

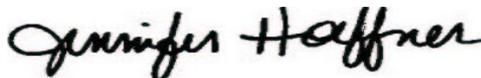
**COMMONWEALTH OF VIRGINIA
Department of Environmental Quality
Piedmont Regional Office**

STATEMENT OF LEGAL AND FACTUAL BASIS

The CFS Group Disposal & Recycling Services, LLC
Petersburg City, Virginia
Permit No. PRO – 52448

Title V of the 1990 Clean Air Act Amendments required each state to develop a permit program to ensure that certain facilities have federal Air Pollution Operating Permits, called Title V Operating Permits. As required by 40 CFR Part 70 and 9 VAC 5 Chapter 80, The CFS Group Disposal & Recycling Services, LLC has applied for a Title V Operating Permit for its Tri City Regional Landfill. The Department has reviewed the application and has prepared a draft Title V Operating Permit.

Engineer/Permit Contact:



Jennifer Hoeffner
434-582-6229

Date: September 16, 2015

Air Permit Manager: _____ Date: _____
James E. Kyle, P.E.

Regional Permit Manager: _____ Date: _____
Kyle Ivar Winter, P.E.

FACILITY INFORMATION

Permittee

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

Facility

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

County-Plant Identification Number: 51-730-00263

SOURCE DESCRIPTION:

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

The facility is a Title V source per NSPS Subpart WWW because the design capacity of the landfill is greater than the applicability threshold. Once the NMOC emission rate is ≥ 50 Mg NMOC the source may be subject to MACT Subpart AAAA- National Emission Standards for Municipal Solid Waste Landfills, NMOC emissions are currently well below this threshold therefore, the facility is not currently subject to the MACT. This source is not a major source of emissions at this time. Compliance Assurance Monitoring is not applicable since the facility is not a major source. The source is located in an attainment area for all pollutants, and is a PSD minor source. The facility is currently permitted under a Minor NSR Permit issued on February 12, 2015. The current permit action is for the issuance of the initial Title V Operating Permit for the facility. An application for the Title V Operating Permit was received on February 2, 2015 by the Virginia Department of Environmental Quality and was deemed administratively complete on March 24, 2015.

COMPLIANCE STATUS

A compliance evaluation of the facility has not been conducted to date. All reports and other data required by permit conditions or regulations, which are submitted to DEQ, are evaluated for compliance. Based on these compliance evaluations, the facility has not been found to be in violation of any state or federal applicable requirements at this time.

EMISSION UNIT AND CONTROL DEVICE IDENTIFICATION

Equipment to be operated consists of:

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

EMISSIONS INVENTORY:

A copy of the 2013 annual emission inventory is attached. Emissions are summarized in the following table.

PLANTWIDE EMISSIONS SUMMARY TONS PER YEAR	
CRITERIA POLLUTANTS	2013 ACTUAL EMISSIONS
Particulate Matter (PM/PM10)	9.0
Particulate Matter (PM 2.5)	1.5
Nitrogen Oxides (NOx)	1.4
Sulfur Dioxide (SO2)	0.2
Carbon Monoxide (CO)	16.7
VOC	13.7
NMOC	23.4

EMISSION UNIT APPLICABLE REQUIREMENTS – [Emission Units: ES-01 and ES-04]

The Title V emission requirements are based on the following: the Minor NSR permit issued on February 12, 2015, 40 CFR 60 Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills, and 9 VAC 5-80-50 *et seq.*, Part II-Article 1 Federal Operating Permit for Stationary Sources. The GCCS is an emission unit (9 VAC 5-80-60) and it is not considered insignificant because the GCCS emissions are above the emission levels of 9 VAC 5-80-720B. The GCCS is exempt from the permitting requirements of Article 6 however, it does have applicable requirements for opacity (9 VAC 5-50-80), monitoring (9 VAC 5-80-110), recordkeeping (9 VAC 5-50-50), and testing (9 VAC 5-50-30F), which are included in the Title V permit.

Limitations

The February 12, 2015 Minor NSR permit Conditions 2 and 3 are included in the Title V permit. Additional language was included in the Condition 2 of the Title V permit to further clarify the requirements. The Minor NSR permit limitations are based on operational, State BACT, and 40 CFR Part 60 Subpart WWW requirements. These conditions limit operation of the municipal solid waste landfill (ES-01) and the GCCS with two open flares (ES-04) through design capacity, opacity, and operational standards (40 CFR Part 60 Subpart WWW).

Condition 3 of the Title V permit includes the standard for visible emissions (9 VAC 5-50-80) that applies to the flares.

Monitoring and Recordkeeping

Title V Condition

Condition 4 requires weekly visible observations of the flares for presence of visible emissions. The presence of visible emissions requires the permittee to take timely corrective action such that the control device resumes operation with no visible emissions.

***Note:** The permit content requirements of the regulations for federal operating permits, 9 VAC 5-80-110, state that the permit should include conditions for periodic monitoring sufficient to demonstrate that the facility is in compliance with the limits of the permit.*

Compliance Assurance Monitoring (CAM) requirements of 40 CFR 64 do not apply to the facility because it is not a major source. The facility is subject to Title V permitting due to the requirements of NSPS Subpart WWW.

Testing

If a GCCS is required by Condition 2, initial testing is required to be conducted in accordance with NSPS Subpart WWW.

Reporting

The permit includes the NSPS Subpart WWW reporting requirements. Additional language was included in the Condition 7 of the Title V permit to further clarify the requirements.

Notifications

Condition 13 of the permit requires the permittee to provide notifications of the anticipated dates for the required testing.

Facility Wide Requirements

Limitation- Requires the facility to be constructed and operated in compliance with the applicable requirements of 40 CFR 60, Subpart WWW.

Recordkeeping- Requires the permittee to maintain records of all emission data and operating parameters necessary to demonstrate compliance.

Testing- Requires the facility to be constructed to test or monitor upon reasonable notice. Also requires the permittee to use the appropriate method(s) in accordance with procedures approved by the DEQ, should additional testing be required.

Streamlined Requirements-

The condition that required the submittal of the design capacity report as required by 40 CFR 60.757(a), has been removed because the report was received timely on May 1, 2014.

The condition that required the submittal of an initial NMOC emission rate report as required by 40 CFR 60.757(b), has been removed because the report was received timely on May 1, 2014.

GENERAL CONDITIONS

The permit contains general conditions required by 40 CFR Part 70 and 9 VAC 5-80-110 that apply to all Federal-operating permitted sources. These include requirements for submitting semi-annual monitoring reports and an annual compliance certification report. The permit also requires notification of deviations from permit requirements or any excess emissions.

Comments on General Conditions

Permit Expiration

This condition refers to the Board taking action on a permit application. The Board is the State Air Pollution Control Board. The authority to take action on permit application(s) has been delegated to the Regions as allowed by §2.1-20.01:2 and §10.1-1185 of the *Code of Virginia*, and the "Department of Environmental Quality Agency Policy Statement NO. 3-2001".

This general condition cites the Articles that follow:
Article 1 (9 VAC 5-80-50 et seq.), Part II of 9 VAC 5 Chapter 80.

Federal Operating Permits for Stationary Sources

This general condition cites the sections that follow:
9 VAC 5-80-80. Application
9 VAC 5-80-140. Permit Shield
9 VAC 5-80-150. Action on Permit Applications

Failure/Malfunction Reporting

Section 9 VAC 5-20-180 requires malfunction and excess emission reporting within four hours of discovery. Section 9 VAC 5-80-250 of the Title V regulations also requires malfunction reporting; however, reporting is required within two days. Section 9 VAC 5-20-180 is from the general regulations. All affected facilities are subject to section 9 VAC 5-20-180 including Title V facilities. Section 9 VAC 5-80-250 is from the Title V regulations. Title V facilities are subject to both sections. A facility may make a single report that meets the requirements of 9 VAC 5-20-180 and 9 VAC 5-80-250. The report must be made within four daytime business hours of discovery of the malfunction.

This general condition cites the sections that follow:
9 VAC 5-40-41. Emissions Monitoring Procedures for Existing Sources
9 VAC 5-40-50. Notification, Records and Reporting
9 VAC 5-50-50. Notification, Records and Reporting
This general condition contains a citation from the Code of Federal Regulations as follows:
40 CFR 60.13 (h). Monitoring Requirements.

Permit Modification

This general condition cites the sections that follow:
9 VAC 5-80-50. Applicability, Federal Operating Permit For Stationary Sources
9 VAC 5-80-190. Changes to Permits.

9 VAC 5-80-260. Enforcement.
9 VAC 5-80-1100. Applicability, Permits For New and Modified Stationary Sources
9 VAC 5-80-1790. Applicability, Permits For Major Stationary Sources and Modifications Located in Prevention of Significant Deterioration Areas
9 VAC 5-80-2000. Applicability, Permits for Major Stationary Sources and Major Modifications Locating in Non-attainment Areas

Malfunction as an Affirmative Defense

The regulations contain two reporting requirements for malfunctions that coincide. The reporting requirements are listed in sections 9 VAC 5-80-250 and 9 VAC 5-20-180. The malfunction requirements are listed in General Condition U and General Condition F. For further explanation see the comments on general condition F.

This general condition cites the sections that follow:

9 VAC 5-20-180. Facility and Control Equipment Maintenance or Malfunction
9 VAC 5-80-110. Permit Content

Asbestos Requirements

The Virginia Department of Labor and Industry under Section 40.1-51.20 of the Code of Virginia also holds authority to enforce 40 CFR 61 Subpart M, National Emission Standards for Asbestos.

This general condition contains a citation from the Code of Federal Regulations that follow:

40 CFR 61.145, NESHAP Subpart M. National Emissions Standards for Asbestos as it applies to demolition and renovation.

40 CFR 61.148, NESHAP Subpart M. National Emissions Standards for Asbestos as it applies to insulating materials.

40 CFR 61.150, NESHAP Subpart M. National Emissions Standards for Asbestos as it applies to waste disposal.

This general condition cites the regulatory sections that follow:

9 VAC 5-60-70. Designated Emissions Standards
9 VAC 5-80-110. Permit Content

STATE ONLY APPLICABLE REQUIREMENTS

The following Virginia Administrative Codes have specific requirements only enforceable by the State and have been identified as applicable by the applicant:

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

FUTURE APPLICABLE REQUIREMENTS

If, the NMOC emission rate equals or exceeds 50 megagrams per year, the facility would become applicable to 40 CFR 63, Subpart AAAAA.

INAPPLICABLE REQUIREMENTS

Emission Standards and Guidelines for Municipal Sanitary Landfills (9 VAC 5-40-5800 and 40 CFR 60, Subpart Cc) do not apply because the facility has been modified since May 30, 1991.

CAM requirements of 40 CFR 64 do not apply to the facility because it is not a major source.

The Acid Rain Program regulations (40 CFR 72-78) do not apply because the source does not have any

affected units.

National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills (40 CFR 63, Subpart AAAAA) does not apply because the facility is not a major source and the uncontrolled NMOC emission rate as calculated in accordance with 40 CFR 60.754 is not yet > 50 Mg/yr.

Standards of Performance for Volatile Organic Liquid Storage Vessels (40 CFR 60, Subpart Kb) does not apply based on the size of the tanks and from recordkeeping requirements as revised on October 13, 2003.

GREENHOUSE GAS (GHG) REQUIREMENTS - There are no applicable GHG permitting requirements for this source.

INSIGNIFICANT EMISSION UNITS

The insignificant emission units are presumed to be in compliance with all requirements of the Clean Air Act as may apply. Based on this presumption, no monitoring, record keeping or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110. The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted	Rated Capacity (5-80-720 C)
1-1	Engine Oil Tank	9 VAC 5-80-720	VOC	1500 Gallons
1-2	Glycol Tank	9 VAC 5-80-720	VOC	500 Gallons
1-3	Waste Oil Tank	9 VAC 5-80-720	VOC	500 Gallons
1-4	Stop Oil Tank	9 VAC 5-80-720	VOC	500 Gallons
1-5	Compressor Oil Tank	9 VAC 5-80-720	VOC	500 Gallons

CONFIDENTIAL INFORMATION

The permittee did not submit a request for confidentiality. All portions of the Title V application are suitable for public review.

PUBLIC PARTICIPATION:

The proposed permit was placed on public notice in the [Progress Index](#) from August 6, 2015 to September 7, 2015. The permit was concurrently reviewed by EPA. On August 31, 2015, a comment was received from the public and on September 1, 2015, comments were received from EPA. All comments were addressed.