

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

STATEMENT OF LEGAL AND FACTUAL BASIS

Concord Turnpike Regional Landfill
Lynchburg, Virginia
Permit No. BRRO-31048

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 Lynchburg facility. The Department has reviewed the application and has prepared a Title V Operating Permit.

Engineer/Permit Contact: _____
Paul R. Jenkins
(540) 562-6822

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, Virginia

Facility

Concord Turnpike Regional Landfill
2525 Concord Turnpike
Lynchburg, Virginia

Responsible Official

Clarke W. Gibson
Solid Waste Director

Contact Person

Robert Arthur
Environmental Compliance and Safety Manager

County-Plant Identification Number: 51-680-00204

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 May 29, 2009.

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 NMOC emission rate is ≥ 50 Mg NMOC 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 is not applicable since Concord Turnpike Regional Landfill (Concord Turnpike) is not a major source. The source is located in an attainment area for all pollutants, and is a PSD minor source.

The emergency generator (Generator A16) is subject to MACT ZZZZ (see the MACT ZZZ section below for more details). Generator A16 is required to comply with MACT ZZZZ by meeting the requirements of NSPS III.

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), there are no insignificant units listed in the permit.

EMISSIONS INVENTORY

A copy of the 2012 annual emission update or permit application emission inventory is attached. Emissions are summarized in the following table.

2012 Actual Emissions

	Emissions					
	VOC (tons/year)	NMOC (Mg/year)	TRS (tons/year)	H ₂ S (tons/year)	Toluene (tons/year)	Xylenes (tons/year)
Total	5.3	13.49	1.17	1.17	1.82	1.37

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. Concord Turnpike is not a major source and the landfill is the emission unit that causes the source to be subject to Title V permitting. See the MACT ZZZZ and NSPS IIII section for additional discussion.

The applicant included a propane tank in their application for this Title V permit; however, since that is not an emission unit that caused the source to be subject to Title V permitting it is not included in this permit.

Landfill

Limitations

The landfill requirements from 40 CFR 60 Subpart WWW requiring installation of a NSPS compliant flare are in this section. However, based on recent Tier 2 testing, the facility is less than the 50 Mg NMOC threshold (CY 2012, 13.49 Mg NMOC) requiring control and the facility is not expected to exceed the 50 Mg threshold and require controls during the term of this permit.

Conditions 3, 13, 14 and 15 of the May 19, 2009 minor NSR permit were condensed into one permit condition (Title V Permit Condition 1) that includes the requirements from the minor NSR permit and the applicable parts of NSPS WWW.

Monitoring, Recordkeeping and Reporting

Waste acceptance rates are monitored to determine actual emissions and NSPS requirements. Reporting requirements are included in Conditions 7 – 10 of the permit. NMOC emission rate reports are required to be compiled and submitted according to 40 CFR 60.757(b). Conditions 10, 11 and 12 of the May 19, 2009 minor NSR Permit were condensed into one permit condition (Title V Permit Condition 7) that includes the requirements from the minor NSR Permit and the applicable parts of NSPS WWW. NSPS monitoring and recordkeeping are also included in this section to be used when the flare is required by the NSPS. The current recordkeeping, monitoring and reporting requirements are adequate to determine compliance.

Testing

Testing is required per NSPS WWW (40 CFR 60.752(b)(2)(iii)(B)) (once the NMOC emission rate \geq 50 Mg) with the results being submitted with a required NSPS compliance report. No additional testing is required; however, the VADEQ and EPA have the authority to require additional testing in the future.

Streamlined Requirements

Condition 1 of the May 19, 2009 minor NSR permit has been streamlined from the permit. That information (capacity) is for informational purposes only and does not form an enforceable term or condition of the permit (9 VAC 5-80-110 C).

Condition 5 of the May 19, 2009 minor NSR permit has been streamlined from the permit. The applicable requirements of 40 CFR 60, Subpart WWW have been included in the Title V permit therefore; this condition is no longer necessary.

Conditions 8 (Initial Design Capacity Report) and 9 (Initial NMOC Emission Report) of the May 19, 2009 minor NSR permit have been streamlined from the permit. The requirements in both conditions have been completed by the source.

Conditions 4 (T5-38), 19 (T5-37), 20 (T5-15), 21 (T5-52), 22 (T5-41), 23 (T5-29), 24 (T5-46), 25 (T5-26) and 26 (T5-44) of the May 19, 2009 minor NSR permit have been streamlined from the permit. The requirements contained in these nine conditions are included in the General Conditions of the Title V permit. The corresponding Title V permit condition is included in parentheses above and the Title V permit conditions include the corresponding minor NSR permit condition in the citation.

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

17-22. 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".

28. 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.

45-51. 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 Conditions 48-51 and General Condition 28. For further explanation see the comments on General Condition 28.

55. 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 13.49 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

None

MACT ZZZZ AND NSPS IIII EMISSION UNITS

The source submitted a permit application for the renewal of their Title V permit and that application included one emergency generator (A16) that is subject to MACT ZZZZ. The authority to enforce this regulation has been retained by the EPA and it is not incorporated by reference into the Virginia regulations (9 VAC 5-60-100). The emission unit is subject to MACT ZZZZ and NSPS IIII and the source must comply with the applicable requirements of those regulations. The applicable requirements for this regulation have not been included in this Title V permit renewal because 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. Concord Turnpike is not a major source and the landfill is the emission unit that causes the source to be subject to Title V permitting.

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 Lynchburg's *The News & Advance* on August 6, 2013. The public comment period ran from August 6, 2013 to September 5, 2013. ENTER NUMBER comments were received. The EPA review period ended on ENTER DATE. ENTER NUMBER comments were received.