

NONMETALLIC MINERAL PROCESSING GENERAL PERMIT (9 VAC 5 CHAPTER 510)

9 VAC 5 CHAPTER 510.
NONMETALLIC MINERAL PROCESSING GENERAL PERMIT.

PART I.
Definitions.

9 VAC 5-510-10. General.

A. For the purpose of this chapter or any orders issued by the board, the words or terms shall have the meanings given them in 9 VAC 5-510-20.

B. Unless specifically defined in the Virginia Air Pollution Control Law or in this chapter, terms used shall have the meaning given them by 9 VAC 5-10-20 (general definitions, Regulations for the Control and Abatement of Air Pollution), 9 VAC 5-170-20 (definitions, Regulation for General Administration), or commonly ascribed to them by recognized authorities, in that order of priority.

9 VAC 5-510-20. Terms defined.

"Actual emissions" means the actual emissions of a pollutant from a stationary source or emissions unit reflecting the rate, in tons per year, at which the source or unit actually emitted the pollutant during the most recent annual period. Actual emissions shall be calculated using the source or unit's actual operating hours, in place emission controls, production rates, and types of materials processed, stored, or combusted during the annual period. Valid continuous emission monitoring data or source test data shall be

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preferentially used to determine actual emissions. In the absence of valid continuous emissions monitoring data or source test data, the basis for determining actual emissions shall be any or all of the following as may be determined by the department: throughputs of process materials; throughputs of materials stored; usage of materials; data provided in manufacturer's product specifications, material volatile organic compound content reports or laboratory analyses; other information required by this chapter and other regulations of the board; or information requested in writing by the department. All calculations of actual emissions shall use U.S. [EPA Environmental Protection Agency] or department approved methods, including emission factors and assumptions.

"Annual period" means a period of twelve consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.

"Federal operating permit" means a permit issued pursuant to Article 1 (9 VAC 5-80-50 et seq.) of Part II of 9 VAC 5 Chapter 80.

"Fugitive dust" means particulate matter composed of soil or other materials, or both, of natural origin. Fugitive dust may include emissions from haul roads, wind erosion of exposed surfaces and storage piles and other activities in which the material is either removed, stored, transported or redistributed.

"Fugitive emissions" means emissions which are generated by industrial or other

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activities and which do not pass through a stack, chimney, vent or other functionally equivalent opening, but which may escape from openings (such as windows, doors, ill-fitting closures or poorly maintained equipment) or material handling equipment.

"General permit" means the terms and conditions in Part IV [(9 VAC 5-510-170 et seq.)] of this chapter that meet the requirements of Part III [(9 VAC 5-510-90 et seq.)] of this chapter and issued under the provisions 9 VAC 5-80-1030 and 9 VAC 5-80-1250.

"New source review program" means a program for the preconstruction review and permitting of new stationary sources or emissions units or expansions to existing ones in accordance with regulations promulgated to implement the requirements of §§ 110(a)(2)(C), [112 (relating to permits for hazardous air pollutants),] 165 (relating to permits in prevention of significant deterioration areas), [and] 173 (relating to permits in nonattainment areas)], ~~and 112 (relating to permits for hazardous air pollutants)]~~ of the federal Clean Air Act.

"Nonmetallic mineral" means any of the following minerals or any mixture of which the majority is any of the following minerals:

1. Crushed and broken stone, including limestone, dolomite, granite, traprock, sandstone, quartz, quartzite, marl, marble, slate, shale, oil shale, and shell.

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2. Sand and gravel.

3. Clay including kaolin, fireclay, bentonite, fuller's earth, ball clay, and common clay.

4. Rock salt.

5. Gypsum.

6. Sodium compounds, including sodium carbonate, sodium chloride, and sodium sulfate.

7. Pumice.

8. Gilsonite.

9. Talc and pyrophyllite.

10. Boron, including borax, kernite, and colemanite.

11. Barite.

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12. Fluor spar.

13. Feldspar.

14. Diatomite.

15. Perlite.

16. Vermiculite.

17. Mica.

18. Kyanite, including andalusite, sillimanite, topaz, and dumortierite.

"Nonmetallic mineral processing facility" means any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants, or any other facility processing nonmetallic minerals. Includes activity at facilities where the primary purpose is classified as Standard Industrial Classification (SIC) Code 1411, 1422, 1423, 1429, 1442, 1446, 1455, 1459, and 1499 as described in the Standard Industrial Classification Manual (see 9 VAC 5-20-21). Includes stationary diesel engines. Also includes activity at facilities classified under other SIC codes that may be colocated within

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the nonmetallic mineral processing area, unless they are expressly excluded by this chapter.

"Permittee" means the owner of a nonmetallic mineral processing facility covered under this general permit.

"Portable facility" means any nonmetallic mineral processing facility that is mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit.

"Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is state and federally enforceable.

"Relocation" means a change in physical location of a nonmetallic mineral processing facility or an emissions unit from one nonmetallic mineral processing facility to

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another nonmetallic mineral processing facility.

"Spreadsheet" means the Aggregate Processing Emission Calculation Spreadsheet and the Stationary Diesel Engine Emission Calculation Spreadsheet.

"State operating permit" a permit issued pursuant to Article 5 (9 VAC 5-80-800 et seq.) of Part II of 9 VAC 5 Chapter 80.

PART II.

GENERAL PROVISIONS.

9 VAC 5-510-30. Purpose and basis.

A. The purpose of the general permit is to require the owners of existing and new emissions units in the nonmetallic mineral processing industry to construct, modify, relocate and operate within the terms and conditions of a general permit that forms the legally enforceable basis for all regulatory and statutory requirements.

B. This general permit is being issued under the authority of 9 VAC 5-80-1030 and 9 VAC 5-80-1250.

C. This chapter does not require any owner to apply for coverage under the general

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permit but provides the opportunity for an owner to apply for coverage if the nonmetallic mineral processing facility meets the applicability criteria in 9 VAC 5-510-40 and all other requirements of this chapter.

9 VAC 5-510-40. Applicability.

A. This chapter applies to any nonmetallic mineral processing facility.

B. This chapter applies throughout the Commonwealth of Virginia.

C. Nothing in this section shall prevent any owner of a stationary source from obtaining authorization to operate the nonmetallic mineral processing facilities under the general permit while operating the remainder of the source under any permit issued pursuant to 9 VAC 5 Chapter 80 [(9 VAC 5-80-10 et seq.)].

9 VAC 5-510-50. General.

A. The permittee shall operate the stationary source in conformance with all applicable regulations of the board.

B. Nonmetallic mineral processing facilities desiring authority to operate under the general permit shall register with the department as required under 9 VAC 5-20-160. For

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emissions units or groups of emissions units covered, the completion or updating of the spreadsheet shall be considered registration.

C. No provision of this chapter shall limit the power of the board to issue an operating permit pursuant to 9 VAC 5 Chapter 80 [(9 VAC 5-80-10 et seq.)].

D. This chapter shall not relieve any stationary source from complying with requirements of (i) any otherwise applicable permit issued under 9 VAC 5 Chapter 80 [(9 VAC 5-80-10 et seq.)], (ii) any condition or term of any permit issued under 9 VAC 5 Chapter 80 [(9 VAC 5-80-10 et seq.)], or (iii) any provision of a permit program. This chapter shall not preclude issuance of any permit with conditions or terms necessary to ensure compliance with this chapter.

E. 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.

F. By the adoption of this chapter, the board confers upon the department the administrative, enforcement and decision making authority enumerated herein.

G. [The act of granting or denying an application for authority to operate under the general permit shall not be subject to judicial review. The promulgation of amendments to

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this regulation shall invalidate any authorization to operate under the general permit 12 months after the effective date of the amendments. Owners may reapply for authorization to operate under the amended general permit and the department may grant the authorization to operate as provided in 9 VAC 5-510-150.]

H. Any decisions of the board or department made pursuant to this chapter may be appealed pursuant to 9 VAC 5-170-200[, § 10.1-1318 of the Virginia Air Pollution Control Law, and the Administrative Process Act].

I. This general permit may not be used to meet the requirements of 9 VAC 5-80-120.

9 VAC 5-510-60. Existence of permit no defense.

The existence of a permit under this chapter shall not constitute a defense of a violation of the Virginia Air Pollution Control Law or the regulations of the board and shall not relieve any owner of the responsibility to comply with any applicable regulations, laws, ordinances and orders of the governmental entities having jurisdiction.

9 VAC 5-510-70. Circumvention.

A. No owner or other person shall cause or permit the installation or use of any

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device or any means which, without resulting in reduction in the total amount of air pollutants emitted, conceals or dilutes an emission of air pollutants which would otherwise violate this chapter. Such concealment includes, but is not limited to, either of the following:

1. The use of gaseous diluents to achieve compliance with a visible emissions standard or with a standard which is based on the concentration of a pollutant in gases discharged to the atmosphere.

2. The piecemeal carrying-out of an operation to avoid coverage by a standard that applies only to operations larger than a specified size.

B. This section does not prohibit the construction of a stack.

C. Regardless of the exemptions provided in this chapter, permits shall be required of owners who circumvent the requirements of this chapter by causing or allowing a pattern of ownership or development over a geographic area of a source which, except for the pattern of ownership or development, would otherwise require a permit.

9 VAC 5-510-80. Enforcement of a general permit.

A. The following general requirements apply:

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1. Pursuant to § 10.1-1322, failure to comply with any term or condition of the general permit shall be considered a violation of the Virginia Air Pollution Control Law.

2. Authorization to operate under the general permit may be revoked ~~or terminated~~ if the owner does any of the following:

a. Knowingly makes material misstatements in the application for coverage or any amendments thereto.

b. Violates, fails, neglects or refuses to comply with (i) the terms or conditions of the permit, (ii) any applicable requirements, or (iii) the applicable provisions of this chapter.

3. The department may suspend, under such conditions and for such period of time as the department may prescribe, any authorization to operate under the general permit for any of the grounds for revocation ~~or termination~~ contained in subdivision 2 of this subsection or for any other violations of the regulations of the board.

~~4. Upon revocation of the authorization to operate under the general permit, the owner may request reauthorization to operate under the general permit and the department may grant the request at its discretion upon resolution of the issues that led to~~

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revocation.]

B. The following requirements apply with respect to penalties:

1. An owner who violates or fails, neglects or refuses to obey any provision of this chapter or the Virginia Air Pollution Control Law, any applicable requirement, or any permit term or condition shall be subject to the provisions of § 10.1-1316 of the Virginia Air Pollution Control Law.

2. Any owner who knowingly violates any provision of this chapter or the Virginia Air Pollution Control Law, any applicable requirement, or any permit term or condition shall be subject to the provisions of § 10.1-1320 of the Virginia Air Pollution Control Law.

3. Any owner who knowingly makes any false statement, representation or certification in any form, in any notice or report required by a permit, or who knowingly renders inaccurate any required monitoring device or method shall be subject to the provisions of § 10.1-1320 of the Virginia Air Pollution Control Law.

C. The following requirements apply with respect to appeals:

1. The department ~~shall~~ will] notify the applicant in writing of its decision.

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with its reasons, to [deny,] suspend[- or revoke or terminate] the authorization to operate under the general permit in accordance with the Administrative Process Act.

2. Appeal from any decision of the department under subdivision 1 of this subsection may be taken [pursuant to as provided by] 9 VAC 5-170-200, § 10.1-1318 of the Virginia Air Pollution Control Law, and the Administrative Process Act.

D. The following requirements apply with respect to inspections and right of entry:

1. The director, as authorized under § 10.1-1307.3 of the Virginia Air Pollution Control Law and 9 VAC 5-170-60, has the authority to require that air pollution records and reports be made available upon request and to require owners to develop, maintain, and make available such other records and information as are deemed necessary for the proper enforcement of the general permit.

2. The director, as authorized under § 10.1-1307.3 of the Virginia Air Pollution Control Law, has the authority, upon presenting appropriate credentials to the owner, to do the following:

a. Enter without delay and at reasonable times any business establishment, construction site, or other area, workplace, or environment in the Commonwealth; and

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b. Inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, without prior notice, unless such notice is authorized by the department or its representative, any such business establishment or place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and question privately any such employer, officer, owner, operator, agent, or employee. If such entry or inspection is refused, prohibited, or otherwise interfered with, the department shall have the power to seek from a court having equity jurisdiction an order compelling such entry or inspection.

E. The board may enforce the general permit through the use of other enforcement mechanisms such as consent orders and special orders. The procedures for using these mechanisms are contained in 9 VAC 5-170-80 and 9 VAC 5-170-120 and in §§ 10.1-1307 D, 10.1-1309, and 10.1-1309.1 of the Virginia Air Pollution Control Law.

PART III.

GENERAL PERMIT ADMINISTRATIVE PROCEDURES.

9 VAC 5-510-90. Requirements for [department issuance of authority granting an authorization to construct, modify, relocate and] operate under the general permit.

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A. The department may ~~issue grant an authorization to construct, modify, relocate and~~ operate under the general permit for a source that meets the applicability criteria in 9 VAC 5-510-40. ~~[The authorization to operate may include an authorization to construct, modify and relocate the source operating under the general permit.]~~

B. After ~~issuance of the initial authorization to construct, modify, relocate and~~ operate under the general permit has been granted] for a nonmetallic mineral processing facility, new and modified emissions units at the facility may operate under the general permit in accordance with the terms and conditions of the general permit.

C. Stationary sources or emissions units subject to the general permit shall comply with all requirements applicable to other permits issued under 9 VAC 5 Chapter 80 [(9 VAC 5-80-10 et seq.)].

D. The general permit ~~[shall be is]~~ issued in accordance with § ~~[9-6.14:4.1 C-11 2.2-~~ 4006 A 9] of the Administrative Process Act.

9 VAC 5-510-100. Applications for coverage under the general permit and notices of termination.

A. Nonmetallic mineral processing facilities that qualify for the general permit may apply to the department for coverage under the terms and conditions of the general permit.

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B. A single application is required identifying each emissions unit or groups of emissions units to be covered by the general permit. The application shall be submitted according to the requirements of this section, 9 VAC 5-510-110 and procedures approved by the department. Where several emissions units are included in one stationary source, a single application covering all units in the source shall be submitted. A separate application is required for each stationary source subject to this chapter.

C. The application shall meet the requirements of this chapter and include all information necessary to determine qualification for and to assure compliance with the general permit.

D. Coverage under the general permit may be terminated by the permittee by filing a completed notice of termination [as specified in 9 VAC 5-510-130 B]. The notice of termination shall be filed in situations (i) where all emissions associated with the facility authorized by the general permit are eliminated, (ii) when the facility authorized by the general permit has been determined to be shutdown in accordance with 9 VAC 5-20-220, or (iii) where the facility is covered by a permit issued under the provisions of 9 VAC 5 Chapter 80 [(9 VAC 5-80-10 et seq.)].

E. Any application form, report, compliance certification, or other document required to be submitted to the department under this chapter shall meet the requirements

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of 9 VAC 5-20-230.

E. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in an application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

9 VAC 5-510-110. Required information for initial applications.

A. The department [~~shall will~~] furnish application forms to applicants. The information required by this section shall be determined and [~~presented submitted~~] according to procedures and methods acceptable to the department.

B. Each initial application for coverage under the general permit shall include, but not be limited to, the following:

1. Information specified in 9 VAC 5-510-130 [A].

2. Additional information that the department deems necessary to implement and enforce other requirements of the regulations of the board or to determine the applicability of such requirements.

3. Any additional information or documentation that the department deems

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necessary to review and analyze the air pollution aspects of the source.

4. Compliance certification information as follows shall be included: a certification of compliance with all applicable requirements by a responsible official.

9 VAC 5-510-120. Required information for modifications and relocations.

The following information is required prior to modification of a facility or relocation of an emission unit:

1. The permittee shall provide written notification to the regional director, including a revised spreadsheet and a plant layout or flow diagram each time equipment is installed at a facility. The notification shall be submitted at least 15 days before the equipment is installed at the facility unless otherwise approved by the regional director.

2. The permittee shall provide written notification to the regional director, including a revised spreadsheet and a plant layout or flow diagram, each time an emissions unit is relocated. This notification shall be submitted within 15 days of the date the emissions unit leaves the facility, unless otherwise approved by the regional director.

9 VAC 5-510-130. Application statement and notice of termination forms.

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A. The required statement for initial applications shall be in the following form:

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APPLICATION STATEMENT

(please print or type)

1. Name of company:

2. Name of owner:

3. Name of plant:

4. Mailing address:

5. Plant site manager or contact:

6. Telephone number:

7. Fax number:

8. Registration number:

(new sites leave blank)

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9. Project name:

10. Description of activity (minerals processed):

11. Primary standard industrial classification (SIC) code:

 Secondary SIC codes:

12. County:

13. Location:

14. A spreadsheet and a plant layout or flow diagram for all emissions units at the nonmetallic mineral processing facility for which the application is submitted. The following information shall be included for each piece of equipment:

a. The total rated crushing capacity for all primary crushers at the facility.

b. A description of the equipment, including applicability of any standard of performance under 40 CFR Part 60, as follows:

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- i. Widths of belt conveyors.

- ii. Dimensions of the top screen and configuration (e.g. triple deck) of the screening unit.

- iii. Rated capacity (ton/hr) of each crusher.

- iv. Rated capacity (ton or ton/hr) of all other equipment not exempt from new source review program requirements.

- c. A unique ID number.

- d. The date the equipment was manufactured.

- e. The dates any required performance testing was conducted and submitted to the regional director.

- f. Total rated horsepower of all stationary diesel engines.

- g. Maximum hours of operation or gallons of fuel to be consumed, for each stationary diesel engine.

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h. A description and accounting of all emissions of regulated air pollutants from all emissions units or groups of emissions units. Emissions shall be determined in a manner acceptable to the department. Fugitive emissions shall be included in the application as provided in the spreadsheet.

15. Calculations on which the information in subdivision 14 h of this subsection is based to the extent not covered in the spreadsheet. Any calculations shall include sufficient detail to permit assessment of the validity of the calculations and to enable the department to verify the actual emissions and potential to emit for the stationary source. This may include, but not be limited to, the following:

a. Actual and potential emissions in tons per annual period for each emissions unit or group of emission units.

b. Information needed to determine emissions as follows: fuels, fuel use, raw materials, production rates, loading rates, and operating schedules.

c. Identification and description of air pollution control equipment and compliance monitoring devices or activities.

16. Attach to this application an aerial photo or scale map which clearly shows the property boundaries and plant site.

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Certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signatures:_____

Date:

Signatures:_____

Date:

Name of persons signing above:

(printed or typed)

(printed or typed)

Titles:

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For Department use only:

Accepted/Not accepted by:

Date:

Required attachments:

1. Local government certification form (greenfield sites only)
2. Spreadsheet and a plant layout or flow diagram
3. Aerial photo or scale map

B. The required notice of termination shall be in the following form:

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NOTICE OF TERMINATION

1. Nonmetallic mineral processing general permit number:
2. Reason for termination request (Choose one):

a. The emissions associated with facility have been eliminated.

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b. The facility authorized by the general permit has been determined to be shutdown in accordance with 9 VAC 5-20-220.

c. A permit has been issued for the facility covered by the general permit issued under the provisions of 9 VAC 5 Chapter 80 [(9 VAC 5-80-10 et seq.)].

3. On what date do you wish coverage under this general permit to terminate?

4. Facility owner

Name:

Mailing address:

City:

State:

Zip code:

Phone:

5. Facility location

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Name:

Address:

City:

State:

Zip code:

6. Certification:

"I certify under penalty of law that all emissions associated with the identified facility have been eliminated, that the facility authorized by the general permit has been determined to be shutdown in accordance with 9 VAC 5-20-220, or that a permit has been issued covering the facility under the provisions of 9 VAC 5 Chapter 80 [(9 VAC 5-80-10 et seq.)]. I understand that by submitting this notice of termination, I am no longer authorized to operate under the general permit. I also understand that the submittal of this notice of termination does not release an owner from liability for any violations of this permit under the Air Pollution Control Law."

Signatures:

Date:

Date:

Name of persons signing above:

(printed or typed)

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(printed or typed)

Titles:

9 VAC 5-510-140. General permit content.

A. The general permit issued under this chapter [shall will] include the elements provided in this section.

B. The general permit [shall will] contain terms and conditions setting forth the applicable emission standards and requirements sufficient to assure compliance with the regulations of the board.

C. The general permit [shall will] contain terms and conditions setting forth the following requirements with respect to emission testing sufficient to assure compliance with the emission standards and requirements of the permit:

1. Requirements providing that owners of nonmetallic mineral processing facilities subject to the general permit may conduct emission tests, establish and maintain records, and make periodic emission reports as necessary to determine the actual emissions for the facility.

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2. For cases where the owner elects to use the emission testing to determine the actual emissions for the facility, the permit [shall will] prescribe the procedures for the conduct of the emission tests.

D. The general permit [shall will] contain terms and conditions setting forth the following requirements with respect to emission monitoring sufficient to assure compliance with the emission standards and requirements of the permit:

1. Requirements providing that owners of nonmetallic mineral processing facilities subject to the general permit 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.

2. For cases where the owner elects to use the emission monitoring to determine the actual emissions for the facility, the permit [shall will] prescribe the procedures for the installation, calibration, operation and maintenance of equipment for continuously monitoring and recording emissions or process parameters or both.

E. The general permit [shall will] contain terms and conditions setting forth the following requirements concerning recordkeeping and reporting sufficient to assure

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compliance with the emission standards and requirements of the permit:

1. Requirements providing that owners of nonmetallic mineral processing facilities subject to the general permit shall establish and maintain records, provide notifications and reports, revise reports, report emission tests or monitoring results in a manner and form and using procedures as the general permit may prescribe.

2. [The permit shall prescribe the] Procedures for providing notifications and reports, revising reports, maintaining records or reporting emission test or monitoring [result results].

F. The general permit [shall will] contain terms and conditions with respect to enforcement sufficient to assure compliance with the emission standards and requirements of the permit.

G. The general permit [shall will] contain terms and conditions setting forth the following requirements with respect to compliance sufficient to assure compliance with the terms and conditions of the permit:

1. Requirements providing for compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit.

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2. Requirements providing for inspection and entry sufficient to assure compliance with the terms and conditions of the permit. At a minimum the permit [~~shall~~ will] require that, upon presentation of credentials and other documents as may be required by law, the owner shall allow the department 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.

H. The permit [~~shall~~ will] contain terms and conditions pertaining to other requirements as may be necessary to ensure compliance with the regulations of the board.

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the Virginia Air Pollution Control Law and the federal Clean Air Act.

9 VAC 5-510-150. [~~Issuance of Granting~~] an authorization to operate under the general permit.

A. The department [~~shall will~~] grant authorization to operate under the conditions and terms of the general permit to sources that meet the applicability criteria set forth in 9 VAC 5-510-40.

B. [~~The issuance of Granting~~] an authorization to operate under the general permit to a nonmetallic mineral processing facility covered by the general permit [~~shall not require compliance with is not subject to~~] the public participation procedures under § [~~9-6.14:4.1 C 11 2.2-4006 A 9~~] of the Administrative Process Act.

C. A response to each application for coverage under the general permit [~~shall will~~] be provided within 30 days.

D. Nonmetallic mineral processing facilities covered under a general permit [~~shall will~~] be issued a letter, a certificate, or any other document which would attest that the facility is authorized to operate under the general permit. The document [~~shall will~~] be accompanied by a copy of the general permit and the application submitted by the permittee.

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E. The letter, certificate or other document, along with the copy of the general permit, application and 40 CFR Part 60, subpart OOO, shall be retained by the department and at the stationary source.

9 VAC 5-510-160. Transfer of authorizations to operate under the general permit.

A. No person shall transfer an authorization to operate under the general permit from one stationary source to another 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 permit issued [or authorization to operate under the general permit granted] to the previous owner. The new owner shall notify the department of the change in ownership within 30 days of the transfer.

C. In the case of a name change of a stationary source, the owner shall comply with any permit issued [or authorization to operate under the general permit granted] under the previous source name. The owner shall notify the department of the change in source name within 30 days of the name change.

PART IV.

GENERAL PERMIT TERMS AND CONDITIONS.

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9 VAC 5-510-170. General permit.

Any owner whose application is accepted by the director will receive the following permit and shall comply with the requirements in it and be subject to all requirements of this chapter and the regulations of the board.

General Permit No.: [Air510]

Effective date: [(effective date of chapter)]

GENERAL PERMIT FOR NONMETALLIC MINERAL PROCESSING

In compliance with the provisions of the Air Pollution Control Law and regulations adopted pursuant to it, owners of nonmetallic mineral processing facilities are authorized to operate under the authority of this permit, except those where board regulations or policies prohibit such operation.

This general permit covers all owners of activities located at nonmetallic mineral processing facilities where the primary purpose is classified as Standard Industrial Classifications 1411, 1422, 1423, 1429, 1442, 1446, 1455, 1459, and 1499.

NONMETALLIC MINERAL PROCESSING GENERAL PERMIT (9 VAC 5 CHAPTER 510)

The authorization to operate under this permit shall be in accordance with this cover page, 9 VAC 5-510-180 – [~~Emission Standards and Requirements~~ General Terms and Conditions], 9 VAC 5-510-190 – Emission Standards, 9 VAC 5-510-200 – Compliance Determination and Verification by Emission Testing, 9 VAC 5-510-210 – Compliance Determination and Verification by Emission Monitoring, 9 VAC 5-510-220 – Recordkeeping Requirements, 9 VAC 5-510-230 – Reporting Requirements, 9 VAC 5-510-240 - Compliance Certifications, and 9 VAC 5-510-250 - Enforcement, as specified in 9 VAC 5-510-180 through 9 VAC 5-510-250.

9 VAC 5-510-180. [~~Emission standards and requirements~~ General terms and conditions].

A. The permittee may construct and operate a nonmetallic mineral processing facility in accordance with conditions of this permit located within the boundaries of the Commonwealth of Virginia, except those where board regulations or policies prohibit such activities.

B. Sources operating under this permit shall operate in compliance with the standards set in 9 VAC 5 Chapters 40 [(9 VAC 5-40-10 et seq.)] , 50 [(9 VAC 5-50-10 et seq.)] and 60 [(9 VAC 5-60-10 et seq.)] and other applicable provisions of the regulations of the board.

C. Sources operating under this permit shall meet the emission standards in 9 VAC

NONMETALLIC MINERAL PROCESSING GENERAL PERMIT (9 VAC 5 CHAPTER 510)

5-510-190 [of this general permit] in order to continue to operate under the authority of this permit.

D. The permittee shall comply with the terms and conditions of the general permit prior to commencing any physical or operational change or activity which will result in making the facility subject to the new source review program.

E. If the permittee makes any change in the design or operation of the facility which will result in making the facility subject to the new source review program, he shall evidence the change in writing to the department within 30 days of implementation of the change.

E. The permittee shall not make any changes in design or operation of the affected facility which will result in actual emissions that exceed the emission standards specified in 9 VAC 5-510-190 [of this general permit].

9 VAC 5-510-190. Emissions standards.

A. The permittee shall not cause or allow to be discharged into the atmosphere from any covered emissions units any visible emissions in excess of the limits specified in subdivisions 1, 2 and 3 of this subsection.

NONMETALLIC MINERAL PROCESSING GENERAL PERMIT (9 VAC 5 CHAPTER 510)

1. Equipment manufactured or fabricated on or prior to August 31, 1983, shall not exceed an opacity of 20% when averaged over a six-minute period.

2. Equipment manufactured or fabricated after August 31, 1983, shall comply with 40 CFR Part 60, Subpart 000, 9 VAC 5-50-260 and the following standards:

a. Crushing: primary and secondary--15% opacity, tertiary--7% opacity.

b. Screening, conveyor transfers, and surge bins--10% opacity.

c. Fabric filter exhausts--7% opacity.

d. Wash plants--no visible emissions from wet screening and subsequent processing up to next crusher or storage bin.

3. Other nonspecific emission points including loadout and stationary diesel engines are limited to 10% opacity.

4. The opacity standards prescribed under this [article subsection] shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard. [This subdivision shall apply only to (i) emission units,

NONMETALLIC MINERAL PROCESSING GENERAL PERMIT (9 VAC 5 CHAPTER 510)

the construction, modification or relocation of which commenced on or after March 17, 1972; and (ii) emission units, the reconstruction of which commenced on or after December 10, 1976.]

B. The permittee shall not cause or allow to be discharged into the atmosphere from any covered emissions units any particulate matter in excess of the limits specified in subdivisions 1 and 2 of this subsection.

1. Fabric filter exhausts controlling equipment manufactured or fabricated on or prior to August 31, 1983, shall not exceed [0.05 grains/dscf as provided in Article 14 of 9 VAC 5 Chapter 40 the following limits:

a. For facilities located in AQCR 7, the limits in Table 510A (ref: 9 VAC 5-40-270).

b. For facilities located in the remainder of the Commonwealth, 0.05 grains/dscf (ref: Article 14 (9 VAC 5-40-1820 et seq.) of 9 VAC 5 Chapter 40)].

[TABLE 510A

<u>Process Weight Rate</u>	<u>Maximum Allowable Emission Rate</u>
<u>Lb/Hr</u>	<u>Lb/Hr</u>

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<u>100</u>	<u>0.050</u>	<u>0.46</u>
<u>150</u>	<u>0.075</u>	<u>0.66</u>
<u>200</u>	<u>0.100</u>	<u>0.85</u>
<u>250</u>	<u>0.125</u>	<u>1.03</u>
<u>300</u>	<u>0.150</u>	<u>1.20</u>
<u>350</u>	<u>0.175</u>	<u>1.35</u>
<u>400</u>	<u>0.200</u>	<u>1.50</u>
<u>450</u>	<u>0.225</u>	<u>1.63</u>
<u>500</u>	<u>0.250</u>	<u>1.77</u>
<u>550</u>	<u>0.275</u>	<u>1.85</u>
<u>600</u>	<u>0.300</u>	<u>2.01</u>
<u>650</u>	<u>0.325</u>	<u>2.12</u>
<u>700</u>	<u>0.350</u>	<u>2.24</u>
<u>750</u>	<u>0.375</u>	<u>2.34</u>
<u>800</u>	<u>0.400</u>	<u>2.43</u>
<u>850</u>	<u>0.425</u>	<u>2.53</u>
<u>900</u>	<u>0.450</u>	<u>2.62</u>
<u>950</u>	<u>0.475</u>	<u>2.72</u>
<u>1000</u>	<u>0.500</u>	<u>2.80</u>
<u>1100</u>	<u>0.55</u>	<u>2.97</u>
<u>1200</u>	<u>0.60</u>	<u>3.12</u>

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<u>1300</u>	<u>0.65</u>	<u>3.26</u>
<u>1400</u>	<u>0.70</u>	<u>3.40</u>
<u>1500</u>	<u>0.75</u>	<u>3.54</u>
<u>1600</u>	<u>0.80</u>	<u>3.66</u>
<u>1700</u>	<u>0.85</u>	<u>3.79</u>
<u>1800</u>	<u>0.90</u>	<u>3.91</u>
<u>1900</u>	<u>0.95</u>	<u>4.03</u>
<u>2000</u>	<u>1.00</u>	<u>4.14</u>
<u>2100</u>	<u>1.05</u>	<u>4.24</u>
<u>2200</u>	<u>1.10</u>	<u>4.34</u>
<u>2300</u>	<u>1.15</u>	<u>4.44</u>
<u>2400</u>	<u>1.20</u>	<u>4.55</u>
<u>2500</u>	<u>1.25</u>	<u>4.64</u>
<u>2600</u>	<u>1.30</u>	<u>4.74</u>
<u>2700</u>	<u>1.35</u>	<u>4.84</u>
<u>2800</u>	<u>1.40</u>	<u>4.92</u>
<u>2900</u>	<u>1.45</u>	<u>5.02</u>
<u>3000</u>	<u>1.50</u>	<u>5.10</u>
<u>3100</u>	<u>1.55</u>	<u>5.18</u>
<u>3200</u>	<u>1.60</u>	<u>5.27</u>
<u>3300</u>	<u>1.65</u>	<u>5.36</u>
<u>3400</u>	<u>1.70</u>	<u>5.44</u>

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<u>3500</u>	<u>1.75</u>	<u>5.52</u>
<u>3600</u>	<u>1.80</u>	<u>5.61</u>
<u>3700</u>	<u>1.85</u>	<u>5.69</u>
<u>3800</u>	<u>1.90</u>	<u>5.77</u>
<u>3900</u>	<u>1.95</u>	<u>5.85</u>
<u>4000</u>	<u>2.00</u>	<u>5.93</u>
<u>4100</u>	<u>2.05</u>	<u>6.01</u>
<u>4200</u>	<u>2.10</u>	<u>6.08</u>
<u>4300</u>	<u>2.15</u>	<u>6.15</u>
<u>4400</u>	<u>2.20</u>	<u>6.22</u>
<u>4500</u>	<u>2.25</u>	<u>6.30</u>
<u>4600</u>	<u>2.30</u>	<u>6.37</u>
<u>4700</u>	<u>2.35</u>	<u>6.45</u>
<u>4800</u>	<u>2.40</u>	<u>6.52</u>
<u>4900</u>	<u>2.45</u>	<u>6.60</u>
<u>5000</u>	<u>2.50</u>	<u>6.67</u>
<u>5500</u>	<u>2.75</u>	<u>7.03</u>
<u>6000</u>	<u>3.00</u>	<u>7.37</u>
<u>6500</u>	<u>3.25</u>	<u>7.71</u>
<u>7000</u>	<u>3.50</u>	<u>8.05</u>
<u>7500</u>	<u>3.75</u>	<u>8.39</u>
<u>8000</u>	<u>4.00</u>	<u>8.71</u>

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<u>8500</u>	<u>4.25</u>	<u>9.03</u>
<u>9000</u>	<u>4.50</u>	<u>9.36</u>
<u>9500</u>	<u>4.75</u>	<u>9.67</u>
<u>10000</u>	<u>5.00</u>	<u>10.00</u>
<u>11000</u>	<u>5.50</u>	<u>10.63</u>
<u>12000</u>	<u>6.00</u>	<u>11.28</u>
<u>13000</u>	<u>6.50</u>	<u>11.89</u>
<u>14000</u>	<u>7.00</u>	<u>12.50</u>
<u>15000</u>	<u>7.50</u>	<u>13.13</u>
<u>16000</u>	<u>8.00</u>	<u>13.74</u>
<u>17000</u>	<u>8.50</u>	<u>14.36</u>
<u>18000</u>	<u>9.00</u>	<u>14.97</u>
<u>19000</u>	<u>9.50</u>	<u>15.58</u>
<u>20000</u>	<u>10.00</u>	<u>16.19</u>
<u>30000</u>	<u>15.00</u>	<u>22.22</u>
<u>40000</u>	<u>20.00</u>	<u>28.30</u>
<u>50000</u>	<u>25.00</u>	<u>34.30</u>
<u>60000 or more</u>	<u>30.00 or more</u>	<u>40.00]</u>

2. Fabric filter exhausts controlling equipment manufactured or fabricated after August 31, 1983, shall not exceed 0.05 g/dscm (0.022 grains/dscf) [as provided in (ref: 40 CFR Part 60, Subpart 000)].

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C. Fugitive dust/emissions controls shall include the following or equivalent as a minimum:

1. Fugitive dust/emissions from drills, stockpiles, material handling, screens, crushers, load-outs, and traffic areas shall be controlled by wet suppression or equivalent.

2. All material being stockpiled subject to windblown emissions shall be kept moist to control dust during storage and handling or covered at all times to minimize emissions.

3. Haul roads shall be controlled by wet suppression or equivalent.

4. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Materials spilled or tracked onto public paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.

D. In order to operate under the authority of this permit, a nonmetallic mineral processing facility shall not exceed any of the following:

1. The total rated crushing capacity for all primary crushers at the facility,

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including portable stone processing equipment temporarily located at the site, shall not exceed 5,000 tons per hour.

2. The total amount of fuel to be consumed by all stationary diesel engines, including portable equipment temporarily located at the site, shall not exceed 331,022 gallons of fuel per annual period.

3. The total actual emissions of any regulated pollutant from the stationary source shall not exceed 99 tons per annual period. [Particulate matter emissions shall be used to determine compliance with this subdivision only if particulate matter (PM₁₀) emissions cannot be quantified in a manner acceptable to the department.]

E. The fuel used in stationary diesel engines shall be distillate oil or diesel fuel meeting ASTM specifications for No. 1 or No. 2 distillate oil or diesel fuel.

9 VAC 5-510-200. Compliance determination and verification by emission testing.

A. 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.

B. Upon request of the department, the permittee shall conduct emission tests as

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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.

C. The emission testing conducted under this section shall be carried out in accordance with subdivisions 1 and 2 of this subsection or the provisions of 9 VAC 5 Chapters 40 [(9 VAC 5-40-10 et seq.)], 50 [(9 VAC 5-50-10 et seq.)] and 60 [(9 VAC 5-60-10 et seq.)], as applicable, or by other means acceptable to the department.

1. Visible emissions evaluations shall be conducted in accordance with 40 CFR Part 60, Subpart A, Method 9 or Method 22, as applicable.

2. Grain loading evaluations shall be conducted in accordance with 40 CFR Part 60, Subpart A, Method 5 or Method 17, as applicable.

9 VAC 5-510-210. Compliance determination and verification by emission monitoring.

A. 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 nonmetallic mineral processing facility.

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B. Upon request of the department, 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.

C. The emission monitoring conducted under this [article section] 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 department.

D. Where the applicable requirement cited in subsection C of this section 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 [subdivision 1 of 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 of this subsection.

9 VAC 5-510-220. Recordkeeping requirements.

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A. The permittee shall comply with the recordkeeping requirements in this section.

The recordkeeping requirements of this permit shall not replace any recordkeeping requirement contained in other state or federal rules or regulations.

B. The permittee shall maintain records for each emission unit or groups of emission units sufficient to determine the actual emissions of the nonmetallic mineral processing facility. The permittee shall maintain records of emission data and operating parameters necessary to demonstrate compliance with this permit. These records shall be available for inspection by the department and shall be current for the most recent three years.

C. To meet the requirements of 9 VAC 5-510-210 with respect to recordkeeping, the permittee shall comply with the following:

1. Records of monitoring information shall include the following:

a. The date, place as defined in the [authorization to operate under the general] permit, and time of sampling or measurements.

b. The date(s) analyses were performed.

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c. The company or entity that performed the analyses.

d. The analytical techniques or methods used.

e. The results of such analyses.

f. The operating conditions existing at the time of sampling or measurement.

2. Records of all monitoring data and support information shall be retained for at least three 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.

D. The recordkeeping requirements under this section 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.)] and 60 [(9 VAC 5-60-10 et seq.)], as applicable, or by other means acceptable to the department.

E. In order to ensure the proper operation of air pollution control equipment, the permittee shall perform the following:

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1. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance to air pollution control equipment. These records shall be maintained on site for three years and shall be made available to department upon request.

2. Maintain an inventory of spare parts needed to minimize the duration of air pollution control equipment breakdowns.

9 VAC 5-510-230. Reporting requirements.

A. The permittee shall comply with the reporting requirements in this section. Any document (including reports) required by a permit term or condition to be submitted to the department shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-510-100 E.

B. The permittee shall submit, according to procedures established by the department, an annual emissions update. Any additional information requested by the department under this subsection shall be submitted to the department within 30 days of the date of request.

C. To meet the requirements of 9 VAC 5-510-210 with respect to reporting, the

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permittee shall submit reports of any required monitoring at least every six months. All instances of deviations from permit requirements shall be clearly identified in such reports.

D. The permittee shall furnish written notification to the department and the regional office of the U.S. Environmental Protection Agency of the following:

1. The actual date on which construction or installation or modification or reconstruction or relocation of any emission unit commenced, postmarked within 30 days after that date.

2. The actual startup date of the emission unit within 15 days after that date.

3. The anticipated date of visible emissions evaluations for affected facilities subject to 40 CFR Part 60, subpart OOO postmarked at least 30 days prior to that date.

4. The anticipated date of stack emissions tests of the affected facilities subject to 40 CFR Part 60, subpart OOO postmarked at least 30 days prior to that date.

E. Within 30 days of completion, the permittee shall furnish written notification of equipment replacement, to include the following information, as applicable (for crushing, grinding, screening, elevator/belt conveying, bagging, storage bins, and truck/rail enclosed loading stations):

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1. The rated capacity, in tons per hour, of the crusher being replaced; and the replacement crusher.

2. The total surface area of the top screen deck of:

a. The screening operation being replaced; and

b. The replacement screening operation.

3. The conveyor belt width of:

a. The conveyor operation being replaced; and

b. The replacement conveyor.

4. The rated storage capacity, in tons, of:

a. The bins being replaced; and

b. The replacement bins.

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5. A description of the control device used to reduce particulate matter emissions from the equipment and a list of all other pieces of equipment controlled by the same device.

6. The estimated age of the emissions units being replaced.

7. The identification of the emission standards applicable to the equipment being replaced and the replacement equipment.

E. The permittee shall comply with the reporting requirements of 9 VAC 5-20-180 concerning facility and control equipment maintenance or malfunction.

9 VAC 5-510-240. Compliance.

A. The department [~~shall~~ will] evaluate a nonmetallic mineral processing facility's compliance with the emission standards in 9 VAC 5-510-190 as part of the department's annual compliance process. In performing the evaluation, the department [~~shall~~ will] consider any annual emission update submitted pursuant to 9 VAC 5-510-230.

B. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the department to perform the following:

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1. 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.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

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

Department representatives [shall will] report to the site office and notify a company official or representative of their presence immediately upon entering any operation, as required by Mine Safety and Health Agency standards. For purposes of this condition, the time for inspection shall be deemed reasonable during regular business hours or whenever the facility is in operation. Nothing contained herein shall make an inspection time unreasonable during an emergency.

9 VAC 5-510-250. Enforcement.

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A. Violation of this permit is subject to the enforcement provisions including, but not limited to, those contained in 9 VAC 5 Chapter 170 [(9 VAC 5-170-10 et seq.)] and §§ 10.1-1309, [10.1-1309.1,] 10.1-1311 and 10.1-1316 of the Virginia Air Pollution Control Law.

B. 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.

C. The permittee shall comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Virginia Air Pollution Control Law and is grounds (i) for enforcement action or (ii) for [termination, suspension or revocation and reissuance, or modification] of the authorization to operate under the general permit.

D. 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.

E. The authorization to operate under the general permit may be [suspended or revoked and reissued or terminated for cause as specified in 9 VAC 5-510-80. The filing by the permittee of a (i) request by the permittee for authorization revocation and reissuance reauthorization to operate under the general permit, or termination, or of a (ii)

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notification of termination,] planned changes or anticipated noncompliance does not stay any permit condition.

E. The owner of the nonmetallic mineral processing facility shall be subject to enforcement action under 9 VAC 5-510-80 for operation without a permit if the facility is later determined by the department not to qualify for the conditions and terms of the general permit.

G. The general permit does not convey any property rights of any sort, or any exclusive privilege.

H. The permittee shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for [modifying, suspending or revoking and reissuing, or terminating] the authorization to operate under the general permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department 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 department along with a claim of confidentiality [meeting the requirements of 9 VAC 5-170-60].

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CERTIFICATION

REGULATION 9 VAC 5 CHAPTER 510, REVISION BG
CONCERNING
NONMETALLIC MINERAL PROCESSING GENERAL PERMIT

I certify that this regulation is full, true, and correctly dated.

Signature: _____

Name of Certifying Official: Robert G. Burnley

Title: Director

Agency: Department of Environmental Quality

Date: _____