



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY TIDEWATER REGIONAL OFFICE

Molly Joseph Ward
Secretary of Natural Resources

5636 Southern Boulevard, Virginia Beach, Virginia 23462
(757) 518-2000 Fax (757) 518-2009
www.deq.virginia.gov

David K. Paylor
Director

Maria R. Nold
Regional Director

August 18, 2014

Mr. David L. Hansen
Deputy City Manager
Department of Public Works, Waste Management Division
2405 Courthouse Road
Virginia Beach, Virginia 23456

Location: Virginia Beach
Registration No.: 61322
AFS Id. No.: 51-810-00105

Dear Mr. Hansen:

Attached is a permit to operate your solid waste landfill pursuant to 9 VAC 5 Chapter 80 of the Virginia Regulations for the Control and Abatement of Air Pollution. This permit incorporates provisions from the permit dated March 20, 2003.

The permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and civil penalty. Please read all permit conditions carefully.

In evaluating the application and arriving at a final decision to issue this permit, the Department deemed the application complete on January 3, 2014 and solicited written public comments by placing a newspaper advertisement in the Virginian-Pilot newspaper on Tuesday, July 1, 2014. The thirty day comment period (provided for in 9 VAC 5-80-270) expired on Thursday, July 31, 2014, with no comments having been received in this office.

This approval to operate does not relieve City of Virginia Beach of the responsibility to comply with all other local, state, and federal permit regulations.

Issuance of this permit is a case decision. The Regulations, at 9 VAC 5-170-200, provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this permit is mailed or delivered to you. Please consult that and other relevant provisions for additional requirements for such requests.

Mr. David L. Hansen
City of Virginia Beach
Department of Public Works, Waste Management Division
Virginia Beach Landfill No. 2
August 18, 2014
Page 2

Additionally, as provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal to court by filing a Notice of Appeal with:

David K. Paylor, Director
Department of Environmental Quality
PO Box 1105
Richmond, VA 23218-1105

In the event that you receive this permit by mail, three days are added to the period in which to file an appeal. Please refer to Rule 2A of the Rules of the Supreme Court of Virginia for additional information including filing dates and the required content of the Notice of Appeal.

If you have any questions concerning this permit, please contact Cindy Keltner by phone at (757) 518-2167 or by e-mail at cindy.keltner@deg.virginia.gov.

Sincerely,

Troy D. Breathwaite
Regional Air Permits Manager

TDB/CLK/61322_009_14_T5Renewal_CvrLtr_City of VABCH-Landfill No2.docx

Attachment: Permit

cc: Manager, Data Analysis (electronic file submission)
Manager/Inspector, Air Compliance
Chief, Air Enforcement Branch (3AP13), U.S. EPA, Region III (electronic file submission)



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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, 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 5-80-30, 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: City of Virginia Beach
Department of Public Works, Waste Management Division
Facility Name: Virginia Beach Landfill No. 2
Facility Location: 1989 Jake Sears Road
Virginia Beach, Virginia

Registration Number: 61322
Permit Number: TRO-61322

This permit includes the following programs:
Federally Enforceable Requirements - Clean Air Act (Pages 4 through 24)
State Only Enforceable Requirements (Page 25)

August 18, 2014

Effective Date

August 17, 2019

Expiration Date

Maria R. Nold

August 18, 2014

Signature Date

Table of Contents, 1 page
Permit Conditions, 25 pages

Table of Contents

I. FACILITY INFORMATION	4
II. EMISSION UNITS.....	6
III. FUEL BURNING EQUIPMENT REQUIREMENTS – (EMISSION UNIT ID #DPS - MULTIPLE DIESEL FUEL-FIRED PUMPS).....	7
A. LIMITATIONS	7
B. MONITORING	8
C. RECORDKEEPING	8
D. TESTING	9
IV. PROCESS EQUIPMENT REQUIREMENTS – (EMISSION UNIT ID # MSW-1 - LANDFILL OPERATIONS).....	10
A. LIMITATIONS	10
B. MONITORING	10
C. RECORDKEEPING	11
V. FACILITY WIDE CONDITIONS.....	14
A. LIMITATIONS	14
VI. INSIGNIFICANT EMISSION UNITS	15
VII. PERMIT SHIELD & INAPPLICABLE REQUIREMENTS	16
VIII. GENERAL CONDITIONS.....	17
IX. STATE-ONLY ENFORCEABLE REQUIREMENTS	25

I. Facility Information

Permittee
City of Virginia Beach
Department of Public Works, Waste Management Division
2405 Courthouse Drive
Virginia Beach, Virginia 23456

Responsible Official
David L. Hansen
Deputy City Manager

Facility
Virginia Beach Landfill No. 2
1989 Jake Sears Road
Virginia Beach, Virginia 23464

Contact Person
John Barnes
Waste Management Administrator
(757) 385-4650

County-Plant Identification Number: 51-810-00105

Facility Description: NAICS 562212 – Virginia Beach Landfill No. 2 is a sanitary landfill located at 1989 Jake Sears Road in the City of Virginia Beach, Virginia. The landfill has been in operation since 1971. As a sanitary landfill regulated by the Commonwealth of Virginia, the landfill is permitted to accept only solid wastes which are defined and regulated under the Commonwealth of Virginia Solid Waste Management Regulations. Such wastes are generated from the City of Virginia Beach and include general domestic waste, commercial waste, and construction debris. Ash generated from the Southeastern Public Service Authority Refuse-Derived Fuel facility in Portsmouth, Virginia, has been deposited at the landfill. Only non-liquid, non-hazardous, and non-infectious wastes are accepted at the landfill.

The landfill consists of multiple disposal areas including original mound and phases 1 and 2A. Phases 2B, 3, 4, and 5 are planned. The landfill including all phases operate under a solid waste permit #398 issued by DEQ. The landfill covers approximately 230 acres.

An extensive landfill gas collection and control system is operated at Virginia Beach Landfill No. 2. This system includes extraction wells located throughout the Original Mound and Phase 1 disposal areas and will include other phases as they become operational. Collected landfill gas is either combusted on-site in a flare or sent off-site for beneficial use. The operation of the landfill gas collection and control system is not required by applicable air quality regulations (Standards for Municipal Solid Waste Landfills under 40 CFR Part 60, Subpart WWW) since the City has demonstrated that non-methane organic compound (NMOC) emissions are less than 50 megagrams per year based on Tier 2 testing completed in 1998 and 2003. In addition to the landfill gas collection and control system, the City also operates a leachate collection system,

multiple diesel fuel-fired pumps (primarily for pumping water and maintenance purposes), a diesel fuel storage tank, and a small degreasing unit for maintenance purposes at Virginia Beach Landfill No. 2.

The facility is a Title V major source of NMOC and NOx. This source is located in an attainment area for all pollutants. The facility is also permitted under a State Operating Permit issued on March 20, 2003.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
DPs		Multiple diesel fuel-fired pumps	Various < 105hp				State Operating Permit dated 03/20/2003
PCD-1		LFG Specialties Flare	60.0 mmBTU/hr				State Operating Permit dated 03/20/2003
Process A							
MSW-1		Landfill operations	11.6 million megagrams of municipal solid waste	Flare - LFG Specialties, Serial No. 1530 installed June 1998 rated at 2,000 scfm	F2	VOC, HAPs, NMOC, CO, NO _x , SO ₂ , PM-10	State Operating Permit dated 03/20/2003

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Fuel Burning Equipment Requirements – (emission unit ID #DPs - Multiple Diesel Fuel-Fired Pumps)

A. Limitations

1. **Fuel Burning Equipment Requirements – (emission unit ID #DPs - Multiple Diesel Fuel-Fired Pumps) - Limitations** -The approved fuel for the diesel pumps is distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396/975 “Standard Specification for Fuel Oils.” A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-110 and Condition 5 of the State Operating Permit dated 3/20/03)
2. **Fuel Burning Equipment Requirements – (emission unit ID #DPs - Multiple Diesel Fuel-Fired Pumps) - Limitations** - The diesel fuel-fired pumps shall not operate more than 145,500 horsepower-hours per year **combined** or 7,430 gallons per year of diesel fuel **combined**, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 17 of the State Operating Permit dated 3/20/03)
3. **Fuel Burning Equipment Requirements – (emission unit ID #DPs - Multiple Diesel Fuel-Fired Pumps) - Limitations** - Emissions from the operation of the diesel fuel-fired pumps shall not exceed the limits specified below:

Nitrogen Oxides	2.3 tons/yr	(9 VAC 5-50-260)
(as NO ₂)		
Carbon Monoxide	0.5 tons/yr	(9 VAC 5-50-260)

(9 VAC 5-80-110, and Condition 18 of the State Operating Permit dated 3/20/03)
4. **Fuel Burning Equipment Requirements – (emission unit ID #DPs - Multiple Diesel Fuel-Fired Pumps) - Limitations** -Visible emissions from any of the diesel fuel-fired pumps shall not exceed twenty (20) percent opacity as determined by EPA Method 9 (40 CFR 60, Appendix A), except during one six-minute period in any one hour in which visible emissions shall not exceed thirty (30) percent opacity. This condition applies at all times except during start-up, shutdown, and malfunction.
(9 VAC 5-50-80, 9 VAC 5-80-110, and Condition 19 of the State Operating Permit dated 3/20/03)
5. **Fuel Burning Equipment Requirements – (emission unit ID #DPs - Multiple Diesel Fuel-Fired Pumps) – MACT ZZZZ Requirements** – For each diesel fuel-fired pump, you must meet the following requirements, except during periods of startup:

- a. Change oil and filter every 1,000 hours of operation or annually, whichever comes first;
 - b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and
 - c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.
6. **Fuel Burning Equipment Requirements – (emission unit ID #DPs - Multiple Diesel Fuel-Fired Pumps) – MACT ZZZZ Requirements** – During periods of startup you must minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.

B. Monitoring

7. **Fuel Burning Equipment Requirements – (emission unit ID #DPs - Multiple Diesel Fuel-Fired Pumps) - Monitoring** - The permittee shall perform periodic visual emissions observations to demonstrate compliance with opacity standards for the multiple diesel fuel-fired pumps (Unit Ref. No. DPs). The permittee shall perform such visible emission observations once per year during periods of normal facility operation to determine if the units have any visible emissions. If visible emissions from any of the emissions units are observed during these required observations, or at any time, that appear to exceed fifty percent (50%) of the allowable visible emission requirement for the emission unit, visible emissions evaluations in accordance with 40 CFR 60, Appendix A, Method 9 shall be conducted on those units as soon as practicable. A Method 9 evaluation shall not be required if the visible emissions condition is corrected in a timely manner, the emissions unit is operating at normal operating conditions, and the cause and corrective measures taken are recorded. If an EPA Method 9 evaluation and/or corrective action become necessary, Virginia Beach Landfill No. 2 shall record the details of the incident, including any EPA Method 9 actual opacity readings, in a log book. The log book shall be kept on site and available for inspection by the DEQ for the most recent five (5) year period. (9 VAC 5-80-110 and 9 VAC 5-50-110)

C. Recordkeeping

8. **Fuel Burning Equipment Requirements – (emission unit ID #DPs - Multiple Diesel Fuel-Fired Pumps) - Recordkeeping** -The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, TRO Regional Office. These records shall include, but are not limited to:
- a. The annual hours of operation in horsepower-hours per year or annual throughput of diesel fuel in gallons per year for all of the diesel fuel-fired pumps combined as specified in Condition 2, calculated monthly as the sum of each consecutive 12-month period.
 - b. A record of each visible emissions observation for each diesel fuel-fired pump shall be maintained, including any data required by 40 CFR 60 Appendix A, Method 9. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent (5) years.

(9 VAC 5-80-110, 9 VAC 5-50-50, and Condition 20 of the State Operating Permit dated 3/20/03)

D. Testing

9. **Fuel Burning Equipment Requirements – (emission unit ID #DPs - Multiple Diesel Fuel-Fired Pumps) -Testing** - The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-80-110)

10. **Fuel Burning Equipment Requirements – (emission unit ID #DPs - Multiple Diesel Fuel-Fired Pumps) -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)

IV. Process Equipment Requirements – (emission unit ID # MSW-1 - Landfill Operations)

A. Limitations

11. **Process Equipment Requirements – (emission unit ID # MSW-1 - Landfill Operations) - Limitations** - The design capacity of the MSW landfill is 11,035,531 megagrams. A change in the design capacity may require an air permit to construct and operate.
(9 VAC 5-80-110 and Condition 3 of the State Operating Permit dated 3/20/03)
12. **Process Equipment Requirements – (emission unit ID # MSW-1 - Landfill Operations) - Limitations** - Except as specified in this permit, the permitted facility is to be operated in accordance with the applicable provisions of 40 CFR 60, Subpart WWW.
(9 VAC 5-80-110, 40 CFR 60, Subpart WWW, and Condition 4 of the State Operating Permit dated 3/20/03)

B. Monitoring

13. **Process Equipment Requirements – (emission unit ID # MSW-1 - Landfill Operations) - Monitoring** - If, using a site-specific NMOC concentration as referenced in Condition 19, the NMOC emission rate equals or exceeds fifty (50) megagrams per year, the permittee shall:
 - a. Submit a landfill gas collection and control system design plan to the Director, Tidewater Regional Office, within one (1) year after submittal of the first annual NMOC emission rate report referenced in Condition 18, which indicates an NMOC emission rate of fifty (50) megagrams or greater, or
 - b. Demonstrate, using a site-specific methane generation constant, that NMOC emissions do not equal or exceed fifty (50) megagrams per year. The permittee shall make such demonstration and submit a revised NMOC emission rate report within one (1) year of submittal of the first annual NMOC emission rate report referenced in Condition 18 which indicates an NMOC emission rate of fifty (50) megagrams or greater. The permittee shall resume annual NMOC emission rate reporting as specified in Condition 18.
(40 CFR 60, Subpart WWW, 9 VAC 5-80-110, and Condition 11 of the State Operating Permit dated 3/20/03)
14. **Process Equipment Requirements – (emission unit ID # MSW-1 - Landfill Operations) - Monitoring** - If the permittee is required to install a landfill gas collection and control system in accordance with the provisions of 40 CFR 60, Subpart WWW and Conditions 16, 19, or 20, the permittee shall apply for a solid waste permit amendment in accordance with Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20, Chapter 80 (Solid Waste Management Regulations).
(9 VAC 5-80-110, 9 VAC 20-80-480, 9 VAC 5-170-160, and Condition 13 of the State Operating Permit dated 3/20/03)

15. **Process Equipment Requirements – (emission unit ID # MSW-1 - Landfill Operations) - Monitoring** - If the permittee is required to install a landfill gas collection and control system in accordance with the provisions of 40 CFR 60, Subpart WWW and Conditions 16, 19, or 20, the permittee shall apply for a Title V Operating Permit significant modification within ninety (90) days of approval of the gas collection and control plan.
(9 VAC 5-80-110, 9 VAC 5-80-230, and Condition 14 of the State Operating Permit dated 3/20/03)
16. **Process Equipment Requirements – (emission unit ID # MSW-1 - Landfill Operations) - Monitoring** - If the permittee is required to install a landfill gas collection and control system in accordance with the provisions of 40 CFR 60, Subpart WWW and Conditions 13, 19, or 20, the permittee shall install and have operational such landfill gas collection and control system within thirty (30) months of submittal of the first annual emission rate report referenced in Condition 18 which indicates an NMOC emission rate equals or exceeds fifty (50) megagrams per year which,
- a. Is designed to handle the maximum expected landfill gas flow rate from the entire area of the landfill;
 - b. Collects landfill gas from each area, cell or group of cells in which solid waste has been placed for a period of:
 - i. Five (5) years or more if the landfill is active; or
 - ii. Two (2) years or more if the landfill is closed or at final grade;
 - c. Collects landfill gas at a sufficient extraction rate;
 - d. Is designed to minimize off-site migration of subsurface landfill gas;
 - e. Reduces NMOC by ninety-eight (98) weight percent or, for an enclosed combustion device, either reduces NMOC by ninety-eight (98) weight percent or reduces the outlet concentration of NMOC to less than 20 ppmv, dry, as hexane, at three (3) percent oxygen; and
 - f. Maintains the methane concentration at the surface of the landfill at less than 500 ppmv above background level.
- (9 VAC 5-80-110, 40 CFR 60, Subpart WWW, and Condition 15 of the State Operating Permit dated 3/20/03)

C. Recordkeeping

17. **Process Equipment Requirements – (emission unit ID # MSW-1 - Landfill Operations) - Recordkeeping** - The application for the Virginia State Operating Permit is considered to have satisfied the requirements of Subpart WWW, 40 CFR 60.757 (a) for submission of the initial design capacity and initial non-methane organic compound (NMOC) emission rate reports to the Director, Tidewater Regional Office.
(40 CFR 60, Subpart WWW and 9 VAC 5-80-110 of State Regulations and Condition 8 of the State Operating Permit dated 3/20/03)

18. **Process Equipment Requirements – (emission unit ID # MSW-1 - Landfill Operations) - Recordkeeping** - No later than April 15 of each year, the permittee shall submit an annual non-methane organic compound (NMOC) emission rate report to the Director, Tidewater Regional Office.
(40 CFR 60, Subpart WWW, 9 VAC 5-80-110, and Condition 9 of the State Operating Permit dated 3/20/03)
19. **Process Equipment Requirements – (emission unit ID # MSW-1 - Landfill Operations) - Recordkeeping** - If the reported NMOC emission rate in the initial or any annual report referenced in Condition 18 equals or exceeds fifty (50) megagrams per year, the permittee shall:
- a. Submit a landfill gas collection and control system design plan to the Director, Tidewater Regional Office, within one (1) year after submittal of the first annual NMOC emission rate report referenced in Condition 18 which indicates an NMOC emission rate of fifty (50) megagrams or greater, or
 - b. Demonstrate, using a site-specific NMOC concentration, that NMOC emissions do not equal or exceed fifty (50) megagrams per year. The permittee shall make such demonstration and submit a revised NMOC emission rate report within 180 days of submittal of the first annual NMOC emission rate report referenced in Condition 18 which indicates an NMOC emission rate of fifty (50) megagrams or greater. The permittee shall resume annual emission rate reporting as specified in Condition 18 and retest the site-specific NMOC emission rate every five (5) years.
- (40 CFR 60, Subpart WWW, 9 VAC 5-80-110, and Condition 10 of the State Operating Permit dated 3/20/03)
20. **Process Equipment Requirements – (emission unit ID # MSW-1 - Landfill Operations) - Recordkeeping** - If, using a site-specific methane generation constant as referenced in Condition 13, the NMOC emission rate equals or exceeds fifty (50) megagrams per year, the permittee shall submit a landfill gas collection and control system design plan to the Director, Tidewater Regional Office, within one (1) year after submittal of the first annual NMOC emission rate report referenced in Condition 18 which indicates an NMOC emission rate of fifty (50) megagrams or greater.
(40 CFR 60, Subpart WWW, 9 VAC 5-80-110, and Condition 12 of the State Operating Permit dated 3/20/03)
21. **Process Equipment Requirements – (emission unit ID # MSW-1 - Landfill Operations) - Recordkeeping** - The permittee shall submit a closure report in accordance with 40 CFR 60.757 (d) to the Director, Tidewater Regional Office, within thirty (30) days of the date that the municipal solid waste landfill ceases acceptance of waste.
(9 VAC 5-80-110, 40 CFR 60, Subpart WWW, and Condition 16 of the State Operating Permit dated 3/20/03)

22. **Process Equipment Requirements – (emission unit ID # MSW-1 - Landfill Operations) - Recordkeeping** - The permittee shall furnish written notification to the Director, Tidewater Regional Office:
- a. The actual date on which modification of the municipal solid waste landfill facility commenced.
 - b. The anticipated date of initial waste acceptance related to the modification of the municipal solid waste landfill facility postmarked not more than sixty (60) days nor less than thirty (30) days prior to such date.
 - c. The actual date of initial waste acceptance related to the modification of the municipal solid waste landfill facility within fifteen (15) days of initial waste acceptance.

Copies of written notification referenced in items a, b, and c shall be sent to:

Chief
Permit Programs Section (3AT23)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(9 VAC 5-80-110, 9 VAC 5-170-160, 40 CFR 60, Subpart A, 40 CFR 60, Subpart W, and Condition 21 of the State Operating Permit dated 3/20/03)

23. **Process Equipment Requirements – (emission unit ID # MSW-1 - Landfill Operations) - Recordkeeping** - The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to the following:
- a. Current maximum design capacity, current amount of refuse in place, and annual (calendar year) refuse accumulation rates;
 - b. Description, location, amount, and placement date of all non-degradable refuse including asbestos and demolition debris placed in landfill areas which are excluded from landfill gas estimation; and
 - c. Installation date and location of all vents, wells, and flares.

These records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110, 9 VAC 5-50-50, and Condition 20 of the State Operating Permit dated 3/20/03)

V. Facility Wide Conditions

A. Limitations

24. **Facility Wide Conditions - Limitations** - Unless otherwise specified, dust emission controls shall include the following or equivalent as a minimum:
- a. All material being stockpiled shall be kept moist to control dust during storage and handling, or covered to minimize emissions.
 - b. Dust from haul roads shall be controlled by wet suppression.
 - c. 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.
- (9 VAC 5-50-90, 9 VAC 5-80-110, and Condition 7 of the State Operating Permit dated 3/20/03)

VI. Insignificant Emission Units

25. **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 (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
LCS-1	Leachate Collection System (including manholes, leachate equalization basin, and pump station)	9 VAC 5-80-720 B.2.	VOC	45.4 gallons of leachate per minute
DU-1	Degreasing System, 40" x 38" tank	9 VAC 5-80-720 B.2.	VOC	40" x 38" tank
T-6	Diesel fuel storage tank – Fixed roof, horizontal	9 VAC 5-80-720 A.41.	VOC, HAPs, NMOC, CO, NO _x , SO ₂ , PM-10	20,000 Gallons
T-7	Diesel fuel storage tank	9 VAC 5-80-720 B.2.	VOC	500 gallon tank

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.

VII. Permit Shield & Inapplicable Requirements

26. **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
None	None	None

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 (i) 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)

VIII. General Conditions

27. **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)
28. **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.
29. **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.
30. **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.
31. **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.
32. **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.
33. **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)
34. **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)

35. **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)
36. **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 purpose of this permit, deviations include, but are not limited to:
 - i. Exceedance of emissions limitations or operational restrictions;
 - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

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)

37. **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 for the period ending December 31. 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. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. 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 submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3_APD_Permits@epa.gov

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

- 38. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the Director, Tidewater Regional Office 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 Condition 76 of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)
- 39. **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, Tidewater Regional Office 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, Tidewater Regional Office.
(9 VAC 5-20-180 C)
- 40. **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)
- 41. **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 ground 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)

42. **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)
43. **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 5-80-1605, 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)
44. **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)
45. **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)
46. **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)
47. **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, 9 VAC 5-80-340 C and 9 VAC 5-80-2340 B)
48. **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. 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;

- b. Application of asphalt, 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;
- c. 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 similar operations;
- d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
- e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

49. **General Conditions - Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-40-20 E)

50. **General Conditions - Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

51. **General Conditions - Inspection and Entry Requirements** - The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
- b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
- c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
- d. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

52. **General Conditions - Reopening For Cause** - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F. The conditions for reopening a permit are as follows:
- a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
 - 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)
53. **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)
54. **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)
55. **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)
56. **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)
57. **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 58 are met.
(9 VAC 5-80-250)
58. **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.

(9 VAC 5-80-250)

- 59. **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.
(9 VAC 5-80-250)
- 60. **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)
- 61. **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 grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 C and 9 VAC 5-80-260)
- 62. **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)
- 63. **General Conditions - Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances 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) Asbestos Requirements

64. **General Condition – 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)
65. **General Condition - 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)
66. **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)
67. **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)

IX. State-Only Enforceable Requirements

68. **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.

Odor: 9 VAC 5 Chapter 40, Part II, Article 2. Emission Standards for Odor (Rule 4-2)

State toxics rule: 9 VAC 5 Chapter 60, Part II, Article 5. Emission Standards for Toxic Pollutants from New and Modified Sources (Rule 6-5)

(9 VAC 5-80-110 N and 9 VAC 5-80-300)