



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80 and Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	The CFS Group Disposal & Recycling Services, LLC
Facility Name:	Tri City Regional Landfill
Facility Location:	390 Industrial Drive Petersburg City, Virginia 23803
Registration Number:	52448
Permit Number:	PRO52448

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Pages 3-14) State Only Enforceable Requirements (Page 14)

September 17, 2015
Effective Date

September 16, 2020
Expiration Date

Deputy Regional Director

September 17, 2015
Signature Date

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Permit Conditions, 14 pages

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Facility Information

Permittee

The CFS Group Disposal & Recycling Services, LLC
333-B Industrial Drive
Petersburg, Virginia 23803

Responsible Official

Mr. Tim Webb
Chief Operating Officer

Facility

Tri City Regional Landfill
390 Industrial Drive
Petersburg City, Virginia 23803

Facility Contact

Mr. Tim Web
Chief Operating Officer
804-748-8324

County-Plant Identification Number: 51-730-00263

Facility Description:

NAICS Code 562212 – The facility is a Municipal Solid Waste (MSW) landfill. The facility receives and processes solid waste through land disposal. Leachate and landfill gases that are generated by the decomposition of the buried waste is also managed at the facility.

The facility is a Title V source per NSPS Subpart WWW because the design capacity of the landfill is greater than the applicability threshold. Once the NMOC emission rate is ≥ 50 Mg NMOC the source may be subject to MACT Subpart AAAA- National Emission Standards for Municipal Solid Waste Landfills, NMOC emissions are currently well below this threshold therefore, the facility is not currently subject to the MACT. This source is not a major source of emissions at this time. Compliance Assurance Monitoring is not applicable since the facility is not a major source. The source is located in an attainment area for all pollutants, and is a PSD minor source.

Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
ES-04	ES-04	Gas Collection & Control System (GCCS)	180 scfm Total maximum	None	None	None	N/A
Process Equipment							
ES-01	ES-01	Municipal Solid Waste Landfill	(3,910,383 Megagrams) 3,474,379 cubic yards	GCCS, Two Open Solar Flares Model SFI-100, 2010	ES-04	NMOC, VOC HAPs	February 12, 2015

Fuel Burning and Process Equipment Requirements – ES-01 and ES-04

1. **Fuel Burning and Process Equipment Requirements – (ES-01) - Limitations** – The design capacity of the MSW landfill shall not exceed 3,910,383 Mg (3,474,379 cubic yards). A change in the design capacity may require a permit to construct and operate.
(9 VAC 5-80-110 and Condition 2 of the 2/12/15 Permit)
2. **Fuel Burning and Process Equipment Requirements – (ES-01) - Limitations** – If the calculated non-methane organic compounds (NMOC) emission rate is greater than or equal to 50 Mg (as calculated annually in 40 CFR 60.754(a)(1) except as provided for in 40 CFR 60.757(b)(1)(ii)), the permittee shall comply with either subsection a., or subsections b., c., and d. of this condition:
 - a. Demonstrate and report that the NMOC emission rate is less than 50 Mg per year through either Tier 2 testing in accordance with 40 CFR 60.757(c)(1) or Tier 3 testing in accordance with 40 CFR 60.757(c)(2); or
 - b. submit a landfill gas (LFG) collection and control system design plan meeting the requirements of 40 CFR 60.752(b)(2)(i) to the Piedmont Regional Office within one year,
 - c. install a gas collection and control system (GCCS) in compliance with 40 CFR 60.752(b)(2)(ii)(A) or (B), and 40 CFR 60.752(b)(2)(iii) within 30 months after the first annual report in which the NMOC emission rate is greater than or equal to 50 Mg per year, and
 - d. operate the installed gas collection and control device in compliance with 40 CFR 60.752(b)(2)(iv).
(9 VAC 5-80-110, 40 CFR 60.752(b)(2), 40 CFR 60.757(c), and Condition 3 of the 2/12/15 Permit)
3. **Fuel Burning and Process Equipment Requirements – (ES-04) - Limitations** – Visible emissions from the open flares shall not exceed 20% opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30% opacity. All visible emissions rates shall be determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.
(9 VAC 5-80-110 and 9 VAC 5-50-80)
4. **Fuel Burning and Process Equipment Requirements – (ES-04) - Monitoring** –At least once per week an observation of the presence of visible emissions from the flares shall be made. The presence of visible emissions shall require the permittee to take timely corrective action such that the control device resumes operation with no visible emissions.

The permittee shall maintain an observation log to demonstrate compliance. The logs shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action, and the name of the observer. If the control device(s) has not been operated for any period during the week, it shall be noted in the log book.
(9 VAC 5-80-110)
5. **Fuel Burning and Process Equipment Requirements – (ES-01) –Testing** - If a GCCS is required by Condition 2, the initial performance tests shall be conducted as required in 40 CFR 60.752(b)(2)(iii) to determine compliance with the applicable requirements. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30, and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests are to be arranged with the Director, Piedmont Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. The test report shall be submitted as required in Condition 7 and shall conform to the test report format enclosed with this permit.
(9 VAC 5-80-110, 40 CFR 60 Subpart WWW, and Condition 14 of the 2/12/15 Permit)

6. **Fuel Burning and Process Equipment Requirements – (ES-01 and ES-04) – Reporting-** The permittee shall:
 - a. NMOC emission rate reports shall be submitted annually except as provided for in 40 CFR 60.757(b)(1)(ii) [i.e., provisions for allowable 5-year reporting cycle] and 40 CFR 60.757(b)(3) [i.e., provisions to cease reporting after installation and operation as specified of a GCCS].
 - b. One copy of each NMOC emission report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 10.
(9 VAC 5-80-110, 40 CFR 60.757(b), and Condition 8 of the 2/12/15 Permit)
7. **Fuel Burning and Process Equipment Requirements – (ES-01) – Reporting-** If a GCCS is required by Condition 2 and the permittee is using an active collection system to comply with Condition 2, the permittee shall submit to the Piedmont Regional Office annual reports of the recorded information in 40 CFR 60.757(f)(1) through (f)(6). The initial report shall be submitted with 180 days of the installation and start-up of the collection and control system, and shall include the initial performance test report required under 40 CFR 60.8. One copy of each annual compliance report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 10.
(9 VAC 5-80-110, 40 CFR 60.757(f), and Condition 9 of the 2/12/15 Permit)
8. **Fuel Burning and Process Equipment Requirements – (ES-01) – Reporting-** Within 30 days of the date the MSW landfill stops accepting waste, the permittee shall submit a closure report to the Piedmont Regional Office and comply with 40 CFR 60.757(d). One copy of the closure report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 10.
(9 VAC 5-80-110, 40 CFR 60.757(d), and Condition 10 of the 2/12/15 Permit)
9. **Fuel Burning and Process Equipment Requirements – (ES-01) – Reporting-** If a GCCS is required by Condition 2, no later than 30 days prior to the cessation of operation or removal of the control equipment, the permittee shall submit an equipment removal report to the Piedmont Regional Office in accordance with 40 CFR 60.757(e). One copy of the equipment removal report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 10.
(9 VAC 5-80-110, 40 CFR 60.757(e), and Condition 11 of the 2/12/15 Permit)
10. **Fuel Burning and Process Equipment Requirements – (ES-01) – Notifications -** The permittee shall furnish written notification to the Piedmont Region of:
 - a. In accordance with Condition 2.a, the anticipated date of testing under Tiers 2 or 3 to demonstrate NMOC emission rate of the landfill postmarked at least 30 days prior to such date.
 - b. If a GCCS is required by Condition 2, the anticipated date of performance tests of the gas collection and control system postmarked at least 30 days prior to such date.

Copies of the written notifications referenced in items a through b above are to be sent to:

Associate Director
Office of Air Enforcement and Compliance Assistance (3AP20)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029
(9 VAC 5-80-110 and Condition 13 of the 2/12/15 Permit)

Facility Wide Conditions

11. **Fuel Burning and Process Equipment Requirements – Limitations** – Except where this permit is more restrictive than the applicable requirement, the equipment at the facility shall be constructed and operated in compliance with the applicable requirements of 40 CFR 60, Subpart WWW. (9 VAC 5-80-110 and Condition 5 of the 2/12/15 Permit)
12. **Fuel Burning and Process Equipment Requirements – Recordkeeping** – The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Piedmont Region. These records shall include, but are not limited to:
 - a. Current maximum design capacity report, current amount of waste in place, and year by year waste acceptance rate.
 - b. Records sufficient to calculate the facility's emissions on a 12 month rolling basis.
 - c. Description, location, amount, and placement date of all nondegradable refuse including asbestos and demolition refuse placed in landfill areas which are excluded from landfill gas estimation or landfill gas collection and control.
 - d. If a GCCS is required by Condition 2, all records required in 40 CFR 60.758(b), (c), (d), and (e). Where records pertain to specific control device type, only the records required for the facility's installed control device type shall be kept.
 - e. Records of the dimensions of each fuel oil storage tank and an analysis showing the capacity of each tank. These records shall be kept for the life of the source.
 - f. The permittee shall maintain a visible emissions observation log required by Condition 4. The log shall include the date and time of the observations, type of operations, whether or not there were visible emissions, any VEE recordings and necessary corrective actions.
 - g. Scheduled and unscheduled maintenance and operator training.

These records shall be available on site for inspection by the Department and shall be current for the most recent five (5) years.
(9 VAC 5-80-110, 9 VAC 5-50-50 and Condition 6 of the 2/12/15 Permit)
13. **Facility Wide Conditions – Testing** – The facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. Sampling ports shall be provided when requested at the appropriate locations and safe sampling platforms and access shall be provided.
(9 VAC 5-80-110, 9 VAC 5-50-30 F and Condition 12 of the 2/12/15 Permit)
14. **Facility Wide Conditions – Testing** – If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110)

Insignificant Emission Units

15. **Insignificant Emission Units** – The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted	Rated Capacity (5-80-720 C)
ES-03	Three Diesel Fuel Tanks	9 VAC 5-80-720B	VOC	-
OWS	Oil Water Separator	9 VAC 5-80-720B	VOC	-

These emission units are presumed to be in compliance with all requirements of the federal 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 9 VAC 5-80-110.

Permit Shield & Inapplicable Requirements

16. **Permit Shield & Inapplicable Requirements** – Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
9 VAC 5-40-5800 and 40 CFR 60 Subpart Cc	Emission Standards and Guidelines for Sanitary Landfills	These regulations only apply to municipal solid waste landfills that commenced construction, reconstruction or modification before May 30, 1991.
40 CFR 64	Compliance Assurance Monitoring	This regulation does not apply because the facility is not a major source.
40 CFR 72-78	Acid Rain Program Regulations	These regulations do not apply because the source does not have any affected units.
40 CFR 63 Subpart AAAA	Emission Standards for Municipal Solid Waste Landfills	This regulation does not apply because the facility is not a major source and the uncontrolled emission rate is not yet > 50 Mg/yr.
40 CFR 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels	This regulation does not apply based on the size of the tanks and from recordkeeping requirements as revised on October 13, 2003.

Nothing in this permit shield shall alter the provisions of § 303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to § 114 of the federal Clean Air Act, (ii) the Board pursuant to § 10.1-1314 or § 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to § 10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

General Conditions

17. **General Conditions – Federal Enforceability** – All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
 (9 VAC 5-80-110 N)
18. **General Conditions – Permit Expiration** – This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.
 (9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

19. **General Conditions – Permit Expiration** – The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
20. **General Conditions – Permit Expiration** – If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
21. **General Conditions – Permit Expiration** – No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
22. **General Conditions – Permit Expiration** – If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
23. **General Conditions – Permit Expiration** – The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
24. **General Conditions – Recordkeeping and Reporting** – All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-110 F)
25. **General Conditions – Recordkeeping and Reporting** – Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)

26. **General Conditions – Recordkeeping and Reporting** – The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”
(9 VAC 5-80-110 F)
27. **General Conditions – Annual Compliance Certification** – Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to § 114(a)(3) and § 504(b) of the Federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
- a. The time period included in the certification. The time period to be addressed is January 1 to December 31.
 - b. The identification of each term or condition of the permit that is the basis of the certification.
 - c. The compliance status.
 - d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
 - e. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
 - f. Such other facts as the permit may require to determine the compliance status of the source.
 - g. One copy of the annual compliance certification shall be sent to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

[R3 APD Permits@epa.gov](mailto:R3_APD_Permits@epa.gov)

(9 VAC 5-80-110 K.5)

28. **General Conditions – Permit Deviation Reporting** – The permittee shall notify the Director, Piedmont Region within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition 26 of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)
29. **General Conditions – Failure/Malfunction Reporting** In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Piedmont Region by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Piedmont Region.
(9 VAC 5-20-180 C)
30. **General Conditions – Severability** – The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)
31. **General Conditions – Duty to Comply** – The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)
32. **General Conditions – Need to Halt or Reduce Activity not a Defense** – It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)
33. **General Conditions – Permit Modification** – A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)
34. **General Conditions – Property Rights** – The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

35. **General Conditions – Duty to Submit Information** – The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
36. **General Conditions – Duty to Submit Information** – Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)
37. **General Conditions – Duty to Pay Permit Fees** The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350 in addition to an annual permit maintenance fee consistent with the requirements of 9 VAC 5-80-2310 through 9 VAC 5-80-2350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. The amount of the annual permit maintenance fee shall be the largest applicable base permit maintenance fee amount from Table 8-11A in 9 VAC 5-80-2340, adjusted annually by the change in the Consumer Price Index.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C and 9 VAC 5-80-2340 B)
38. **General Conditions – Fugitive Dust Emission Standards** – During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:
- a. Dust from grading, cell construction, waste compaction, application of daily cover, wood waste chipping operations, storage piles and traffic areas shall be controlled by wet suppression or equivalent (as approved by DEQ) control measures.
 - b. All material being stockpiled shall be kept moist to control dust during storage and handling or covered to minimize emissions.
 - c. Dust from haul roads shall be controlled by wet suppression and prompt removal of dried sediment resulting from soil erosion and dirt spilled or tracked onto paved surfaces within the landfill.
 - d. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Dirt spilled or tracked onto paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
 - e. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
 - f. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;

- c. The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.
(9 VAC 5-80-110 L)
43. **General Conditions – Permit Availability** – Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)
44. **General Conditions – Transfer of Permits** – No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
45. **General Conditions – Transfer of Permits** – In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
46. **General Conditions – Transfer of Permits** – In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
47. **General Conditions – Malfunction as an Affirmative Defense** – A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of Condition 48 are met.
(9 VAC 5-80-250)
48. **General Conditions – Malfunction as an Affirmative Defense** – The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
- a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
(9VAC 5-80-250)
49. **General Conditions – Malfunction as an Affirmative Defense** – In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.

The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.
(9 VAC 5-80-250)

50. **General Conditions – Malfunction as an Affirmative Defense** – The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-250)
51. **General Conditions – Permit Revocation or Termination for Cause** – A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 and 9 VAC 5-80-260)
52. **General Conditions – Duty to Supplement or Correct Application** Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)
53. **General Conditions – Stratospheric Ozone Protection** – If the permittee handles or emits one or more Class I or II substance subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A – F)
54. **General Conditions – Asbestos Requirements** – The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)
55. **General Conditions – Accidental Release Prevention** – If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)
56. **General Conditions – Changes to Permits for Emissions Trading** – No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)
57. **General Conditions – Emissions Trading** – Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
 - a. All terms and conditions required under 9 VAC 5-80-110 except subsection N shall be included to determine compliance.

- b. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
- c. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.
(9 VAC 5-80-110 I)

State-Only Enforceable Requirements

- 58. **State-Only Enforceable Requirements** – The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.
 - a. 9 VAC 5 Chapter 50, Part II, Article 2: Standards of Performance for Odorous Emissions

(9 VAC 5-80-110 N, 9 VAC 5-80-300, and Condition 23 of the NSR permit dated 2/12/15)

APPENDIX A

To: Air Compliance Manager
Department of Environmental Quality – Piedmont Regional Office
4949-A Cox Road
Glen Allen, VA 23060

From: (Facility Name)

Registration No. _____

Re: TITLE V ANNUAL COMPLIANCE CERTIFICATION

Date:

Please find attached our Title V Annual Compliance Certification for the period from ____/____/____ to ____/____/____. It identifies each term or condition of the permit that is the basis of the certification. All deviations and periods of non-compliance for the period have been addressed in semi-annual monitoring reports that have either been previously submitted or are enclosed.

Certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(Signature)

(Name & Title)

cc: Director, Air and Waste Division (Mail drop 3AP00)
United States Environmental Protection Agency -- Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(Annual Compliance Certifications are due 60 days following end of reporting period.)

APPENDIX B

To: Air Compliance Manager
 Department of Environmental Quality – Piedmont Regional Office
 4949-A Cox Road
 Glen Allen, VA 23060

From: (Facility Name) **Reg. No.** _____

Re: PROMPT DEVIATION REPORT – Pursuant to Title V Permit

Date:

This confirms the deviation reported to the Regional Office at _____ o'clock on ____/____/____. The details are described below. The deviation may have caused excess emissions for more than one hour, consistent with specified averaging times. None of these deviations were related to a malfunction.

Start date & time:	End date & time:	Estimated Duration:
Deviation from which permit condition (<i>condition number and brief description</i>):		
Description of incident (<i>including emission unit affected</i>):		
Description of Monitoring Requirement for affected unit(s):		
Probable cause:		
Description of corrective measures taken (<i>demonstrating a timely & appropriate response</i>):		
Description of preventive measures taken:		

Certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

 (Signature)
 (Name & Title)

APPENDIX C

To: Air Compliance Manager
Department of Environmental Quality – Piedmont Regional Office
4949-A Cox Road
Glen Allen, VA 23060

From: (Facility Name)

Reg. No. _____

Re: SEMI-ANNUAL MONITORING REPORT – Pursuant to Title V Permit

Date:

The following monitoring report is submitted as required by our Title V permit. For the purposes of this report, deviation means (1) exceedances of emission limits, as determined by such means as stack testing, continuous emission monitors, parametric monitoring and EPA Method 9 visible emission evaluations; (2) excursions from control device operating parameter requirements such as afterburner temperature, scrubber flow rate, baghouse pressure drop; (3) excursions from operational restrictions things such as throughput, fuel quality, and coating VOC and HAP content; and (4) failure to meet monitoring, record keeping or reporting requirements. The report addresses all data points, which are above a standard, limit etc, according to the averaging period, if any, specified in the permit. If no averaging period is specified in the permit, then any monitored reading is considered a deviation to be reported. Deviations are reported regardless of whether they may have caused excess emissions or whether they were the result of a malfunction.

The period covered by the report is from ____/____/____ to ____/____/____.

During the reporting period:

- No deviations from permit requirements occurred during this semi-annual reporting period. (We conducted all required monitoring and associated record keeping and reporting. Required monitoring revealed no deviations from permit requirements.)
- We failed to conduct required monitoring/record keeping/reporting as explained on the attached form.
- We identified deviations as a result of required monitoring:
 - Deviations were addressed in CEM Excess Emission Report(s) dated: _____
 - Deviations were addressed in Fuel Report(s) dated: _____
 - Deviations were addressed in MACT Report(s) dated: _____
 - Deviations due to malfunctions were addressed in letters dated: _____
 - Deviations were addressed in other report(s) dated: _____
 - Type of report: _____
 - Deviations were previously described in Prompt Deviation Reports dated:

- “Other” deviations, which were not previously reported, are described in the attachment.

Certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(Signature)

(Name & Title

FAILURE TO MONITOR, KEEP RECORDS OR REPORT
Submitted as Part of Semi-Annual Monitoring Report

Registration No. _____

Page ____ of ____

Permit Condition No. & DESCRIPTION OF REQUIREMENT	DESCRIPTION OF DEVIATION (including date)	REASON FOR DEVIATION & CORRECTIVE ACTION

Cond. No.	TERMS & CONDITIONS CONTAINED IN THE PERMIT <i>(list in order)</i>	MEANS OF DETERMINING COMPLIANCE STATUS	TYPE OF DATA THE MEANS PROVIDES	PERIODS OF NON-COMPLIANCE
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No

Form approved for use 9/18/00

“OTHER” DEVIATIONS
Submitted as Part of Semi-Annual Monitoring Report

Registration No. _____

Page _____ of _____

Condition No. & Description of Requirement	Description of Deviation (time, emission unit, description of event, cause)	Description of Associated Monitoring Requirement	Description of corrective measures taken (<i>demonstrating a timely & appropriate response</i>)

(Report deviations which may have caused excess emissions for more than one hour on a deviation report form, not here.)

Cond. No.	TERMS & CONDITIONS CONTAINED IN THE PERMIT <i>(list in order)</i>	MEANS OF DETERMINING COMPLIANCE STATUS	TYPE OF DATA THE MEANS PROVIDES	PERIODS OF NON-COMPLIANCE
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Yes <input type="checkbox"/> No

Form approved for use 9/18/00