

COMMONWEALTH OF VIRGINIA
Department of Environmental Quality
Blue Ridge Regional Office

STATEMENT OF LEGAL AND FACTUAL BASIS
Addendum to the Statement of Legal and Factual Basis Dated August 2, 2013

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
(434) 582-6251

Date: _____

Air Permit Manager: _____

David J. Brown

Date: _____

Regional Director: _____

Robert J. Weld

Date: _____

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

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, unlined portion and an active, lined portion of the landfill. The facility has one minor NSR permit dated September 14, 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; and a Title V permit was issued August 2, 2013, with an expiration date of August 1, 2018.

SIGNIFICANT PERMIT MODIFICATION INFORMATION

The Title V permit (**8/2/13 T5**) contains applicable requirements from the permit dated September 14, 2011 (NSR 9/14/11). The NSR 9/4/11 permit is in the process of being amended¹

¹The Region 2000 Services Authority (R2SA) submitted a NSR permit application dated July 23, 2015 (7/23/15 application), to (1) modify the Campbell County Sanitary Landfill (CCLS), a municipal solid waste landfill, (2) to increase the design capacity of the landfill and (3) update the landfill gas (LFG) production estimates. Per the DEQ engineering analysis dated *Draft* the 9/14/11 permit requires amending to revise the landfill's proposed new capacity

to revise the landfill's permitted capacity and emissions limits for the Gas Collection and Control System (GCCS). The **8/2/13 T5** is being modified to revise conditions that contain the NSR 9/4/11 permit requirements that are being amended. The NSR amendment and the **T5** modification are being processed concurrently. The changes to the **8/2/13 T5** are identified and discussed below. This SOB is an addendum to the SOB dated August 2, 2013 for the **8/2/13 T5**.

A Title V modification application dated September 8, 2015 (9/8/15 application) was received September 28, 2015.

A draft Title V permit was sent to R2SA on October 28, 2015² for review. Comments were submitted via SCS Engineers' (SCS) letter dated November 9, 2015, received by the DEQ on November 10, 2015. These comments are summarized below along with DEQ's comments³ and changes to the draft permit as delineated:

1. *Clarke W. Gibson's phone number added to "Responsible Official" under Facility Information.*
2. *Typo corrected to the facility name under Facility Information.*
3. *Condition 4 – Condition 6 of the 9/14/11 permit. R2SA's comment is the same as their first comment for Condition 6 in the draft amendment of the 9/14/11 permit. No change to Condition 6 of the 9/14/11 permit or the Title V permit condition.*
4. *Condition 6 [should be Condition 4]- – Condition 6 of the 9/14/11 permit. R2SA's comment is the same as their second comment for Condition 6 in the draft amendment of the 9/14/11 permit. No change to Condition 6 of the 9/14/11 permit or the Title V permit condition.*
5. *Condition 11 – Typo in "copy of the written notification ...to EPA..." corrected "item e" replaced with "item d". See discussion for Condition 11 under **EMISSION UNIT APPLICABLE REQUIREMENTS - Notifications and Report**.*
6. *Condition 14 – Condition 13 of the 9/14/11 permit. R2SA's comment is the same as their comment for Condition 13 in the draft amendment of the 9/14/11 permit. The T5 Condition 14 is the revised Condition 13 in the draft amended 9/14/11 permit (See discussion for Condition 14 under **EMISSION UNIT APPLICABLE REQUIREMENTS - Notifications and Report**.)*

COMPLIANCE STATUS

Based on compliance evaluations, the facility has not been found to be in violation of any state or

and to increase the GCCS emissions limit to reflect the potential combustion of methane generated by the landfill.

² The draft amendment to the NSR September 14, 2011 permit was sent separately to R2SA on October 28, 2015. The R2SA submitted separate comments via SCS Engineers' letter dated November 9, 2015, received by the DEQ on November 10, 2015 (See the engineering analysis for the amendment to the September 14, 2011 permit).

³ The comments are listed in the same order as they appear in ECS' 11/9/15 letter. DEQ's comments are in italic font.

federal applicable requirements at this time.

EMISSION UNIT AND CONTROL DEVICE IDENTIFICATION

No change to the emission units information provided in the SOB dated August 2, 2013, except for the **8/2/13 T5** “Emission Units” as delineated:

- The landfill’s Size and Capacity revised to reflect the values in the amendment to the NSR 9/4/11 permit.
- The applicable permit date is now the amended date of the 09/14/11 permit, which is identified in the draft **T5**⁴ as follows: 09/14/2011 amended “*Draft Date*”.
- A fifth additional flare (PCD-2) will be installed as part of the facility’s Odor Management Plan.

EMISSIONS INVENTORY

This modification does not change the information provided in the SOB dated August 2, 2013.

EMISSION UNIT APPLICABLE REQUIREMENTS

This modification does not change those applicable requirements identified and discussed in the SOB dated August 2, 2013, except for those conditions that contain the NSR 9/4/11 permit requirements that are being amended. To document the changes to the Title V permit, a summary of the modified Title V permit (**T5**)⁵, by the **T5** condition number, is provided below.

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.
5. Opacity limit (state regs) – **change, with** the proposed addition solar flare included in the condition.
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:

⁴ The “*Draft Date*” is the date the amendment of the 9/14/11 permit is signed. The same applies to the permit condition number stated in the Title V condition regulatory citation (e.g., Condition 2 of the 09/14/2011, amended “*Draft Date*”, Permit).

⁵ The modified condition(s) is identified by “**change**” and nonmodified as “no change”.

Monitoring and Recordkeeping

- 7. through 10** (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:
- **8** – *NSR Conditions 10 and 20*
 - **9** – *NSR Condition 9*

Notifications and Reports

- 11.** Initial notifications – As required by *NSR Condition 15* as delineated below; with changes with respect to the **8/2/13 T5** permit, also delineated:
- **11.a** – *NSR Condition 15.a* – **change** (i.e., new) – proposed lateral expansion
 - **11.b** – *NSR Condition 15.c* – **change** (i.e., new) – proposed lateral expansion
 - **11.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)
 - **11.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)

11.d is required by §60.8(d) to be sent to EPA. No other notifications identified⁶ to be submitted to EPA

- 12. and 13** (NSPS requirements, *NSR Conditions 11 and 12, respectively*) – no change.
- 14.** 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 WWW⁷. In revising **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.
- 15.** (NSPS requirements, *NSR Condition 14*) – no change.

Insignificant Emission Units

- 16.** State reg – no change.

⁶ 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.

⁷ 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**).

Permit Shield & Inapplicable Requirements

17. State reg – no change.

General Conditions

18. (state reg and *NSR Condition 19*)- no change
19. state regs – no change.
20. through 61 – **Condition 20**⁸ from the **8/2/13 T5** is deleted from the **T5**, which resulted 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 20 through 61**.
- **40** – *NSR Condition 4*
 - **43** – *NSR Condition 18*
 - **48** – *NSR Condition 23*
 - **54** – *NSR Condition 17*
 - **59** – *NSR Condition 22*

Comments with respect to the Title V modification are provided for **the following Title V 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 streamlined⁹ 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

⁸ **Condition 20 Permit Invalidation** is Condition 16 of the 09/14/11 permit, which is streamlined from the T5 – see the **Streamlined Requirements** discussion.

⁹ *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.

listed, which as previously noted differs from the condition numbers of the **8/2/13 T5**): 4 (**T5-40**), 18 (**T5-43**), 19 (**T5-18**), 21 (**T5-31**), 22 (**T5-59**), 23 (**T5-48**) and 24 (**T5-46**).

- **General Conditions** - The modification to the Title V permit does not require any changes to the General Conditions.

STATE ONLY APPLICABLE REQUIREMENTS

The identification of state only applicable requirements (i.e., the State Only Enforceable section of the 9/14/11 permit and the requirement of an Odor Management Plan remains unchanged.

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 3.2 Mg).

Proposed NSPS Subpart XXX may apply to the landfill, depending on the promulgation date, the requirements and the date of the landfill modification. EPA is in the process of reviewing the Standards of Performance for MSW Landfills based on changes in the landfills industry and issued a proposed rulemaking on July 17, 2014, for Subpart XXX. On 8/14/15 a supplemental proposal was signed by EPA¹⁰, to be published in the *Federal Register*. The proposed subpart applies to landfills that commenced construction, reconstruction, or modification¹¹ after July 17, 2014.

INAPPLICABLE REQUIREMENTS

The modification to the Title V permit does not change the identification of inapplicable requirements.

COMPLIANCE PLAN

None

INSIGNIFICANT EMISSION UNITS

The modification to the Title V permit does not require any changes to the insignificant emissions units. The 9/8/15 application identified the below as insignificant sources. Their

¹⁰ This document supplements the proposed July 17, 2014, rulemaking by further lowering, from 40 megagrams per year (Mg/yr) to 34 Mg/yr, the proposed NMOC emissions threshold at which controls would be required.

¹¹ The proposed expansion would be a modification under the current and the proposed NSPS subparts.

status with respect to Title V is provided.

- Proposed landfill gas control devices (i.e., one proposed CF-10 Solar Spark Utility Flare) – listed as control equipment in the modified **T5 Emission Unit** table.
- Existing landfill gas control devices (i.e., four existing CF-10 Solar Spark Utility Flares) – listed as control equipment in the **Emission Unit** table in both **8/2/13 T5** and modified **T5**.
- 246,000-gallon leachate storage tank – listed in the **T5 Insignificant Emission Units Condition** of both **8/2/13 T5** and modified **T5**.
- Waste oil furnace – not included in the **T5** per 9VAC5-80-110.A.2.¹²
- Groundwater remediation system – not included in the **T5** per 9VAC5-80-110.A.2.

MACT ZZZZ AND NSPS III EMISSION UNITS

The applicable requirements from MACT ZZZZ and NSPS III for the two emergency generator engines have not been included in the T5 as noted in the 8/2/13 SOB for the **8/2/13 T5** (i.e., 9VAC5-80-110.A.2).

CONFIDENTIAL INFORMATION

The modification to the Title V permit does not change the 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 and the public hearing date will be 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 hearing¹³ instead of publishing the public notice to seek public comment on or request for a public hearing for the draft amended Title V permit.

¹² 9 VAC 5-80-110.A.2 - "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." The Livestock Road facility is not a major source and the landfill is the emission unit that causes the source to be subject to Title V permitting

¹³ November 19, 2015 telephone conversation with Brandon King of SCS Engineers.