

## Part II. Permit Procedures

### Article 5. State Operating Permits

#### 9VAC5-80-1030. General permits.

A. The requirements for issuance of a general permit regulation are as follows:

1. The board may issue a general permit regulation covering a stationary source or emissions unit category containing numerous similar stationary sources or emissions units that meet the following criteria:
  - a. All stationary sources or emissions units in the category shall be essentially the same in terms of operations and processes and emit either the same pollutants or those with similar characteristics.
  - b. Stationary sources or emissions units shall not be subject to case-by-case standards or requirements.
  - c. Stationary sources or emissions units shall be subject to the same or substantially similar requirements governing operation, emissions, monitoring, reporting, or recordkeeping.
2. Stationary sources or emissions units subject to a general permit shall comply with all requirements applicable to other permits issued under this article.
3. General permit regulations shall (i) identify the criteria by which stationary sources or emissions units may qualify for the general permit and (ii) describe the process for stationary sources or emissions units to use in applying for the general permit.
4. General permit regulations shall be issued in accordance with § 2.2-4006 A 9 of the Administrative Process Act.
5. In addition to fulfilling the requirements specified by law, the notice of public comment shall include, but not be limited to, the following:
  - a. The name, address and telephone number of a department contact from whom interested persons may obtain additional information including copies of the draft general permit regulation.
  - b. The criteria to be used in determining which stationary sources or emissions units qualify for the general permit.
  - c. A brief description of the stationary source or emissions unit category that the department believes qualifies for the general permit including, but not limited to, an

estimate of the number of individual stationary sources or emissions units in the category.

d. A narrative statement of the estimated air quality impact contributed by the stationary source or emissions unit category covered by the general permit including information regarding specific pollutants and the total quantity of each emitted pollutant and the type and quantity of fuels used, if applicable.

e. A brief description of the application process to be used by stationary sources or emissions units to request coverage under the general permit regulation.

f. A brief description of the comment procedures required by 9VAC5-80-1020.

B. The requirements for application for a general permit are as follows:

1. Stationary sources or emissions units that would qualify for a general permit shall apply to the department for coverage under the terms of the general permit regulation. Stationary sources or emissions units that do not qualify for a general permit shall apply for coverage under a permit issued under the other provisions of this article.

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

3. Stationary sources or emissions units that become subject to the general permit after it is issued to other stationary sources or emissions units in the category addressed by the general permit shall file an application with the department using the application process described in the general permit. The department shall issue the general permit to the stationary source or emissions unit if it determines that the stationary source or emissions unit meets the criteria set out in the general permit.

C. The requirements for issuance of a general permit are as follows:

1. The department shall grant the conditions and terms of the general permit to stationary sources or emissions units that meet the criteria set out in the general permit covering the specific stationary source or emissions unit category.

2. The issuance of a permit to a stationary source or emissions unit covered by a general permit shall not require compliance with the public participation procedures under 9VAC5-80-1020.

3. A response to each general permit application may not be provided. The general permit regulation may specify a reasonable time period after which a stationary source or emissions unit that has submitted a complete application shall be deemed to be authorized to operate under the general permit.

4. Stationary sources or emissions units covered under a general permit may be issued a letter, a certificate, or a summary of the general permit provisions, limits, and requirements, or any other document which would attest that the stationary source or emissions unit is covered by the general permit.

5. The general permit regulation shall specify where the general permit and the letter, certificate, summary or other document shall be maintained by the source.

D. The requirements for enforcement of a general permit are as follows:

1. The stationary source or emissions unit shall be subject to enforcement action under 9VAC5-80-1010 for operation without a permit issued under this article if the stationary source or emissions unit is later determined by the department or the administrator not to qualify for the conditions and terms of the general permit.
2. The act of granting or denying a request for authorization to operate under a general permit shall not be subject to judicial review.

**Statutory Authority**

§10.1-1308 of the Code of Virginia.

**Historical Notes**

Derived from Virginia Register Volume 14, Issue 11, eff. April 1, 1998; amended, Virginia Register Volume 39, Issue 5, eff. November 23, 2022.