

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR DIVISION**

INTRA AGENCY MEMORANDUM

TO: File

FROM: Mary E. Major
Environmental Program Manager

SUBJECT: Meeting Minutes - Technical Advisory Committee Concerning Qualified Energy Generators using Biomass (Rev. Cg)

DATE: February 23, 2009

INTRODUCTION

A meeting of the technical advisory committee concerning qualified energy generators using biomass was held in the 2nd Floor Conference Rooms B and C, Department of Environmental Quality, 629 E. Main Street, Richmond, Virginia. A record of meeting attendees is attached.

Start: 10:00 a.m.

End: 1:30 p.m.

Subcommittee Members Present:

Mr. Tony Banks, Virginia Farm Bureau Federation
Mr. Matt Faulconer, Rappahannock Electric Cooperative
Mr. Randy Bush, Virginia Forest Products Association
Ms. Rebekah Remick, Minor NSR Coordinator, DEQ
Ms. Patty Buonviri, Air Toxics Coordinator, DEQ
Mr. Jerome Brooks, Compliance Manager, DEQ
Ms. Mary E. Major, Office of Regulatory Affairs, DEQ

Subcommittee Members Absent:

Dr. Foster A Agblevor, Ph.D., Biological Systems Engineering, Virginia Tech
Mr. Ian Heatwole, Weyers Cave, VA
Mr. Oren Heatwole, Dayton, VA
Mr. H. Dean Price, Red Birch Energy, LLC
Mr. Paul R. Howe, Virginia Forestry Association
Ms. Kathleen VanDerhyde
Ms. Donna L. Wirick, Intrinergy

Mr. Donald Bishop, Cumberland, VA
Mr. Ken Moss, Piedmont BioProducts, LLC

Public Attendees:

Mr. W. Dean Kaiser, Stratus Environmental Solutions, representing the American Home Furnishings Alliance

SUMMARY OF DISCUSSION

Discussion: Ms. Major began the meeting by reviewing the items to be discussed during the meeting including two presentations; one addressing waste issues and the other water. The group would then review the language in the draft general permit and review the draft permit application.

Item 1. Presentation by Mr. Jeff Steers, Director, Office of Waste Permitting and Compliance, Waste Division of DEQ.

Mr. Steers reviewed the waste issues that might be applicable for sources using biomass under the biomass general permit and explained that biomass classified as a waste derived fuel product (WDFP) would be exempt from permitting. WDFP is defined as a solid waste or combination of solid wastes that have been treated (altered physically, chemically or biologically) to produce a fuel product with a minimum heating value of 5,000 BTU per pound. Other material used in the process that did not meet that definition would be considered refuse derived fuel (RDF) and would require a permit. RDF is defined as fuel produced from solid or liquid waste including materials customarily referred to as refuse and other discarded materials or both which has been segregated and classified which results in a relatively homogenous mixture. Permitting of RDF may be accomplished under the solid waste regulations Permit by Rule provisions. A fact sheet was provided that reviewed solid waste permitting for biomass.

Item 2. Presentation by Mr. Neil Zahradka, Manager, Office of Land Application Programs

Mr. Zahradka provided a review of the biosolids/water issues that might impact the biomass general permit, in particular the Virginia Pollution Abatement program. He explained that the program was authorized under the federal Clean Water Act which requires a permit to discharge into state waters. The law also addresses the need to permit sources or activities that have the potential to impact state waters which is the reason for the Virginia Pollution Abatement program. He explained that proposals for facilities that use biomass other than biosolids would be evaluated on a case-by-case basis to determine whether or not coverage under a VPA permit would be necessary. (Biosolids are materials from wastewater treatment plants that have been treated and are suitable for land application as fertilizer.) Any facility that stores sewage sludge would be required to obtain a VPA permit. Facilities that receive sewage sludge to be converted to energy would be evaluated on a case-by-case basis to determine whether or not it would be necessary to obtain a VPA permit. Compliance with the EPA Section 503 regulations would be required.

Item 3. Discussion of draft general permit.

The group began the review of the draft permit starting with the definitions, in particular the definition of qualified energy generator. The legislative definition reads as follows:

"Qualified energy generator" means a commercial facility located in the Commonwealth (i) with the capacity annually to generate no more than 5 megawatts (MW) of electricity, or (ii) that produces the equivalent amount of energy in the form of fuel, steam, or other energy product, that is generated or produced solely from biomass, and (iii) that is sold to an unrelated person or stationary source or used in a manufacturing process.

The group has had extensive discussions regarding the phrase: "capacity annually to generate no more than 5 megawatts (MW) of electricity." During the previous meeting the group had reached consensus that the phrase meant the facility could not generate any more than 5 MW of electricity within a 12 month period. This required adding additional regulatory language to the previous draft to explain how a facility would determine or measure exactly how much electricity the facility was generating as well as preventing the facility from exceeding that limit. A critical problem arose in attempting to merge the reference to megawatts, which is a rate, to annual capacity in a regulatory framework that addressed operational parameters as well as compliance and enforcement provisions. The problem proved to be insurmountable; therefore, staff has recommended that the interpretation of the phrase reference a nameplate capacity, which is now indicated in the definition. The current definition reads as follows:

"Qualified energy generator" means a commercial facility located in the Commonwealth (i) with the capacity annually to generate no more than 5 megawatts (MW) of electricity, or (ii) that produces the equivalent amount of energy in the form of fuel, steam, or other energy product, that is generated or produced solely from biomass, and (iii) that is sold to an unrelated person or stationary source or used in a manufacturing process. For the purposes of this chapter the phrase "capacity annually to generate no more than 5 MW of electricity" shall mean a nameplate capacity equal to or less than 5 MW that is operated in conjunction with a pilot test facility.

It was explained that many of the other definitions in the regulation are specific to the existing air program and, therefore, cannot be altered. The terms unique to the general permit will be identified so that improvements to those terms can be made by the group.

Under applicability provisions it was suggested that the permit not apply to any facility that might cause a conflict with the federal regulations for waste incinerators.

The group discussed the limits for opacity and how stringent those limits should be. There was significant discussion as to which threshold values should be met when a

facility, once in operation, wants to retest a different fuel; should they be considered a new unit or a modified unit, thus subject to different permit exemption levels.

The next meeting will continue the discussion of the draft permit including provisions dealing with operating schedule, compliance and enforcement as well as review the draft permit application.

The meeting ended at 1:30.

DOCUMENT DISTRIBUTION

The following documents were distributed to the committee prior to or at the meeting:

1. Biomass Solid Waste Permitting Fact Sheet
2. Draft Qualified Energy Generator General Permit for a biomass Pilot Test Facility
3. Draft Air Permit Application Form Pilot Test Facility General Permit

TEMPLATES\GEN-PERMIT\GP08
REG\GEN-DEV\Cg-GP08-5

Attachments

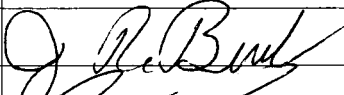
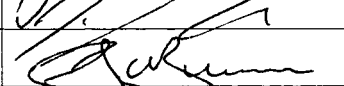
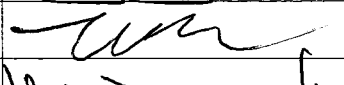
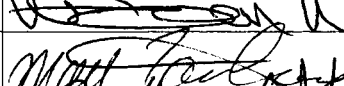
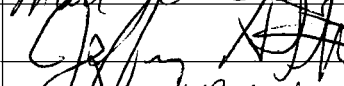

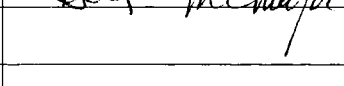

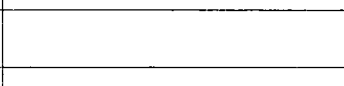
**COMMONWEALTH OF VIRGINIA
STATE AIR POLLUTION CONTROL BOARD**

**TECHNICAL ADVISORY COMMITTEE MEETING
ATTENDANCE RECORD**

February 23, 2010

SUBJECT: Biomass General Permit for Qualified Energy Generator (Revision CG)

LOCATION: 2nd Floor Conference Room, Department of Environmental Quality, 629 East Main Street, Richmond, Virginia

PRINTED NAME	SIGNATURE
R. Bush	
NEIL ZAHARA	 DEQ - CO WATER
PATRICIA BRONUM	
TONY BANKS	
JEAN KASSEN	
MATT FAULKNER	
Jeff Steers	
Rebekah Kemick	 Rebekah Kemick
Seth Mayo	 DEQ M Mayo

Biomass

Solid Waste Permitting Fact Sheet

- ◆ Biomass classified as a Waste Derived Fuel Product (WDFP) is not considered a solid waste and is exempt from permitting in the *Virginia Solid Waste Management Regulations (VSWMR, 9 VAC 20-80-10, et seq.)*
 - ⇒ WDFP, as defined in VSWMR [§9VAC20-80-10](#), is a solid waste, or combination of solid wastes, that have been treated (altered physically, chemically, or biologically) to produce a fuel product with a minimum heating value of 5,000 BTU/lb.
 - Solid wastes used to produce WDFP must act as a binder and not be added for the purpose of disposal;
 - Waste ingredients may not be listed or a characteristic hazardous wastes;
 - The fuel product must be stable at ambient temperature and not degraded by exposure to the elements.
 - ⇒ 75% of the WDFP materials accumulated must be removed from the facility annually. The facility must not create an open dump, hazard, or public nuisance.

- ◆ The material may not be Refuse Derived Fuel (RDF). RDF is fuel produced from solid or liquid waste, (includes materials customarily referred to as refuse and other discarded materials), or both, which has been segregated and classified, with the useable portions being put through a size reduction and classification process which results in a relatively homogenous mixture.



- ◆ If the biomass is not a WDFP, then a Permit-By-Rule (PBR) Application for an Energy Recovery, Thermal Treatment, or Incineration Facility may be submitted in accordance with VSWMR, [§9VAC20-80-485.A.3.](#), which includes the following:
 - ⇒ A PBR Application that addresses siting, design, operation, and closure of the facility;
 - ⇒ A \$390 permit fee;
 - ⇒ Proof of financial responsibility, in accordance with the Financial Assurance Regulations, (FAR, [§9VAC20-70-10, et seq.](#)); and
 - ⇒ Public participation if required by VSWMR, [§9VAC20-80-485.A.6.](#)





Advantages of Biomass Fuels

- ◆ Use of biofuels can reduce dependence on foreign energy sources.
- ◆ Biomass energy crops can be profitable for local farmers and can enhance, rather than compete with, existing crops and provide an additional source of income for the agricultural industry.
- ◆ Most biomass fuels produce virtually no sulfur emissions, and help mitigate acid rain.
- ◆ Biomass fuels “recycle” atmospheric carbon, minimizing global warming impacts since zero “net” carbon dioxide is emitted during biomass combustion, i.e., the amount of carbon dioxide emitted is equal to the amount absorbed from the atmosphere during the biomass growth phase.
- ◆ The recycling of biomass wastes mitigates the need to create new landfills and extends the life of existing landfills.



- ◆ Biomass combustion produces less ash than coal, and reduces ash disposal costs and landfill space requirements. The biomass ash can also be beneficially used as a soil amendment.
- ◆ Landfill gas-to-energy projects turn methane emissions from landfills into useful energy.

Disadvantages of Biomass Fuels

- ◆ Although biomass fuels are renewable and can be grown each year to replace any fuel that may have been consumed previously, the production time available for the fields to be cultivated for usage is limited to seasonal change as well as the available land that is used specifically for biomass fuels.
- ◆ The actual ability to harvest biomass fuels efficiently for use is limited due to the volume that can be produced each year and energy costs to harvest the biomass.
- ◆ Land used for energy crops may be in demand for other purposes, such as farming, conservation, housing, resort, or agricultural use.
- ◆ Research is necessary to reduce production costs for biomass fuels.
- ◆ In some cases, preparation of the biomass feedstock may be required. One example is curing wood.

Contact

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QUALIFIED ENERGY GENERATOR GENERAL PERMIT (9VAC5 CHAPTER 520)

9VAC5 CHAPTER 520.
QUALIFIED ENERGY GENERATOR GENERAL PERMIT FOR A BIOMASS PILOT
TEST FACILITY.

Part I Definitions.

- 9VAC5-520-10. General.
- 9VAC5-520-20. Terms defined.

Part II General Provisions.

- 9VAC5-520-30. Purpose and basis.
- 9VAC5-520-40. Applicability.
- 9VAC5-520-50. General.
- 9VAC5-520-60. Existence of permit no defense.
- 9VAC5-520-70. Circumvention.
- 9VAC5-520-80. Enforcement of a general permit.

Part III General Permit Administrative Procedures.

- 9VAC5-520-90. Requirements for granting an authorization to operate under the general permit.
- 9VAC5-520-100. Applications for coverage under the general permit and notices of termination.
- 9VAC5-520-110. Required information for initial applications.
- 9VAC5-520-120. Granting an authorization to operate under the general permit.
- 9VAC5-520-130. Transfer of authorization to operate under the general permit.

Part IV General Permit Terms and Conditions.

- 9VAC5-520-140. General permit.
- 9VAC5-520-150. General terms and conditions.
- 9VAC5-520-160. Process requirements.
- 9VAC5-520-170. Permit emission thresholds.
- 9VAC5-520-180. Operating schedule.
- 9VAC5-520-190. Compliance determination and verification by emission testing.
- 9VAC5-520-200. Recordkeeping requirements.
- 9VAC5-520-210. Reporting requirements.
- 9VAC5-520-220. Compliance.
- 9VAC5-520-230. Enforcement.

PART I.
Definitions.

9VAC5-520-10. General.

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A. For the purpose of applying this chapter in the context of regulations of the board and related uses, the words or terms shall have the meanings given them in 9VAC5-520-20.

B. Unless specifically defined in the Virginia Air Pollution Control Law or in this chapter, terms used shall have the meaning given them by 9VAC5-10-20 (general definitions, Regulations for the Control and Abatement of Air Pollution), 9VAC5-170-20 (definitions, Regulation for General Administration), or commonly ascribed to them by recognized authorities, in that order of priority.

9VAC5-520-20. Terms defined.

"Biomass" means organic material that is available on a renewable or recurring basis, including:

1. Forest-related materials, including uncontaminated mill residues, logging residues, forest thinning, slash, brush, low-commercial value materials or undesirable species, and woody material harvested for the purpose of forest fire fuel reduction or forest health and watershed improvement;
2. Agricultural-related materials, including orchard trees, vineyard, grain or crop residues, including straws, aquatic plants and agricultural processed co-products and waste products, including fats, oils, greases, whey, and lactose;
3. Animal waste, including manure and slaughterhouse and other animal processing waste;
4. Solid woody waste materials, including landscape trimmings, waste pallets, crates and manufacturing, construction, and demolition wood wastes, excluding pressure-treated, chemically treated or painted wood wastes and wood contaminated with plastic;
5. Crops and trees planted for the purpose of being used to produce energy;
6. Landfill gas, wastewater treatment gas, and biosolids, including organic waste byproducts generated during the wastewater treatment process; and
7. Municipal solid waste, excluding tires and medical and hazardous waste.

"Biosolids" means a sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable

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for use for land application, marketing, or distribution in accordance with 12VAC5-585 (Biosolids Use Regulations).

"Construction waste" means solid waste that is produced or generated during construction, renovation, remodeling, or repair of pavements, houses, commercial buildings and other structures. Construction waste consists of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids, and garbage are not construction wastes and the disposal of such materials shall be in accordance with the regulations of the Virginia Waste Management Board.

"Clean wood" means uncontaminated natural wood. Clean wood includes, but is not limited to, byproducts of harvesting activities conducted for forest management or commercial logging, or uncontaminated mill residues consisting of bark, chips, edgings, sawdust, shavings or slabs. It does not include wood that has been treated with glues, binders or resins.

"Contaminated" means, in reference to wood, wood products or wood residues, those that are painted, pigment-stained, chemically treated (other than with glue, binder or resin), or pressure-treated with preservative compounds including, but not limited to chromate copper arsenate, pentachlorophenol, or creosote.

"Demolition waste" means that solid waste produced by the destruction of structures, or their foundations, or both, and includes the same materials as construction waste.

"Demolition wood waste" means solid woody waste resulting from the destruction of structures, and includes the same materials as construction wood waste.

"Exempt facility" means a pilot test facility that has uncontrolled emissions below the permit emissions threshold values in 9VAC5-520-170 and is not required to obtain an air quality permit.

"Forest" means an uncultivated growth of trees and underbrush on a tract of undeveloped public or private land. Growth of trees and underbrush in a forest may be managed for fire prevention, forest health, and watershed improvement purposes, and may be thinned, harvested or reseeded for those purposes. This definition does not include trees cultivated for commercial harvesting.

"Garbage" means readily putrescible discarded materials composed of animal, vegetable or other organic matter.

"General permit " means, for a biomass pilot test facility, the terms and conditions

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in Part IV (9VAC5-520-160 et seq.) of this chapter that meet the requirements of Part III (9VAC5-520-90 et seq.) of this chapter and issued under the provisions 9VAC5-80-1030 and 9VAC5-80-1250 of Part II of 9VAC5-80 (Permits for Stationary Sources).

"Hazardous waste" means a hazardous waste as defined in 9VAC20-60, (Hazardous Waste Management Regulations).

"Landfill" means a sanitary landfill, an industrial waste landfill, or a construction/demolition/debris landfill as defined in Part I (9VAC20-80-10 et seq.) of 9VAC20-80 (Solid Waste Management Regulations).

"Landscape trimmings" means trees, tree branches, bushes and shrubs, and clippings from tree branches, bushes and shrubs that come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Landscape trimmings do not include collected leaves, grass, or grass clippings.

"Manufacturing wood waste" means uncontaminated solid woody waste and wood residue that is generated by one or more manufacturing processes. Such waste includes but is not limited to bark, sawdust, chips, scraps, slabs, millings, and shavings, but does not include process waste, by-product or co-product in which the wood or residue has been chemically treated, such as that resulting from pulp and paper production or from cellulose production.

"Municipal solid waste" means household, commercial/retail, or institutional waste. Household waste includes garbage, trash and refuse discarded by residential dwellings, hotels, motels, and other similar permanent or temporary housing. Commercial/retail waste includes all solid waste discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes materials discarded by schools, by hospitals (nonmedical), by nonmanufacturing activities at prisons and government facilities, and other similar establishments or facilities. Household, commercial/retail, and institutional waste does include yard waste. Household, commercial/retail, and institutional waste does not include used oil; sewage sludge; wood pallets; construction and demolition wastes (which include railroad ties and telephone poles); clean wood; industrial process or manufacturing wastes; medical waste; or motor vehicles (including motor vehicle parts or vehicle fluff).

"NAAQS" means the national ambient air quality standards.

"New source review (NSR) permit" means a permit issued under the new source review program.

"New source review (NSR) program" means a preconstruction review and permit program (i) for new stationary sources or modifications (physical changes or changes in

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the method of operation), (ii) established 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) of the federal Clean Air Act and associated regulations, and (iii) codified in Article 6 (9VAC5-80-1100 et seq.), Article 7 (9VAC5-80-1400 et seq.), Article 8 (9VAC5-80-1605 et seq.) and Article 9 (9VAC5-80-2000 et seq.) of Part II of 9VAC5-80 (Permits for Stationary Sources).

"NO_x" means nitrogen oxides as defined in 9VAC5-30-70 (Ambient Air Quality Standards).

"Permit emission thresholds" means the value at which a permitting determination can be made for a pilot test facility based upon the quantity of emissions from that facility. A pilot test facility with uncontrolled emissions greater than the threshold value shall obtain a permit. A pilot test facility with uncontrolled emissions at or less than the threshold value is not required to obtain a permit and is considered to be an exempt facility.

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

"Pilot test facility" means a facility that (i) is being operated to obtain emissions testing data in order to determine if a source is subject to a permit, and (ii) includes the qualified energy generator and any fuel preparation, storage, and handling emission units.

"PM" means particulate matter as defined in 9VAC5-10 (General Definitions).

"PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as defined in 9VAC5-30-60 (Ambient Air Quality Standards).

"PM_{2.5}" means fine particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as defined in 9VAC5-30-65 (Ambient Air Quality Standards).

"Qualified energy generator" means a commercial facility located in the Commonwealth (i) with the capacity annually to generate no more than 5 megawatts (MW) of electricity, or (ii) that produces the equivalent amount of energy in the form of fuel, steam, or other energy product, that is generated or produced solely from biomass, and (iii) that is sold to an unrelated person or stationary source or used in a manufacturing process. For the purposes of this chapter the phrase "capacity annually to generate no more than 5 MW of electricity" shall mean a nameplate capacity equal to or less than 5 MW that is operated in conjunction with a pilot test facility.

"Reasonable time" means business operating hours unless in response to a complaint.

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"Refuse" means all solid waste products having the characteristics of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination or other discarded materials.

"SO₂" means sulfur dioxide as defined in 9VAC5-30-30 (Ambient Air Quality Standards).

"State operating permit" means a permit issued under the state operating permit program.

"State operating permit program" means an operating permit program (i) for issuing limitations and conditions for stationary sources, (ii) promulgated to meet the EPA's minimum criteria for federal enforceability, including adequate notice and opportunity for the EPA and public comment prior to issuance of the final permit, and practicable enforceability, and (iii) codified in Article 5 (9VAC5-80-800 et seq.) of this Part II of 9VAC5-80 (Permits for Stationary Sources).

"Solid woody waste" means waste consisting of uncontaminated wood and wood product, including tree stumps, trees, or tree limbs (any of which may be whole or cut). Solid woody waste does not include wood or wood products mixed with soil or other non-wood materials such as plastic, metal, cement or mineral fibers.

"Uncontrolled emission rate" means the emission rate from an emissions unit when operating at maximum capacity without air pollution control equipment. Air pollution control equipment includes control equipment that is not vital to its operation, except that its use enables the owner to conform to applicable air pollution control laws and regulations. Annual uncontrolled emissions shall be based on the maximum annual rated capacity (based on 8,760 hours of operation per year) of the emissions unit, unless the emissions unit or stationary source is subject to state and federally enforceable permit conditions that limit the annual hours of operation. Enforceable permit conditions on the type or amount of material combusted, stored, or processed may be used in determining the uncontrolled emission rate of an emissions unit or stationary source. The uncontrolled emission rate of a stationary source is the sum of the uncontrolled emission rates of the individual emissions units. Secondary emissions do not count in determining the uncontrolled emission rate of a stationary source.

"VOC" means volatile organic compound as defined in 9VAC5-10 (General Definitions).

"Wood product" means manufactured wood such as plywood, particleboard, fiberboard, hardboard, oriented strand board, and engineered structural products, made from clean wood with or without glue, binder or resin. Wood product does not include products made with other non-wood materials such as plastic, metal, cement or mineral

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fibers.

"Wood residue" means, in reference to logging, manufacturing or milling processes, woody waste that is generated by cutting, chipping, grinding, shaping or smoothing of wood or wood products. Wood residue includes bark, chips, edging sawdust, shavings or slabs and may include small amounts of glue, binder or resin from wood products. Wood residue does not include woody waste mixed with soil or other non-wood materials such as plastic, metal, cement or mineral fibers.

"Yard waste" means collected leaves, grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include (i) construction, renovation, and demolition wastes or (ii) clean wood.

PART II.
GENERAL PROVISIONS.

9VAC5-520-30. Purpose and basis.

A. The purpose of the general permit is to allow the owners of pilot test facilities in the biomass energy generation industry to construct and operate within the terms and conditions of this general permit that forms the legally enforceable basis for the requirements of the Virginia Air Pollution Control Law and the regulations of the board.

B. This general permit is being issued under the authority of and 9VAC5-80-1250 of 9VAC5-80 (Permits for Stationary Sources).

C. This chapter does not require any permittee to apply for coverage under the general permit but provides the opportunity for a permittee to apply for coverage if the facility meets the applicability criteria in 9VAC5-520-40 and all other requirements of this chapter.

9VAC5-520-40. Applicability.

A. This chapter applies to each biomass qualified energy generator that is a pilot test facility for which construction or operation is commenced after the issue date of this general permit.

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 a pilot test facility while operating the remainder of the source under any permit issued pursuant to 9VAC5-80 (Permits for Stationary Sources).

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D. Any qualified energy generator that is a major source or is located at a major source, as defined in Articles 1, 7, 8, or 9 of Part II of 9VAC5-80 (Permits for Stationary Sources), shall not be eligible for this general permit.

9VAC5-520-50. General.

A. A pilot test facility desiring authority to operate under the general permit shall register with the department as required under 9VAC5-20-160.

B. No provision of this chapter shall limit the power of the board to issue an operating permit pursuant to 9VAC5-80 (Permits for Stationary Sources).

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

D. The promulgation of amendments to this regulation shall invalidate any authorization to operate under the general permit one year 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 9VAC5-520-150.

E. Any decisions of the board or department made pursuant to this chapter may be appealed pursuant to 9VAC5-170-200 of 9VAC5-170 (Regulation for General Administration), § 10.1-1318 of the Virginia Air Pollution Control Law, and the Administrative Process Act.

9VAC5-520-60. 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.

9VAC5-520-70. Circumvention.

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

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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.

9VAC5-520-80. Enforcement of a general permit.

A. The following general requirements apply:

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 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 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 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.

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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 will notify the applicant in writing of its decision, with its reasons, to deny, suspend or revoke 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 as provided by 9VAC5-170-200 of 9VAC5-170 (Regulation for General Administration), § 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 9VAC5-170-60 of 9VAC5-170 (Regulation for General Administration), has the authority to require that air pollution records and reports be maintained on site and 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

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

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enforcement mechanisms such as consent orders and special orders. The procedures for using these mechanisms are contained in 9VAC5-170-80 and 9VAC5-170-120 of 9VAC5-170 (Regulation for General Administration), 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.

9VAC5-520-90. Requirements for granting an authorization to operate under the general permit.

A. The department may grant an authorization to construct and operate under the general permit for a pilot test facility that meets the applicability criteria in 9VAC5-520-40 and the operating limitations in 9VAC5-520-190.

B. The general permit will be issued in accordance with § 2.2-4006 A 9 of the Administrative Process Act.

9VAC5-520-100. Applications for coverage under the general.

A. Owners of a pilot test facility that qualifies for the general permit may apply to the department for coverage under the terms and conditions of the general permit.

B. 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.

C. Any application form, report, compliance certification, or other document required to be submitted to the department under this chapter shall meet the requirements of 9VAC5-20-210 (recordkeeping requirements, 9VAC5-20, General Provisions).

D. 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.

9VAC5-520-110. Required information for initial applications.

A. The department will furnish application forms to applicants. The information required by this section shall be determined and 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:

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1. Information specified in Air Permit Application Form, Pilot Test Facility General Permit, form 520.

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

4. A document certification with all applicable requirements completed by a responsible official shall be included with each initial application for coverage.

9VAC5-520-120. Granting an authorization to operate under the general permit.

A. The department may grant authorization to operate under the conditions and terms of the general permit to sources that meet the applicability criteria set forth in 9VAC5-520-40.

B. Granting an authorization to operate under the general permit to a facility covered by the general permit is not subject to the public participation procedures under § 2.2-4006 A 9 of the Administrative Process Act.

C. A response to each complete application for coverage under the general permit will be provided according to 9VAC5-520-140

D. Facilities covered under a general permit 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 will be accompanied by a copy of the general permit and the application submitted by the permittee.

E. The letter, certificate or other document, along with the copy of the general permit, application shall be retained by the department and at the pilot test facility.

9VAC5-520-130. Transfer of authorizations to operate under the general permit.

A. No person shall transfer an authorization to operate under the general permit from one pilot test facility to another or from one piece of equipment to another.

B. In the case of a transfer of ownership of a pilot test facility, 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 pilot test facility source, the owner shall

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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.

9VAC5-520-140. General permit.

A. Any owner whose application is approved by the director may 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.

B. In compliance with the provisions of the Virginia Air Pollution Control Law and regulations adopted pursuant to it, owners of qualified energy generators are authorized to operate under the authority of this permit, except those where board regulations or policies prohibit such operation.

C. The authorization to operate under this permit shall be in accordance with the cover letter to this permit, 9VAC5-520-150 (General terms and conditions), 9VAC5-520-160 (Process requirements) 9VAC5-520-170 (Permit emission thresholds), 9VAC5-520-180 (Operating schedule), 9VAC5-520-190 (Testing), 9VAC5-520-200 (Recordkeeping requirements), 9VAC5-520-210 (Reporting requirements), 9VAC5-520-220 (Compliance certifications), and 9VAC5-520-230 (Enforcement).

9VAC5-520-150. General terms and conditions.

A. The permittee shall construct and operate a qualified energy generator 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. The permittee shall comply with the terms and conditions of this permit prior to commencing any physical or operational change or activity that will result in making the facility subject to the new source review program.

9VAC5-520-160. Process requirements

A. Each pilot test facility shall comply with visible emissions and fugitive dust/emissions standards of Article 1 of Part II of 9VAC5-40 (Existing Stationary Sources) and Article 1 of Part II of 9VAC5-50 (New and Modified Stationary Sources). No owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne.

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B. Each pilot test facility shall comply with the odor standards of Article 2 of Part II of 9VAC5-40 (Existing Stationary Sources) and Article 2 of Part II of 9VAC5-50 (New and Modified Stationary Sources). Under no circumstances shall the biomass qualified energy generator or associated raw material storage or handling cause an odor objectionable to individuals of ordinary sensibility.

C. The pilot test facility shall be observed visually once per week when in operation to determine if there are any visible emissions. The presence of visible emissions shall indicate the need for prompt corrective action. The applicant shall keep a log of the observations. The log shall include the name of the observer, the date and time of the observations, the presence of visible emissions or lack thereof, and the date and time of corrective actions taken whenever visible emissions were observed.

9VAC5-520-170 Permit emission threshold.

A. A pilot test facility that measures uncontrolled emissions at or above the threshold values specified in Table 520-1 shall obtain a permit according to the applicable provisions of the new source review program. A pilot test facility that measures uncontrolled emissions below the threshold values specified in Table 520-1 qualifies as an exempt facility. All pilot test facilities that will be co-located at a stationary source shall be considered in the aggregate.

TABLE 520-1.
PERMITTING THRESHOLD VALUES

Pollutant*	Combined Units** (tons/year)
PM	25
PM ₁₀	15
PM _{2.5}	10
NO _x	40
SO ₂	40
CO	100
VOC	40

* The PM, PM₁₀, and PM_{2.5} limits contain filterable and condensable particulates.

** Combined units include the qualified energy generator and any fuel preparation/storage emission units.

B. Any pilot test facility that measures uncontrolled toxic emissions at or above the threshold values specified in Article 5 of 9VAC5-60 (Hazardous Air Pollutant Sources) shall obtain a permit according to the applicable provisions of the new source review program. Any pilot test facility that measures uncontrolled toxic emissions below threshold values specified in Article 5 of 9VAC5-60 (Hazardous Air Pollutant Sources)

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qualifies as an exempt facility. All pilot test facilities that will be co-located at a stationary source shall be considered in the aggregate.

C. No applicant shall cause or allow to be discharged into the atmosphere from any pilot test facility any visible emissions in excess of the following:

1. Visible emissions from each qualified energy generator and any fuel preparation/storage emission units shall not exceed 5 percent opacity as determined by Reference Method 9.

2. The opacity standard prescribed under this subsection shall apply at all times except during periods of startup, shutdown, and malfunction.

9VAC5-520-180. Operating schedule.

The operating schedule of this permit shall be as follows:

1. Within 30 days after receipt of a pilot test facility general permit application (Form 520), the DEQ Regional Office will notify the applicant of the status of the application with a review letter.

a. If a complete application is received the review letter will state if the applicant is approved for the pilot test facility general permit. If approved, the applicant has 18 months from the date of the review letter to commence construction of the pilot test facility and its equipment.

b. If a complete application is not received, the applicant has 30 days to submit the additional information needed for a complete application. If the additional information is not received within 30 days, the application will be returned to the applicant and the application will be withdrawn. Within 30 days after receipt of the additional information, DEQ will respond with another review letter that will state if the applicant is approved for the pilot test facility general permit. If approved, the applicant shall commence construction of the pilot test facility no later than 18 months from the date of the review letter.

2. Within the approved 18 months, the applicant shall notify the DEQ Regional Office of the actual date on which construction of the pilot test facility commenced within 30 days after such date.

a. The applicant may apply for another 18 month extension to commence construction on the pilot test facility based upon a satisfactory demonstration that an extension is justified.

b. Only one extension is allowed and be limited to commencing construction on the pilot test facility.

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3. The applicant shall notify the DEQ Regional Office of the anticipated startup date of the pilot test facility postmarked not more than 60 days nor less than 30 days prior to such date.

4. The applicant shall notify the DEQ Regional Office of the actual startup date of the pilot test facility within 15 days after such date. The applicant shall operate and perform all testing needed to comply with this permit no later than 12 months from the actual startup date.

5. For each biomass fuel to be utilized, the applicant shall perform (or acquire) a certified fuel test as required by 9VAC5-520-200A).

6. At least 30 days prior to testing, the applicant shall:

a. Notify the DEQ Regional Office of the anticipated date of the performance tests of the pilot test facility;

b. Submit a stack test protocol and visible emissions evaluation test protocol to the DEQ Regional Office; and

c. Submit the results of the certified fuel test or tests to the DEQ Regional Office.

7. The stack testing and visible emissions evaluation tests shall be performed within 60 days after achieving the maximum production rate at which the facility will be operated but in no event later than 180 days after startup of the permitted facility.

8. All results shall be submitted to the DEQ Regional Office no later than 45 days after test completion of the stack tests and visible emissions evaluation.

9. Within 60 days, the DEQ Regional Office will review the results and notify the applicant of the status of the pilot test facility.

a. If the pilot test facility is exempt, the DEQ Regional Office will issue the applicant an exemption letter. At that time, this pilot test facility general permit will end.

b. If the pilot test facility is not exempt, the applicant shall obtain a permit as required by 9VAC5-80 (Permits for Stationary Sources). This pilot test facility general permit will terminate 12 months from the startup date as determined under 9VAC5-520-180 4.

9VAC5-520-190 Compliance determination and verification by emission testing

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A. A certified fuel test is required. The permittee shall have a sample of fuel analyzed for each type of biomass used during the pilot test period. The results of the fuel analysis shall be used to identify specific constituents of the fuel requiring further emissions testing and shall be reported to the DEQ Regional Office prior to testing. Along with the fuel analysis, the submittal shall include: company and individual collecting the sample, identification of sampling method used, sample (volume or mass), number of samples, date sample collected, location of fuel when sample taken, date of analysis, company and individual conducting the analysis.

B. The permittee shall submit a test protocol for a certified stack test at least 30 days prior to testing. The test protocol shall include information necessary to evaluate the emissions from the pilot test facility and include, but not be limited to, operating rates or production rates as appropriate. The details of conducting the tests shall be arranged with the DEQ Regional Office. A certified stack test shall be conducted for each qualified energy generator stack to determine the quantity of pollutants from each biomass fuel. Performance tests shall be conducted for all criteria pollutants (PM, PM₁₀, PM_{2.5}, NO_x, SO₂, CO, and VOC), any toxic pollutants that were found to be contained in the biomass fuel as stated in the certified fuel test, and, if the applicant has a combustion qualified energy generator, any toxic pollutants that are created from combustion (including but not limited to acetaldehyde, acrolein, benzene, formaldehyde, hydrochloric acid, hydrogen fluoride, naphthalene, trichloroethylene, and xylene). The tests shall be performed and demonstrate compliance within 60 days after achieving the maximum production rate at which the facility will be operated but in no event later than 180 days after start-up of the permitted facility. Tests shall be conducted and reported and data reduced as set forth in 9VAC5-50-30 and 9VAC5-60-30, and the test methods and procedures contained in each applicable section or subpart listed in 9VAC5-50-410 and 9VAC5-60-70. One copy of the test results shall be submitted to the DEQ Regional Office within 45 days after test completion and shall conform to the test report format in subsection D of this section.

C. A certified visible emissions evaluation shall be conducted. Concurrently with the certified stack test, Visible Emission Evaluations in accordance with 40 CFR Part 60, Appendix A, Method 9, shall also be conducted on each qualified energy generator. Each test shall consist of 30 sets of 24 consecutive observations (at 15 second intervals) to yield a six minute average. The details of the tests shall be arranged with the DEQ Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. The evaluation shall be performed, reported, and demonstrate compliance within 60 days after achieving the maximum production rate at which the facility will be operated but in no event later than 180 days after start-up of the permitted facility. Should conditions prevent concurrent opacity observations, the DEQ Regional Office shall be notified in writing, within seven days, and visible emissions testing shall be rescheduled within 30 days. Rescheduled testing shall be conducted under the same conditions (as possible) as the initial performance tests. One copy of the test result shall be submitted to the DEQ Regional Office within 45 days after test

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completion and shall conform to the test report format in subsection D of this section.

D. The test report format for non-visible emissions evaluations shall include the following:

1. A report cover containing:
 - a. The plant name;
 - b. The plant location;
 - c. Units tested at the source identified by the agency that have been issued reference numbers;
 - d. Test dates;
 - e. The name of the individual conducting the test;
 - f. The address of the individual conducting the test; and
 - g. The report date.
2. A certification, including the date certified, which has been signed by:
 - a. A test team leader or a certified observer;
 - b. A responsible company official; and
 - c. The test reviewer.
3. A copy of approved test protocol.
4. A summary including:
 - a. The reason for testing;
 - b. Test dates;
 - c. Identification of the unit tested including the maximum rated capacity for each unit.
 - d. For each emission unit, a table showing:
 - (1) The operating rate;
 - (2) Test methods;

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(3). The pollutants tested;

(4) Test results for each run, including the run average; and

(5) The pollutant standard or limit.

e. Process and control equipment data for each run and the average, as required by the test protocol;

f. A statement that the test was conducted in accordance with the test-protocol, or identification and discussion of deviations, including the likely impact on results; and

g. Any other important information as determined by the DEQ Regional Office.

5. A description of source operation including:

a. A description of the process;

b. A description of control devices, if necessary;

c. A process and control equipment flow diagram; and

d. A description of sampling port location and a dimensioned cross section. A protocol shall be attached that includes a sketch of the stack (elevation view) showing sampling port locations, upstream and downstream flow disturbances and their distances from ports; and a sketch of stack (plan view) showing sampling ports, ducts entering the stack and stack diameter or dimensions.

6. Test results, including:

a. Detailed test results for each run;

b. Sample calculations; and

c. A description of collected samples, including audits, when applicable .

7. An appendix, including:

a. Raw production data;

b. Raw field data;

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- c. Laboratory reports;
- d. Chain of custody records for laboratory samples;
- e. Calibration procedures and results;
- f. Project participants and contact information;
- g. Observers' names (including their industry and agency affiliation),
- h. Related correspondence; and
- i. Standard procedures.

E. The test report format for visible emissions evaluations shall include the following.

1. A report cover containing:
 - a. The plant name;
 - b. The plant location;
 - c. Units tested at the source identified by the agency that have been issued reference numbers;
 - d. Test dates;
 - e. The name of the individual conducting the test;
 - f. The address of individual conducting test; and
 - g. The report date.
2. A certification, including the date certified, which has been signed by:
 - a. A test team leader or a certified observer; and
 - b. A responsible company official.
3. Copy of approved test protocol.
4. A summary including:
 - a. The reason for testing;
 - b. Test dates;
 - c. Identification of the unit tested including the maximum rated capacity for each unit;
 - d. Summarized process and control equipment data for each run and the average, as required by the test protocol;
 - f. A statement certifying that the test was conducted in accordance

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with the test-protocol or, if not conducted according to protocol, identification and discussion of deviations, including the likely impact on results; and

g. Any other important information.

5. A description of source operation including:

- a. A description of the process;
- b. A description of control devices, if necessary;
- c. A process and control equipment flow diagram; and
- d. A description of sampling port location and a dimensioned cross

section. A protocol shall be attached that includes a sketch of the stack (elevation view) showing sampling port locations, upstream and downstream flow disturbances and their distances from ports; and a sketch of stack (plan view) showing sampling ports, ducts entering the stack and stack diameter or dimensions.

6. The detailed test results for each run.

7. An appendix including:

- a. The names of project participants and their titles;
- b. The observers' names (including their industry and agency affiliation)
- c. Related correspondence; and
- d. Standard procedures.

9VAC5-520-200. Recordkeeping requirements.

A. The permittee shall maintain records on site for each emission unit or groups of emission units sufficient to determine the actual emissions of the pilot test facility, including records of emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the DEQ Regional Office. These records shall be available for inspection by the department and shall be current for the most recent 5 years.

B. The permittee shall prepare and maintain the following information: ~~to demonstrate compliance with 9VAC5-520-190 with respect to testing, the permittee shall prepare and maintain the following information:~~

1. Records of monitoring information including:

- a. The date of sampling or measurements;
- b. The place as defined in the authorization to operate under this general permit;
- c. The time of sampling or measurements;

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- b. The date or dates analyses were performed;
 - c. Each biomass utilized and the rate of consumption;
 - d. The company or entity that performed the analyses;
 - e. The analytical techniques or methods used;
 - f. The results of such analyses;
 - g. The operating conditions existing at the time of sampling or measurement;
 - h. Results of all stack tests, visible emission evaluations, and certified fuel tests;
 - i. The copies of all notifications submitted to the DEQ Regional Office;
 - j. The operating schedule as stated in 9VAC5-520-190;
 - k. All visible emission records as required in 9VAC5-520-170 and 200 E; and
 - l. Documentation that the unit does not exceed the 5 MW nameplate capacity threshold.
2. Records of all monitoring data and support information shall be retained for 5 years and available on-site for inspection by the DEQ during the pilot test trial period.
- C. In order to ensure the proper operation of the pilot test facility, the permittee shall perform the following:
- 1. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance to the pilot test facility. These records shall be maintained on site for 5 years and shall be made available to department upon request.
 - 2. Maintain verification that personnel operating the pilot test facility are properly trained to do so.

9VAC5-520-210. 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

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the department shall contain a document certification signed by a responsible official that meets the requirements of 9VAC5-520-100 B.

B. The permittee shall furnish written notification to the department of the following dates relative to the requirements of 9VAC5-520-190:

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

2. The anticipated startup date of the pilot test facility, postmarked not more than 60 days nor less than 30 days prior to such date;

3. The actual startup date of the pilot test facility postmarked within 15 days after that date;

4. The test protocol, postmarked at least 30 days prior to the date that testing commences; and

5. Test results, no later than 45 days after test completion of the stack tests and visible emissions evaluation.

9 VAC 5-520-220. Compliance.

A. Whenever it is necessary for the purpose of the regulations of the board, the board or an agent authorized by the board may at reasonable times enter an establishment or upon property, public or private, for the purpose of obtaining information or conducting surveys or investigations as authorized by § 10.1-1315 or § 46.2-1187.1 of the Code of Virginia. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the department to perform the following:

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 this permit.

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

3. Inspect at reasonable times any facilities, equipment (including monitoring equipment), practices, or operations regulated or required under this permit.

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

9VAC5-520-230. Enforcement.

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A. Violation of this permit is subject to the enforcement provisions including, but not limited to, those contained in 9VAC5-170 (Regulation for General Administration) 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 this 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 this permit.

C. The permittee shall comply with all conditions of this permit. Any noncompliance with this permit constitutes a violation of the Virginia Air Pollution Control Law and is grounds (i) for enforcement action or (ii) for suspension or revocation of the authorization to operate under this 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 this permit may be suspended or revoked for cause as specified in 9VAC5-520-80. The filing by a permittee of a (i) request for reauthorization to operate under this permit, or (ii) notification of termination, planned changes or anticipated noncompliance does not stay any condition of this permit.

F. The owner of the qualified energy generator may be subject to enforcement action under 9VAC5-520-80 for operation without a permit if the facility is later determined by the department not to qualify for the conditions and terms of this permit.

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

H. The permittee shall furnish to the department, within 30 days of notification, any information that the department may request in writing to determine whether cause exists for suspending or revoking the authorization to operate under this permit or to determine compliance with this permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by this 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 9VAC5-170-60.

**PERMIT FORMS AND INSTRUCTIONS
PURSUANT TO
REGULATIONS FOR THE CONTROL AND ABATEMENT OF AIR POLLUTION**



**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**AIR PERMIT APPLICATION FORM
Pilot Test Facility General Permit**

PLEASE READ CAREFULLY

This is an application form for a new source permit, or a state operating permit. The staff of the Department of Environmental Quality reviews all permit applications to determine compliance with State Regulations. The evaluation of a permit application is a detailed and lengthy process, so your application should be submitted as soon as you can furnish the requisite information. A complete application is required prior to our commencing the process of preparing a permit. Once you have submitted a complete application we process your application as quickly as possible. To expedite the permit application and review process, please supply the information requested on the attached form accurately and completely.

A complete application must include:

1. **FORM 5X0** A completed Form 5X0, including a properly signed Document Certification Form.
- *2. **MAP** A source location map that includes latitude and longitude coordinates for the facility.
- *3. **FACILITY** A site plan of the facility including the dimensions of all buildings (length, width and height), all stack and emission point locations by stack number, and the property lines and fence lines.
- *4. **PROCESS** A process flow diagram/schematic and a narrative process description.
- *5. **MSDS or CPDS** Material safety data sheets or Certified Product Data Sheets indicating the percent by weight of each ingredient in the biomass fuel, if known.
- *6. **LOCAL GOVERNING BODY CERTIFICATION FORM** Forward the form to local governing body, if applicable.

* Not required for state operating permit applications unless specifically requested.

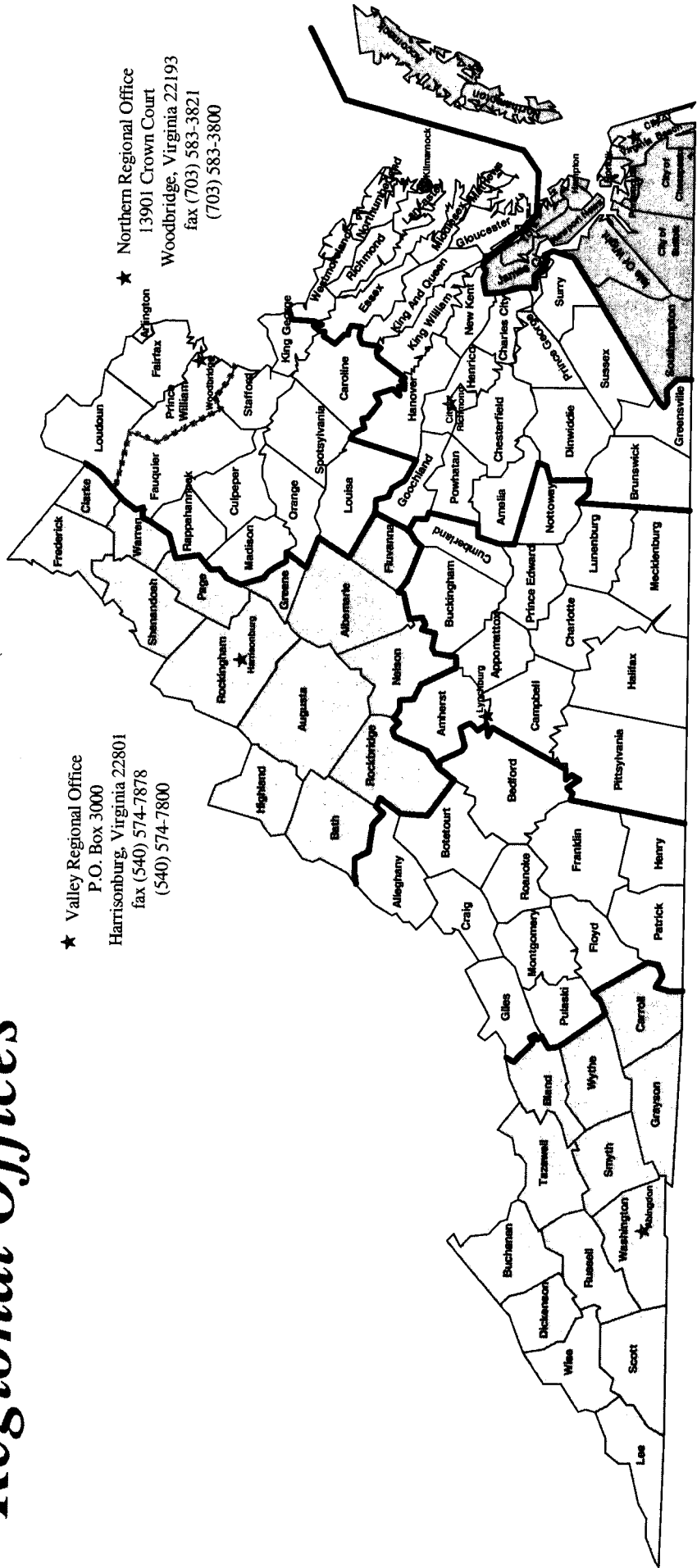
INSTRUCTIONS ARE PROVIDED FOR EACH PAGE OF THE FORM 5X0. Should you require additional assistance in completing this application, please contact the regional office for your area as shown on the map and localities list on pages iii-vi. Prior to completing this form, contact the regional office to ensure you are using the most current Form 5X0. Submit the completed application to the appropriate regional office.

IT IS A VIOLATION OF STATE REGULATIONS TO BEGIN CONSTRUCTION OF OR OPERATE A SOURCE WITHOUT OBTAINING THE APPROPRIATE PERMIT, IF A PERMIT IS REQUIRED.

[Note: This form is available in MS Word and Adobe pdf formats on the DEQ website at www.deq.state.va.us.]

DEPARTMENT OF ENVIRONMENTAL QUALITY

Regional Offices



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 (540) 574-7800

★ Northern Regional Office
 13901 Crown Court
 Woodbridge, Virginia 22193
 fax (703) 583-3821
 (703) 583-3800

★ Southwest Regional Office
 355 Deadmore St.
 P.O. Box 1688
 Abingdon, Virginia 24212
 fax (276) 676-4899
 (276) 676-4800

★ Blue Ridge Regional Office
 7705 Timberlake Road
 Lynchburg, Virginia 24502
 fax (434) 582-5125
 (434) 582-5120

★ Piedmont Regional Office
 4949-A Cox Road
 Glen Allen, Virginia 23060
 fax (804) 527-5106
 (804) 527-5020

★ Tidewater Regional Office
 5636 Southern Blvd.
 Virginia Beach, Virginia 23462
 fax (757) 518-2103
 (757) 518-2000

Air Quality Control Region
Assignment of Counties, Cities and Localities - List of Counties

County	Region	County	Region
Accomack	TRO	Loudoun	NRO
Albemarle	VRO	Louisa	NRO
Alleghany	BRRO	Lunenburg	BRRO
Amelia	PRO	Madison	NRO
Amherst	BRRO	Mathews	PRO
Appomattox	BRRO	Mecklenburg	BRRO
Arlington	NRO	Middlesex	PRO
Bath	VRO	Montgomery	BRRO
Bedford	BRRO	Nelson	VRO
Bland	SWRO	New Kent	PRO
Botetourt	BRRO	Northampton	TRO
Bristol	SWRO	Northumberland	PRO
Brunswick	PRO	Norton	SWRO
Buchanan	SWRO	Nottoway	BRRO
Buckingham	BRRO	Orange	NRO
Campbell	BRRO	Page	VRO
Caroline	NRO	Patrick	BRRO
Carroll	SWRO	Pittsylvania	BRRO
Charles City	PRO	Powhatan	PRO
Charlotte	BRRO	Prince George	PRO
Chesapeake	TRO	Prince Edward	BRRO
Chesterfield	PRO	Prince William	NRO
Clarke	VRO	Pulaski	BRRO
Craig	BRRO	Rappahannock	NRO
Culpeper	NRO	Richmond	PRO
Cumberland	BRRO	Roanoke	BRRO
Dickenson	SWRO	Rockbridge	VRO
Dinwiddie	PRO	Rockingham	VRO
Essex	PRO	Russell	SWRO
Fairfax	NRO	Scott	SWRO
Fauquier	NRO	Shenandoah	VRO
Floyd	BRRO	Smyth	SWRO
Fluvanna	VRO	Southampton	TRO
Franklin	BRRO	Spotsylvania	NRO
Frederick	VRO	Stafford	NRO
Giles	BRRO	Surry	PRO
Gloucester	PRO	Sussex	PRO
Goochland	PRO	Tazewell	SWRO
Grayson	SWRO	Warren	VRO
Greene	VRO	Washington	SWRO
Greensville	PRO	Westmoreland	PRO
Halifax	BRRO	Wise	SWRO
Hampton	TRO	Wythe	SWRO
Hanover	PRO	York	TRO
Henrico	PRO		
Henry	BRRO		
Highland	VRO		
Isle of Wight	TRO		
James City	TRO		
King and Queen	PRO		
King George	NRO		
King William	PRO		
Lancaster	PRO		
Lee	SWRO		

SWRO - Southwest Regional Office
NRO - Northern Regional Office
BRRO - Blue Ridge Regional Office

VRO - Valley Regional Office
PRO - Piedmont Regional Office
TRO - Tidewater Regional Office

Air Quality Control Region
Assignment of Counties, Cities and Localities - List of Cities and Localities

<u>Cities/Localities</u>	<u>Region</u>	<u>Cities/Localities</u>	<u>Region</u>	<u>Cities/Localities</u>	<u>Region</u>
Accomac	TRO	Chester	PRO	Franklin	TRO
Achilles	PRO	Chesterfield	PRO	Fredericksburg	NRO
Adner	PRO	Chilhowie	SWRO	Galax	SWRO
Alberta	PRO	Chincoteague	TRO	Gasburg	PRO
Alexandria	NRO	Christiansburg	BRRO	George's Tavern	PRO
Allmondsville	PRO	Chula	PRO	Glade Spring	SWRO
Amelia Courthouse	PRO	Church View	PRO	Glen Allen	PRO
Ark	PRO	Claremont	PRO	Glenns	PRO
Arlington	NRO	Clintwood	SWRO	Gloucester	PRO
Ashland	PRO	Coatesville	PRO	Gloucester Point	PRO
Aylett	PRO	Cobbs Creek	PRO	Goochland	PRO
Bacon's Castle	PRO	Cochran	PRO	Gray	PRO
Ballsville	PRO	Coeburn	SWRO	Gressitt	PRO
Barhamsville	PRO	Coles Point	PRO	Greys Point	PRO
Bavon	PRO	Collinsville	BRRO	Grundy	SWRO
Beach	PRO	Colonial Beach	PRO	Gum Spring	PRO
Beaverdam	PRO	Colonial Heights	PRO	Gwynn	PRO
Bedford	BRRO	Columbia	PRO	Hadensville	PRO
Belle Haven	TRO	Covington	BRRO	Hague	PRO
Bensley	PRO	Crozier	PRO	Hallwood	TRO
Bertrand	PRO	Daleville	BRRO	Hampton	TRO
Big Stone Gap	SWRO	Damascus	SWRO	Hanover	PRO
Blacksburg	BRRO	Danieltown	PRO	Harrisonburg	VRO
Bland	SWRO	Danville	BRRO	Hartfield	PRO
Bloxom	TRO	Darvills	PRO	Haynesville	PRO
Bon Air	PRO	Deltaville	PRO	Haysi	SWRO
Boones Mill	BRRO	Dendron	PRO	Heathsville	PRO
Bottoms Bridge	PRO	DeWitt	PRO	Highland Springs	PRO
Bowlers Wharf	PRO	Dinwiddie	PRO	Hillsville	SWRO
Brays Fork	PRO	Disputanta	PRO	Holdcroft	PRO
Brodnax	PRO	Doswell	PRO	Hollins	BRRO
Brunswick	PRO	Dublin	BRRO	Homeville	PRO
Buchanan	BRRO	Dunnsville	PRO	Hopewell	PRO
Buena Vista	VRO	Eagle Rock	BRRO	Hull Neck	PRO
Burgess	PRO	Eastville	TRO	Independence	SWRO
Burrowsville	PRO	Ebony	PRO	Irrington	PRO
Butylo	PRO	Edgerton	PRO	Jarratt	PRO
Cabin Point	PRO	Elberon	PRO	Jetersville	PRO
Callao	PRO	Emporia	PRO	Jonesville	SWRO
Cape Charles	TRO	Etrick	PRO	Keller	TRO
Caret	PRO	Exmore	TRO	Kilmarnock	PRO
Carson	PRO	Fair Port	PRO	King & Queen	PRO
Cartersville	PRO	Fairfax	NRO	King William	PRO
Center Cross	PRO	Falls Church	NRO	Kinsale	PRO
Central Garage	PRO	Farnham	PRO	Lakeside	PRO
Champlain	PRO	Fife	PRO	Lancaster	PRO
Charles City	PRO	Fincastle	BRRO	Lanexa	PRO
Charlottesville	VRO	Fleeton	PRO		
Cheriton	TRO	Floyd	BRRO		
Chesapeake	TRO	Ford	PRO		

SWRO - Southwest Regional Office
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Air Quality Control Region
Assignment of Counties, Cities and Localities - List of Cities and Localities

<u>Cities/Localities</u>	<u>Region</u>	<u>Cities/Localities</u>	<u>Region</u>	<u>Cities/Localities</u>	<u>Region</u>
Laurel	PRO	Norfolk	TRO	Stony Creek	PRO
Lawrenceville	PRO	Nuttsville	PRO	Stratford Hall	PRO
Lebanon	SWRO	Oak Grove	PRO	Stuart	BRRO
Leedstown	PRO	Oilville	PRO	Studley	PRO
Lerty	PRO	Old Church	PRO	Suffolk	TRO
Lewisetta	PRO	Onancock	TRO	Surry	PRO
Lexington	VRO	Onley	TRO	Sussex	PRO
Lilian	PRO	Painter	TRO	Sutherland	PRO
Littleton	PRO	Parksley	TRO	Tabscott	PRO
Litwalton	PRO	Pearisburg	BRRO	Talleysville	PRO
Lively	PRO	Petersburg	PRO	Tangier Island	TRO
Loretto	PRO	Poquoson	TRO	Tappahannock	PRO
Lottsburg	PRO	Portsmouth	TRO	Tazewell	SWRO
Low Moor	BRRO	Potomac Beach	PRO	Templeman	PRO
Lyells	PRO	Powhatan	PRO	Trenholm	PRO
Lynchburg	BRRO	Prince George	PRO	Troutville	BRRO
Maidens	PRO	Providence Forge	PRO	Urbana	PRO
Manakin-Sabot	PRO	Pulaski	BRRO	Valentines	PRO
Manassas	NRO	Purdy	PRO	Varina	PRO
Manassas Park	NRO	Radford	BRRO	Village	PRO
Mangohick	PRO	Reedville	PRO	Vinton	BRRO
Mannboro	PRO	Remlik	PRO	Virginia Beach	TRO
Manquin	PRO	Richlands	SWRO	Wachapreague	TRO
Marion	SWRO	Richmond, City of	PRO	Wakefield	PRO
Martinsville	BRRO	Ridgeway	BRRO	Walkerton	PRO
Matoaca	PRO	Ripplemead	BRRO	Walnut Point	PRO
Matthews	PRO	Roanoke	BRRO	Ware Neck	PRO
McKenney	PRO	Rock Castle	PRO	Wares Wharf	PRO
Meadows of Dan	BRRO	Rockville	PRO	Warner	PRO
Mechanicsville	PRO	Rocky Mount	BRRO	Warsaw	PRO
Melfa	TRO	Roxbury	PRO	Water View	PRO
Midlothian	PRO	Rural Retreat	SWRO	Waverly	PRO
Millers Tavern	PRO	Saint Stevens Church	PRO	Waynesboro	VRO
Mobjack	PRO	Salem	BRRO	Weems	PRO
Moneta	BRRO	Saluda	PRO	West Point	PRO
Montpelier	PRO	Sandston	PRO	White Stone	PRO
Montross	PRO	Sandy Point	PRO	White Marsh	PRO
Moon	PRO	Saxis	TRO	White Plains	PRO
Morattico	PRO	Scotland	PRO	Wicomico Church	PRO
Morven	PRO	Scotts Fork	PRO	Williamsburg	TRO
Moseley	PRO	Severn	PRO	Wilson	PRO
Mount Holly	PRO	Shackelfords	PRO	Winchester	VRO
Mundy Point	PRO	Sharps	PRO	Windmill Point	PRO
Narrows	BRRO	Short Pump	PRO	Winterpock	PRO
Nassawadox	TRO	Skippers	PRO	Wise	SWRO
Naxera	PRO	Smith Point	PRO	Wytheville	SWRO
New Castle	BRRO	Spring Grove	PRO	Yale	PRO
New Kent	PRO	Staunton	VRO		
New Point	PRO	Stevensville	PRO		
Newport	BRRO	Stingray Point	PRO		
Newport News	TRO				
Newtown	PRO				

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PRO - Piedmont Regional Office
TRO - Tidewater Regional Office

CONFIDENTIAL INFORMATION

Under the Virginia Freedom of Information Act (FOIA) (*Virginia Code* Title 2.2, Chapter 37) and by regulation (9 VAC 5-170-60), all information submitted by the applicant is available to anyone requesting the information unless it is certified by the applicant as meeting all of the criteria listed in 9 VAC 5-170-60 C:

"In order to be exempt from disclosure to the public under subsection B of this section, the record, report or information must satisfy the following criteria:

1. *Information for which the company has been taking and will continue to take measures to protect the confidentiality;*
2. *Information that has not been and is not presently reasonably obtainable without the company's consent by private citizens or other firms through legitimate means other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding;*
3. *Information which is not publicly available from sources other than the company; and*
4. *Information the disclosure of which would cause substantial harm to the company."*

However, emissions data shall be available to the public without exception (9 VAC 5-170-60 A). Emissions data include those data meeting the definition found in federal regulations at 40 CFR 2 Sec. 2.301, which states:

"Emission data means, with reference to any source of emission of any substance into the air--

- A. *Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;*
- B. *Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and*
- C. *A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source)."*

Applicants should consider the "information necessary to determine..." language in the definition, which can include information on throughputs, heat rates, emissions factors, and other characteristics required to derive information on actual or authorized emissions.

In order for DEQ to accept a claim of confidentiality, the applicant must do all of the following:

- Prepare both confidential and non-confidential versions of the application;

The front page of the confidential copy and any subsequent pages containing confidential information should be labeled or stamped "Confidential," "Proprietary," or "Trade Secret."

The public version should indicate which information or data have been removed or blacked out due to confidentiality by labeling those parts or elements of the application as confidential. If an entire page is confidential, there should be a corresponding non-confidential page describing the type of information held confidential, for instance, "Process Flow Diagram (confidential)."

The non-confidential version of the application should be structured so that the permit can be written from the information provided in that version. If this is not feasible then the reasons should be documented in the showing provided with the application. DEQ regional offices can provide a copy of the DEQ Air Permitting Confidentiality Policy, which discusses some approaches to structuring applications so that the permit can reflect the non-confidential information.

- Remove only confidential information

If a page contains both confidential and non-confidential information, the public version must contain all of the non-confidential information. The applicant may not remove all the information on a page or application section or part because some of the information is confidential.

- Refrain from confidentiality claims for emission data that cannot be held confidential *information necessary to determine emissions or what the source is authorized to emit cannot be held confidential.*

CONFIDENTIAL INFORMATION (continued)

- Prepare and certify a showing document for all information claimed as confidential and has been removed or omitted from the public version of the application.

The applicant must prepare a document showing that each type of information or data claimed as confidential meets the criteria of 9 VAC 5-170-60 C as discussed above. The showing document is itself public information subject to FOIA, so the applicant should not include confidential information in the showing document. The applicant must certify the showing.

The showing should follow the format of the example provided below. The certification must contain the wording found in the example.

Example Showing

Throughout the referenced application, XYZ Company claims throughputs of Equipment A, B, and C and composition information of our final blended products as confidential.

Throughputs

XYZ protects the confidentiality of this information by:

- Keeping the information under lock and key except when designated employees have need of its use.
- Allowing only those employees who have a "need to know" access to this information. Other XYZ employees do not have access to this information.
- Requiring all employees who have access to this information to sign a confidentiality agreement.

Disclosure of the throughputs of Equipment A, B, and C could cause substantial harm to XYZ by allowing competitors to better determine our costs. Both fixed and variable costs in our industry are highly dependent on the scale of operations. Disclosure of this information would give competitors information with which they could determine our production capacity, which we believe they do not know at this time. To the best of our knowledge, this information is not publicly available and is not reasonably obtainable by the public or other unauthorized parties.

Product Composition

XYZ protects the confidentiality of this information by:

- Keeping the information under lock and key except when designated employees have need of its use.
- Allowing only those employees who have a "need to know" access to this information. Other XYZ employees do not have access to this information.
- Requiring all employees who have access to this information to sign a confidentiality agreement.
- Requiring customers who have access to this information to sign confidentiality agreements

Disclosure of the composition of our final blended products could cause substantial harm to XYZ by allowing competitors to reverse engineer our products. XYZ has invested significant resources over many years developing these products. Disclosure of these compositions could allow competitors to copy our products without them being required to expend the resources we have spent developing them, thereby reducing our current competitive advantage. To the best of our knowledge, this information is not publicly available and is not reasonably obtainable by the public or other unauthorized parties.

Certification

I hereby certify under penalty of law that to the best of my knowledge and belief, after diligent inquiry, the information claimed above as confidential meets the confidential information criteria of 9 VAC 5-170-60 C and 40 CFR 2.208 and is not "emissions data." Further, to the best of my knowledge, this information has never been determined not to be confidential information by EPA or any other agency, nor has it ever been disclosed to the public by EPA or any other agency.

Typed Name and Title of Responsible Official _____

Signature of Responsible Official _____

Date _____

DEQ staff will review the material to determine its eligibility for confidential treatment and will inform you in writing of the determination. If you have any questions, please contact the DEQ regional office to which the application is made.

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY - AIR PERMITS

LOCAL GOVERNING BODY CERTIFICATION FORM

Facility Name:	Registration Number:
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Applicant's Name:	Name of Contact Person at the site:
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Applicant's Mailing address:	Contact Person Telephone Number:
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Facility location (also attach map):

Facility type, and list of activities to be conducted:

The applicant is in the process of completing an application for an air pollution control permit from the Virginia Department of Environmental Quality. In accordance with § 10.1-1321.1, Title 10.1, Code of Virginia (1950), as amended, before such a permit application can be considered complete, the applicant must obtain a certification from the governing body of the county, city or town in which the facility is to be located that the location and operation of the facility are consistent with all applicable ordinances adopted pursuant to Chapter 22 (§§ 15.2-2200 et seq.) of Title 15.2. The undersigned requests that an authorized representative of the local governing body sign the certification below.

Applicant's signature:	Date:
------------------------	-------

The undersigned local government representative certifies to the consistency of the proposed location and operation of the facility described above with all applicable local ordinances adopted pursuant to Chapter 22 (§§ 15.2-2200 et seq.) of Title 15.2, of the Code of Virginia (1950) as amended, as follows:

(Check one block)

The proposed facility is **fully consistent** with all applicable local ordinances.

The proposed facility is **inconsistent** with applicable local ordinances; see attached information.

Signature of authorized local government representative:	Date:
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Type or print name:	Title:
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County, city or town:

[THE LOCAL GOVERNMENT REPRESENTATIVE SHOULD FORWARD THE SIGNED CERTIFICATION TO THE APPROPRIATE DEQ REGIONAL OFFICE AND SEND A COPY TO THE APPLICANT.]

LOCAL GOVERNING BODY CERTIFICATION FORM

Effective July 1, 1993, Section 10.1-1321.1 of the Code of Virginia specifies that:

"A. No application for a permit for a new or major modified stationary air pollution source shall be considered complete unless the applicant has provided the Director with notification from the governing body of the county, city, or town in which the source is to be located that the location and operation of the source are consistent with all ordinances adopted pursuant to Chapter 22 (æ 15.2-2200 et seq.) of Title 15.2."

"B. The governing body shall inform in writing the applicant and the Department of the source's compliance or noncompliance not more than 45 days from receipt by the chief executive officer, or his agent, of a request from the applicant."

"C. Should the governing body fail to provide written notification as specified in subsection B of this section, the requirement for such notification as specified in subsection A of this section is waived."

Definitions:

- Any new site (not previously designated as a stationary source) upon which one or more emissions units undergo initial construction, installation, or relocation shall be considered a **New Source**; a "green field" source.
- Any existing stationary source making changes to emission units (construction, installation, modification, reconstruction, or relocation) shall be considered a **Modified Source**. Modified sources need only use this form if the modification is major.
- Any stationary source that emits, or has the potential to emit, 100 tons or more per year of any regulated air pollutant shall be considered a **Major Source**. "Regulated air pollutant" is defined in 9 VAC 5-80-1110 C.
- Any modified source, the modification of which is equivalent to the definition of a "major source", shall be considered a **Major Modified Source**.
- Any "major source", the modification of which results in a "significant" net emissions increase of any regulated pollutant, shall be considered a **Major Modified Source**.
- Emissions levels that are considered **Significant** for stationary sources located in Prevention of Significant Deterioration Areas are listed in the definition of "significant" in 9 VAC 5-80-1710 C. Emission levels that are considered **Significant** for stationary sources located in Non-attainment Areas are listed in the definition of "significant" in 9 VAC 5-80-2010 C.

If required, the attached form should be submitted to the appropriate officials of the county, city, or town in which your facility is to be located. (The form is not required for Operating Permits insofar as these pertain to previously existing and operating sources.)

1. **Applicant:** Fill out the top section of the form and sign in the center block. Send the partially completed notification form to the local governing body by certified mail/return receipt, and keep a copy of the return receipt. A copy of the return receipt should then be submitted with the application to the appropriate DEQ regional office.

2. **Local officials:** You may use either this form or a certification designed by the locality. If you use this form, please fill out the bottom section of the form. The form asks you to certify that the facility is or will be consistent with all applicable local ordinances. Please check the appropriate box, sign the form and if there is inconsistency, please attach an explanation that indicates the corrective measures being taken. Then forward the form (or the certification designed by the locality) to the appropriate DEQ regional office within 45 days following receipt of the request from the applicant. (A postmark date within 45 days of receipt is sufficient.) Send a copy of the completed form to the applicant.

There are two ways for an applicant for a new or major modified stationary air pollution source permit to comply with this requirement. (1) When a completed form is received by DEQ indicating that locality certifies that the location and operation of the proposed source are in compliance with local ordinances, then this requirement is met. (2) If the locality fails to respond in writing to the request within 45 days of receipt, then this requirement is met when the applicant provides DEQ with evidence that the locality has received the form and has failed to respond in writing within the 45-day period.

COMMONWEALTH OF VIRGINIA
Department of Environmental Quality



AIR PERMIT APPLICATION
Pilot Test Facility General Permit

General information

CHECK ALL FORMS THAT APPLY AND LIST ALL ATTACHED DOCUMENTS

- CONFIDENTIAL INFORMATION, Pages vii and viii
- REQUEST FORM FOR LOCAL GOVERNMENT CERTIFICATION, Page ix
- CONTENTS AND DOCUMENT CERTIFICATION, Page 1
- GENERAL INFORMATION, Page 2
- GENERAL INFORMATION (continued), Page 3
- PILOT TEST FACILITY GENERAL PERMIT QUESTIONNAIRE, Pages 4 - 7

LIST ATTACHED DOCUMENTS

- MAP of SITE LOCATION
- FACILITY SITE PLAN
- PROCESS FLOW DIAGRAM/SCHEMATIC
- MSDS or CPDS SHEETS
- LOCAL GOVERNING BODY CERTIFICATION FORM

Note any of the added form sheets above; also indicate the number of copies of each form in blank provided.

DOCUMENT CERTIFICATION FORM
(see other side for instructions)

I certify under penalty of law that this document and all attachments [as noted above] 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.

I certify that I understand that the existence of a permit under [Article 6 of the Regulations] does not shield the source from potential enforcement of any regulation of the board governing the major NSR program and does not relieve the source of the responsibility to comply with any applicable provision of the major NSR regulations.

SIGNATURE: _____

DATE: _____

NAME: _____

TITLE: _____

REGISTRATION

COMPANY: _____

NUMBER: _____

References: Virginia Regulations for the Control and Abatement of Air Pollution (Regulations), 9 VAC 5-20-230B and 9 VAC 5-80-1140E. See reverse of this form for instructions.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCUMENT CERTIFICATION FORM

INSTRUCTIONS FOR USE

Various provisions of the Regulations for the Control and Abatement of Air Pollution require that certain documents submitted to the Board or the Department be signed by a responsible official with certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. Documents covered by this requirement include, but are not limited to, permit applications, registrations, emission statements, emission testing and monitoring reports, or compliance certifications. The certification should include the full name, title, signature, date of signature, and telephone number of the responsible official. A responsible official is defined as follows (Regulations, 9 VAC 5-20-230A.):

- a. For a business entity, such as a corporation, association or cooperative, a responsible official is either:
 - (1) The president, secretary, treasurer, or a vice-president of the business entity in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the business entity; or
 - (2) A duly authorized representative of such business entity if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or (ii) the authority to sign documents has been assigned or delegated to such representative in accordance with procedures of the business entity.
- b. For a partnership or sole proprietorship, a responsible official is a general partner or the proprietor, respectively.
- c. For a municipality, state, federal, or other public agency, a responsible official is either a principal executive officer or ranking elected official. A principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

Certification is required with each application submittal, including amendments to an application (i.e. new pages, revisions to existing pages and other amendments to application information).

Reference: Regulations, 9 VAC 5-80-1140D. Letters, phone calls, etc. are considered additional supplementary information to the certified application submittal.

**COMMONWEALTH OF VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR PERMIT APPLICATION GENERAL INFORMATION**

PERSON COMPLETING FORM	DATE	REGISTRATION NUMBER

COMPANY AND DIVISION NAME:

MAILING ADDRESS:

TELEPHONE NUMBER:	NUMBER OF EMPLOYEES AT SITE:	PROPERTY AREA AT SITE:
-------------------	------------------------------	------------------------

EXACT SOURCE LOCATION – INCLUDE NAME OF CITY (COUNTY) AND FULL STREET ADDRESS OR DIRECTIONS:

PERSON TO CONTACT ON AIR POLLUTION MATTERS – NAME AND TITLE:	PHONE NUMBER:
	FAX NUMBER:
	E-MAIL ADDRESS:

FOR OFFICIAL USE ONLY

COUNTY CODE:	PLANT ID NUMBER:	LAT/LONG:
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GENERAL INFORMATION INSTRUCTIONS

COMPANY AND DIVISION NAME - list the official company name and the division if applicable.

MAILING ADDRESS - list the mailing address that corresponds to the facility on this application.

TELEPHONE NUMBER - list the phone number at the facility.

NUMBER OF EMPLOYEES AT SITE - list the number of employees at the facility.

PROPERTY AREA AT SITE - list the area in acres.

EXACT SOURCE LOCATION - provide a description of the facility location indicating street address or directions to facility; provide a map pinpointing the exact source location and specify where the plant property boundaries are, if requested by the regional office; provide a plant layout with dimensions of all buildings (height, length, width) at the facility indicating all stack and emission point locations by stack or reference number, if requested.

PERSON TO CONTACT ON AIR POLLUTION MATTERS - provide the name/title of a contact person for air pollution matters.

PHONE NUMBER - provide a phone number at which DEQ staff can reach the contact person.

FAX PHONE NUMBER - provide the fax number of the contact person, if there is one.

E-MAIL ADDRESS - provide an E-mail address of the contact person, if you wish to communicate with DEQ by e-mail.

FOR OFFICIAL USE ONLY - provided for use by the DEQ regional office.

**COMMONWEALTH OF VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR PERMIT APPLICATION GENERAL INFORMATION (continued)**

COMPANY NAME	DATE	REGISTRATION NUMBER

FOR PORTABLE PLANTS:

IS THIS FACILITY DESIGNED TO BE PORTABLE? YES NO

- IF YES, IS THIS FACILITY ALREADY PERMITTED AS A PORTABLE PLANT? YES NO PERMIT DATE: _____

IF NOT PERMITTED, IS THIS AN APPLICATION TO BE PERMITTED AS A PORTABLE PLANT? YES NO

IF PERMITTED AS A PORTABLE FACILITY, IS THIS A NOTIFICATION OF RELOCATION? YES NO

- DESCRIBE THE NEW LOCATION OR ADDRESS (INCLUDE A SITE MAP): _____

- WILL THE PORTABLE FACILITY BE CO-LOCATED WITH ANOTHER SOURCE? YES NO REG. NO.: _____

- WILL THE PORTABLE FACILITY BE MODIFIED OR RECONSTRUCTED AS A RESULT OF THE RELOCATION? YES NO

- WILL THERE BE ANY NEW EMISSIONS OTHER THAN THOSE ASSOCIATED WITH THE RELOCATION? YES NO

- IS THE FACILITY SUITABLE FOR THE AREA TO WHICH IT WILL BE LOCATED? (ATTACH DOCUMENTATION) YES NO

DESCRIBE THE PRODUCTS MANUFACTURED AND/OR SERVICES PERFORMED AT THIS FACILITY:

LIST THE STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE(S) FOR THE FACILITY:

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LIST THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODE(S) FOR THE FACILITY:

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PLEASE LIST ALL THE FACILITIES IN VIRGINIA UNDER COMMON OWNERSHIP OR CONTROL BY THE OWNER OF THIS FACILITY:

MILESTONES. This section is to be completed if the permit application includes a new emissions unit or modification to existing operations.

MILESTONES*	STARTING DATE	ESTIMATED COMPLETION DATE
New equipment installation		
Modification of existing process or equipment		
Start-up dates		

*For new or modified installations to be constructed in phased schedule, give construction/installation starting and completion date for each phase.

GENERAL INFORMATION (continued) INSTRUCTIONS

COMPANY NAME - give the company name, the date completed, and the registration number assigned to the facility if applicable.

IS THE FACILITY DESIGNED TO BE PORTABLE? - 9 VAC 5-80-1110 B defines "portable", to mean an emissions unit that is designed to have the capability of being moved from one location to another for the purpose of operating at multiple locations and storage when idle. Indications of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform. If this facility is already permitted as a portable facility, list the date of the effective permit.

IS THIS AN APPLICATION TO BE PERMITTED AS A PORTABLE PLANT? - if the facility is designed to be portable, indicate whether or not you wish to have the permit contain specific conditions that will acknowledge this fact, so that the facility may be relocated without a new permit in accordance with 9 VAC 5-80-1320 A.1.c.

IS THIS A NOTIFICATION OF RELOCATION OF A PORTABLE FACILITY? - 9 VAC 5-80-1320 A.1.c allows the relocation of a properly permitted portable facility to be exempt from permitting requirements, as long as it meets certain requirements, one of which is timely notification of the relocation. This notification should be sent to the Director of the DEQ Regional Office into whose area of responsibility the facility will be relocated. The 15-day notification period begins when DEQ receives the notification. Submission of pages 1, 2, and 3 of this form 7 may be used for that notification (with "RELOCATION of a SOURCE" marked on Page 2). However, use of this form for that purpose is not required. Note that a site map and documentation of site suitability should accompany this form or whatever means of notification is used. Include the registration number of any stationary source that will be co-located with the portable facility at the new site.

Site suitability may be documented by the use of a properly certified Local Governing Body Certification Form from the locality to which the facility will be relocated, although that form is not required for this purpose. Contact the appropriate DEQ Regional Office for instructions. DEQ will make a determination of site suitability based upon regional and local requirements.

PRODUCTS MANUFACTURED/SERVICED - indicate the type of business in which this facility is engaged, listing products produced and/or services performed.

SIC CODE(S) - provide all 4-digit Standard Industrial Classification Code(s) for this facility and for the process(es). Place primary SIC in the first set of blocks.

Reference website:

<http://www.osha.gov/pls/imis/sicsearch.html>

NAICS CODE(S) - provide all 6-digit North American Industry Classification System Code(s) for this facility and for the process(es). Place primary NAICS in the first set of blocks.

Reference website:

<http://www.census.gov/epcd/naics07/>

FACILITIES UNDER COMMON OWNERSHIP - list the facilities in Virginia that are owned by the applicant company, its subsidiaries, and its parent company.

MILESTONE DATES - list all dates pertinent to this application as accurately as possible. For start-up dates, provide each relevant date as it might affect emissions, e.g., start-up of each unit, modification of each unit, imposition of or changes in permitted emissions for each unit.

PILOT TEST FACILITY GENERAL PERMIT QUESTIONNAIRE

Note: Attach a separate questionnaire for each qualified energy generator¹ that is located on site.

A. Qualified Energy Generator Information:

1. Unit Reference Number: _____
2. Equipment Type (use Code A): _____
3. Equipment Manufacturer and Model Number: _____
4. Date of Manufacture or Construction: _____
5. Maximum Rated Input Heat Capacity (MMBtu/hr): _____
6. Maximum Rated Capacity (_____/hr): _____
7. Maximum Rated Output (kW): _____
(hp): _____
8. Type of biomass fuel²: Primary: _____
Secondary (if applicable): _____
9. Usage (use Code B): _____
10. Does the qualified energy generator have any control equipment? Yes OR No (please circle one)
If yes, please fill out the following:
 - a. Unit Reference Number(s): _____
 - b. Equipment Type(s) (use Code C): _____
 - c. Equipment Manufacturer and Model Number(s): _____
 - d. Pollutants Controlled: _____
 - e. Control Efficiency (%): Design: _____
Actual: _____
11. Is the qualified energy generator a municipal solid waste incinerator? Yes OR No (please circle one)
If yes, please fill out the following:
 - a. Burner Rated Capacity (MMBtu/hr): Primary Chamber: _____
Secondary Chamber: _____
 - b. Minimum Chamber Temperature (°F): Primary Chamber: _____
Secondary Chamber: _____
 - c. Minimum Secondary Chamber Retention Time (seconds): _____
 - d. Burn Down Cycle Time (hours): _____

PILOT TEST FACILITY GENERAL PERMIT QUESTIONNAIRE

B. Other Equipment:

1. Will the facility have a liquid fuel storage tank(s) on site? Yes OR No (please circle one)
If yes, please fill out the following:

- a. Quantity and Unit Reference Number(s): _____
- b. Tank Type(s) (use Code D): _____
- c. Date of Manufacture or Construction (per tank): _____
- d. Material Stored (per tank): _____
- e. Source of Tank Content(s): _____
- f. Maximum True Vapor Pressure (psia): _____
- g. Tank Diameter (feet) (per tank): _____
- h. Tank Capacity (gallons) (per tank): _____
- i. Tank Color (per tank): Shell: _____
Roof: _____

2. Will the facility have a silo(s) on site? Yes OR No (please circle one)
If yes, please fill out the following:

- a. Quantity and Unit Reference Number(s): _____
- b. Volume capacity of the silo(s): _____
- c. Material Stored (per silo): _____
- d. Source of Silo Content(s): _____
- e. Does the silo(s) have control equipment? Yes OR No (please circle one)
If yes, please circle which one is applicable: Fabric Filter OR Bin Vent Filter

3. Will the facility have any grinding equipment? Yes OR No (please circle one)
If yes, please fill out the following:

- a. Quantity and Unit Reference Number(s): _____
- b. Engine Size (kW): _____
OR
(hp): _____
- c. Type of Fuel: _____
- d. Material Grinded: _____
- e. Is wet suppression used? Yes OR No (please circle one)
- f. Is the grinding equipment enclosed/partially enclosed when in use? Yes OR No (please circle one)

4. Will there be stockpiles located on site? Yes OR No (please circle one)
If yes, please fill out the following:

PILOT TEST FACILITY GENERAL PERMIT QUESTIONNAIRE

- a. Material(s) Stockpiled: _____
- b. Source of Stockpile Material(s): _____
- c. Is wet suppression used? Yes OR No (please circle one)
- d. Is the stockpile(s) enclosed/partially enclosed? Yes OR No (please circle one)
5. Will the facility have material handling equipment on site? Yes OR No (please circle one)
If yes, please fill out the following:
- a. List all material handling equipment: _____

- b. Is material handling equipment controlled? Yes OR No (please circle one)
If yes, what control equipment is used? _____

- c. Material(s) used in material handling equipment: _____

¹ *Qualified energy generator* means a commercial facility located in the Commonwealth with the capacity annually to generate no more than five megawatts of electricity, or produce the equivalent amount of energy in the form of fuel, steam, or other energy product, that is generated or produced solely from biomass, and that is sold to an unrelated person or stationary source or used in a manufacturing process.

² *Biomass* means organic material that is available on a renewable or recurring basis, including:

1. Forest-related materials, including mill residues, logging residues, forest thinning, slash, brush, low-commercial value materials or undesirable species, and woody material harvested for the purpose of forest fire fuel reduction or forest health and watershed improvement;
2. Agricultural-related materials, including orchard trees, vineyard, grain or crop residues, including straws, aquatic plants and agricultural processed co-products and waste products, including fats, oils, greases, whey, and lactose;
3. Animal waste, including manure and slaughterhouse and other animal processing waste;
4. Solid woody waste materials, including landscape trimmings, waste pallets, crates and manufacturing, construction, and demolition wood wastes, excluding pressure-treated, chemically treated or painted wood wastes and wood contaminated with plastic;
5. Crops and trees planted for the purpose of being used to produce energy;
6. Landfill gas, wastewater treatment gas, and biosolids, including organic waste byproducts generated during the wastewater treatment process; and
7. Municipal solid waste, excluding tires and medical and hazardous waste.

PILOT TEST FACILITY GENERAL PERMIT QUESTIONNAIRE

Code A – Qualified Energy Generator Equipment Type		
<u>BOILER TYPE:</u> Pulverized Coal - Wet Bottom Pulverized Coal - Dry Bottom Pulverized Coal - Cyclone Furnace Spreader Stoker Chain or Travelling Grate Stoker Underfeed Stoker Hand Fired Coal Oil, Tangentially Fired Oil, Horizontally Fired (except rotary cup) Gas, Tangentially Fired Gas, Horizontally Fired Wood with Flyash Reinjection Wood without Flyash Reinjection Other Specify	<u>STATIONARY ENGINE TYPE:</u> Combustion Turbine Internal Combustion Engine Other Specify	<u>OTHER UNITS:</u> Process Furnace Incinerator Pyrolysis Gasification Oven / Kiln Rotary Kiln Other Specify

Code B – Qualified Energy Generator Usage	
Steam Production Drying / Curing Space Heating Process Heat	Food Processing Electrical Generation Mechanical Work Other (specify)

Code C – Control Equipment Type		
Settling Chamber Cyclone Multicyclone Cyclone scrubber Orifice scrubber	Mechanical scrubber Venturi scrubber Mist eliminator Electrostatic Precipitator Filter (baghouse or other)	Catalytic Afterburner Direct Flame Afterburner Absorber (specify) Adsorber (specify) Condenser (specify) Other (specify)

Code D – Tank Type		
Fixed Roof – Vertical Tank Fixed Roof – Horizontal Tank Floating Roof	Variable Vapor Space Pressure Tank (over 15 psig) Underground Splash Loading	Underground Submerged Loading Underground Submerged Loading, Balanced Other (specify)