



Commonwealth of Virginia
VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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David K. Paylor
Director
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James J. Golden
Regional Director

December 7, 2020

Mr. Irfan K. Ali
Managing Partner
Chickahominy Power, LLC
13800 Coppermine Road, Suite 115
Herndon, VA 20171

Location: Charles City County
Registration No.: 52610

Dear Mr. Ali,

The staff of the Virginia Department of Environmental Quality (DEQ) has reviewed the request, submitted by Chickahominy Power on August 10, 2020, regarding an extension to the eighteen-month time period required for the start of construction of the Chickahominy Power facility.

DEQ issued a permit amendment to Chickahominy Power, LLC on October 15, 2019 to construct an electric power generation facility. Permit Condition 70 states:

70. Permit Invalidation –This permit to construct the electric power generation facility shall become invalid, unless an extension is granted by the DEQ, if:

- a. A program of continuous construction or modification is not commenced within 18 months from the date of the original permit (June 24, 2019).
- b. A program of construction or modification is discontinued for a period of 18 months or more, or is not completed within a reasonable time, except for a DEQ approved period between phases of the phased construction of a new stationary source or project.

(9 VAC 5-80-1985; administratively amended October 15, 2019 according to 9 VAC 5-80-1935.B)

Section 9 VAC 5-80-1985 C of the Regulations for the Control and Abatement of Air Pollution states that the board may extend the 18-month period upon a satisfactory demonstration that an extension is justified. Provided there is no substantive change to the application information, the review and analysis, and the decision of the board, such extensions may be granted using the procedures for minor amendments in 9 VAC 5-80-1945.

DEQ finds that Chickahominy Power, LLC has made a satisfactory demonstration for an extension to the initial eighteen months provided by Condition 70 of the October 15, 2019 permit. Therefore, DEQ hereby approves a minor permit amendment to the October 15, 2019 permit. Specifically, Condition 70 is amended as follows:

70. **Permit Invalidation** –This permit to construct the electric power generation facility shall become invalid, unless an extension is granted by the DEQ, if:

- a. A program of continuous construction is not commenced within 18 months from the date of this permit amendment.
- b. A program of construction is discontinued for a period of 18 months or more, or is not completed within a reasonable time, except for a DEQ approved period between phases of the phased construction of a new stationary source or project.

(9 VAC 5-80-1985, amended December 7, 2020 according to 9 VAC 5-80-1945)

All other conditions of the October 15, 2019 permit remain unchanged.

The Board's Regulations as contained in Title 9 of the Virginia Administrative Code 5-170-200 provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this case decision notice was mailed or delivered to you. Please consult the relevant regulations for additional requirements for such requests.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit amendment or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal of this decision by filing a Notice of Appeal with:

David K. Paylor, Director
Department of Environmental Quality
P. O. Box 1105
Richmond, VA 23218

If this permit amendment was delivered to you by mail, three days are added to the thirty-day period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

Please contact Alison Sinclair at (804) 527-5155 or Alison.Sinclair@deq.virginia.gov if you have any concerns or questions.

Sincerely,



James E. Kyle, P.E.
Regional Air Permit Manager