

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

STATEMENT OF LEGAL AND FACTUAL BASIS

Southside Regional Public Service Authority
Mecklenburg County, Virginia
Permit No. BRRO-32071

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, Southside Regional Public Service Authority has applied for a Title V Operating Permit for its Chase City facility. The Department has reviewed the application and has prepared a Title V Operating Permit.

Engineer/Permit Contact: _____

Paul R. Jenkins
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Date: _____

Air Permit Manager: _____

David J. Brown

Date: _____

Regional Director: _____

Robert J. Weld

Date: _____

FACILITY INFORMATION

Permittee

Southside Regional Public Service Authority
P.O. Box 362
Boydton, VA 23917

Facility

Butcher Creek Sanitary Landfill
4803 Highway 92
Chase City, VA 23924

Responsible Official

H. Wayne Carter, III
Executive Director

Contact Person

David Cooke
Operations Manager

County-Plant Identification Number: 51-117-00069

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. The landfill was constructed and began operation in December 2007. The facility has one minor NSR permit dated December 20, 2007.

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 well 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 Butcher Creek Sanitary Landfill (Butcher Creek) 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 P03) is subject to MACT ZZZZ. Generator P03 is required to comply with MACT ZZZZ by meeting the requirements of NSPS IIII.

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) and Condition 15 (insignificant units).

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)
Total	1.66	4.25

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. Butcher Creek 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 & NSPS IIII section for additional discussion.

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, 4.25 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.

Monitoring, Recordkeeping and Reporting

Waste acceptance rates are monitored to determine actual emissions and NSPS requirements. Reporting requirements are included in Conditions 10 – 14 of the permit. NMOC emission rate reports are required to be compiled and submitted according to 40 CFR 60.757(b). Although not specifically included in the permit, the optional submittal of a 5-year estimate in lieu of the annual report is allowed, according to 40 CFR 60.757(b)(1)(ii). 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

The control requirements for MACT AAAA (once the NMOC emission rate \geq 50 Mg) have been streamlined by the requirements of NSPS WWW.

Condition 15 of the December 20, 2007 minor NSR Permit requires the source to have a Startup, Shutdown and Malfunction (SSM) Plan, maintain records and submit reports as required by the General Provisions in Subpart A (40 CFR 63.6(e), 63.10(b)(2)(i)-(v) and 63.10(d)(5)). On October 16, 2009, the United States Court of Appeals for the District of Columbia Circuit (DC Circuit) mandated the vacatur of the “Startup, Shutdown, and Malfunction (SSM) exemption” allowed under General Provisions in Subpart A of the National Emission Standards for Hazardous Air Pollutants (NESHAP). This condition has been streamlined out of the permit since it no longer applies to the source.

The conditions (Conditions 10 and 12e) in the December 20, 2007 minor NSR permit related to

the requirements of NSPS Kb for the Leachate Storage Tank (P02) were streamlined from the permit due to the tank no longer being subject to NSPS Kb. The source provided additional information to support their request to remove the NSPS Kb condition from the Title V permit. The NSPS Kb regulation changed since the original Title V permit was issued and after those changes this tank is not subject to that regulation.

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

18-23. Permit Expiration

This condition refers 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”.

29. 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.

47-50. 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 47-50 and General Condition 29. For further explanation see the comments on General Condition 29.

54. 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

The December 20, 2007 Permit has a State Only Enforceable section that requires an Odor Management Plan (9 VAC 5-50-140). This condition was not included in the original Title V permit and is not included in this renewal since the requirement is only enforceable by the Virginia Air Pollution Control Board.

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 4.25 Mg).

INAPPLICABLE REQUIREMENTS

None identified in the 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 insignificant emission units are presumed to be in compliance with all requirements of the Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping or reporting shall be required for these emission units in accordance with 9VAC5-80-110.

Insignificant emission units are shown in the table contained in Condition 15 of the permit. This list includes those units that are part of the emission units that caused the source to be subject to Title V permitting, see the following section for more information.

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 that is subject to MACT ZZZZ and NSPS IIII. The authority to enforce both of these regulations has been retained by the EPA and they are 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 both of those regulations has 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. Butcher Creek 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 Chase City's *The News-Progress* on June 19, 2013. The public comment period ran from June 19, 2013 to July 19, 2013. No comments were received. The EPA review period ended on August 1, 2013. No comments were received.