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

9 VAC 5 CHAPTER 50.
NEW AND MODIFIED STATIONARY SOURCES.

PART II.
Emission Standards.

ARTICLE 1.
Standards of Performance For Visible Emissions
and Fugitive Dust/Emissions (Rule 5-1).

9 VAC 5-50-60. Applicability and designation of affected facility.
9 VAC 5-50-70. Definitions.
9 VAC 5-50-80. Standard for visible emissions.
9 VAC 5-50-90. Standard for fugitive dust/emissions. [Revised; SIP Effective date is June 28, 2005]
9 VAC 5-50-100. Monitoring.
9 VAC 5-50-110. Test methods and procedures.
9 VAC 5-50-120. Waivers. [Revised; SIP Effective date is June 28, 2005]

9 VAC 5-50-60. Applicability and designation of affected facility.

A. Except as provided in subsection C of this section, the affected facilities to which the provisions of this article apply are the following:

1. Each source of visible emissions; and

2. Each source of fugitive dust/emissions.

B. The provisions of this article apply throughout the Commonwealth of Virginia.

C. The provisions of this article do not apply to any source type subject to the designated standards of performance in 9 VAC 5-50-410 or subject to the designated emission standards in 9 VAC 5-50-70, or both, provided these standards include a visible emission standard.

9 VAC 5-50-70. Definitions.

A. For the purpose of these regulations and subsequent amendments or any orders issued by the board, the words or terms shall have the meaning given them in subsection C of this section.

B. As used in this article, all terms not defined here shall have the meaning given them in 9 VAC 5 Chapter 10 (9 VAC 5-10-10 et seq.), unless otherwise required by context.

C. Terms defined.

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

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

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background, expressed as a percentage.

"Six-minute period" means any one of the 10 equal parts of one hour or a one-hour period, as may be applicable.

9 VAC 5-50-80. Standard for visible emissions.

Unless specified otherwise in this part, on or after the date on which the performance test required to be conducted by 9 VAC 5-50-30 is completed, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater that 20% opacity, except for one six-minute period in any one hour of not more than 30% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section.

9 VAC 5-50-90. Standard for fugitive dust/emissions.

During the construction, modification or operation phase of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

1. Used, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations;

4. Open equipment for conveying or transporting materials likely to create objectionable air pollution when airborne shall be covered, or treated in an equally effective manner at all times when in motion; and

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

9 VAC 5-50-100. Monitoring.

A. Unless otherwise approved by the board, all continuous monitoring systems required by this article shall be installed, calibrated, maintained and operated in accordance with applicable requirements in 9 VAC 5-50-40 and 9 VAC 5-40-41.

B. Each owner required to install a continuous monitoring system shall provid notifications and reports and maintain records and monitoring results in accordance with th requirements of 9 VAC 5-50-50.

C. In cases where the requirements of 9 VAC 5-50-40 and 9 VAC 5-40-41 are not appropriate for a particular source type, the owner shall comply with other procedures acceptabl to the board.

9 VAC 5-50-110. Test methods and procedures.

The provisions of 9 VAC 5-50-20 A 2 apply to determine compliance with the standard prescribed in 9 VAC 5-50-80.

9 VAC 5-50-120. Waivers.

A. A waiver from the opacity emission limitation in 9 VAC 5-50-80 may be granted b the director, provided that a technical decision is reached that the plume opacity observations made in accordance with 9 VAC 5-50-20 A 2 and 9 VAC 5-50-110 are not representative of the pollutant loading of the plume.

B. Upon granting the above waiver, the director shall require one or more alternate source surveillance methods, which may include, but are not limited to, the following:

1. Requiring the owner to install, calibrate, maintain and operate systems for continuously monitoring and recording emissions of specified pollutants in accordance with VAC 5-50-40 and 9 VAC 5-50-100;

2. Requiring the owner to conduct, at specified intervals, performance tests for measuring emissions of specified pollutants in accordance with 9 VAC 5-50-30; and

3. Establishing an opacity emission limitation for the facility based on correlation between performance tests of visible and other specified pollutant emissions.

C. The waiver may be granted for an indefinite period of time; however, approval may b withdrawn by the director:

1. For failure to adhere to any terms or conditions of the waiver;

2. If the affected facility is found to be in violation of any applicable standard o performance; or

3. For failure to conduct or adhere to any alternate source surveillance method required for waiver approval.