

**COMMONWEALTH OF VIRGINIA
Department of Environmental Quality
Blue Ridge Regional Office**

STATEMENT OF LEGAL AND FACTUAL BASIS

Franklin County Landfill
Rocky Mount, Virginia
Permit No. BRRO-21534

Title V of the 1990 Clean Air Act Amendments required each state to develop a permit program to ensure that certain facilities have federal Air Pollution Operating Permits, called Title V Operating Permits. As required by 40 CFR Part 70 and 9 VAC 5 Chapter 80, Franklin County has applied for a Title V Operating Permit for its Rocky Mount facility. The Department has reviewed the application and has prepared a Title V Operating Permit.

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FACILITY INFORMATION

Permittee

Franklin County
1255 Franklin Street, Suite 112
Rocky Mount, VA 24151

Facility

Franklin County Landfill
9340 Virgil Goode Hwy
Rocky Mount, VA 24151

County-Plant Identification Number: 51-067-00067

SOURCE DESCRIPTION

NAICS Code: 562212 – Refuse Systems: Establishments primarily engaged in the collection and disposal of refuse by processing or destruction or in the operation of incinerators, waste treatment plants, landfills or other sites for disposal of such materials.

Landfilling/Managing Solid Waste: The facility consists of a solid waste disposal unit. Activities and services performed at this facility involve the acceptance, processing, and land disposal of solid waste as well as the management of leachate and landfill gas generated by the decomposition of the buried waste materials. The facility has a closed landfill (closed prior to December 21, 1988) on the same property. The facility has one minor NSR permit dated May 26, 2011.

The facility is a Title V source per NSPS Subpart WWW due to the design capacity of the landfill exceeding the threshold capacity for applicability. Once the Non-Methane Organic Compounds (NMOC) emission rate is ≥ 50 Mg/yr the source may be subject to MACT AAAA-*National Emission Standards for Municipal Solid Waste Landfills*. NMOC emissions are currently below this threshold and the facility is not currently subject to MACT AAAA. This source is not a major source of emissions at this time. Compliance Assurance Monitoring (CAM) is not applicable since the Franklin County Landfill is not a major source. The source is located in an attainment area for all pollutants, and is a PSD minor source.

COMPLIANCE STATUS

A full compliance evaluation of this facility, including a site visit, has been conducted. In addition, all reports and other data required by permit conditions or regulations, which are submitted to DEQ, are evaluated for compliance. Based on these compliance evaluations, the facility has not been found to be in violation of any state or federal applicable requirements at

this time.

EMISSION UNIT AND CONTROL DEVICE IDENTIFICATION

The emission units at the facility are reflected in the Title V permit on Page 4 (significant units).

EMISSIONS INVENTORY

The following table contains a summary of the emissions data that was provided in the permit application:

2012 Actual Emissions

	Emissions					
	VOC (tons/year)	NMOC (Mg/year)	TRS (tons/year)	PM-10 (tons/year)	PM-2.5 (tons/year)	CO (tons/year)
Total	4.7	20.5	0.6	11.4	1.1	1.1

EMISSION UNIT APPLICABLE REQUIREMENTS

The following section discusses requirements for the emissions units at the facility that are subject to Title V permitting. These requirements come from applicable federal requirements. The conditions are not repeated verbatim from the permit. The regulatory authority for each condition is listed in parentheses () below each condition in the permit.

NSPS Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills (40 CFR 60.752(b)) states that owners or operators of an MSW landfill subject to that subpart with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters is subject to part 70 or 71 requirements. Virginia regulations (9 VAC 5-80-110.A.2) states that for any source other than a major source subject to this article [Federal Operating Permits for Stationary Sources], the board shall include in the permit all applicable requirements that apply to emissions units that cause the source to be subject to this article. Franklin County Landfill is not a major source and the landfill is the emission unit that causes the source to be subject to Title V permitting.

Landfill

Limitations

- Condition 1** The design capacity of the landfill is limited to 3,243,608 Mg; a change in the design capacity may require a permit.
- Condition 2** The landfill is not allowed to accept more than 119,000 tons (108,182 Mg) of solid waste per year, calculated monthly as the sum of the consecutive 12-month period.
- Condition 3** If the calculated non-methane organic compounds (NMOC) rate is greater than or equal to 50 Mg/year (as calculated per Condition 3), the permittee is required to demonstrate and report that the NMOC emission rate is less than 50 Mg/year through Tier 2 testing or submit a landfill gas (LFG) collection and control system design plan, install a gas collection and control system (GCCS) within 30 months after the first annual report in which the NMOC emission rate is greater than or equal to 50 Mg/year, and operate the installed GCCS in compliance with the requirements in Condition 3.
- Condition 4** If a GCCS is required by Condition 3, emissions from the operation of the control device is limited to: PM-10 0.017 lb/MMBtu and 1.6 tons/year; Nitrogen Oxides 0.068 lbs/MMBtu and 6.4 tons/year; CO 0.37 lbs/MMBtu and 34.9 tons/year and VOC 0.128 lbs/MMBtu and 12.1 tons/year.
- Condition 5** If a GCCS is required each control device is required to operate without visible emissions, as determined by EPA Method 22, except for periods not to exceed a total of five minutes during two consecutive hours. This condition applies at all times except startup, shutdown and malfunction.

Monitoring and Recordkeeping

- Condition 6** At least one time in any week that the control device in Condition 5 operates, an observation of the presence of visible emissions shall be made. The presence of visible emissions requires the permittee to take timely corrective action such that the control device resumes operation with no visible emissions.
- Condition 7** The source is required to maintain records of all emission data and operating parameters necessary to demonstrate compliance with the permit. The records shall include, but are not limited to: current maximum design capacity report, current amount of waste in place, and monthly acceptance rates; record sufficient to calculate the facility's emissions on a 12-month rolling basis; documentation of

the nature, date of deposition, amount and location of demolition refuse and asbestos-containing or nondegradable waste excluded from collection as well as nonproductive areas excluded from collection; installation date and location of all vents, wells and control devices; if a GCCS is required all records required by NSPS WWW; records of the dimensions of each leachate storage tank and an analysis of the capacity of each tank; and records sufficient to demonstrate compliance with the notification and reporting requirements in Conditions 10-15 of the Title V permit.

- Condition 8** If a GCCS is required by Condition 3, initial performance tests are required to be conducted to determine compliance with the applicable requirements.
- Condition 9** The facility is required to be constructed so as to allow for emissions testing at any time using appropriate methods.

Notifications and Reports

- Condition 10** The permittee is required to furnish written notification of the anticipated dates of testing under Tier 2 or 3 and if a GCCS is required, the anticipated date of performance testing.
- Condition 11** The permittee is required to submit an amended Design Capacity Report (DCR) not later than 90 days after commencing construction on the modification of the MSW landfill.
- Condition 12** The permittee is required to submit NMOC emission rate reports on an annual basis (other timeframes are allowed under the NSPS regulation).
- Condition 13** Within 180 days of start-up of an active collection system the permittee is required to submit semiannual compliance reports meeting the requirements in Condition 13.
- Condition 14** Within 30 days of the date the MSW landfill stops accepting waste, the permittee is required to submit a closure report meeting the requirements in Condition 14.
- Condition 15** If a GCCS is required, 30 days prior to the control device ceasing operation or being removed, the permittee is required to submit an equipment removal report.

The recordkeeping (current maximum design capacity report, current amount of waste in place and waste acceptance rates; documentation of demolition, asbestos and nondegradable waste), notifications (anticipated date of Tier 2 or Tier 3 testing) and reporting (NMOC Emissions Reporting and Design Capacity Reports) that is included in the permit is considered sufficient to

assure compliance with the limits in the permit while the landfill has NMOC emissions less than the 50 Mg/year threshold.

The additional monitoring (daily visible emission observations), recordkeeping (visible emission observation; records sufficient to calculate the facility's emissions on a 12-month rolling basis; installation date and location of all vents, wells and control devices; records required by 40 CFR 60.758 (b - e)), notifications (anticipated date of performance tests of the gas collection and control system) and reporting (Annual Compliance Report) that is included in the permit is considered sufficient to assure compliance with the limits in the permit that are applicable when the 50 Mg of NMOC/year threshold is met or exceeded.

The monitoring, recordkeeping, notifications and reporting is based on NSPS WWW, Virginia's New and Modified Sources regulations (9 VAC 5-80-1100 et seq.) and the periodic monitoring regulations (9 VAC 5-80-110 E & K).

STREAMLINED REQUIREMENTS

Condition 8 of the May 26, 2011 minor NSR permit document (incorporation of NSPS WWW by reference) has been streamlined from the permit. The applicable requirements of 40 CFR 60, Subpart WWW has been included in the Title V permit.

Condition 10 c. of the May 26, 2011 minor NSR permit document (location and other data of nondegradable refuse) has been streamlined from the permit, the applicable requirement in 40 CFR 60, Subpart WWW has been included in the Title V permit.

Conditions 16 a. and b. of the May 26, 2011 minor NSR permit document were initial notification requirements. Since these initial notifications have been submitted by the source, these conditions are no longer applicable requirements and were not included in the Title V permit.

Condition 17 of the May 26, 2011 minor NSR permit document includes requirements applicable prior to completion of the modification of the landfill. Since the modification of the landfill has been completed, this condition is no longer an applicable requirement and was not included in the Title V permit.

GENERAL CONDITIONS

The permit contains general conditions required by 40 CFR Part 70 and 9 VAC 5-80-110 that apply to all Federal-operating permitted sources. These include requirements for submitting semi-annual monitoring reports and an annual compliance certification report. The permit also requires notification of deviations from permit requirements or any excess emissions.

Comments on General Conditions

20-25. Permit Expiration

These conditions refer to the Board taking action on a permit application. The Board is the State Air Pollution Control Board. The authority to take action on permit application(s) has been delegated to the Regions as allowed by §2.2-604 and §10.1-1185 of the *Code of Virginia*, and the “Department of Environmental Quality Agency Policy Statement No. 2-09”.

31. Failure/Malfunction Reporting

Section 9 VAC 5-20-180 requires malfunction and excess emission reporting within four hours of discovery. Section 9 VAC 5-80-250 of the Title V regulations also requires malfunction reporting; however, reporting is required within two days. Section 9 VAC 5-20-180 is from the general regulations. All affected facilities are subject to section 9 VAC 5-20-180 including Title V facilities. Section 9 VAC 5-80-250 is from the Title V regulations. Title V facilities are subject to both sections. A facility may make a single report that meets the requirements of 9 VAC 5-20-180 and 9 VAC 5-80-250. The report must be made within four daytime business hours of discovery of the malfunction.

50-53. Malfunction as an Affirmative Defense

The regulations contain two reporting requirements for malfunctions that coincide. The reporting requirements are listed in sections 9 VAC 5-80-250 and 9 VAC 5-20-180. The malfunction requirements are listed in General Condition 31 and General Conditions 50-53. For further explanation see the comments on General Condition 31.

57. Asbestos Requirements

The Virginia Department of Labor and Industry under Section 40.1-51.20 of the Code of Virginia also holds authority to enforce 40 CFR 61 Subpart M, National Emission Standards for Asbestos.

STATE ONLY APPLICABLE REQUIREMENTS

None

FUTURE APPLICABLE REQUIREMENTS

MACT AAAA - *National Emission Standards for Municipal Solid Waste Landfills* - May apply to the source when the NMOC emission rate is greater than or equal to 50 Mg per year (2012 NMOC uncontrolled emission rate was 20.5 Mg).

INAPPLICABLE REQUIREMENTS

None identified in the permit application. The facility is subject to 40 CFR 98.346 and is required to maintain GHG monitoring records and calculations. However, the requirements contained in the GHG Reporting Rule in 40 CFR 98 are currently not included in the definition of applicable requirements in 40 CFR 70.2 and 71.2 and are therefore not included in the Title V permit. There are no applicable GHG permitting requirements.

COMPLIANCE PLAN

None

INSIGNIFICANT EMISSION UNITS

The facility has three insignificant sources under 9 VAC 5-80-720 B. Two leachate storage tanks (IES-1 and IES-2) and one air stripper (IES-3). The size of IES-2 was stated as 163,697 gallons in the May 26, 2011 minor NSR permit document (Condition 1 – Equipment List), however, the correct size of the tank is 179,992 gallons.

CONFIDENTIAL INFORMATION

No confidential information request has been made. All portions of the Title V permit and application are available for public review.

PUBLIC PARTICIPATION

The draft permit will be published in *The Franklin News-Post* on November 18, 2013. The public comment period ran from November 18, 2013 to December 18, 2013. No comments were received. The EPA review period ended on January 2, 2014. No comments were received.