the mixture is made up of a majority of concrete and/or other nonmetallic minerals.

9VAC5-510-50E states, “For any nonmetallic mineral processing facility to be covered by the general permit, all equipment and emissions units at a stationary source that make up the nonmetallic mineral processing facility shall be covered by the general permit.” This means that a source applying for the NMMPGP must include all equipment included in the definition of nonmetallic mineral processing facility in the application. This provision does not prohibit a source from holding both a NMMPGP and an Article 6 permit for the same equipment. Prior to promulgation of the NMMPGP, many facilities had Article 6 permits with specific conditions that may have been more stringent than the NMMPGP requirements. Those permit requirements could not be revoked regardless of the approved coverage under the NMMPGP³. A source may choose to retain the Article 6 permit even if the requirements in the Article 6 permit are not more stringent.

If the Regional Office’s review of the application indicates the information contained in the application is insufficient to determine that the source meets the criteria for coverage contained in the NMMPGP, the Regional Office will inform the source that the application is incomplete and will provide a list of the deficiencies. In this case, the source must provide the necessary information to enable the Regional Office to complete a review to determine NMMPGP coverage.

If the Regional Office determines that the application contains information indicating that the source does not meet all of the criteria for coverage under the NMMPGP, the Regional Office will inform the source that they do not qualify for coverage and will list the criteria that the source failed to meet. The

³ Such conditions may be revoked for other reasons as with any other facility, such as permanent shutdown of the covered emission unit in accordance with 9VAC5-20-220.

source may revise and resubmit their application if they are able to revise their proposal such that it qualifies for authorization to operate under the NMMPGP.

A source cannot be covered by the NMMPGP until a complete application is received and reviewed and the Regional Office has made a determination. Sources that are not exempt from the requirement to obtain an Article 6 permit cannot begin construction without obtaining a permit. While the NMMPGP satisfies that requirement, a source must have authorization to operate under the NMMPGP before beginning construction. Therefore, DEQ's review and authorization to operate under the NMMPGP is necessary prior to beginning construction. If a particular source is exempt from the requirements to obtain an Article 6 preconstruction permit, authorization to operate under the NMMPGP is not necessary but may be requested by the source.

D. Granting or Denying Authority to Operate under the NMMPGP

If after the application review the Regional Office determines that the source qualifies for coverage under the NMMPGP, the Regional Office will grant authority to the source to operate under the terms and conditions of the NMMPGP. The Regional Office will confirm to the source, in writing, that authority is granted to operate under the terms and conditions of the NMMPGP. Once confirmed, DEQ will send the general permit with a cover letter to the source within 30 days from receipt of the complete application. At this point, the source is permitted to construct and operate and must comply with all requirements of the NMMPGP.

If a source refuses to submit information or cannot submit information sufficient to demonstrate eligibility for authorization to operate under the NMMPGP, contact the Office of Air Permit Programs for the proper steps to deny the application.

E. Issues in Implementation

In the years since the initial promulgation of the NMMPGP several issues consistently cause confusion. This section attempts to discuss and clarify the proper paths for handling these issues.

1. Stationary Source

Nothing in the NMMPGP alters the implementation of the definition of "stationary source" or "owner" under Virginia's air pollution control regulations. The following is a brief discussion regarding the definition specific to the NMMPGP. As the NMMPGP is only applicable to nonmetallic mineral processing facilities, all covered equipment is part of the same major SIC group. Where two such facilities are located on contiguous or adjacent properties, the remaining prong is common control. DEQ presumes that when nonmetallic mineral processing equipment is co-located, the equipment is operating together under common control and fits the commonsense notion of a plant. It is important to note that "owner" includes persons leasing or operating equipment, although it is not a necessary distinction because the quarry owner and equipment operator are under common control. With these three prongs satisfied, the collection of nonmetallic mineral processing equipment at a site should be considered a single stationary source. It is highly unlikely these equipment types would co-locate and operate as separate plants for different purposes; attempts to rebut DEQ's presumption should be reviewed skeptically.

Example

A quarry rents portable equipment owned by another company. Regardless of whether or not the rental company (or any other 3rd party) operates the equipment at the quarry, the equipment is

under the control of the quarry and becomes part of the nonmetallic mineral processing facility. The portable equipment must be added to the site's NMMPGP via the notification requirements for modification in 9VAC5-510-120. Both the quarry owner and the portable equipment owner meet the definition of "owner" for the portable equipment during the rental period. When the portable equipment leaves the site, the quarry owner is responsible for the required relocation notification in the NMMPGP. The portable equipment is no longer under control of the quarry owner.

If the portable equipment is subject to an Article 6 permit, the permit continues to apply to the equipment during coverage of the NMMPGP. It is likely the portable equipment owner is the permittee and must continue to comply with the requirements of the permit. The quarry owner is still an owner of the portable equipment and possibly liable for any violations in this situation regardless of which company's employees physically operate the equipment.

It is important to note there are additional owners in these circumstances but there is no transfer of ownership so transfer of ownership notification requirements contained in the NMMPGP, or the Article 6 permit, do not apply.

2. Portable NMMPGPs

Article 6 contains provisions for the exemption of portable facilities if they are covered by a permit or general permit and meet certain other requirements (9VAC5-80-1105A.c). No other provisions discussing how to issue a permit for a portable facility are contained in Article 6. In attempting to implement the portability allowance, DEQ has previously provided coverage of the NMMPGP to portable facilities. This has created complications for DEQ, uncertainty for the regulated community, and a process that does not follow the NMMPGP regulation. Nothing in DEQ's previous choice to allow portability supersedes the criteria a source must meet to be covered by, or any requirements in, the NMMPGP, such as notifications for modification and relocation or the maximum primary crushing capacity requirement.

Based on these many issues surrounding portable facilities being separately covered by the NMMPGP, DEQ has determined that the allowance of portability under the NMMPGP is no longer workable and is ceasing the practice. Sources that currently have "portable NMMPGPs" have been or will be expeditiously notified by the regional offices of the change in approach. Sources will need to submit an Article 6 application to enable the regional office to issue a proper portable Article 6 permit. While a source works with the regional office to address any issues with the application, the source will remain covered by the GP until the Article 6 permit is issued.

The following examples cover the interaction of portable equipment relocating to stationary sources covered by the NMMPGP. These examples assume all of the equipment (portable and stationary) makes up a single stationary source.

- a. A portable facility without a permit locates at a site with a NMMPGP. The site owner verifies the total collection of equipment at the site (original equipment plus the portable equipment) continues to meet the applicability criteria. The site owner must include the portable equipment in the required notification (9VAC5-510-120(1)), making that equipment subject to the NMMPGP while the portable facility is co-located. All equipment at the site, including the portable equipment, must comply with the NMMPGP and any other applicable requirements. The required notification is provided by the site owner when the portable facility relocates away from the site (9VAC5-510-120(2)), rescinding coverage of the NMMPGP for the portable

- equipment. The portable equipment cannot locate at another source unless the equipment becomes subject to an Article 6 permit or obtains coverage under another site's NMMPGP.
- b. A portable facility with an Article 6 permit locates at a site with a NMMPGP. The site owner verifies the total collection of equipment at the site (original equipment plus the portable equipment) continues to meet the applicability criteria. The site owner must include the portable equipment in the required notification, making that equipment subject to the NMMPGP while the portable facility is co-located. All equipment at the site, including the portable equipment, must comply with the NMMPGP and any other applicable requirements for specific emission units, including the portable equipment's Article 6 permit requirements. The site owner submits the required notification when the portable facility relocates away from the site, rescinding coverage of the NMMPGP for the portable equipment. The Article 6 permit continues to apply to the portable equipment.
 - c. Portable nonmetallic mineral processing equipment (no crusher is associated with the equipment) relocates to a site with a NMMPGP. The site owner verifies the total collection of equipment at the site (original equipment plus the portable equipment) continues to meet the applicability criteria. The site owner must include the portable equipment in the notification, making that equipment subject to the NMMPGP while the portable facility is co-located. All equipment at the site, including the portable equipment, must comply with the NMMPGP and any other applicable requirements. A notification is provided by the site owner when the portable facility relocates away from the site, rescinding coverage of the NMMPGP for the portable equipment. If the portable equipment is covered by a portable Article 6 permit, the equipment must comply with both the Article 6 permit and the NMMPGP requirements while co-located and the Article 6 permit continues to apply after leaving the site. Any notification requirements in the Article 6 permit must also be met.

3. Transfers To New Locations

Equipment covered by the NMMPGP is occasionally sold to another entity for use at a different location than originally permitted. The site owner submits the required notification for relocation (9VAC5-510-120(2)). If the new owner wishes to have a facility permitted for permanent operation at another site a new application is required. This scenario constitutes a new stationary source or a project at an existing stationary source under the current Article 6 regulation. This only addresses the situation when the new owner moves equipment to a new location. Other changes in the name or ownership of a site with a NMMPGP are addressed in 9VAC5-510-160.

4. Other Units And Actual Emissions Provision

The potential to emit (PTE) at the site includes all equipment that is part of the stationary source, regardless of whether or not it is nonmetallic mineral processing equipment covered by the NMMPGP. The NMMPGP contains a provision that the actual emissions from the stationary source cannot exceed 99 tons per year. This is not a limit on PTE for the stationary source. While the controls required in the NMMPGP do impact the PTE of the equipment covered, it does not specifically limit emission rates below any particular programmatic threshold. It also does not impact the potential emissions of any equipment at the stationary source that is not part of the "nonmetallic mineral processing facility." A separate case-specific permit may be needed if a source wishes to further limit its PTE below the level resulting from the NMMPGP-required controls.

Example

A primary crusher with a capacity of 500 tons per hour is covered by the NMMPGP, which requires wet suppression. Wet suppression controls the PM emissions resulting from the crusher by 95%, calculated using the current spreadsheet. The PTE of PM for the crusher after authorization to operate under the NMMPGP is the controlled emissions based on 8,760 hours of operation per year at the maximum capacity of 500 tons per hour. In this case, the PTE of PM would go from 1.6 TPY uncontrolled to 0.08 TPY using wet suppression. This controlled value would be added to the PTE of the other equipment at the stationary source to determine applicability of various programs including major NSR. A lower throughput cannot be used in those applicability calculations.

5. Nonoperation Sites

The NMMPGP is not appropriate for regulation of equipment at a site where equipment is only stored (i.e., a warehouse or parking lot); therefore, the NMMPGP is not issued to these storage-only sites.

6. Major New Source Review

The NMMPGP is not appropriate for a stationary source that is a major stationary source under the major New Source Review programs, implemented via Articles 8 and 9. Nothing in the NMMPGP affects the applicability requirements of any permitting program outside of Article 6. Portable facilities that relocate to a PSD-major sized source (for example) may be a “major modification” under Article 8. Prior major NSR conditions cannot be superseded by the NMMPGP. No major NSR program provides for use of General Permits.

7. Changes At Sites And “Issuing” A GP

The concept of issuing a GP has gradually entered the jargon of DEQ and sources. The notion of issuing a GP may be useful in describing the result in familiar Article 6 terms; however, it does introduce the opportunity to cloud one’s thinking regarding the actual process occurring and could lead to inappropriate classification of an outcome. As discussed above, the general permit is a regulation for which a source qualifies and requests authorization to operate under in order to satisfy the preconstruction review requirements of Article 6. DEQ does not “issue” GPs to sources per se but agrees/confirms the source qualifies for and is therefore authorized to operate under the GP. For an initial request, the terminology of “issuing a GP” is a misnomer that does not cause programmatic problems since the initial authorization to operate under the GP is conceptually similar to issuing a case-specific Article 6 permit.

Confusion can arise when a site covered by the NMMPGP adds or removes equipment, or when a portable facility moves from site to site. Utilizing terminology such as “issuing the GP” in these cases misrepresents the process. The owner must adhere to the NMMPGP at all times the site is covered by the NMMPGP. In the case of changes at a site (the addition or removal of nonmetallic mineral processing equipment whether portable/temporary or permanent), the provision of 9VAC5-510-120 must be followed, requiring action by the owner such as updating the equipment spreadsheet as well as notifying DEQ. Presumably the owner will recognize if the proposed changes will result in the site no longer qualifying for the NMMPGP, prompting the appropriate actions; however, if DEQ determines that after the changes the site no longer qualifies for authorization to operate under the NMMPGP, other regulatory provisions will apply beyond the scope of this document. The change provisions of 9VAC5-510-120 require no action by DEQ; a site that continues to qualify for coverage is automatically provided such authorization to operate under the NMMPGP once these provisions are met. There is no issuance, re-issuance, amendment,

or modification of the NMMPGP that occurs in that situation. In fact, DEQ is not required to respond to these required notifications. At this time, DEQ is reviewing and responding to modification notifications. This decision is a balance of resource constraints and the benefits of certainty to stakeholders. With regard to these notifications (not the initial application and authorization to operate), there is no requirement in the NMMPGP that a source wait for a response from DEQ; however, the source is required to continually meet the NMMPGP applicability provisions and all of the NMMPGP requirements for any emission units added through this provision.

8. 9VAC5-510-120 Addition/Relocation Notification Timeframes

The NMMPGP requires a source to notify “the regional director” at least 15 days before the equipment is installed unless otherwise approved by the regional director. Questions regarding this provision arise pertaining to the timeframes that could be approved by the regional director. Regional Air Program staff currently believe the majority of notifications could be reviewed if they were submitted within 5 days of the proposed change. As the source is ultimately responsible for ensuring each covered site continues to qualify for the NMMPGP, those provisions are easily determined, and the NMMPGP does not require a response by DEQ, neither this shorter notification allowance nor the submittal of a notification provides a defense for a violation if later review indicates the site ceased to qualify for authorization to operate under the NMMPGP.

Sources receive authorization to operate under the general permit for construction, modification, and relocation of nonmetallic mineral processing facility. The NMMPGP requires notification to the regional director for the addition or relocation of an emission unit. DEQ needs this notification to ensure that equipment added to a facility does not affect the authorization to operate under the NMMPGP (i.e., verify the facility continues to meet the applicability criteria). Companies often own their own portable equipment, which they move from location to location as needed to meet production demands. This equipment is easily identifiable and tracked since it is owned and operated by the owner of the location where the equipment operates. DEQ has determined that when portable equipment is owned by the same entity that owns the quarries where the portable equipment operates, a source may place all equipment, including the portable equipment that may operate at a site in the initial application for authorization to operate under the NMMPGP. For such sites the notifications for added equipment and relocated equipment in 9VAC5-510-120 would not be required for the portable equipment as it has already been authorized to operate (permit to construct, modify, and relocate) at the sites in question. For quarries that have already received their initial authorization, a new request for authorization to operate under the NMMPGP, including the portable equipment, may be requested for each affected quarry. Authorizations to operate in this fashion are not “portable” NMMPGPs or authorizations to operate the portable equipment at any other sites.

9. Interaction Of NSPS Updates

As noted in this document, the NMMPGP is a regulation that is not easily changed. EPA has updated their NSPS Subpart OOO relating to nonmetallic mineral processing equipment. While changes to the NSPS do not require changes to the NMMPGP, or vice versa, DEQ has created a document to compare the stringency of the requirements of each rule with respect to equipment covered by the NMMPGP. DEQ will maintain this list if any changes to the NSPS are promulgated. The current version of the list is contained in Appendix A.

APG-360 Appendix A – NSPS OOO comparison with Nonmetallic Mineral Processing General Permit

Highlighted provisions are the more stringent

Equipment Manufactured or Fabricated on or Prior to August 31, 1983

Regulations	Emission Standards	Controls	Monitoring	Testing
<p>General Permit</p>	<p>All Equipment^c:</p> <ul style="list-style-type: none"> • Opacity of 20% when averaged over a six-minute period [9VAC5-510-190 A.1] • Fugitive Dust / Emission Controls as required by 9VAC5-510-190 C.1 through 4. <p>[9VAC5-510-190 C]</p> <p>Emission Sources with Fabric Filter Exhaust:</p> <ul style="list-style-type: none"> • Emission rates for facilities located in AQCR 7 shall not exceed the limits in Table 510A (see 9VAC5-40-270). • Emission rates for facilities located in the remainder of the Commonwealth, 0.05 grains/dscf (ref: Article 14 (9VAC5-40-1820 et seq.) of 9VAC5 Chapter 40). <p>[9VAC5-510-190 B.1.a and b]</p>	<p>Fugitive Dust / Emission Controls as required by 9VAC5-510-190 C.1-4.</p> <p>[9VAC5-510-190 C]</p>	<p>The permittee may install, calibrate, operate and maintain equipment for continuously monitoring and recording emissions or process parameters or both, and establish and maintain records, and make periodic emission reports as necessary to determine the actual emissions for the facility.</p> <p>Upon request of the DEQ, the permittee shall install, calibrate, maintain and operate equipment for continuously monitoring and recording emissions or process parameters or both as are necessary to determine the type or amount or both of the pollutants emitted from the facility or whether the facility will be in compliance with 9 VAC 5-510-190 or any other provisions of any regulation of the board.</p> <p>The emission monitoring conducted shall be carried out in accordance with the provisions of 9 VAC 5 Chapters 40 (9 VAC 5-40-10 et seq.), 50 (9 VAC 5-50-10 et seq.) or 60 (9 VAC 5-60-10 et seq.), as applicable, and 40 CFR 60.674 or by other means acceptable to the DEQ</p> <p>Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring shall be conducted sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the general permit, as reported pursuant to 9 VAC 5-510-220 C 1. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements.</p> <p>[9VAC5-510-210]</p>	<p>The permittee may conduct emission tests, establish and maintain records, and make periodic emission reports as necessary to determine the actual emissions for the nonmetallic mineral processing facility.</p> <p>Upon request of the department, the permittee shall conduct emission tests as are necessary to determine the type or amount or both of the pollutants emitted from the facility or whether the facility will be in compliance with 9 VAC 5-510-190 or any other provisions of any regulation of the board.</p> <p>Visible Emissions – Method 9 or method 22 Grain loading evaluations – Method 5 or Method 17 [9VAC5-510-200]</p>
<p>NSPS Subpart OOO</p>	<p>No requirements under NSPS Subpart OOO. [40 CFR 60.670 (e)]</p>	<p>No requirements under NSPS Subpart OOO. [40 CFR 60.670 (e)]</p>	<p>Not subject to NSPS Subpart OOO. [40 CFR 60.670 (e)]</p>	<p>Not subject to NSPS Subpart OOO. [40 CFR 60.670 (e)]</p>

Equipment Constructed, Modified, or Reconstructed after August 31, 1983, but before April 22, 2008

Regulations	Emission Standards	Controls	Monitoring	Testing
<p>General Permit</p>	<p>Fugitive Emission Sources ^c:</p> <ul style="list-style-type: none"> Crushing: primary and secondary—15% opacity, tertiary—7% opacity Screening, conveyor transfers, and surge bins--10% opacity Wash plants--no visible emissions from wet screening and subsequent processing up to next crusher or storage bin Other nonspecific emission points including loadout and stationary diesel engines are limited to 10% opacity <p>[9VAC5-510-190 A.2 and 3]</p> <p>Emission Sources with fabric filter exhaust:</p> <ul style="list-style-type: none"> 0.05 g/dscm (0.022 gr/dscf) <p>[9VAC5-510-190 B.2]</p> <ul style="list-style-type: none"> Fabric filter exhausts--7% opacity <p>[9VAC5-510-190 A.2.c]</p>	<p>Fugitive Dust / Emission Controls as required by 9VAC5-510-190 C.1-4. [9VAC5-510-190 C]</p>	<p>The permittee may install, calibrate, operate and maintain equipment for continuously monitoring and recording emissions or process parameters or both, and establish and maintain records, and make periodic emission reports as necessary to determine the actual emissions for the facility.</p> <p>Upon request of the DEQ, the permittee shall install, calibrate, maintain and operate equipment for continuously monitoring and recording emissions or process parameters or both as are necessary to determine the type or amount or both of the pollutants emitted from the facility or whether the facility will be in compliance with 9 VAC 5-510-190 or any other provisions of any regulation of the board.</p> <p>The emission monitoring conducted shall be carried out in accordance with the provisions of 9 VAC 5 Chapters 40 (9 VAC 5-40-10 et seq.), 50 (9 VAC 5-50-10 et seq.) or 60 (9 VAC 5-60-10 et seq.), as applicable, and 40 CFR 60.674 or by other means acceptable to the DEQ</p> <p>Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring shall be conducted sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the general permit, as reported pursuant to 9 VAC 5-510-220 C 1. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements.</p> <p>[9VAC5-510-210]</p>	<p>The permittee may conduct emission tests, establish and maintain records, and make periodic emission reports as necessary to determine the actual emissions for the nonmetallic mineral processing facility.</p> <p>Upon request of the department, the permittee shall conduct emission tests as are necessary to determine the type or amount or both of the pollutants emitted from the facility or whether the facility will be in compliance with 9 VAC 5-510-190 or any other provisions of any regulation of the board.</p> <p>Visible Emissions – Method 9 or method 22 Grain loading evaluations – Method 5 or Method 17</p>
<p>NSPS Subpart OOO</p>	<p>Fugitive Emission Sources:</p> <ul style="list-style-type: none"> Crushers—15% opacity Grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations or from any other affected facility (as defined in §§60.670 and 60.671)—10% opacity <p>[40 CFR 60, Subpart OOO, Table 3]</p> <p>Emission Sources with dry capture systems (i.e. fabric filter exhaust):</p> <ul style="list-style-type: none"> 0.05 g/dscm (0.022 gr/dscf) ^a 7% opacity ^b <p>[40 CFR 60, Subpart OOO, Table 2]</p>	<p>Subpart OOO does not specify any particular control technology be used. Rather, Subpart OOO specifies emissions limits that must be met by affected facilities. Affected facilities can meet the Subpart OOO emission limits using whatever mechanisms they choose (e.g., wet suppression water sprays, etc.)</p>	<p>No monitoring requirements in NSPS Subpart OOO.</p>	<p>Initial Performance Tests: Fugitive Emissions from crushers, conveyor belts, screening operations, and other affected facilities:</p> <ul style="list-style-type: none"> Visible Emissions – Method 9 <p>Units with dry capture system (i.e. fabric filter) and a building that encloses the units:</p> <ul style="list-style-type: none"> Visible Emissions – Method 9 <p>Units with dry capture system (i.e. fabric filter) and vents from a building that encloses units (except for a system that controls only an individual enclosed storage bin):</p> <ul style="list-style-type: none"> Performance Test for PM – Method 5 or 17 <p>Repeat Performance Tests: Repeat performance tests shall be conducted for compliance with fugitive visible emissions limits within 5 years from the previous performance test from affected facilities without water sprays. Affected facilities controlled by water carryover from upstream water sprays that are inspected according to the requirements in §60.674(b) and §60.676(b) are exempt from this 5-year repeat testing requirement.</p>

Equipment Constructed, Modified, or Reconstructed on or after April 22, 2008

Regulations	Emission Standards	Controls	Monitoring	Testing
<p>General Permit</p>	<p>Fugitive Emission Sources ^c:</p> <ul style="list-style-type: none"> Crushing: primary and secondary—15% opacity, tertiary—7% opacity Screening, conveyor transfers, and surge bins--10% opacity Wash plants--no visible emissions from wet screening and subsequent processing up to next crusher or storage bin Other nonspecific emission points including loadout and stationary diesel engines are limited to 10% opacity [9VAC5-510-190 A.2 and 3] <p>Emission Sources with fabric filter exhaust:</p> <ul style="list-style-type: none"> 0.05 g/dscm (0.022 gr/dscf) [9VAC5-510-190 B.2] Fabric filter exhausts--7% opacity [9VAC5-510-190 A.2.c] 	<p>Fugitive Dust / Emission Controls as required by 9VAC5-510-190 C.1-4. [9VAC5-510-190 C]</p>	<p>The permittee may install, calibrate, operate and maintain equipment for continuously monitoring and recording emissions or process parameters or both, and establish and maintain records, and make periodic emission reports as necessary to determine the actual emissions for the facility.</p> <p>Upon request of the DEQ, the permittee shall install, calibrate, maintain and operate equipment for continuously monitoring and recording emissions or process parameters or both as are necessary to determine the type or amount or both of the pollutants emitted from the facility or whether the facility will be in compliance with 9 VAC 5-510-190 or any other provisions of any regulation of the board.</p> <p>The emission monitoring conducted shall be carried out in accordance with the provisions of 9 VAC 5 Chapters 40 (9 VAC 5-40-10 et seq.), 50 (9 VAC 5-50-10 et seq.) or 60 (9 VAC 5-60-10 et seq.), as applicable, and 40 CFR 60.674 or by other means acceptable to the DEQ</p> <p>Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring shall be conducted sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the general permit, as reported pursuant to 9 VAC 5-510-220 C 1. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements. [9VAC5-510-210]</p>	<p>The permittee may conduct emission tests, establish and maintain records, and make periodic emission reports as necessary to determine the actual emissions for the nonmetallic mineral processing facility.</p> <p>Upon request of the department, the permittee shall conduct emission tests as are necessary to determine the type or amount or both of the pollutants emitted from the facility or whether the facility will be in compliance with 9 VAC 5-510-190 or any other provisions of any regulation of the board.</p> <p>Visible Emissions – Method 9 or method 22 Grain loading evaluations – Method 5 or Method 17</p>
<p>NSPS Subpart OOO</p>	<p>Fugitive Emission Sources:</p> <ul style="list-style-type: none"> Crushers—12% opacity Grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations or from any other affected facility (as defined in §§60.670 and 60.671)—7% opacity [40 CFR 60, Subpart OOO, Table 3] <p>Emission Sources with dry capture system (i.e. fabric filter exhaust):</p> <ul style="list-style-type: none"> 0.032 g/dscm (0.014 gr/dscf) ^a Not applicable (except for individual enclosed storage bins) Individual enclosed storage bins with dry capture system i.e. fabric filters - 7% opacity [40 CFR 60, Subpart OOO, Table 2] 	<p>Subpart OOO does not specify any particular control technology be used. Rather, Subpart OOO specifies emissions limits that must be met by affected facilities. Affected facilities can meet the Subpart OOO emission limits using whatever mechanisms they choose (e.g., wet suppression water sprays, etc.)</p>	<p>For facilities using wet suppression:</p> <ul style="list-style-type: none"> Perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression systems. Initiate corrective action within 24 hours and complete corrective action as expediently as practical if the Permittee finds that water is not flowing properly during an inspection of the water spray nozzles. If an affected facility relies on water carryover from upstream water sprays to control fugitive emissions, then that affected facility is exempt from the 5-year repeat testing requirement specified in Table 3 of 40 CFR 60 Subpart OOO provided that the affected facility meets the criteria listed below: <ul style="list-style-type: none"> The permittee conducts periodic inspections of the upstream water spray(s) that are responsible for controlling fugitive emissions from the affected facility. These inspections are conducted according to §60.676(b), and The owner or operator of the affected facility designates which upstream water spray(s) will be periodically inspected at the time of the initial performance test required. <p>[40 CFR 60.674 (b)]</p> <p>For facilities using a baghouse (i.e. fabric filter):</p> <ul style="list-style-type: none"> Conduct quarterly visible emissions inspections using EPA Method 22 while the baghouse is in operation. If any visible emissions are observed, the Permittee must initiate corrective action within 24 hours to return the baghouse to normal operation; OR Install, operate, and maintain a bag leak detection system according to specifications and requirements listed in 40 CFR 60.674(d)(1). The Permittee must develop and submit for approval a site-specific monitoring plan for each bag leak detection system. The Permittee must operate and maintain the bag leak detection system according to the approved site-specific monitoring plan at all times. The Permittee must initiate procedures to determine the cause of an alarm within 1 hour of the alarm. The cause of the alarm must be alleviated within 3 hours of the alarm by taking any corrective action necessary. <p>[40 CFR 60.674 (c)]</p>	<p>Initial Performance Tests: Fugitive Emissions from crushers, conveyor belts, screening operations, and other affected facilities:</p> <ul style="list-style-type: none"> Visible Emissions – Method 9 <p>Units with dry capture system (i.e. fabric filter) and a building that encloses the units:</p> <ul style="list-style-type: none"> Visible Emissions – Method 9 <p>Units with dry capture system (i.e. fabric filter) and vents from a building that encloses units (except for a system that controls only an individual enclosed storage bin):</p> <ul style="list-style-type: none"> Performance Test for PM – Method 5 or 17 <p>If a building encloses affected facilities that commenced construction, modification, or reconstruction on or after April 22, 2008, the Permittee must conduct an initial Method 9 performance test.</p> <p>Repeat Performance Tests: Repeat performance tests shall be conducted for compliance with fugitive visible emissions limits within 5 years from the previous performance test from affected facilities without water sprays. Affected facilities controlled by water carryover from upstream water sprays that are inspected according to the requirements in §60.674(b) and §60.676(b) are exempt from this 5-year repeat testing requirement.</p>

Notes:

- a – Exceptions to the PM limit apply for individual enclosed storage bins and other equipment. See §60.672(d) through (f).
- b – The stack opacity limit and associated opacity testing requirements do not apply for affected facilities using wet scrubbers.
- c – The opacity standards prescribed under this subsection shall apply at all times except during periods of startup, shutdown, malfunction