

COMMONWEALTH OF VIRGINIA  
STATE AIR POLLUTION CONTROL BOARD  
REGULATIONS FOR THE CONTROL AND ABATEMENT OF AIR POLLUTION

9VAC5 CHAPTER 40.  
EXISTING STATIONARY SOURCES.

PART II.  
Emission Standards.

ARTICLE 43.1.

Emission Standards for Municipal Solid Waste Landfills for which Construction, Reconstruction, or Modification was Commenced On or Before July 17, 2014 (Rule 4-43.1).

- 9VAC5-40-5925. Applicability and designation of affected facility.
- 9VAC5-40-5930. Definitions.
- 9VAC5-40-5935. Emission limits and emission standards.
- 9VAC5-40-5940. Standard for visible emissions and fugitive dust/emissions.
- 9VAC5-40-5945. Standard for odor.
- 9VAC5-40-5950. Compliance schedule.
- 9VAC5-40-5955. Operating requirements.
- 9VAC5-40-5960. Compliance.
- 9VAC5-40-5965. Test methods and procedures, monitoring of operations.
- 9VAC5-40-5970. Reporting and recordkeeping.
- 9VAC5-40-5975. Registration.
- 9VAC5-40-5980. Facility and control equipment maintenance or malfunction.
- 9VAC5-40-5985. Other permits.
- 9VAC5-40-5990. Documents incorporated by reference.

9VAC5-40-5925. Applicability and designation of affected facility.

A. The affected facility to which the provisions of this article apply is each existing municipal solid waste (MSW) landfill for which construction, reconstruction, or modification was commenced on or before July 17, 2014 and as further defined in Subpart Cf of 40 CFR Part 60.

B. The provisions of this article apply throughout the Commonwealth of Virginia.

C. The owner of an MSW landfill shall obtain a federal operating permit as required by 40 CFR 60.31f(c). When an MSW landfill is closed, the owner is no longer subject to the requirement to maintain a federal operating permit if the conditions of 40 CFR 60.31f(d) are met.

D. For each MSW landfill in the closed landfill subcategory, the reporting provisions of 9VAC5-40-5975 may be met as provided in 40 CFR 60.31f(e).

9VAC5-40-5930. Definitions.

A. For the purpose of applying this article in the context of the Regulations for the Control and Abatement of Air Pollution and related uses, the words or terms shall have the meanings given them in subsection C of this section.

B. As used in this article, all terms not defined herein shall have the meanings given them in 9VAC5-10 (General Definitions), unless otherwise required by context.

C. Terms shall have the meanings given them in 40 CFR 60.41f, except for the following:

"Administrator" means the board.

9VAC5-40-5935. Emission limits and emission standards.

A. The owner of each MSW landfill having a design capacity greater than or equal to 2.5 million megagrams by mass and 2.5 million cubic meters by volume that meets the conditions of 40 CFR 60.33f(a)(1) through (4) shall collect and control MSW landfill emissions in accordance with the provisions of 40 CFR 60.33f(b)(1) through (3), and 40 CFR 60.33f(c)(1) through (4) except as provided in 40 CFR 60.24.

B. The owner of each MSW landfill with a design capacity less than 2.5 million megagrams and 2.5 million cubic meters shall submit an initial design capacity report to the Administrator as provided in 40 CFR 60.38f(a). The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. Any density conversions shall be documented and submitted with the report. Submittal of the initial design capacity report fulfills the requirements of this article except as provided in 40 CFR 60.33f(d)(1) and (2).

C. The owner of each MSW landfill with a design capacity greater than 2.5 million megagrams and 2.5 million cubic meters shall either install a collection and control system as provided in 9VAC5-40-5935 A, or calculate an initial NMOC emission rate for the landfill using the procedures specified in 40 CFR 60.35f(a). The NMOC emission rate shall be recalculated annually, except as provided in 40 CFR 60.38f(c)(3). The owner shall follow the procedures specified in 40 CFR 60.33f(e)(1) through (3).

D. The owner of each MSW landfill may cap, remove, or decommission the collection and control system used to comply with 9VAC5-40-5935 A if the criteria of 40 CFR 60.33f(f)(1) through (4) are met.

E. An active collection system used to comply with 9VAC5-40-5935 A shall meet the specifications for active collection system of 40 CFR 60.40f(a) through (c).

9VAC5-40-5940. Standard for visible emissions and fugitive dust/emissions.

The provisions of [Article 1](#) (9VAC5-40-60 et seq.) of 9VAC5-40 (Emission Standards for Visible Emissions and Fugitive Dust/Emissions, Rule 4-1) apply, with the exception of [9VAC5-40-80](#) (Standard for visible emissions), [9VAC5-40-100](#) (Monitoring), [9VAC5-40-110](#) (Test methods and procedures), and [9VAC5-40-120](#) (Waivers).

9VAC5-40-5945. Standard for odor.

The provisions of [Article 2](#) (9VAC5-40-130 et seq.) of 9VAC5-40 (Emission Standards for Odor, Rule 4-2) apply.

9VAC5-40-5950. Compliance schedule.

The provisions of 40 CFR 60.32f apply.

9VAC5-40-5955. Operating requirements.

The owner of an MSW landfill with a gas collection and control system used to comply with the provisions of 40 CFR 60.33f(b) and (c) shall meet the requirements of 40 CFR 60.34f(a) through (g).

9VAC5-40-5960. Compliance.

A. With regard to the emissions limits in 9VAC5-40-5940 and 9VAC5-40-5945, the provisions of 9VAC5-40-20 (Compliance) apply.

B. With regard to the emission limits in 9VAC5-40-5935 and 9VAC5-40-5955, the following provisions apply:

1. [9VAC5-40-20](#) B, C, D, and E;

2. To the extent specified in the federal regulations cited in subdivision 3 of this subdivision, 40 CFR 60.7, 40 CFR 60.8, 40 CFR 60.11, and 40 CFR 60.13; and

3. 40 CFR 60.32f and 40 CFR 60.36f(a) through (e).

9VAC5-40-5965. Test methods and procedures, monitoring of operations.

A. With regard to the emissions standards in 9VAC5-40-5940 and 9VAC5-40-5945, the provisions of [9VAC5-40-30](#) (Emission testing) and [9VAC5-40-40](#) (Monitoring) apply.

B. With regard to the emission limits in 9VAC5-40-5935 and 9VAC5-40-5955, the following provisions apply:

1. [9VAC5-40-30](#) D and G;

2. [9VAC5-40-40](#) A and F;

3. 40 CFR 60.8(b) through (f), with the exception of paragraph (a);

4. 40 CFR 60.13; and

5. 40 CFR 60.35f(a) through (e), and 40 CFR 60.37f(a) through (h), except as provided in 40 CFR 60.38f(d)(2).

9VAC5-40-5970. Reporting and recordkeeping.

A. With regard to the emissions standards in 9VAC5-40-5940 and 9VAC5-40-5945, the provisions of [9VAC5-40-50](#) (Notification, records and reporting) apply.

B. With regard to the emission limits in 9VAC5-40-5935 and 9VAC5-40-5955, the following provisions apply:

1. [9VAC5-40-50](#) F and H;

2. 40 CFR 60.7; and

3. 40 CFR 60.38f(a) through (m) except as provided in 40 CFR 60.24 and 40 CFR 60.38f(d)(2), and 40 CFR 60.39f(a) through (j).

9VAC5-40-5975. Registration.

The provisions of [9VAC5-20-160](#) (Registration) apply.

9VAC5-40-5980. Facility and control equipment maintenance or malfunction.

A. With regard to the emissions standards in 9VAC5-40-5940 and 9VAC5-40-5945, the provisions of [9VAC5-20-180](#) (Facility and control equipment maintenance or malfunction) apply.

B. With regard to the emission limits in 9VAC5-40-5935 and 9VAC5-40-5955, the following provisions apply:

1. [9VAC5-20-180](#) with the exception of subsections E, F, and G; and

2. 40 CFR 60.36f(e) and 40 CFR 60.37f(h).

9VAC5-40-5985. Other permits.

A permit may be required prior to beginning any of the activities specified below if the provisions of 9VAC5-50 (New and Modified Stationary Sources) and 9VAC5-80 (Permits for Stationary Sources) apply. Owners contemplating such action should

review those provisions and contact the appropriate regional office for guidance on whether those provisions apply.

1. Construction of a facility.
2. Reconstruction (replacement of more than half) of a facility.
3. Modification (any physical change to equipment) of a facility.
4. Relocation of a facility.
5. Reactivation (re-startup) of a facility.
6. Operation of a facility.

9VAC5-40-5990. Documents incorporated by reference.

The United States Environmental Protection Agency (EPA) regulations promulgated at Subpart Cf (Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills) of 40 CFR Part 60 are incorporated by reference into this article. The specific version of the provisions incorporated by reference shall be that contained in the CFR in effect as specified in [9VAC5-20-21](#).

#### HISTORICAL NOTES:

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