

COMMONWEALTH OF VIRGINIA
STATE AIR POLLUTION CONTROL BOARD
REGULATIONS FOR THE CONTROL AND ABATEMENT OF AIR POLLUTION

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GENERAL PROVISIONS.

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SIP Effective Date: October 8, 2004; revisions to 5-20-206 are effective on June 27, 2005 and August 19, 2005; revisions to 5-20-203, 5-20-204, and 5-20-205 are effective on September 18, 2006; revision to 5-20-204 is effective on March 9, 2007; revision to 5-20-206 is effective on April 2, 2007; revisions to 5-20-203 and 5-20-204 are effective on March 14, 2008 and December 29, 2008; revisions to 5-20-204 are effective on August 12, 2013.

PART I. - Administrative

9 VAC 5-20-10. Applicability.

A. The provisions of these regulations, unless specified otherwise, shall apply throughout the Commonwealth of Virginia.

B. The provisions of these regulations, unless specified otherwise, shall apply to only those pollutants for which ambient air quality standards are set forth in 9 VAC 5 Chapter 30 (9

VAC 5-30-10 et seq.) or for which emission standards are set forth in 9 VAC 5 Chapter 40 (9 VAC 5-40-10 et seq.), 9 VAC 5 Chapter 50 (9 VAC 5-50-10 et seq.), and 9 VAC 5 Chapter 60 (9 VAC 5-60-10 et seq.), or both.

C. No provision of these regulations shall limit the power of the board to take such appropriate action as necessary to control and abate air pollution in emergency situations.

D. [Not in SIP]

9 VAC 5-20-21. [Regulation 9 VAC 5-20-21 is considered part of the approved Virginia SIP, but the verbatim text has not been incorporated by reference into 40 CFR § 52.2420(c) because of its regulatory structure.]

9 VAC 5-20-70. Circumvention.

A. No owner or other person 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 the gases discharged to the atmosphere.

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

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

9 VAC 5-20-80. Relationship of state regulations to federal regulations.

A. In order for the Commonwealth to fulfill its obligations under the federal Clean Air Act, some provisions of these regulations are required to be approved by the U.S. Environmental Protection Agency and when approved those provisions become federally enforceable.

B. In cases where these regulations specify that procedures or methods shall be approved by, acceptable to or determined by the board or other similar phrasing or specifically provide for decisions to be made by the board or department, it may be necessary to have such actions (approvals, determinations, exemptions, exclusions, or decisions) reviewed and confirmed as acceptable or approved by the U.S. Environmental Protection Agency in order to make them federally enforceable. Determination of which state actions require federal confirmation or approval and the administrative mechanism for making associated confirmation or approval decisions shall be made on a case-by-case basis in accordance with U.S. Environmental Protection Agency regulations and policy.

9 VAC 5-20-121. Air quality program policies and procedures.

A. General.

1. In order for the Commonwealth to fulfill its obligations under the federal Clean Air Act, some provisions of these regulations are required to be approved by the U.S. Environmental Protection Agency as part of the State Implementation Plan and when approved those provisions become federally enforceable.

2. In cases where these regulations specify that procedures or methods shall be approved by, acceptable to or determined by the board or other similar phrasing or specifically provide for decisions to be made by the board or department, it may also be necessary to have such actions (approvals, determinations, exemptions, exclusions, or decisions) approved by the U.S. Environmental Protection Agency as part of the State Implementation Plan in order to make them federally enforceable. In accordance with U.S. Environmental Protection Agency regulations and policy, it has been determined that it is necessary for the procedures listed in subsection B of this section to be approved as part of the State Implementation Plan.

3. Failure to include in this section any procedure mentioned in the regulations shall not invalidate the applicability of the procedure.

4. Copies of materials listed in this section may be examined by the public at the central office of the Department of Environmental Quality, 629 E. Main St., Richmond, Virginia between 8:30 a.m. and 4:30 p.m. of each business day.

B. Specific documents.

1. Procedures for Testing Facilities Subject to Emission Standards for Volatile Organic Compounds, AQP-1, July 1, 1991.

2. Procedures for Determining Compliance with Volatile Organic Compound Emission Standards Covering Surface Coating Operations, AQP-2, July 1, 1991.

3. Procedures for the Measurement of Capture Efficiency for Determining Compliance with Volatile Organic Compound Emission Standards Covering Surface Coating Operations and Graphic Arts Printing Processes, AQP-3, April 1, 1996.

4. Procedures for Maintaining Records for Surface Coating Operations and Graphic Arts Printing Processes, AQP-4, July 1, 1991.

5. Procedures for Preparing and Submitting Emission Statements for Stationary Sources, AQP-8, January 1, 1993.

6. Procedures for Implementation of Regulations Covering Stage II Vapor Recovery Systems for Gasoline Dispensing Facilities, AQP-9, January 1, 1993.

**PART II.
Air Quality Programs.**

9 VAC 5-20-160. Registration.

A. The owner of any stationary source to which permits are issued under 9 VAC 5 Chapter 80 (9 VAC 5-80-10 et seq.) or for which emission standards are given in 9 VAC 5

Chapter 40 (9 VAC 5-40-10 et seq.), 9 VAC 5 Chapter 50 (9 VAC 5-50-10 et seq.), and 9 VAC 5 Chapter 60 (9 VAC 5-60-10 et seq.) shall, upon request of the board, register such source operations with the board and update such registration information. The information required for registration shall be determined by the board and shall be provided in the manner specified by the board. Owners should review the emission standard for their respective source type to identify the exemption levels for purposes of this section.

B. The owner of any stationary source emitting 25 tons per year or more of volatile organic compounds or nitrogen oxides and located in any emissions control area designated in 9 VAC 5-20-206 shall submit an emissions statement to the board by April 15 of each year, beginning in 1993, for the emissions discharged during the previous calendar year. Emissions statements shall be prepared and submitted in accordance with the applicable procedure in 9 VAC 5-20-121.

9 VAC 5-20-170. Control programs.

A. Under the provisions of 9 VAC 5-20-30 A, the board may require an owner of a stationary source to submit a control program, in a form and manner satisfactory to the board, showing how compliance shall be achieved as quickly as possible.

B. The board shall act within 90 days of receiving an acceptable control program. A public hearing will be held within this period. The hearing shall be held only after reasonable notice, at least 30 days prior to the hearing date, which shall include:

1. Notice given to the public by advertisement in at least one major newspaper of general circulation in the affected air quality control region;

2. Availability of the information in the control program (exclusive of confidential information under the provisions of 9 VAC 5-20-150) for public inspection in at least one location in the affected air quality control region; and

3. Notification to all local air pollution control agencies having State Implementation Plan responsibilities in the affected air quality control region, all states sharing the affected air quality control region, and the regional administrator of the U.S. Environmental Protection Agency.

C. When acting upon control programs, the board shall be guided by the provisions of the federal Clean Air Act.

D. The board may require owners submitting a control program to submit periodic progress reports in the form and manner acceptable to the board.

E. The board normally will take action on all control programs within 30 days after the date of the public hearing unless more information is required. The board shall notify the applicant in writing of its decision on the control program and shall set forth its reasons for that.

F. The owner may appeal the decision pursuant to 9 VAC 5-20-90.

9 VAC 5-20-180. Facility and control equipment maintenance or malfunction.

A. At all times, including periods of startup, shutdown and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment or monitoring equipment, in a manner consistent with good air pollution control practice of minimizing emissions.

B. In case of shutdown or bypassing, or both, of air pollution control equipment for necessary scheduled maintenance which results in excess emissions for more than one hour, the intent to shut down such equipment shall be reported to the board and local air pollution control agency, if any, at least 24 hours prior to the planned shutdown. Such prior notice shall include, but is not limited to, the following:

1. Identification of the specific facility to be taken out of service as well as its location and permit or registration number;
2. The expected length of time that the air pollution control equipment will be out of service;
3. The nature and quantity of emissions of air pollutants likely to occur during the shutdown period; and
4. Measures that will be taken to minimize the length of the shutdown or to negate the effect of the outage of the air pollution control equipment.

C. In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours, notify the board by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within two weeks provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the board.

D. In the event that the breakdown period cited in subsection C of this section exists or is expected to exist for 30 days or more, the owner shall, within 30 days of the failure or malfunction and semi-monthly thereafter until the failure or malfunction is corrected, submit to the board a written report containing the following:

1. Identification of the specific facility that is affected as well as its location and permit or registration number;
2. The expected length of time that the air pollution control equipment will be out of service;
3. The nature and quantity of air pollutant emissions likely to occur during the breakdown period;
4. Measures to be taken to reduce emissions to the lowest amount practicable

during the breakdown period;

5. A statement as to why the owner was unable to obtain repair parts or perform repairs which would allow compliance with the provisions of these regulations within 30 days of the malfunction or failure;

6. An estimate, with reasons given, of the duration of the shortage of repairs or repair parts which would allow compliance with the provisions of these regulations; and

7. Any other pertinent information as may be requested by the board.

E. The provisions of subsection D of this section shall not apply beyond three months of the date of the malfunction or failure. Should the breakdown period exist past the three-month period, the owner may apply for a variance in accordance with 9 VAC 5-20-50 A.

F. The following special provisions govern facilities which are subject to the provisions of Article 3 (9 VAC 5-40-160 et seq.) of 9 VAC 5 Chapter 40, Article 3 (9 VAC 5-50-160 et seq.) of 9 VAC 5 Chapter 50, or Article 1 (9 VAC 5-60-60 et seq.) 9 VAC 5 Chapter 60:

1. Nothing in this section shall be understood to allow any such facility to operate in violation of applicable emission standards, except that all such facilities shall be subject to the reporting and notification procedures in this section.

2. Any facility which is subject to the provisions of Article 1 (9 VAC 5-60-60 et seq.) 9 VAC 5 Chapter 60 shall shut down immediately if it is unable to meet the applicable emission standards, and it shall not return to operation until it is able to operate in compliance with the applicable emission standards.

3. Regardless of any other provision of this section, any facility which is subject to the provisions of Article 3 (9 VAC 5-40-160 et seq.) of 9 VAC 5 Chapter 40 or Article 3 (9 VAC 5-50-160 et seq.) of 9 VAC 5 Chapter 50 shall shut down immediately upon request of the board if its emissions increase in any amount because of a bypass, malfunction, shutdown or failure of the facility or its associated air pollution control equipment; and such facility shall not return to operation until it and the associated air pollution control equipment are able to operate in a proper manner.

G. No violation of applicable emission standards or monitoring requirements shall be judged to have taken place if the excess emissions or cessation of monitoring activities is due to a malfunction, provided that:

1. The procedural requirements of this section are met or the owner has submitted an acceptable application for a variance, which is subsequently granted;

2. The owner has taken expedient and reasonable measures to minimize emissions during the breakdown period;

3. The owner has taken expedient and reasonable measures to correct the malfunction and return the facility to a normal operation; and

4. The source is in compliance at least 90% of the operating time over the most recent 12-month period.

H. Nothing in this section shall be construed as giving an owner the right to increase temporarily the emission of pollutants or to circumvent the emission standards or monitoring requirements otherwise provided in these regulations.

I. Regardless of any other provision of this section, the owner of any facility subject to the provisions of these regulations shall, upon request of the board, reduce the level of operation at the facility if the board determines that this is necessary to prevent a violation of any primary ambient air quality standard. Under worst case conditions, the board may order that the owner shut down the facility, if there is no other method of operation to avoid a violation of the primary ambient air quality standard. The board reserves the right to prescribe the method of determining if a facility will cause such a violation. In such cases, the facility shall not be returned to operation until it and the associated air pollution control equipment are able to operate without violation of any primary ambient air quality standard.

J. Any owner of an affected facility subject to the provisions of this section shall maintain records of the occurrence and duration of any bypass, malfunction, shutdown or failure of the facility or its associated air pollution control equipment that results in excess emissions for more than one hour. The records shall be maintained in a form suitable for inspection and maintained for at least two years following the date of the occurrence.

9 VAC 5-20-200. Air Quality Control Regions.

Region 1 - Eastern Tennessee-Southwestern Virginia Interstate Air Quality Control Region (Virginia)

The Eastern Tennessee-Southwestern Virginia Interstate Air Quality Control Region (Virginia portion) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all localities geographically located within the outermost boundaries of the area so delimited):

COUNTIES

Bland	Lee	Washington
Buchanan	Russell	Wise
Carroll	Scott	Wythe
Dickenson	Smyth	
Grayson	Tazewell	

CITIES

Bristol	Galax	Norton
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Region 2 - Valley of Virginia Intrastate Air Quality Control Region

The Valley of Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the

territorial area of all localities geographically located within the outermost boundaries of the area so delimited):

COUNTIES

Alleghany	Floyd	Pulaski
Augusta	Frederick	Roanoke
Bath	Giles	Rockbridge
Botetourt	Highland	Rockingham
Clarke	Montgomery	Shenandoah
Craig	Page	Warren

CITIES

Buena Vista	Lexington	Staunton
Clifton Forge	Radford	Waynesboro
Covington	Roanoke	Winchester
Harrisonburg	Salem	

Region 3 - Central Virginia Intrastate Air Quality Control Region

The Central Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all localities geographically located within the outermost boundaries of the area so delimited):

COUNTIES

Amelia	Campbell	Lunenburg
Amherst	Charlotte	Mecklenburg
Appomattox	Cumberland	Nottoway
Bedford	Franklin	Patrick
Brunswick	Halifax	Pittsylvania
Buckingham	Henry	Prince Edward

CITIES

Bedford	Lynchburg	South Boston
Danville	Martinsville	

Region 4 - Northeastern Virginia Intrastate Air Quality Control Region

The Northeastern Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all localities geographically located within the outermost boundaries of the area so delimited):

COUNTIES

Accomack	King and Queen	Northampton
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Albemarle	King George	Northumberland
Caroline	King William	Orange
Culpeper	Lancaster	Rappahannock
Essex	Louisa	Richmond
Fauquier	Madison	Spotsylvania
Fluvanna	Mathews	Stafford
Gloucester	Middlesex	Westmoreland
Greene	Nelson	

CITIES

Charlottesville	Fredericksburg
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Region 5 - State Capital Intrastate Air Quality Control Region

The State Capital Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all localities geographically located within the outermost boundaries of the area so delimited):

COUNTIES

Charles City	Henrico
Chesterfield	New Kent
Dinwiddie	Powhatan
Goochland	Prince George
Greensville	Surry
Hanover	Sussex

CITIES

Colonial Heights	Petersburg
Emporia	Richmond
Hopewell	

Region 6 - Hampton Roads Intrastate Air Quality Control Region

The Hampton Roads Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all localities geographically located within the outermost boundaries of the area so delimited):

COUNTIES

Isle of Wight	Southampton
James City	York

CITIES

Chesapeake	Poquoson
Franklin	Portsmouth
Hampton	Suffolk
Newport News	Virginia Beach
Norfolk	Williamsburg

Region 7 - National Capital Interstate Air Quality Control Region (Virginia)

The National Capital Interstate Air Quality Control Region (Virginia portion) consists of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all localities geographically located within the outermost boundaries of the area so delimited):

COUNTIES

Arlington	Loudoun
Fairfax	Prince William

CITIES

Alexandria	Manassas
Fairfax	Manassas Park
Falls Church	

NOTE: In addition to the air quality control regions delineated herein which form the geographic basis for the legal applicability of the regulations and air quality programs, there are administrative regions for all types of administrative actions (such as permit processing and responding to public inquiries). This is done because it is necessary for administrative purposes that certain localities be in regions other than those listed above. This administrative delineation in no way alters the applicability of the regulations. Maps showing boundaries for both air quality control regions and administrative regions, and lists showing the assignment of localities for both, are available from the department on request.

9 VAC 5-20-201. Urban Areas. [Not in SIP]

9 VAC 5-20-202. Metropolitan statistical areas.

Metropolitan Statistical Areas are geographically defined as follows:

<u>Title</u>	<u>Geographical Area</u>
Bristol MSA	Bristol City Scott County Washington County
Charlottesville MSA	Charlottesville City Albemarle County Fluvanna County

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9VAC5-20-203. Maintenance areas.

Maintenance areas are geographically defined below by locality for the criteria pollutants indicated.

1. Ozone.

Fredericksburg Ozone Maintenance Area.

Spotsylvania County
Stafford County

Fredericksburg City

Hampton Roads Ozone Maintenance Area.

Gloucester County
Isle of Wight County
James City County
York County
Chesapeake City
Hampton City
Newport News City

Norfolk City
Poquoson City
Portsmouth City
Suffolk City
Virginia Beach City
Williamsburg City

Richmond Ozone Maintenance Area.

Charles City County
Chesterfield County
Hanover County
Henrico County
Prince George County

Colonial Heights City
Hopewell City
Petersburg City
Richmond City

Shenandoah National Park Ozone Maintenance Area.

Madison County (portions located in Shenandoah National Park)
Page County (portions located in Shenandoah National Park)

2. Carbon monoxide.

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Northern Virginia Carbon Monoxide Maintenance Area.

Arlington County

Alexandria City

3. PM_{2.5} (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers)

Northern Virginia PM_{2.5} Maintenance Area.

Arlington County

Fairfax County

Loudoun County

Prince William County

Alexandria City

Fairfax City

Falls Church City

Manassas City

Manassas Park City

4. All other pollutants.

None.

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9VAC5-20-204. Nonattainment areas.

A. Nonattainment areas are geographically defined below by locality for the criteria pollutants indicated. Following the name of each ozone nonattainment area, in parenthesis, is the classification assigned pursuant to § 181(a) of the federal Clean Air Act (42 USC § 7511(a)), 40 CFR 51.903(a), and 40 CFR 51.1103(a).

1. Ozone (1-hour).

Northern Virginia Ozone Nonattainment Area (severe).

Arlington County	Alexandria City
Fairfax County	Fairfax City
Loudoun County	Falls Church City
Prince William County	Manassas City
Stafford County	Manassas Park City

2. Ozone (8-hour, 0.08 ppm).

Northern Virginia Ozone Nonattainment Area (moderate).

Arlington County	Fairfax City
Fairfax County	Falls Church City
Loudoun County	Manassas City
Prince William County	Manassas Park City
Alexandria City	

3. Ozone (8-hour, 0.075 ppm).

Northern Virginia Ozone Nonattainment Area (marginal).

Arlington County	Fairfax City
Fairfax County	Falls Church City
Loudoun County	Manassas City
Prince William County	Manassas Park City
Alexandria City	

4. All other pollutants.

None.

B. Subdivision A 1 of this section shall not be effective after June 15, 2005.

C. Subdivision A 2 of this section shall not be effective after April 6, 2015.

9VAC5-20-205. Prevention of significant deterioration areas. [Revised; SIP effective date is September 18, 2006]

A. Prevention of significant deterioration areas are geographically defined below by locality for the following criteria pollutants:

1. Particulate matter.

All areas not designated nonattainment for particulate matter in 9VAC5-20-204.

2. Sulfur dioxide.

All areas not designated nonattainment for sulfur dioxide in 9VAC5-20-204.

3. Carbon monoxide.

All areas not designated nonattainment for carbon monoxide in 9VAC5-20-204.

4. Ozone (volatile organic compounds):

All areas not designated nonattainment for ozone in 9VAC5-20-204.

5. Nitrogen oxides.

All areas not designated nonattainment for nitrogen oxides in 9VAC5-20-204.

6. Lead.

All areas not designated nonattainment for lead in 9VAC5-20-204.

B. All areas of the state are geographically defined as prevention of significant deterioration areas for the following pollutants:

Fluorides

Sulfuric acid mist

Total reduced sulfur:

Hydrogen sulfide

Methyl mercaptan

Dimethyl sulfide

Dimethyl disulfide

Reduced sulfur compounds:

Hydrogen sulfide

Carbon disulfide

Carbonyl sulfide

Municipal waste combustor organics (measured as total tetra-chlorinated through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)

Municipal waste combustor metals (measured as particulate matter)

Municipal waste combustor acid gases (measured as the sum of SO₂ and HCl)

C. The classification of prevention of significant deterioration areas is as follows:

1. Class I.

a. Federal—James River Face Wilderness Area (located in AQCR 2) and Shenandoah National Park (located in AQCR 2 and AQCR 4).

b. State—None.

2. Class II—All areas of the state not designated in Class I.

3. Class III—None.

D. The area classification prescribed in subsection C of this section may be redesignated in accordance with 40 CFR 52.21(e), (g), (u) and (t).

9 VAC 5-20-206. Volatile organic compound and nitrogen oxides emissions control areas.

Emissions Control Areas are geographically defined below by locality for the pollutants indicated.

1. Volatile Organic Compounds.

a. Northern Virginia Emissions Control Area.

Arlington County	Alexandria City
Fairfax County	Fairfax City
Loudoun County	Falls Church City
Prince William County	Manassas City
Stafford County	Manassas Park City

b. Fredericksburg Emissions Control Area. [SIP Effective Date: 4/2/07]

Spotsylvania County	Fredericksburg City
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c. Richmond Emissions Control Area.

Charles City County	Colonial Heights City
Chesterfield County	Hopewell City
Hanover County	Petersburg City
Henrico County	Richmond City
Prince George County	

d. Hampton Roads Emissions Control Area. [Revised: SIP Effective Date: 8/19/05]

Gloucester County	Norfolk City
Isle of Wight County	Poquoson City
James City County	Portsmouth City
York County	Suffolk City
Chesapeake City	Virginia Beach City
Hampton City	Williamsburg City
Newport News City	

e. Western Virginia Emissions Control Area [SIP Effective Date: 6/27/05]

Botetourt County	Roanoke City
Frederick County	Salem City
Roanoke County	Winchester City

2. Nitrogen Oxides.

a. Northern Virginia Emissions Control Area.

Arlington County	Alexandria City
Fairfax County	Fairfax City
Loudoun County	Falls Church City
Prince William County	Manassas City
Stafford County	Manassas Park City

b. Fredericksburg Emissions Control Area. [SIP Effective Date: 4/2/07]

Spotsylvania County Fredericksburg City

c. Richmond Emissions Control Area.

Charles City County	Colonial Heights City
Chesterfield County	Hopewell City
Hanover County	Petersburg City
Henrico County	Richmond City
Prince George County	

d. Hampton Roads Emissions Control Area.

Gloucester County	Norfolk City
Isle of Wight County	Poquoson City
James City County	Portsmouth City
York County	Suffolk City
Chesapeake City	Virginia Beach City
Hampton City	Williamsburg City
Newport News City	

e. Western Virginia Emissions Control Area

Botetourt County	Roanoke City
Frederick County	Salem City
Roanoke County	Winchester City

9 VAC 5-20-220. Shutdown of a stationary source.

A. Upon a final decision by the board that a stationary source or emissions unit is shut down permanently, the board shall revoke any permits by written notification to the owner and remove the stationary source or emissions unit from the emission inventory or consider its emissions to be zero in any air quality analysis conducted; and the stationary source or emissions unit shall not commence operation without a permit being issued under the applicable provisions of 9VAC5 Chapter 80 (9VAC5-80-10 et seq.).

B. The final decision shall be rendered as follows:

1. Upon a determination that the stationary source or emissions unit has not operated for a year or more, the board shall provide written notification to the owner

(i) of its proposed decision that the stationary source or emissions unit is considered to be shut down permanently and

(ii) that if the owner fails to provide within three months of the notice written response to the board that the shutdown is not to be considered permanent, the decision shall become final within six months of the notice. The response from the owner shall include the basis for the assertion that the shutdown is not to be considered permanent and a projected date for restart-up of the stationary source or emissions unit.

2. If the board should find that the basis for the assertion is not sound or the projected restart-up date allows for an unreasonably long period of in operation, the decision to consider the shutdown permanent shall become final one year after the date of the notice of the proposed decision.

C. Nothing in any regulation of the board shall be construed to prevent the board and the owner from making a mutual determination that a stationary source or emissions unit is shut down permanently prior to any final decision rendered under subsection B of this section.

9 VAC 5-20-230. Certification of documents.

A. The following documents submitted to the board shall be signed by a responsible official:

(i) any emission statement, application, form, report, or compliance certification;

(ii) any document required to be so signed by any provision of the regulations of the board; or

(iii) any other document containing emissions data or compliance information the owner wishes the board to consider in the administration of its air quality programs. A responsible official is defined as follows:

1. For a business entity, such as a corporation, association or cooperative, a responsible official is either:

a. 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

b. 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.

2. For a partnership or sole proprietorship, a responsible official is a general partner or the proprietor, respectively.

3. 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.

B. Any person signing a document under subsection A of this section shall make the following certification:

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

C. Subsection B of this section shall be interpreted to mean that the signer must have some form of direction or supervision over the persons gathering the data and preparing the document (the preparers), although the signer need not personally nor directly supervise these activities. The signer need not be in the same line of authority as the preparers, nor do the persons gathering the data and preparing the form need to be employees (e.g., outside contractors can be used). It is sufficient that the signer has authority to assure that the necessary actions are taken to prepare a complete and accurate document.

D. Any person who fails to submit any relevant facts or who has submitted incorrect information in a document shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

