



NRO-005-14

# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

(703) 583-3800 Fax (703) 583-3821

www.deq.virginia.gov

Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

Thomas A. Faha  
Regional Director

January 23, 2014

Mr. Richard Pezzullo  
Director  
Loudoun County Department of General Services  
801 Sycolin Road, S.E., Suite 310  
Leesburg, Virginia 20175

Location: Loudoun County  
Registration No. 72348  
County-Plant ID No. 51-107-0135

Dear Mr. Pezzullo:

Attached is a permit to operate the Loudoun County Solid Waste Management Facility (landfill) pursuant to 9 VAC 5 Chapter 80, Article 1, of the Virginia Regulations for the Control and Abatement of Air Pollution. This permit incorporates provisions from the minor new source review permit issued on August 7, 2009.

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

In evaluating the application and arriving at a final decision to issue this permit, the Department deemed the application complete on October 15, 2012 and solicited written public comments by placing a newspaper advertisement in *The Loudoun Times-Mirror* on November 20, 2013. The thirty-day comment period (provided for in 9 VAC 5-80-270) expired on December 20, 2013. No comments were received in this office from the public or the US EPA.

This approval to operate does not relieve Loudoun County Department of General Services 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. Richard Pezzullo  
January 23, 2014  
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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  
P. O. Box 1105  
Richmond, VA 23218

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 Part Two A 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 Mr. Ali Khalilzadeh at (703) 583-3831.

Sincerely,



James B. LaFratta  
Regional Air Permit Manager

TAF/JBL/AK/14-005-TV

Attachment: Permit

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



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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 herein. The permit is issued under the authority of Title 10.1, Chapter 12, § 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 of 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:	Loudoun County Department of General Services
Facility Name:	Loudoun County Solid Waste Management Facility
Facility Location:	21101 Evergreen Mills Road Leesburg, Virginia 20175
Registration Number:	72348
Permit Number:	NRO72348
AFS ID:	51-107-00135

This permit includes the following programs:

**Federally Enforceable Requirements – Clean Air Act (Pages 4 through 25)**  
**State Enforceable Requirements – SAPCB Regulations (Page 25)**

January 23, 2014  
Effective Date

January 22, 2019  
Expiration Date

Thomas A. Faha  
Regional Director

\_\_\_\_\_  
Signature Date

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## **Facility Information**

### Permittee

Loudoun County, Virginia – Department of General Services  
801 Sycolin Road, SE  
Suite 300, MSC #48  
Leesburg, Virginia 20175

### Responsible Official

Mr. Richard Pezzullo  
Director, Department of General Services

### Facility

Loudoun County Solid Waste Management Facility  
21101 Evergreen Mills Road  
Leesburg, Virginia 20175

### Contact Person

Mr. Michael Fairbanks  
Department of General Services, Waste Management Division Manager  
(703) 777-0168

**State-County-Plant Identification Number:** 51-107-00135

**Facility Description:** NAICS 562212 – Municipal Solid Waste (MSW) Landfill. The main process occurring at Loudon County Solid Waste Management Facility (Loudoun County Landfill) is the sanitary landfilling of non-hazardous solid waste. MSW is placed in different Resource Conservation and Recovery Act (RCRA) “Subtitle D” units at the facility. MSW undergoes anaerobic decomposition and produces methane, carbon dioxide, and other hydrocarbon gasses. Landfill Gas (LFG) produced in the facility is captured and combusted as a waste product in the facility’s permitted flare system.

## 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
<b>Landfill</b>							
WRDU	N/A	Woods Road Disposal Unit	6,866,559 megagrams (Mg)	One (1) LFG Specialties enclosed flare rated at 900 SCFM	P0001	Non-Methane Organic Compounds	08/07/09
LCLFDU	N/A	Loudoun County Landfill Disposal Unit	1,555,418 Mg				

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

## Landfill Requirements – (Emission Unit ID# LCLFDU AND WRDU)

### 1. Landfill Requirements – (LCLFDU and WRDU) – Limitations – Landfill Design

**Capacity** – The total design capacity of Loudoun County Solid Waste Management Facility (LCSWMF), which includes Old Fill, Phase I, Phase II, Phase IIA/IIB, and Phase III of the Loudoun County Landfill Disposal Unit (LCLFDU) and Phases I-V of the Woods Road Disposal Unit (WRDU) is 8,421,977 Mg (9,283,529 tons). A change in the design capacity may require a permit to modify and operate.  
(9 VAC 5-80-110, 9 VAC 5-50-390, 9 VAC 5-80-1180, and Condition 2 of 8/7/09 NSR Permit)

### 2. Landfill Requirements – (LCLFDU and WRDU) – Limitations – Landfill Gas Collection and Control System: Design and Operational Standards – The permittee shall operate the active LFG collection and control system (GCCS) in the following manner:

- a. Design the system to handle the combined maximum expected gas flow rate from LCLFDU and WRDU, which has been calculated to be 1,750 cubic feet per minute, using the procedures listed in 40 CFR 60.755(a)(1). The maximum expected gas flow rate shall be recalculated when the design capacity is increased or additional phases other than those listed in Condition 2 are proposed for landfill expansion and the LFG system shall be redesigned to handle the maximum expected gas flow rate from the entire area of the landfill;
- b. Collect gas from each area, cell, or group of cells in which initial solid waste has been in place for a period of:
  - i. 5 years or more if active;
  - ii. 2 years or more if closed or at final grade;
- c. Collect gas at a sufficient extraction rate. Upon maturation of the landfill and full implementation of the gas collection system, the gas collection system shall meet the requirements of 40 CFR 60.753.
- d. Operate each wellhead under negative pressure except as provided in 40 CFR 60.753(b).
- e. Operate each interior wellhead in the collection system such that it has a landfill gas temperature less than 55°C and has either\*:
  - i. A nitrogen content less than twenty percent, as determined by EPA Method 3C; or
  - ii. An oxygen content less than five percent, as determined by EPA Method 3A or 3C, given exceptions listed in 40 CFR 60.753(c)(2).

The permittee may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data

that elevated the parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

\*Woods Road Disposal Unit only: The permittee shall notify the Regional Air Compliance Manager of the DEQ's NRO within thirty days of commencing operation of the GCCS for Woods Road Disposal Unit of their intent to monitor either nitrogen content as described in subsection i of this Condition or oxygen content as described in subsection ii of this Condition. The permittee shall notify DEQ and receive DEQ approval prior to changing the parameter being monitored.

- f. Design the system to minimize off-site migration of subsurface gas from WRDU by installing liners meeting the requirements listed in 40 CFR 258.40.
- g. Control landfill gas emissions by routing the collected landfill gas to the LFG Specialties enclosed flare (Ref. No. P001). The enclosed flare shall meet the requirements of 40 CFR 60.752(b)(2)(iii).
- h. Maintain the methane concentration at the surface of the landfill at less than 500 ppmv above the background level.

If monitoring demonstrates that the operational requirements in subsection d, e, and h of this condition are not met, corrective actions shall be taken as specified in 40 CFR 60.755(a)(3) through (5) or 40 CFR 60.755(c). If corrective actions are taken as specified above, the monitored exceedance shall not be considered a violation of the operational requirements of this condition.

(9 VAC 5-80-110, 9 VAC 5-50-410, 9 VAC 5-50-260, 9 VAC 5-80-1180, 40 CFR 60.752, and Condition 4 of 8/7/09 NSR Permit)

- 3. **Landfill Requirements – (LCLFDU and WRDU) – Limitations – Emission Controls –** Non-methane organic compounds (NMOC) contained in the landfill gas shall be controlled by enclosed flare. The enclosed flare shall be provided with adequate access for inspection and shall be in operation when the LFG collection system is operating.  
(9 VAC 5-80-110, 9 VAC 5-80-1180, 9 VAC 5-50-260, 9 VAC 5-50-400, 9 VAC 5-50-410, 40 CFR 60.752, and Condition 5 of 8/7/09 NSR Permit)
- 4. **Landfill Requirements – (LCLFDU and WRDU) – Limitations – Control Efficiency –** The enclosed flare shall achieve a control efficiency for NMOC of no less than ninety-eight percent on a mass basis, or reduce NMOC outlet concentration to less than twenty ppmvd, as hexane at three percent oxygen (as determined by EPA Method 25C or EPA Method 18).  
(9 VAC 5-80-110, 9 VAC 5-80-1180, 9 VAC 5-50-260, 9 VAC 5-50-400, 9 VAC 5-50-410, 40 CFR 60.752, and Condition 6 of 8/7/09 NSR Permit)
- 5. **Landfill Requirements – (LCLFDU and WRDU) – Limitations – Fugitive Dust Emission Controls –** Unless otherwise specified, dust emission controls shall include the following or equivalent as a minimum:

- 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 control measures (as approved by DEQ).
- b. All material being stockpiled shall be kept moist by wet suppression or equivalent method (including growth of vegetation and as approved by DEQ) to control dust during storage and handling, or be 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.

(9 VAC 5-80-110, 9 VAC 5-50-90, 9 VAC 5-80-1180, and Condition 7 of 8/7/09 NSR Permit)

6. **Landfill Requirements – (LCLFDU and WRDU) – Limitations – Startup, Shutdown, and Malfunction Plan** – As an affected source, LCSWMF is categorized as a “new landfill” in 40 CFR 63, Subpart AAAA. The additional requirements beyond those in NSPS WWW include development of a startup, shutdown, and malfunction (SSM) plan in accordance with 40 CFR 63.6(e)(3).

(9 VAC 5-80-110, 9 VAC 5-60-90, 9 VAC 5-60-100, 40 CFR 63.6, and Condition 8 of 8/7/09 NSR Permit).

7. **Landfill Requirements – (LCLFDU and WRDU) – Limitations – Operation of LFG Collection and Control System** – The LFG control system shall be in operation at all times when the collected gas is routed to the system. The LFG Collection System shall be shut down and all valves in the collection and control system allowing atmospheric venting of LFG shall be closed within one hour if the GCCS is inoperable.

(9 VAC 5-80-110, 9 VAC 5-50-400, 9 VAC 5-50-410, 40 CFR 60.753, and Condition 18 of 8/7/09 NSR Permit)

8. **Landfill Requirements – (LCLFDU and WRDU) – Limitations – Operating and Training Procedures** – Emissions from the enclosed flare (Ref. No. P001) shall be controlled by proper operation and maintenance. Each operator shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer’s operating instructions, at a minimum. The permittee shall maintain records of the required training including a statement of time, place, and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the utility flare. These procedures shall be based on the manufacturer’s recommendations, at a minimum.

(9 VAC 5-80-110, 9 VAC 5-80-1180, 9 VAC 5-50-260, and Condition 19 of 8/7/09 NSR Permit)

9. **Landfill Requirements – (LCLFDU and WRDU) – Limitations – Fuel** – The approved fuel for the LFG Specialties enclosed flare (Ref. No. P001) is LFG. The flare may also use

propane gas or natural gas to ignite the pilot flame in the flare. A change in the fuel may require a permit to modify and operate.

(9 VAC 5-80-110, 9 VAC 5-80-1180, and Condition 20 of 8/7/09 NSR Permit)

**10. Landfill Requirements – (LCLFDU and WRDU) – Limitations – Removal of Collection and Control System** – The collection and control system may be shut down or removed provided the following conditions are met:

- a. The landfill shall be a closed landfill as defined in 40 CFR 60.751 and under the requirements of 9 VAC 20-80-250.E.
- b. The collection and control system shall have been in operation a minimum of fifteen years; and
- c. Following the procedures specified in 40 CFR 60.754 (b), the calculated NMOC gas produced by the landfill shall be less than 23 megagrams per year on three successive test dates. The test dates shall be no less than ninety days apart, and no more than 180 days apart.

(9 VAC 5-80-110, 9 VAC 5-80-1180, 9 VAC 5-50-400, 9 VAC 5-50-410, 40 CFR 60.752, and Condition 21 of 8/7/09 NSR Permit)

**11. Landfill Requirements – (LCLFDU and WRDU) – Limitations – Emission Limits** – Emissions from the operation of the enclosed flare (Ref. No. P0001) shall not exceed the limits specified below:

Nitrogen Oxides (as NO <sub>2</sub> )	0.06 lb/MMBtu	14.2 tons/yr
Carbon Monoxide	0.40 lb/MMBtu	94.6 tons/yr

(9 VAC 5-80-110, 9 VAC 5-80-1180, 9 VAC 5-50-260, and Condition 23 of 8/7/09 NSR Permit)

**12. Landfill Requirements – (LCLFDU and WRDU) – Limitations – Visible Emission Limit for Enclosed Flare** – Visible emissions from the enclosed flare shall not exceed five percent opacity except during one six minute period in any one hour in which visible emissions shall not exceed ten percent opacity as determined by EPA Reference 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, 9 VAC 5-80-1180, 9 VAC 5-50-260, and Condition 24 of 8/7/09 NSR Permit)

**13. Landfill Requirements – (LCLFDU and WRDU) – Monitoring – LFG Collection System and Surface Monitoring Requirements** – The operation of the gas collection system and landfill surface shall be monitored as follows:

- a. The following items shall be monitored each month:

- i. Gauge Pressure, each well;
  - ii. LFG temperature, each active well;
  - iii. Nitrogen concentration or oxygen concentration, each active well.
- b. In order to meet the requirements of Condition 2h, the surface of the landfill shall be monitored for methane in the following manner:
- i. Using an organic vapor analyzer, flame ionization detector, or other portable monitoring meeting the specifications of 40 CFR 60.755(d).
  - ii. For the existing landfill cells, on a quarterly basis and consistent with the pattern provided in the Methane Surface Monitoring Design Plan dated June 18, 1998, or any approved updates.
  - iii. For the cells in Phase III of LCLFDU and Phases I-V of WRDU, methane surface monitoring shall begin within the first quarter after initial waste is placed in any cell(s) of Phase III of LCLFDU and/or Phases I-V of WRDU. Surface monitoring shall be conducted on a quarterly basis along the perimeter of the new cells and along a pattern which traverses the cells at thirty-meter intervals.
  - iv. In accordance with section 4.3.1 of Reference Method 21 of Appendix A of 40 CFR 60, except that the probe inlet shall be placed within 5 to 10 centimeters off the ground.
  - v. Monitoring shall be conducted during typical meteorological conditions.

(9 VAC 5-80-110, 9 VAC 5-80-1180, 9 VAC 5-50-400, 9 VAC 5-50-410, 40 CFR 60.756, and Condition 9 of 8/7/09 NSR Permit)

**14. Landfill Requirements – (LCLFDU and WRDU) – Monitoring – LFG Control System Monitoring Requirements** – The following shall be monitored for the gas control system:

- a. Periods of flare inactivity. Flare inactivity is defined as periods when the combustion temperature is less than 1076°F (the auto-ignition temperature of methane).
- b. The combustion temperature of the enclosed flare shall be continuously monitored, and recorded no less than every 15 minutes.

(9 VAC 5-80-110, 9 VAC 5-80-1180, 9 VAC 5-50-400, 9 VAC 5-50-410, 40 CFR 60.758, and Condition 10 of 8/7/09 NSR Permit)

**15. Landfill Requirements – (LCLFDU and WRDU) – Monitoring – Landfill Cover Integrity** – The permittee shall implement a program for cover integrity and implement cover repairs as necessary on a monthly basis, in accordance with 40 CFR 60.755(c)(5).

(9 VAC 5-80-110, 9 VAC 5-80-1180, 9 VAC 5-50-400, 9 VAC 5-50-410, 40 CFR 60.755, and Condition 11 of 8/7/09 NSR Permit)

16. **Landfill Requirements – (LCLFDU and WRDU) – Monitoring – GCCS** – The GCCS shall be equipped with a continuous gas flow rate measuring device that shall record LFG flow to, or bypass from, the enclosed landfill gas flare at a minimum frequency of at least once every fifteen minutes.

(9 VAC 5-80-110, 9 VAC 5-80-1180 D, 9 VAC 5-50-260, 9 VAC 5-50-400, 9 VAC 5-50-410, 40 CFR 60.756, and Condition 12 of 8/7/09 MSR Permit)

17. **Landfill Requirements – (LCLFDU and WRDU) – Monitoring – Enclosed Flare –**

- a. The enclosed flare (Ref. No. P001) shall be equipped with a temperature monitoring device and a continuous recorder. The temperature monitoring device shall have a minimum accuracy of +/- 1% of the temperature being monitored or +/- 0.5°C, whichever is greater.
- b. The enclosed flare (Ref. No. P001) shall be equipped with an automatic shutdown device to prevent discharge of LFG to the atmosphere during periods of flare inactivity.
- c. The monitoring device shall be installed, maintained, calibrated, and operated in accordance with approved procedures which shall include, at a minimum, the manufacturer's written requirements or recommendations. The monitoring devices shall be provided with adequate access for inspection and shall be in operation when the GCCS is operating.

(9 VAC 5-80-110, 9 VAC 5-80-1180 D, 9 VAC 5-50-260, 9 VAC 5-50-400, 9 VAC 5-50-410, 40 CFR 60.756, and Condition 13 of 8/7/09 NSR Permit)

18. **Landfill Requirements – (LCLFDU and WRDU) – Monitoring** – To ensure proper performance, the monitoring devices used to continuously measure total LFG flow and operating temperature of the enclosed flare shall be observed by the permittee with a frequency of not less than once per flare operating day. The permittee shall keep a log of the observations of the LFG flow rate and enclosed flare temperature monitoring devices. (9 VAC 5-80-110, 9 VAC 5-80-1180 D, and Condition 14 of 8/7/09 NSR Permit)

19. **Landfill Requirements – (LCLFDU and WRDU) – Corrective Actions – Positive Gauge Pressure at Well Head** - If positive gauge pressure exists at any well head during the monthly monitoring required in Condition 13, action shall be initiated to correct the exceedance within five days, except under the following conditions:

- a. When there is a fire or increased well temperature;
- b. When an alternative pressure limit was established in the design plan as a result of the use of a geomembrane or synthetic cover; and
- c. Directly after shutdown of a well.

If a negative pressure cannot be achieved without excess air infiltration within fifteen days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial measurement of positive pressure.

Any attempted corrective measure shall not cause exceedance of other operational or performance standards. An alternative schedule may be submitted to the Regional Air Compliance Manager of the DEQ's NRO for approval.

(9 VAC 5-80-1180 D, 9 VAC 5-50-400, 9 VAC 5-50-410, 40 CFR 60.753, and Condition 15 of 8/7/09 NSR Permit)

20. **Landfill Requirements – (LCLFDU and WRDU) – Corrective Actions – Exceedance of Temperature or Oxygen Concentration Standards at Active Well Heads** – If conditions at an active well head equal or exceed 55°C (131°F) or five percent oxygen concentration during the monthly monitoring required in Condition 13, action shall be initiated to correct the exceedance within five days. If correction of the exceedance cannot be achieved within fifteen days from the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial exceedance. Any attempted corrective measure shall not cause an exceedance of other operational or performance standards. An alternative schedule may be submitted to the Regional Air Compliance Manager of the DEQ's NRO for approval.

(9 VAC 5-80-110, 9 VAC 5-80-1180 D, 9 VAC 5-50-400, 9 VAC 5-50-410, 40 CFR 60-753, and Condition 16 of 8/7/09 NSR Permit)

21. **Landfill Requirements – (LCLFDU and WRDU) – Corrective Actions – Exceedance of Landfill Surface Methane Emission Standards** – If surface emissions of methane equal or exceed 500 parts per million above background during the quarterly monitoring required in Condition 13, actions shall be taken as follows:

- a. The location of each monitored exceedance shall be marked and the location recorded.
- b. Maintenance to the landfill cover or adjustment to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made. The location shall be re-monitored within ten days of detecting an exceedance.
- c. If re-monitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be re-monitored again within ten days of the second exceedance.
- d. For any location which shows an exceedance three times within a quarterly period, a new well or other collection device shall be installed within 120 days of the initial exceedance. An alternative remedy to correct the exceedance and an alternative time lone to complete may be submitted to the Regional Air Compliance Manager of the DEQ's NRO for approval.
- e. Any location that initially showed an exceedance, but has a methane concentration less than 500 parts per million above background after the first or second ten-day re-monitoring shall be re-monitored one month from the initial exceedance. If the one-month re-monitoring shows no exceedance, no further monitoring is required at that location until the next quarterly monitoring period. If the one-month re-monitoring shows an exceedance, then follow the steps in (c) and (d) above.

As long as the specified actions are taken, the exceedance(s) are not a violation of the operational requirements of this permit or 40 CFR 60.753.

(9 VAC 5-80-110, 9 VAC 5-80-1180 D, 9 VAC 5-50-400, 9 VAC 5-50-410, 40 CFR 60.755, and Condition 17 of 8/7/09 NSR Permit)

22. **Landfill Requirements – (LCLFDU and WRDU) – Emissions Testing** – Every five years, from the date of the initial performance test, or upon request by the DEQ, the permittee shall conduct additional performance tests to demonstrate compliance with the emission limits or control efficiency requirements contained in Conditions 4 and 11 of this permit. The NMOC testing shall be performed in accordance with the conditions set forth in 40 CFR 60.754(d). The details of the test shall be arranged with the Regional Air Compliance Manager of the DEQ's NRO. The permittee shall submit a test protocol at least thirty days prior to testing. Two (2) copies of the test results shall be submitted to the Regional Air Compliance Manager of the DEQ's NRO within forty-five days after test completion. An extension, if requested, shall be considered on a case-by-case basis.  
(9 VAC 5-80-110, 9 VAC 5-80-1180, 9 VAC 5-50-400, 9 VAC 5-50-410, 40 CFR 60.754, and Condition 25 of 8/7/09 NSR Permit)
23. **Landfill Requirements – (LCLFDU and WRDU) – Recordkeeping** – The permittee shall maintain records of all emissions data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Regional Air Compliance Manager of the DEQ's Northern Regional Office. The records shall include, but are not limited to:
- a. Current maximum design capacity report which triggered 40 CFR 60.752(b), current amount of refuse in place, and year by year refuse accumulation rates.
  - b. Total annual landfill gas flow to the enclosed flare, recorded monthly, as the sum of each consecutive twelve-month period. Compliance for the consecutive twelve-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding eleven months.
  - c. Monthly and annual emissions calculations to demonstrate compliance with the annual emission limits contained in this permit. Compliance for the consecutive twelve-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding eleven months.
  - d. Description, location, amount, and placement date of all non-degradable refuse including asbestos and demolition refuse placed in landfill areas which are excluded from landfill gas collection and control.
  - e. Installation date, location and construction details of all newly installed vents, wells and flares.
  - f. Map or plot showing each existing and planned well in the gas collection system with each well uniquely identified.

- g. Maximum expected gas generation flow rate as calculated in 40 CFR 60.755(a)(1), or by other means as approved by the Regional Air Compliance Manager of the DEQ's NRO.
- h. Results of quarterly surface monitoring demonstrating compliance with Condition 13.b.
- i. The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures listed in 40 CFR 60.759(a)(1).
- j. Monthly well field results demonstrating compliance with Condition 13.a.
- k. Monthly gas control system monitoring results demonstrating compliance with Condition 14.
- l. Records of all three hour periods during which the average combustion temperature of the enclosed flare was more than 28 °C (82 °F) below the average combustion temperature of the enclosed flare as determined during the most recent performance test.
- m. Specific corrective action(s) taken pursuant to Condition 19, 20, and 21, including date corrective action(s) was taken, date re-monitoring occurred and re-monitoring result(s).
- n. A copy of the initial report dated January 30, 2000 required in Condition 19 of the superseded New Source Review permit dated November 15, 1999.
- o. A copy of the most recent DEQ approved gas collection and control system design plan.
- p. All decommissioned wells and supporting documentation to show the reason for decommissioning each well.
- q. All occurrences of the LFG collection or control system shut down that are greater than or equal to one hour in duration. These records shall include date, duration of time, and reason the system was inoperable.
- r. A copy of the facility SSM plan and SSM events, as required by 40 CFR 63, Subpart AAAAA.
- s. Records of the indication of flow to the control device or the indication of bypass flow, or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under 40 CFR 60.756.
- t. Value and length of time for exceedance of applicable parameters monitored under sections 40 CFR 60.756 (a), (b), (c), and (d);
- u. Log of the enclosed flare flow monitor and temperature monitor observations per Condition 18.

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

(9 VAC 5-80-110, 9 VAC 5-40-40, 9 VAC 5-40-50, 9 VAC 5-50-400, 9 VAC 5-50-410, 40 CFR 60.758, and Condition 28 of 8/7/09 NSR Permit)

**24. Landfill Requirements – (LCLFDU and WRDU) – Reporting – Semi-Annual Compliance Report** – A semi-annual compliance report shall be submitted to the Regional Air Compliance Manager of the DEQ's NRO by the dates specified below and shall contain the following:

- a. Value and length of time for exceedance of applicable parameters monitored under sections 40 CFR 60.756 (a), (b), (c), and (d);
- b. Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under 40 CFR 60.765;
- c. All periods when the collection system was not operating in excess of five days;
- d. The location of each exceedance of the 500 parts per million (ppm) surface methane concentration provided in 40 CFR 60.753(d), and the concentration recorded at each location of which an exceedance was recorded in the previous month;
- e. Description and duration of all periods when the control device was not operating for a period exceeding one hour and length of time the control device was not operating;
- f. The date of installation and the location of each well or collection system expansion added pursuant to (a) (3), (b), and (c) (4) of 60.755 or added as part of the expansion of the collection system associated with phases I – V of WRDU.

Semi-annual reports shall cover the calendar year (January through June and July through December). One copy of each report shall be submitted to the U.S. Environmental Protection Agency. The semi-annual reports, to include 40 CFR 63 NESHAP Subpart AAAA reports (Subsection 63.1930), shall be submitted by March 1 and September 1 of each calendar year.

(9 VAC 5-80-110, 9 VAC 5-50-400, 9 VAC 5-50-410, 9 VAC 5-60-90, 9 VAC 5-60-100, 40 CFR 60.757, 40 CFR 63.1980, and Condition 29 of 8/7/09 NSR Permit)

**25. Landfill Requirements – (LCLFDU and WRDU) – Reporting – Closure Report** – The permittee shall submit a closure report to the Regional Air Compliance Manager of the DEQ's NRO within thirty days of the date the landfill stopped accepting municipal solid waste as required by 40 CFR 60, Subpart WWW.  
(9 VAC 5-80-110, 9 VAC 5-50-50, 9 VAC 5-50-410, 40 CFR 60.757, and Condition 30 of 8/7/09 NSR Permit)

**26. Landfill Requirements – (LCLFDU and WRDU) – Reporting – Control Equipment Removal Report** – The permittee shall submit written notification to the Regional Air

Compliance Manager of the DEQ's NRO at least thirty days prior to the removal or cessation of operation of the control equipment.  
 (9 VAC 5-80-110, 9 VAC 5-50-40, 9 VAC 5-50-410, 40 CFR 60.752, and Condition 31 of 8/7/09 NSR Permit)

## Insignificant Emission Units

27. **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)
G001	One (1) Caterpillar Model # D40P1S, engine-generator set.	9 VAC 5-80-720.C	--	40 kW
G002	One (1) Cummins Model #35DSFAA engine-generator set	9 VAC 5-80-720.C	--	35 kW (145 HP)
G003	One (1) Cummins Model #10DSKAA engine-generator set	9 VAC 5-80-720.C	--	10 kW (27 HP)
P002	One (1) Leachate Treatment Stripper Tower	9 VAC 5-80-720.B	VOC	--
P003	One (1) Above Ground Diesel Fuel Storage Tank	9 VAC 5-80-720.B	VOC	--
P004	One (1) Above Ground Gasoline Storage Tank	9 VAC 5-80-720.B	VOC	--
P005	One (1) Above Ground Diesel Fuel Storage Tank	9 VAC 5-80-720.B	VOC	--
P006	One (1) Propane Storage Tank	9 VAC 5-80-720.B	VOC	--
P007A-P007B	Two (2) Propane Storage Tanks	9 VAC 5-80-720.B	VOC	--
P008 – P009	Two (2) Portable Generators	9 VAC 5-80-720.C		6.5 kW each

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 those emission units in accordance with 9 VAC 5-80-110.

## Permit Shield & Inapplicable Requirements

28. **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
40 CFR 60, Subpart Kb	Volatile Organic Liquid Storage Vessels	The leachate storage tanks have vapor pressures less than the NSPS Kb specified threshold limits.
40 CFR 64	Compliance Assurance Monitoring	The landfill is subject to an NSPS that was proposed after 11/15/1990; therefore the regulation is not applicable
40 CFR 72	Acid Rain Regulations	The landfill is not considered a “qualifying facility”
9 VAC 5, Rule 4-43	Emission Standards for Municipal Solid Waste Landfills	Existing Source Rule for MSW Landfills does not apply since the facility is being modified after 05/30/91

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 applicability 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)

## General Conditions

29. **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 5-80-110N)

30. **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)

31. **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 5-80-110D, and 9 VAC 5-80-170 B)
32. **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 5-80-110D, and 9 VAC 5-80-170 B)
33. **General Conditions – Permit Expiration** – No source shall operate after the time that 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 or 9 VAC 5 Chapter 80.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110D, and 9 VAC 5-80-170 B)
34. **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 5-80-110D, and 9 VAC 5-80-170 B)
35. **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 to 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)
36. **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 measurement;
  - b. The date(s) analyses were performed;
  - c. The company or entity that performed the analysis;
  - 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 5-80-110F)

37. **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)

38. **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. The 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 the 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 as exceedance or emissions limitation or operational restriction; or

iii. 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)

39. **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 the 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 for 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 an 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)

40. **General Conditions – Permit Deviation Reporting -** The permittee shall notify the Regional Air Compliance Manager of the DEQ's NRO within four daytime business hours after discovery of any deviations from the 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 fourteen (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 34 of this permit.  
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)
41. **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 Regional Air Compliance Manager of the DEQ's NRO by facsimile transmission, telegraph, telephone, or electronic communication of such failure or malfunction and shall within fourteen (14) days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Regional Air Compliance Manager of the DEQ's NRO.  
(9 VAC 5-20-180 C)

42. **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)
43. **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)
44. **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 the permit.  
(9 VAC 5-80-110 G.3)
45. **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 VAV 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)
46. **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).
47. **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, 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)
48. **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)
49. **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. 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<sup>th</sup> of each year. The calculations and

final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

50. **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)

51. **General Conditions – Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, 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 5-50-20 E)

52. **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 scenarios in which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each 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)

53. **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 facility, 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)

54. **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 eighteen (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 have been extended pursuant to 9 VAC 5-80-80 F. The conditions for reopening a permit are as follows:

- a. A 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 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)

55. **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)

56. **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)

57. **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 thirty (30) days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

58. **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 thirty (30) days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

59. **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 60 are met.  
(9 VAC 5-80-250)

60. **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 exceed 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 action taken. 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)

61. **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)

62. **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)
63. **General Condition – 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, or any applicable requirements, or the 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)
64. **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 the draft permit.  
(9 VAC 5-80-80-E)
65. **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, Subpart A to F.  
(40 CFR Part 82, Subpart A-F)
66. **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)
67. **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 by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(40 CFR Part 68)
68. **General Conditions – Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emission trading and other similar programs or processes for changes that are provided for in this permit.  
(9 VAC 5-80-110 I)
69. **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**

70. **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.

9 VAC 5 Chapter 50, Part II, Article 2: Standards of Performance for Odorous Emissions

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