

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

**STATEMENT OF LEGAL AND FACTUAL BASIS**  
*Second Addendum<sup>1</sup> to the Statement of Legal and Factual Basis Dated August 2, 2013*  
*(post public hearing)*

Region 2000 Services Authority  
Rustburg, Virginia  
Permit No. BRRO-21547

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, Region 2000 Services Authority has applied for a Title V Operating Permit for its Rustburg facility. The Department has reviewed the application and has prepared a Title V Operating Permit.

Engineer/Permit Contact: \_\_\_\_\_  
*Terry Moore*  
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Date: \_\_\_\_\_

Air Permit Manager: \_\_\_\_\_  
*David J. Brown*

Date: \_\_\_\_\_

Regional Director: \_\_\_\_\_  
*Robert J. Weld*

Date: \_\_\_\_\_

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<sup>1</sup> The first addendum was the Statement of Basis (SOB) for the draft modified Title V permit that went to public notice (i.e., SOB dated December 4, 2015).

## **FACILITY INFORMATION**

### Permittee

Region 2000 Services Authority  
361 Livestock Road  
Rustburg, VA 24588

### Facility

Region 2000 Regional Landfill – Livestock Road Facility  
361 Livestock Road  
Rustburg, VA 24588

### Responsible Official

Clarke W. Gibson  
Solid Waste Director

### Contact Person

Robert Arthur  
Environmental Compliance and Safety Manager

County-Plant Identification Number: 51-031-00198

## **SOURCE DESCRIPTION**

No change to this section from the addendum SOB dated December 4, 2015 for the draft modified Title V permit that went to public notice (aka 12/4/15 SOB).

## **SIGNIFICANT PERMIT MODIFICATION INFORMATION**

No change to this section from the 12/4/15 SOB, except that the DEQ's review of the received air related comments for draft amended NSR permit and the draft modified Title V permit (see **PUBLIC PARTICIPATION**) resulted in changes to both draft permits. These changes are discussed below in **EMISSION UNIT AND CONTROL DEVICE IDENTIFICATION** and **EMISSION UNIT APPLICABLE REQUIREMENTS**.

## **COMPLIANCE STATUS**

No change to this section from the 12/4/15 SOB.

## **EMISSION UNIT AND CONTROL DEVICE IDENTIFICATION**

The pollution control device description in the "Emissions Unit" table has been changed. Based on review of comments received during the public comment period, DEQ recognizes the approach used in the proposed permit does not accurately reflect the scope of control equipment authorized during the anticipated term of the permit. The proposed permit included identification of four combustion flares currently installed and one additional proposed flare. The description

did not make reference to a collection and control system if required to meet 40CFR60, Subpart WWW even though the applicable requirements of the permit could require such a system. The air pollution control device description in the proposed permit also did not consider possibility of additional flares not required by 40CFR60, Subpart WWW. The description has been changed such that it recognizes the possibility of additional combustion flares whether required by the Title V permit or installed for other reasons (e.g. odor control). See **PUBLIC PARTICIPATION** section below for additional discussion of changes to the permit

As discussed below in the **EMISSION UNIT APPLICABLE REQUIREMENTS** the above five flares are considered as part of the landfill's gas collection and control system, whether the system is required by 40CFR60, Subpart WWW or is voluntary.

## **EMISSIONS INVENTORY**

No change to this section from the 12/4/15 SOB.

## **EMISSION UNIT APPLICABLE REQUIREMENTS**

As stated in the PH Report, DEQ's review of the received air related comments resulted in changes to the both the NSR and Title V permits as discussed below in **PUBLIC PARTICIPATION**. These changes impacted Title V applicable requirements as summarized below by the Title V permit condition numbers as listed in the modified Title V permit. These changes include both the changes that went to public notice and to the conditions in the August 13, 2013 Title V permit (**8/2/13 T5**). The summary is the summary provided in the 12/4/15 SOB, with the changes identified as follows:

- Changes to the 12/4/15 SOB summary are identified by:
  - underlined font for new text
  - ~~double-strikeout font~~ for deleted text.
- An explanation of the change is provided following "**NOTE:**".

## **Landfill**

### **Limitations**

1. *NSR Condition 2* – **change** to the landfill design capacity.
2. **and 3** – no change. Conditions from the amended 9/14/11 permit are addressed in these **T5** conditions as delineated:
  - **2** – *NSR Condition 5*
  - **3** – *NSR Condition 3*
4. *NSR Condition 6* – **change** to emission limits for the GCCS. **NOTE:** *NSR Condition 6* revised to also include a voluntary system.
5. Opacity limit (state regs) – This condition deleted , which results in the renumbering of

~~the T5 conditions change, with the proposed addition solar flare included in the condition.~~

**NOTE:** This condition stated the visible emissions limitations from each of the four utility flares. However, these flares combusts captured landfill gas, which are addressed by the permitted combustion emission limits and the corresponding permitted limit of “no visible emissions” stated in **Condition 6** of the **8/2/13 T5**.

**NOTE:** The T5 conditions listed below are renumbered to reflect the deletion of Condition No. 5. Also, referenced Title V conditions in the T5 permit are revised to reflect the deletion.

5. [former T5 6] (state regs and NSR Condition 7) – ~~no change. Conditions from the amended 9/14/11 permit are addressed in these T5 conditions as delineated:~~

**NOTE:** NSR Condition 7 revised to also include a voluntary system, which requires the T5 condition to be revised:

#### Monitoring and Recordkeeping

6. **through 9** (state regs, NSR Conditions 9, 10 and 20, NSPS requirements) – ~~no change.~~  
*Note:* Conditions from the amended 9/14/11 permit are addressed in these T5 conditions as delineated:

- 7 – NSR Conditions 10 and 20
- 8 – NSR Condition 9

**NOTE:** T5 Condition 6 (i.e., Condition 7 of the 8/2/13 T5) requires observation of the presence of visible emissions from the operating flares, and to (a) take corrective action so there is no visible emissions or (b) conduct a VEE to demonstrate compliance with the permitted 20 percent opacity stated in the deleted Condition 5 of the 8/2/13 T5. Therefore, T5 Condition 6 is revised to include only (a) and (b) is deleted.

#### Notifications and Reports

10. Initial notifications – As required by NSR Condition 15 as delineated below; with changes with respect to the 8/2/13 T5 permit, also delineated:

- 10.a – NSR Condition 15.a – **change** (i.e., new) – proposed lateral expansion
- 10.b – NSR Condition 15.c – **change** (i.e., new) – proposed lateral expansion
- 10.c – NSR Condition 15.d – no change (formerly **No. 11.a of the 8/2/13 T5** anticipated date of testing under Tiers 2 or 3 to demonstrate the NMOC emission rate)
- 10.d – NSPS Subpart A §60.8(d) and NSR Condition 15.e – no change (formerly **No. 11.b of the 8/2/13 T5** anticipated date of NSPS performance tests). 10.d is

required by §60.8(d) to be sent to EPA. No other notifications identified<sup>2</sup> to be submitted to EPA.

- 11. and 12** (NSPS requirements, *NSR Conditions 11 and 12, respectively*) – no change.
- 13.** NSPS requirements, *NSR Condition 13*) –NSR Condition 13 revised to reflect that the closure report submittal to EPA is required by NSPS Subpart WWW only if the landfill is a “controlled landfill” as defined by Subpart WWW<sup>3</sup>. In revising former **T5 14**, a typo was corrected in the regulatory citation “40 CFR 60.757(d)” (i.e., “40” between “CFR” and “60.757(d)” was deleted.
- 14.** (NSPS requirements, *NSR Condition 14*) – no change.

#### **Insignificant Emission Units**

- 15.** State reg – no change.

#### **Permit Shield & Inapplicable Requirements**

- 16.** State reg – no change.

#### **General Conditions**

- 17.** (state reg and *NSR Condition 19*)- no change
- 18.** state regs – no change.
- 19. through 60 – Condition 20<sup>4</sup>** from the **8/2/13 T5** is deleted from the **T5**, this along with the deletion of Condition 5 results in renumbering **8/2/13 T5’s Conditions 20 through 62**. Conditions from the amended 9/14/11 permit are addressed in these **T5** conditions as delineated below. No other changes were made to **T5 Conditions 19 through 60**.
- **39** – *NSR Condition 4*
  - **42** – *NSR Condition 18*
  - **47** – *NSR Condition 23*
  - **53** – *NSR Condition 17*
  - **58** – *NSR Condition 22*

Comments with respect to the Title V modification are provided for **the following Title V**

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<sup>2</sup> See the engineering analysis for the amendment to the 9/14/11 NSR permit. The **8/2/13 T5** requires the anticipated dates of testing under Tiers 2 or 3 and the NSPS performance tests to be submitted to EPA. The performance tests notification is required by Subpart A. Subpart WWW requires the reporting of the results of the Tiers 2 and 3, and the submittal of a collection and control system design plan; however, notification of the testing is not required.

<sup>3</sup> The definition of controlled landfill per 40 CFR 60.751 “means any landfill at which collection and control systems are required under this subpart as a result of the nonmethane organic compounds emission rate. The landfill is considered controlled at the time a collection and control system design plan is submitted in compliance with §60.752(b)(2)(i).” The emission rate has not been exceeded and a collection and control system design plan has not been submitted (see the NSPS requirements stated in **T5 3**).

<sup>4</sup> **Condition 20 Permit Invalidation** is Condition 16 of the 09/14/11 permit, which is streamlined from the T5 – see the **Streamlined Requirements** discussion.

**requirements categories** as provided in the SOB dated August 2, 2013 (8/2/13 SOB) and delineated below:

- **Monitoring, Recordkeeping and Reporting** - The permit does not require any changes to the monitoring or recordkeeping.
- **Testing** - The modification to the Title V permit does not require any changes to testing requirements.
- **Streamlined Requirements** – The following requirements are streamlined<sup>5</sup> from the modified **T5** as delineated below. Changes with respect to the **8/2/13 T5** are noted.
  - *NSR Condition 9 (Requirements by Reference)* of the amended 9/14/11 permit – The applicable parts of 40 CFR 60, Subpart WWW have been included in the Title V Permit, as noted in the 8/2/13 SOB. There is no change to these requirements in the modified **T5**.
  - *NSR Condition 16 (Permit Invalidation)* of the amended 9/14/11 permit – This condition of the 9/14/11 permit is not a federal enforceable requirement (i.e., the timeframe for permit invalidation has passed) and is not included in the modified **T5**. A permit to construct is not required for the proposed landfill modification as addressed in the engineering analysis for the amendment to the 9/14/11 NSR permit. *NSR Condition 16* is included in the **8/2/13 T5** as **No. 20**.
  - The following *conditions* from the amended 9/14/11 permit are included in the **General Conditions** section of the **T5** (Note: The corresponding **T5** condition is listed, which as previously noted differs from the condition numbers of the **8/2/13 T5**): 4 (**T5-39**), 18 (**T5-42**), 19 (**T5-17**), 21 (**T5-30**), 22 (**T5-58**), 23 (**T5-47**) and 24 (**T5-45**).
- **General Conditions** - The modification to the Title V permit does not require any changes to the General Conditions.

#### **STATE ONLY APPLICABLE REQUIREMENTS**

No change to this section from the 12/4/15 SOB.

#### **FUTURE APPLICABLE REQUIREMENTS**

No change to this section from the 12/4/15 SOB

#### **INAPPLICABLE REQUIREMENTS**

No change to this section from the 12/4/15 SOB.

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<sup>5</sup> *Conditions 15a and b (Initial Notifications)* from the 9/14/11 permit were not included in the **8/2/13 T5**. However, as previously noted the modified **T5** includes initial notifications to address the new proposed expansion.

### **COMPLIANCE PLAN**

No change to this section from the 12/4/15 SOB (i.e., None)

### **INSIGNIFICANT EMISSION UNITS**

No change to this section from the 12/4/15 SOB.

### **MACT ZZZZ AND NSPS IIII EMISSION UNITS**

No change to this section from the 12/4/15 SOB.

### **CONFIDENTIAL INFORMATION**

No change to this section from the 12/4/15 SOB.

### **PUBLIC PARTICIPATION**

The draft permits and the public hearing date were published in Lynchburg's *The News & Advance* on December 4, 2015. In anticipation of a request for a public hearing for the amendment to the NSR and modification of the Title V permits the R2SA requested a public hearing<sup>6</sup> instead of publishing the public notice to seek public comment on or request for a public hearing for the draft amended Title V permit.

On January 6, 2016 a public hearing was held for the draft amended September 14, 2011 NSR permit and the draft modified Title V permit. Comments received at the public hearing and during the public comment period are summarized in DEQ's Report of Public Hearing (aka PH Report). DEQ's review of the received air related comments resulted in changes to the both the NSR and Title V permits as follows:

- The draft permits incorrectly treated a proposed additional flare as an additional source of emissions instead of a new component of the landfill gas collection and control system which was already accounted for in the emissions approved by the September 14, 2011 and August 2, 2013 permits. The permits have been changed to recognize this flare and the flares associated with Phase II as part of the overall collection and control system. As such, the visible emissions limitations listed for these units in the draft permit have been deleted. The visible emissions limitation for the proposed additional flare, the current four utility flares and new flares are now covered by Condition 7 of the minor new source review permit; and Condition 7 is addressed by Condition 5 of the Title V permit. This results in the removal of Condition 4 of the Title V permit, which addresses the four utility flares, and the renumbering of the Title V permit conditions.

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<sup>6</sup> November 19, 2015 telephone conversation with Brandon King of SCS Engineers.

- Conforming with the understanding explained in the previous paragraph it is recognized that the emissions limits in the proposed permits would also apply to any additional installation of components of a voluntary flare-based control system. Therefore the permits were changed to clarify they provide for, and address emissions from, a collection and control system even if such system is not installed for the express purpose of complying with NSPS, Subpart WWW. While this change does not obligate the landfill to install non-NSPS collection and control system, it is intended to make clear that components of such a system, with total gas handling capacity up to the maximum level projected for this landfill, are subject to the emissions limitations as listed in the draft permit amendment/modification that was sent to notice. Since the emissions limitations in Condition 6 of the draft minor new source review permit and Condition 4 of the draft Title V permit were already calculated based on flare combustion of this quantity of landfill gas no changes to the emissions limitations are made.

R2SA reviewed a revised draft of the NSR permit and requested<sup>7</sup> that the “VDEQ incorporate the same revisions to the appropriate conditions of the Draft Title V Air Permit and proceed with issuing the final Title V Air Permit.”

It is recommended that the modified Title V permit, addresses the changes to the amendment of the September 14, 2011 permit be issued.

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<sup>7</sup> Bob Dick’s February 8, 2016 email.