



*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Stefanie K. Taillon  
Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director

June 24, 2025

Mr. Dennis Bagley  
Executive Director  
Southeastern Public Service Authority  
723 Woodlake Drive  
Chesapeake, Virginia 23320  
[dbagley@spsa.com](mailto:dbagley@spsa.com)

Location: Suffolk City  
Registration No.: 61341

Dear Mr. Bagley:

Attached is a renewal Title V permit to operate your facility pursuant to 9VAC5 Chapter 80 Article 1 of the Virginia Regulations for the Control and Abatement of Air Pollution. The attached permit will be in effect beginning June 24, 2025.

In the course of evaluating the application and arriving at a final decision to issue this permit, the Department of Environmental Quality (DEQ) deemed the application complete on October 1, 2024 and solicited written public comments by placing a newspaper advertisement in *The Suffolk News-Herald* on May 21, 2025. The thirty-day required comment period, provided for in 9VAC5-80-270 expired on June 20, 2025.

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

This permit approval to operate shall not relieve Southeastern Public Service Authority, SPSA Regional Landfill of the responsibility to comply with all other local, state, and federal permit regulations.

To review any federal rules referenced in the attached permit, the US Government Publishing Office maintains the text of these rules at [www.ecfr.gov](http://www.ecfr.gov), Title 40, Part(s) 60, 63 and 70.

The Regulations as contained in Title 9 of the Virginia Administrative Code 5-170-200 provide that you may request a formal hearing from this case decision by filing a petition with the DEQ within 30 days after this case decision notice was mailed or delivered to you. Please consult the relevant regulations for additional requirements for such requests.

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 of this decision by filing a Notice of Appeal with:

Director  
Department of Environmental Quality  
P. O. Box 1105  
Richmond, VA 23218

If this permit was delivered to you by mail, three days are added to the thirty-day period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this permit, please contact the Tidewater Regional Office at (757) 518-2000.

Sincerely,



*for* Robert J. Weld, Regional Director  
Virginia Department of Environmental Quality  
540-562-6870  
robert.weld@deq.virginia.gov  
Blue Ridge Regional Office  
901 Russell Drive  
Salem, VA 24153  
540-562-6700

Attachment: Permit

cc: H. Grace Mason, SCS Engineers ([gmason@scsengineers.com](mailto:gmason@scsengineers.com))  
Anita Walthall, DEQ BRRO Air Permit Writer (*electronic*)  
Erica Murdock, DEQ TRO Air Compliance Inspector (*electronic*)  
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Yongtian (Tom) He, PhD, EPA Region III ([he.yongtian@epa.gov](mailto:he.yongtian@epa.gov))



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Director

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, 40 CFR 10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9VAC5-80-50 through 9VAC5-80-300, of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

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

Permittee Name: Southeastern Public Service Authority (SPSA)  
Facility Name: SPSA Regional Landfill  
Facility Location: 1 Bob Foeller Drive  
Suffolk, Virginia 23434

Registration Number: 61341  
Permit Number: TRO-61341

This permit includes the following programs: Federally Enforceable Requirements - Clean Air Act

June 24, 2025  
Effective Date

June 23, 2030  
Expiration Date

Paul R. Jenkins  
BRRO Regional Director

June 24, 2025  
Signature Date

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## **Facility Information**

### **Permittee**

Southeastern Public Service of Virginia  
723 Woodlake Drive  
Chesapeake, Virginia 23320

### **Responsible Official**

Mr. Dennis Bagley  
Executive Director  
Southeastern Public Service Authority

### **Facility**

SPSA Regional Landfill  
1 Bob Foeller Dr  
Suffolk, VA 23434

### **Contact Person**

Dennis Bagley  
(757) 420-4700

**County-Plant Identification Number:** 51-800-00121

**Facility Description:** NAICS 562212 – Solid Waste Landfill. This U.S. industry type comprises establishments primarily engaged in: (1) operating landfills for the disposal of nonhazardous solid waste, or (2) the combined activity of collecting and/or hauling nonhazardous waste materials within a local area and operating landfills for the disposal of nonhazardous solid waste.

Southeastern Public Service Authority (SPSA) Regional Landfill collects municipal solid waste from SPSA Transfer Stations and non-processable solid waste from a local Refuse Derived Fuel plant. Landfill gas (LFG) is collected by an active gas collection and control system (GCCS) and routed to a renewable gas treatment facility (RNG). An open flare is employed as a backup device to combust LFG not processed by the RNG. The SPSA landfill is located in an attainment area and is a major source for CO emissions. Terreva Suffolk RNG, LLC, is the RNG facility collocated onsite. Terreva operates under a separate Title V operating permit (TRO-61137). Both facilities are considered a single source for air pollutant emissions.

## Emission Units

Process 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 OPERATIONS</b>							
FL-1B	STK0	Shaw LFG Specialties; Utility Flare, Model #CFT124218	3,000 cfm	---	---	VOC, NMOC	June 29, 2011
LFO-1	---	MSW Landfill (Cells I-VII)	29.1 x 10 <sup>6</sup> m <sup>3</sup> (38,141,510 yd <sup>3</sup> )	GCCS @ 3,000 scfm	FL-1B	VOC, NMOC	
<b>Engines:</b>							
1155	---	2007 water pump, diesel, non-emergency engine, Model #CDM103M	35.5 kW (48 hp)	---	---	---	---
1164	---	2009 water pump, diesel, non-emergency engine, Model #CDM150M	58.8 kW (80 hp)	---	---	---	---
1167	---	2014 water pump, diesel, non-emergency engine Model #CDM150M	44.8 kW (61 hp)	---	---	---	---
1178	---	2020 water pump, diesel, non-emergency engine, Model #CDM150S	44.8 kW (61 hp)	---	---	---	---
1168	---	2018 Whisperwatt, diesel, emergency engine, Model #DH-07501, certified	70 kW (92.5 hp)	Particulate filter	---	PM-10	---
Generac	---	2024 Generac Power Pact, liquid propane, emergency engine, Model #6998	7.5 kW (10.1 hp)	---	---	---	---
Honda	---	1995 Honda, gasoline, emergency engine, Model #5000EB	5 kW (7 hp)	---	---	---	---

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

## Landfill Requirements – (LFO-1, FL-1B)

### Limitations

1. **Landfill Requirements - (FL-1B) - Emission Controls** - The open utility flare (Equipment Ref. No. FL-1B) shall be used to control Non-Methane Organic Compounds (NMOC) in the landfill gas (LFG) collected by the gas collection and control system (GCCS) at the landfill facility. The open utility flare system shall be designed in accordance with the requirements of 40 CFR Part 60.18 for minimum heating value and maximum tip velocity. The open utility flare system shall be provided with adequate access for inspection and shall be operated with a flame present at all times and/or have a continuous pilot flame operating.  
(9VAC5-80-110 and Condition 4 of the 7/29/2011 Permit Document)
2. **Landfill Requirements - (FL-1B) - Control Efficiency** - The open utility flare (Equipment Ref. No. FL-1B) shall have a NMOC destruction efficiency of not less than 98 weight-percent on a mass basis or reduce the outlet  $C_{NMOC}$  to 20 ppmvd or less, as hexane, at three (3) percent oxygen.  
(9VAC5-80-110 and Condition 5 of the 7/29/2011 Permit Document)
3. **Landfill Requirements - (FL-1B) - Best Management Practices (BMPs)** - The permittee shall use good combustion practices at all times to ensure emissions from the open utility flare (Equipment Ref. No. FL-1B) are minimized. All operators of the flare system shall be properly trained in the operation and maintenance of the system in accordance with the guidelines and procedures established by the flare equipment manufacturer.  
(9VAC5-80-110 and Condition 6 of the 7/29/2011 Permit Document)
4. **Landfill Requirements - (FL-1B) - Fuel** - The approved fuel for combustion in the open utility flare (Equipment Ref. No. FL-1B) is landfill gas (LFG). A change in the fuel may require a permit to modify and operate the flare system.  
(9VAC5-80-110 and Condition 11 of the 7/29/2011 Permit Document)
5. **Landfill Requirements - (FL-1B) - Flare Operating Hours** - The permittee shall be allowed to operate the open utility flare (Equipment Ref. No. FL-1B) continuously (8,760 hours per year).  
(9VAC5-80-110 and Condition 12 of the 7/29/2011 Permit Document)
6. **Landfill Requirements - (FL-1B) - Flare Operating Capacity** - The maximum permitted gas combustion capacity of the open utility flare (Equipment Ref. No. FL-1B) shall not exceed 3,000 standard cubic feet per minute (scfm).  
(9VAC5-80-110 and Condition 13 of the 7/29/2011 Permit Document)



7. **Landfill Requirements - (FL-1B) - Flare Heat Content and Tip Velocity** - In accordance with 40 CFR 60.18(c)(3), the permittee shall operate the open utility flare (Equipment Ref. No. FL-1B) using either the heat content specifications of 40 CFR 60.18(c)(3)(ii) and the maximum tip velocity specifications of 40 CFR 60.18(c)(4) or the requirements of 40 CFR 60.18 (c)(3)(i).  
(9VAC5-80-110 and Condition 14 of the 7/29/2011 Permit Document)

8. **Landfill Requirements - (FL-1B) - Emission Limits** - Emissions from the operation of the open utility flare (Equipment Ref No. FL-1B) shall not exceed the limits specified below:

PM-10	1.7 lb/hr	7.4 ton/yr
Sulfur Dioxide	1.4 lb/hr	6.0 ton/yr
Nitrogen Oxides (as NO <sub>2</sub> )	6.7 lb/hr	29.5 ton/yr
Carbon Monoxide	36.6 lb/hr	160.4 ton/yr
NMOC	0.2 lb/hr	0.8 ton/yr
Total Hazardous Air Pollutants	0.8 lb/hr	3.5 ton/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with the emission limits may be determined as stated in Conditions 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, and 16.  
(9VAC5-80-110 and Condition 16 of the 7/29/2011 Permit Document)

9. **Landfill Requirements - (FL-1B) - Visible Emission Limit** - The open utility flare (Equipment Ref. No. FL-1B) shall be operated with no visible emissions, as determined by EPA Method 22 (reference 40 CFR 60, Appendix A), except for periods not to exceed a total of five (5) minutes during any two (2) consecutive hours. This condition applies at all times except during startup, shutdown, and malfunction.  
(9VAC5-80-110 and Condition 17 of the 7/29/2011 Permit Document)

## Monitoring

10. **Landfill Requirements - (FL-1B) - Monitoring Devices** - The flare's pilot and main flames shall be monitored using thermocouples or other DEQ-approved equivalent heat sensing devices to detect flame failures. An automatic alarm device shall be installed to notify the operator of situations involving a flame failure or malfunction. The pilot and main flame heat sensing devices shall be provided with adequate access for inspection and

shall be in operation whenever LFG is supplied to the open utility flare, (Equipment Ref. No. FL-1B).  
(9VAC5-80-110 and Condition 7 of the 7/29/2011 Permit Document)

11. **Landfill Requirements - (FL-1B) - Monitoring Devices** - The open utility flare (Equipment Ref. No. FL-1B) shall be equipped with devices for the monitoring and recording of the flame temperature and LFG flow rate to the flare system. The LFG flow rate measuring device shall, at a minimum, record the gas flow to the flare at 15-minute intervals. The temperature device shall be capable of continuous measurement of the flare flame temperature when the flare is operating. The monitoring and recording devices shall be installed, maintained, calibrated, and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. The monitoring and recording devices shall be provided with adequate access for inspection and shall be in operation when the flare is combusting LFG.  
(9VAC5-80-110 and Condition 8 of the 7/29/2011 Permit Document)
12. **Landfill Requirements - (FL-1B) - Monitoring Device Observations** - The recording device used to continuously measure the flare flame temperature shall be observed by the permittee at a frequency of not less than once per operating day, or at another unit-specific frequency as recommended by the flare equipment manufacturer. The permittee shall keep a record log of the observations of the flare flame temperature. The record log should include the flare flame temperature reading at the time of the observation, the date, time, the observer's name, and any corrective actions taken when the flare temperature is outside the acceptable range. Alternatively, the flare flame temperature may be monitored electronically if equipped with an automatic alarm to indicate to the permittee that the flare flame temperature is outside the acceptable range and corrective action is needed.  
(9VAC5-80-110 and Condition 9 of the 7/29/2011 Permit Document)
13. **Landfill Requirements - (FL-1B) - Visible Emissions Evaluation** - Upon request by the DEQ, the permittee shall conduct additional visible emission evaluations on the open utility flare (Equipment Ref. No. FL-1B) to demonstrate compliance with the visible emission limits contained in Condition 9 of the permit. The details of the tests shall be arranged with the DEQ Tidewater Regional Office (Air Compliance Inspector).  
(9VAC5-80-110 and Condition 19 of the 7/29/2011 Permit Document)

## **Recordkeeping**

14. **Landfill Requirements - (FL-1B) – Flame Malfunction Occurrences** - The permittee shall keep a record log that documents all occurrences when there was a loss of the pilot and/or main flame to the open utility flare (Equipment Ref. No. FL-1B) during the routing (venting) of collected LFG to the flare. The record log should include the name of the person reporting the occurrence, date, time, and duration of the occurrence, and a description of corrective actions taken, including date and time the repairs were completed.

The logbook shall be made available for inspection by DEQ and be current for the most recent five (5) years.  
(9VAC5-80-110 and Condition 10 of the 7/29/2011 Permit Document)

15. **Landfill Requirements - (FL-1B) – Flare Operating Specification** - The permittee shall keep a record (in writing) of the utility flare operating specifications selected in Condition 7.  
(9VAC5-80-110 E & K)
16. **Landfill Requirements - (FL-1B) – On Site Records** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the DEQ Tidewater Regional Office (Air Compliance Manager/Inspector). These records shall include, but are not limited to:
  - a. Record logs of the flare flame temperature readings and LFG flow rates (in scfm) as required in Conditions 11 and 12;
  - b. Record logs documenting the occurrences of pilot and/or main flame malfunctions as required in Condition 14;
  - c. Scheduled and unscheduled flare maintenance, and operator training; and
  - d. The results of all visible emissions evaluations conducted on the flare.

These records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.  
(9VAC5-80-110 E & K and Condition 21 of the 7/29/2011 Permit Document)

## Testing

17. **Landfill Requirements - (FL-1B) - Emissions Testing/Monitoring Ports** - The open utility flare (Equipment Ref. No. FL-1B) shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. Sampling ports shall be provided when requested at appropriate locations and safe sampling platforms and access shall be provided.  
(9VAC5-80-110 and Condition 20 of the 7/29/2011 Permit Document)
18. **Landfill Requirements - (FL-1B) – Testing** - If testing is conducted, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.  
(9VAC5-80-110)

## MACT Subpart AAAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills (LFO-1, FL-1B)

## Applicability

19. **MACT Subpart AAAA – (LFO-1, FL-1B)** - Except where this permit is more restrictive than the applicable requirement, the landfill and flare (LFO-1, FL-1B) shall be operated in compliance with the requirements of 40 CFR 60, Subpart A (General Control Devices), 40 CFR 60, subpart Cf (Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills), and 40 CFR 63, Subpart AAAA (National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills).  
(9VAC5-80-110, 40 CFR 63.1930, and Condition 15 of the 7/29/2011 Permit Document)
20. **MACT Subpart AAAA – (LFO-1, FL-1B)** - The collection and control system may be capped, removed, or decommissioned if the criteria in 40 CFR 60.33f(f) are met. The NMOC emission rate shall be calculated in accordance with 40 CFR 63.1959(c) for purposes of determining when the system can be capped, removed, or decommissioned.  
(9VAC5-80-110, 9VAC5-40-5935D, and 40 CFR 63.1950)

## Standards

21. **MACT Subpart AAAA – (LFO-1, FL-1B) – NMOC Calculation Procedures** - The collection and control system shall capture the gas generated within the landfill as required in 40 CFR 63.1959(b)(2)(ii)(B) and route all the collected gas to a control system that complies with the requirements in 40 CFR 63.1959(b)(2)(iii)(A) or a treatment system that complies with the requirements in 40 CFR 63.1959(b)(2)(iii)(C) and (D).  
(9VAC5-80-110, 9VAC5-40-5935A, and 40 CFR 63.1959(b)(2)(ii) and (iii))
22. **MACT Subpart AAAA – (LFO-1, FL-1B) – Compliance Provisions** - The provisions of this permit implementing 40 CFR 63 Subpart AAAA apply at all times, including periods of startup, shutdown, and malfunction. During periods of startup, shutdown, and malfunction, you shall comply with the work practice specified in 40 CFR 63.1958(e)(1) in lieu of the compliance provisions in 40 CFR 63.1960.  
(9VAC5-80-110, 9VAC5-40-5960, and 40 CFR 63.1960(e))
23. **MACT Subpart AAAA – (LFO-1, FL-1B)** - The collection and control system shall install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead and:
  - a. Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control system equipment. The maximum expected gas flow rate shall be calculated in accordance with 40 CFR 63.1960(a)(1).
  - b. Collect the gas from each area, cell, or group of cells in the MSW landfill in which solid waste has been in place for:

- i. 5 years or more if active; or
  - ii. 2 years or more if closed or at final grade;
- c. Sufficient density of the gas collectors shall be demonstrated by designing the system accordance with 40 CFR 63.1960(a)(2). Each well or design component shall be placed as specified in the approved design plan as provided in 40 CFR 63.1981(d). Each well shall be installed no later than 60 days after the applicable date in Condition 23.b.
- d. Operate the collection system with negative pressure at each wellhead except as provided in 40 CFR 63.1958(b)(1) and (3). The gauge pressure shall be monitored monthly and corrective actions taken in accordance with 40 CFR 63.1960(a)(3)(i) and 63.1961(a)(1).
- e. Operate each interior wellhead in the collection system with a landfill gas temperature less than 62.8 degrees Celsius (145 degrees Fahrenheit) except as provided in 40 CFR 63.1958(c). Each well shall be monitored for temperature, and corrective actions shall be taken in accordance with 40 CFR 63.1960(a)(4) and 63.1961(a)(3)-(6). If a landfill gas temperature measured at either the wellhead or at any point in the well is greater than or equal to 76.7 degrees Celsius (170 degrees Fahrenheit) and the carbon monoxide concentration measured, according to the procedures in 40 CFR 63.1961(a)(5)(vi), is greater than or equal to 1,000 ppmv, the corrective action(s) for the wellhead temperature standard (62.8 degrees Celsius or 145 degrees Fahrenheit) shall be completed within 15 days. The 24-hour high temperature report shall be submitted in accordance with 40 CFR 63.1981(k).
- f. Nitrogen and/or oxygen content shall be monitored monthly in accordance with 40 CFR 63.1961(a)(2).
- g. Operate the collection system so that the methane concentration is less than 500 parts per million above background in accordance with Surface concentrations of methane shall be monitored on a quarterly basis, and any corrective actions shall be taken in accordance with 40 CFR 63.1960(c) to demonstrate compliance with the surface methane operational standard in 40 CFR 63.1958(d). Instrumentation shall meet the requirements of 40 CFR 63.1960(d).
- h. Operate the system such that all collected gases are vented to a control and/or treatment system designed and operated in accordance with 40 CFR 63.1959(b)(2)(iii)(A), (C) and (D). If the treated landfill gas cannot be routed for subsequent sale or beneficial use, then the treated landfill gas shall be controlled by a control system designed and operated in compliance with 40 CFR 63.1959(b)(2)(iii)(A). Performance tests shall be conducted for new or replacement flares in accordance with 40 CFR 63.7 and 40 CFR 63.1959(e) and (f).

- i. Operate the collection and control system in accordance with 40 CFR 63.1958(e) and (f) at all times.

The monitoring requirements of this condition apply at all times except as provided in 40 CFR 63.1961(h). If monitoring demonstrates that the operational requirements in Conditions 23.d, 23.e, or 23.g are not met, corrective action shall be taken as specified in 40 CFR 63.1960(a)(3) and (5) or (c). If corrective actions are taken as specified in 40 CFR 63.1960, the monitored exceedance is not a violation of the operational requirements in this condition.

(9VAC5-80-110, 9VAC5-40-5955, 9VAC5-40-5960, 9VAC5-40-5965, 40 CFR 63.1958, 40 CFR 63.1960(a)-(d), and 40 CFR 63.1961(a), (f), and (h))

- 24. **MACT Subpart AAAA – (LFO-1, FL-1B) – Monitoring of Operations** - In order to comply with the requirements of 40 CFR 63.1959(b)(2)(iii)(A), the equipment in 40 CFR 63.1961(c) shall be installed, calibrated, maintained, and operated according to the manufacturer's specifications and 40 CFR 63.1961(c).  
(9VAC5-80-110, 9VAC5-40-5965, and 40 CFR 63.1961(c))

### **Records and Reports**

- 25. **MACT Subpart AAAA – (LFO-1, FL-1B) – Reports** - The following reports shall be submitted:
  - a. Revisions to the approved design plan under 40 CFR 63.1981(d) shall be submitted for approval in accordance with 40 CFR 63.1981(e)(1) and (2).
  - b. A closure report shall be submitted within 30 days of the permanent cessation of waste acceptance. If a closure report has been submitted, no additional wastes may be placed into the landfill without filing a notification of modification as described under 40 CFR 60.7(a)(4).
  - c. An equipment removal report shall be submitted within 30 days prior to removal or cessation of operation of the control equipment. The report shall include all information required in 40 CFR 63.1981(g) and any additional information requested under 40 CFR 63.1981(g)(2).
  - d. Semi-annual reports shall be submitted that contain the information required in 40 CFR 63.1981(h).
  - e. Performance test reports shall be submitted and shall include all information required in 40 CFR 63.1981(i).
  - f. Corrective action reports shall be submitted and shall comply with 40 CFR 63.1981(j).

Each report shall be submitted to the Tidewater Regional Office. Reports shall be submitted in accordance with 40 CFR 63.1981(l) except as provided in 40 CFR 63.1981(m) and (n). A copy of each report shall be submitted also to EPA Region 3 (Email: R3\_APD\_Permits@epa.gov) except for reports submitted electronically in accordance with 40 CFR 63.1981(l). (9VAC5-80-110, 9VAC5-40-5970, and 40 CFR 63.1981)

26. **MACT Subpart AAAA – (LFO-1, FL-1B) – Reports and Records** - Unless specifically stated otherwise, records in this condition shall be kept for at least 5 years up-to-date and shall be readily accessible. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable. Alternative records shall be kept for this timeline as provided in 40 CFR 63.1981(d)(2).
- a. The design capacity report that triggered 40 CFR 63.1959(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate.
  - b. The following records shall be kept for the life of the control system equipment as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of 5 years. Records of the control device vendor specifications shall be maintained until removal.
    - i. Maximum expected gas generation flow rate as calculated in 40 CFR 63.1960(a)(1).
    - ii. Density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in 40 CFR 63.1962(a).
    - iii. The flare type (i.e., steam-assisted, air-assisted, or non-assisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test as specified in 40 CFR 60.18.
    - iv. Continuous records of the flare pilot flame or flare flame monitoring specified under 40 CFR 63.1961(c).
    - v. Records of all periods of operations during which the pilot flame of the flare flame is absent.
  - c. Records of the equipment operating parameters specified to be monitored in 40 CFR 63.1961.
  - d. Records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.
  - e. Records of periods when the collection system, control device, or treatment system is not operating.

- f. Records of the date, time, and duration of each startup and/or shutdown period, recording the periods when the affected source was subject to the standard applicable to startup and shutdown. In the event that an affected unit fails to meet an applicable standard, the records of the information in 40 CFR 63.1983(c)(7)(i)-(iii) shall be maintained.
- g. Records of the written procedures required by 40 CFR 63.8(d)(2), in lieu of the requirements specified in 40 CFR 63.8(d)(3), for the life of the affected source or until the affected source is no longer subject to the provisions of this part. If the performance evaluation plan is revised, previous (i.e., superseded) versions of the performance evaluation plan shall be maintained for a period of 5 years after each revision to the plan. The program of corrective action shall be included in the plan required under 40 CFR 63.8(d)(2).
- h. Plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector kept for the life of the collection system.
- i. Records of the installation date and location of all newly installed collectors as specified under 40 CFR 63.1960(b).
- j. Documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in 40 CFR 63.1962(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in 40 CFR 63.1962(a)(3)(ii).
- k. All collection and control system exceedances of the operational standards in 40 CFR 63.1958, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.
- l. Records of wellhead temperature, nitrogen content, and oxygen content monitoring required in 40 CFR 63.1983(e)(2).
- m. Records of each root cause analysis conducted for which corrective actions are required in 40 CFR 63.1960(a)(3)(i)(A) or (a)(4)(i)(A), including a description of the recommended corrective action(s) taken, and the date(s) the corrective action(s) were completed.
- n. Records of each root cause analysis conducted for which corrective actions are required in 40 CFR 63.1960(a)(3)(i)(B) or (a)(4)(i)(B), the corrective action analysis, the date for corrective action(s) already completed following the positive pressure reading or high temperature reading, and, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates.



- o. Record of the root cause analysis conducted for which corrective actions are required in 40 CFR 63.1960(a)(3)(i)(C) or (a)(4)(i)(C), the corrective action analysis, the date for corrective action(s) already completed following the positive pressure reading or high temperature reading, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates, and a copy of any comments or final approval on the corrective action analysis or schedule from the Tidewater Regional Office.
- p. Records of all collection and control system monitoring data for parameters measured in 40 CFR 63.1961(a)(1) through (6).
- q. Records of any engineering calculations or company records used to estimate the quantities of leachate or liquids added, the surface areas for which the leachate or liquids were applied, and the estimates of annual waste acceptance or total waste in place in the areas where leachate or liquids were applied.

(9VAC5-80-110, 9VAC5-40-5970, and 40 CFR 63.1981)

## **Engine Requirements (1155, 1164, 1167, 1178, 1168, Generac, Honda)**

### **Limitations**

27. **Engine Requirements - (1155, 1164, 1167, 1178, 1168, Generac, Honda) - Visible Emission Limit** - Visible emissions from each engine shall not exceed 20% (percent) opacity except for one six-minute period in any one hour in which visible emissions shall not exceed 30% (percent opacity) as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times during startup, shutdown, and malfunction.  
(9VAC5-50-80 and 9VAC5-80-110)

### **Monitoring**

28. **Engine Requirements (1155, 1164, 1167, 1178, 1168, Generac, Honda) - Visible Emission Observations** – The permittee shall conduct an observation of the presence of visible emissions on each engine at least once during each calendar month in which the emissions units operate. If visible emissions are observed, the permittee shall take timely corrective action such that the engine resumes operation with no visible emissions or perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the engines do not exceed 20% opacity or less. The permittee shall maintain an observation log to demonstrate compliance. The log shall include the date and time of the observations, whether there were visible emissions, any VEE recordings, and any necessary corrective actions taken.  
(9VAC5-80-110, 9VAC5-80-110E & K, and 9VAC5-50-50)

## **Recordkeeping**

29. **Engine Requirements – (1155, 1164, 1167, 1178, 1168, Generac, Honda) - Recordkeeping** – The permittee shall maintain records of operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include but are not limited to records of visible emissions observations, VEE results, and any corrective actions taken as documented in the visible observation log required by Condition 27.  
(9VAC5-80-110, 9VAC5-80-110E & K, and 9VAC5-50-50)

## **Testing**

30. **Engine Requirements – (1155, 1164, 1167, 1178, Generac, Honda) - Testing** – The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the DEQ, test ports shall be provided at the appropriate locations.  
(9VAC5-80-110 and 9VAC5-50-30)
31. **Engine Requirements – (1155, 1164, 1167, 1178, Generac, Honda) - 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.  
(9VAC5-80-110)

## **NSPS Subpart III— Standards of Performance for Stationary Compression Ignition Internal Combustion Engines - (1155, 1164, 1167, 1178, 1168)**

### **Applicability**

32. **NSPS Subpart III - (1155, 1164, 1167, 1178, 1168)** - The permittee shall comply with the applicable requirements of Standards of Performance for Stationary Compression Ignition Internal Combustion Engines 40 CFR 60 Subpart III.  
(9VAC5-80-110 and 40 CFR 60.4200)

### **Emission Standards**

33. **NSPS Subpart III - (1155, 1164, 1167, 1178) – Emission Standards** - The permittee shall comply with the emission standards for new CI engines in 40 CFR 60.4201 for its model year, as applicable.  
(9VAC5-80-110 and 40 CFR 60.4204(b))

34. **NSPS Subpart IIII - (1168) – Emission Standards** - The permittee shall comply with the emissions standards for new nonroad CI engines in 40 CFR 60.4202, for all pollutants, for the same model year and maximum engine power.  
(9VAC5-80-110 and 40 CFR 60.4205(b))

#### **Other Requirements**

35. **NSPS Subpart IIII - (1168) – Monitoring Requirements** - The permittee shall install a non-resettable hour meter prior to startup of the engine, unless the permittee maintains records demonstrating that the engine meets the standards applicable to non-emergency engines.  
(9VAC5-80-110 and 40 CFR 60.4209(a))

#### **Compliance Requirements**

36. **NSPS Subpart IIII - (1168) – Compliance Requirements** - The permittee shall operate the engine for a maximum of 100 hours per year according to the requirements of 40 CFR 60.4211(f) (1), (2) and (3). The permittee shall comply with the requirements of 40 CFR 60.4211(f)(1) through (3) to be considered an emergency engine. Operation for non-emergency purposes may require a permit to modify and operate pursuant to 9VAC5-80 Article 6.  
(9VAC5-80-110 and 40 CFR 60.4211(f))

#### **Recordkeeping**

37. **NSPS Subpart IIII - (1168) – Records** - Unless the permittee can demonstrate that the engine meets the Subpart IIII standards applicable to non-emergency engines, the permittee shall keep records as described in 40 CFR 60.4214(b).  
(9VAC5-80-110 and 40 CFR 60.4214(b))
38. **NSPS Subpart IIII - (1168) – Records** - The permittee shall keep records as described in 40 CFR 60.4214(c) for the diesel particulate filter.  
(9VAC5-80-110 and 40 CFR 60.4214(c))

#### **Emission Standards**

39. **NSPS Subpart IIII – (1155, 1164, 1167, 1178, 1168) – Emission Standards** - The permittee shall operate and maintain the engines so that the emissions standards as required in 40 CFR 60.4204 and 40 CFR 60.4205 are achieved over the entire life of the engine.  
(9VAC5-80-110 and 40 CFR 60.4206)

### **Fuel Requirements**

40. **NSPS Subpart IIII – (1155, 1164, 1167, 1178, 1168) – Fuel Requirements** - The permittee shall use diesel fuel that meets the requirements of 40 CFR 1090.305 for nonroad diesel fuel.  
(9VAC5-80-110 and 40 CFR 60.4207(b))

### **Compliance Requirements**

41. **NSPS Subpart IIII – (1155, 1164, 1167, 1178, 1168) – Compliance Requirements** - The permittee shall comply with the requirements of 40 CFR 60.4211(a)(1) through (3), except as permitted in 40 CFR 60.4211(g).  
(9VAC5-80-110 and 40 CFR 60.4211(a))
42. **NSPS Subpart IIII – (1155, 1164, 1167, 1178, 1168) – Compliance Requirements** - The permittee shall comply by purchasing an engine certified to the emissions standards in 40 CFR 60.4204(b), or 40 CFR 60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, National Fire Protection Association nameplate) engine power. The engine shall be installed and configured according to the manufacturer's emission-related specifications, except as permitted in 40 CFR 60.4211(g).  
(9VAC5-80-110 and 40 CFR 60.4211(c))
43. **NSPS Subpart IIII - (1155, 1164, 1167, 1178, 1168) – Compliance Requirements** - If the permittee does not install, configure, operate, and maintain the engine and control device according to the manufacturer's emission-related written instructions, or the permittee changes emission-related settings in a way that is not permitted by the manufacturer, the permittee shall demonstrate compliance according to 40 CFR 60.4211(g) (1) through (3).  
(9VAC5-80-110 and 40 CFR 60.4211(g))

### **General Provisions**

44. **NSPS Subpart IIII - (1155, 1164, 1167, 1178, 1168) – General Provisions** - The permittee shall comply with the applicable General Provisions (40 CFR 60 Subpart A) as indicated in Table 8 to 40 CFR 60 Subpart IIII.  
(9VAC5-80-110 and 40 CFR 60.4218)

## **NSPS Subpart JJJJ— Standards of Performance for Stationary Spark Ignition Internal Combustion Engines - (Generac)**

### **Applicability**

45. **NSPS Subpart JJJJ - (Generac)** - The provision of this subpart applies to stationary engine having a maximum engine power less than 500 hp and meets the applicable

construction and manufacture requirement dates.  
(9VAC5-80-110 and 40 CFR 60.4230(a)(4)(iii))

### **Emission Standards**

46. **NSPS Subpart JJJJ - (Generac) – Emission Standards** - The permittee shall comply with the emission standards in 40 CFR 60.4231(a) over the entire life of the engine.  
(9VAC5-80-110, 40 CFR 60.4233(a), and 40 CFR 60.4234)
47. **NSPS Subpart JJJJ - (Generac) – Emission Standards** - The permittee shall meet the requirements in 40 CFR 60.4233(f)(1) over the entire life of the engine.  
(9VAC5-80-110, 40 CFR 60.4233(f), and 40 CFR 60.4234)

### **Compliance Requirements**

48. **NSPS Subpart JJJJ - (Generac) – Compliance Requirements** - The permittee shall demonstrate compliance for the non-certified engine according to 40 CFR 60.4243(a)(2)(i).  
(9VAC5-80-110 and 40 CFR 60.4243(a)(2))
49. **NSPS Subpart JJJJ - (Generac) – Compliance Requirements** - The permittee shall operate the engine for a maximum of 100 hours per year according to the requirements in 40 CFR 60.4243 (d)(1) through (3). The permittee shall comply with the requirements of 40 CFR 60.4243(d) to be considered an emergency engine. Operation for non-emergency purposes may require a permit to modify and operate pursuant to 9VAC5-80 Article 6.  
(9VAC5-80-110 and 40 CFR 60.4243(d))

### **Recordkeeping**

50. **NSPS Subpart JJJJ - (Generac) – Compliance Requirements and Records** - The permittee shall keep a maintenance plan and records of maintenance conducted according to 40 CFR 60.4242(a)(2)(i).  
(9VAC5-80-110 and 40 CFR 60.4243(a)(2)(i))
51. **NSPS Subpart JJJJ - (Generac) – Records** - The permittee shall keep records of the information specified in 40 CFR 60.4245 (a)(1) through (4).  
(9VAC5-80-110 and 40 CFR 60.4245(a))

### **General Provisions**

52. **NSPS Subpart JJJJ - (Generac) – General Provisions** - The permittee shall comply with the General Provisions (40 CFR 60.1 through 60.19) as applicable according to Table 3 to 40 CFR 60 Subpart JJJJ.  
(9VAC5-80-110 and 40 CFR 60.4246)

## **MACT Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (1155, 1164, 1167, 1178, 1168, Generac, Honda)**

### **Applicability**

53. **MACT Subpart ZZZZ – (1155, 1164, 1167, 1178, 1168, Generac, Honda)** - The provision of this subpart applies to stationary RICE at an area source of HAP emissions, except if the stationary RICE is being tested at a stationary RICE test cell/stand.  
(9VAC5-80-110, 40 CFR 63.6585, and 40 CFR 63.6595(a)(1))

### **Emission and Operating Limitations**

54. **MACT Subpart ZZZZ – (1155, 1164, 1167, 1178, 1168)** – The permittee shall comply with 40 CFR 63, Subpart ZZZZ by complying with the applicable requirements of 40 CFR 60 Subpart IIII. No other requirements of Subpart ZZZZ apply to the engines.  
(9VAC5-80-110 and 40 CFR 63.6590(c))
55. **MACT Subpart ZZZZ – (Generac)** – The permittee shall comply with 40 CFR 63, Subpart ZZZZ by complying with the applicable requirements of 40 CFR 60 Subpart JJJJ. No other requirements of Subpart ZZZZ apply to the engine.  
(9VAC5-80-110 and 40 CFR 63.6590(c))
56. **MACT Subpart ZZZZ – (Honda)** – The permittee shall comply with the applicable requirements in Table 2d.5 to Subpart ZZZZ.  
(9VAC5-80-110 and 40 CFR 63.6603(a))

### **General Compliance Requirements**

57. **MACT Subpart ZZZZ – (Honda)** – The permittee shall be in compliance with the applicable emission limitations, operating limitations, and other requirements in Subpart ZZZZ at all times.  
(9VAC5-80-110 and 40 CFR 63.6605(a))
58. **MACT Subpart ZZZZ – (Honda)** – The permittee shall operate and maintain the engine, including associated air pollution control equipment (if any) and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the permittee to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the DEQ which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source at all times.  
(9VAC5-80-110 and 40 CFR 63.6605(b))

## **Monitoring, Operation, and Maintenance Requirements**

59. **MACT Subpart ZZZZ – (Honda)** - The permittee shall operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which shall provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. (9VAC5-80-110 and 40 CFR 63.6625(e))
60. **MACT Subpart ZZZZ – (Honda)** - The permittee shall install a non-resettable hour meter if one is not already installed. (9VAC5-50-20 E, 9VAC5-80-110 and 40 CFR 63.6625(f))
61. **MACT Subpart ZZZZ – (Honda)** - The permittee shall minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes. (9VAC5-80-110 and 40 CFR 63.6625(h))
62. **MACT Subpart ZZZZ – (Honda)** - The permittee may utilize an oil analysis program as described in 40 CFR 63.6625(j) to extend the specified oil change requirement in Table 2d to Subpart ZZZZ. If an oil analysis program is utilized, the analysis program shall be part of the maintenance plan for the engine. (9VAC5-80-110 and 40 CFR 63.6625(j))

## **Continuous Compliance Requirements**

63. **MACT Subpart ZZZZ - (Honda)** - The permittee shall demonstrate continuous compliance with each emission limitation, operating limitation, and other requirements in Table 2d to Subpart ZZZZ that apply to the source according to the methods specified in Table 6.9.a.i - ii to Subpart ZZZZ. (9VAC5-80-110 and 40 CFR 63.6640(a))
64. **MACT Subpart ZZZZ - (Honda)** - The permittee shall report each instance in which you did not meet the requirements in Table 8 to this subpart that apply to you. (9VAC5-80-110 and 40 CFR 63.6640(e))
65. **MACT Subpart ZZZZ - (Honda)** - The permittee shall operate the emergency engine for maintenance and testing for a maximum of 100 hours per year. The permittee shall comply with the requirements of 40 CFR 63.6640(f) to be considered an emergency engine. If the permittee does not operate the engine according to the requirements of this permit, then the engine will not be considered an emergency engine under Subpart ZZZZ of Part 63 and shall meet all requirements for non-emergency engines. (9VAC5-80-110 and 40 CFR 63.6640(f))

## Reports and Records

66. **MACT Subpart ZZZZ - (Honda) - Reports** – The permittee shall report all deviations as defined in Subpart ZZZZ in the semiannual monitoring report required by 40 CFR 71.6(a)(3)(iii)(A). If an affected source submits a compliance report pursuant to Table 7 of Subpart ZZZZ along with, or as part of, the semiannual monitoring report required by 40 CFR 71.6(a)(3)(iii)(A), and the compliance report includes all required information concerning deviations from any emission or operating limitation in this subpart, submission of the compliance report shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report. Submission of a compliance report shall not otherwise affect any obligation the permittee may have to report deviations from permit requirements to the DEQ.

The semiannual and annual compliance report required in Table 7 of Subpart ZZZZ must be submitted according to 63.6650 (i). Only those elements required under Subpart ZZZZ are required to be submitted according to paragraph(i) of Subpart ZZZZ.  
(9VAC5-80-110 and 40 CFR 63.6650(f))

67. **MACT Subpart ZZZZ - (Honda) – Records** - The permittee shall keep the following records as applicable:
- a. Records of the maintenance conducted on the stationary RICE in order to demonstrate that the source operated and maintained the stationary RICE and after-treatment control device (if any) according to the permittee's maintenance plan.
  - b. If the oil analysis program described in Condition 62 is implemented, the permittee shall keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engines.
  - c. If the emergency stationary RICE does not meet the standards in Subpart ZZZZ applicable to non-emergency engines, the permittee shall keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The documentation shall include the information specified in 40 CFR 63.6655(f).

(9VAC5-80-110, 40 CFR 63.6625(j), 40 CFR 63.6655(e) and (f))

68. **MACT Subpart ZZZZ - (Honda) – Records** - The permittee shall maintain records in the following manner:
- a. In a form suitable and readily available for expeditious review according to 40 CFR 63.10(b)(1).



- b. As specified in 40 CFR 63.10(b)(1), the permittee shall keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.
- c. The permittee shall keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action report, or record, according to 40 CFR 63.10(b)(1).

(9VAC5-80-110 and 40 CFR 63.6660(a), (b), (c))

### **Insignificant Emission Units**

**Insignificant Emission Units** - The following emission units at the facility are identified in the application as insignificant emission units under 9VAC5-80-720:

<b>Emission Unit No.</b>	<b>Emission Unit Description</b>	<b>Citation</b>	<b>Pollutant Emitted (9VAC5-80-720B)</b>	<b>Rated Capacity (9VAC5-80-720C)</b>
01	Tire Shredding	9VAC5-80-720B	PM	---
02	Leachate Lagoon	9VAC5-80-720B	VOC	---
06	Aboveground Storage Tank (diesel)	9VAC5-80-720C	---	12,000 gal
07	Aboveground Storage Tank (motor oil)	9VAC5-80-720C	---	500 gal
08	Aboveground Storage Tank (hydraulic oil)	9VAC5-80-720C	---	500 gal
09	Aboveground Storage Tank (waste oil)	9VAC5-80-720C	---	500 gal

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 9VAC5-80-110. (9VAC5-80-110)

### **Permit Shield & Inapplicable Requirements**

69. **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 identified	---	---

Nothing in this permit shield shall alter the provisions of 40 CFR 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 40 CFR 114 of the federal Clean Air Act or (ii) the DEQ pursuant to 40 CFR 10.1-1307.3 or 40 CFR 10.1-1315 of the Virginia Air Pollution Control Law.  
(9VAC5-80-110 and 9VAC5-80-140)

## General Conditions

70. **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.  
(9VAC5-80-110)
71. **General Conditions - Permit Expiration**
- a. 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 9VAC5-80-80, the right of the facility to operate shall be terminated upon permit expiration.
  - b. 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.
  - c. If an applicant submits a timely and complete application for an initial permit or renewal under 9VAC5-80-80 F, 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 9VAC5 Chapter 80, until the DEQ takes final action on the application under 9VAC5-80-150.
  - d. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9VAC5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9VAC5 Chapter 80.
  - e. If an applicant submits a timely and complete application under section 9VAC5-80-80 for a permit renewal but the DEQ 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 9VAC5-80-140, shall

remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

- f. The protection under subsections F 1 and F 5 (ii) of section 9VAC5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9VAC5-80-80 D, the applicant fails to submit by the deadline specified in writing by the DEQ any additional information identified as being needed to process the application.

(9VAC5-80-80, 9VAC5-80-110, and 9VAC5-80-170)

- 72. **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; and
- f. The operating conditions existing at the time of sampling or measurement.

(9VAC5-80-110)

- 73. **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.

(9VAC5-80-110)

- 74. **General Conditions - Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to the DEQ no later than March 1 and September 1 of each calendar year. This report shall be signed by a responsible official, consistent with 9VAC5-80-80 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; and

- b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
  - i. Exceedances of emissions limitations or operational restrictions;
  - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring or 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.
- 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 semiannual reporting period."

(9VAC5-80-110)

75. **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 Environmental Protection Agency (EPA) and the 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 40 CFR 114(a) (3) and 40 CFR 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 9VAC5-80-80 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 9VAC5-80-110, 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; and
- g. One copy of the annual compliance certification shall be submitted to the EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3\_APD\_Permits@epa.gov

(9VAC5-80-110)

- 76. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the 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 semiannual compliance monitoring report pursuant to Condition 74 of this permit. (9VAC5-80-110 F. 2)
- 77. **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 no later than four daytime business hours after the malfunction is discovered, notify the Tidewater Regional Office of such failure or malfunction and within 14 days 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 Tidewater Regional Office. (9VAC5-80-110, 9VAC5-20-180, and Condition 28 of the 7/29/2011 Permit Document)
- 78. **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. (9VAC5-80-110)
- 79. **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.  
(9VAC5-80-110)

80. **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.  
(9VAC5-80-110)
81. **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 9VAC5-80-50, 9VAC5-80-1100, 9VAC5-80-1605, or 9VAC5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.  
(9VAC80-110, 9VAC5-80-190, and 9VAC5-80-260)
82. **General Conditions - Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9VAC5-80-110)
83. **General Conditions - Duty to Submit Information** - The permittee shall furnish to the DEQ, within a reasonable time, any information that the DEQ 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 DEQ 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 DEQ along with a claim of confidentiality.  
(9VAC5-80-110)
84. **General Conditions - Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the DEQ shall contain a certification by a responsible official that meets the requirements of 9VAC5-80-80 G.  
(9VAC5-80-110)
85. **General Conditions - Duty to Pay Permit Fees** - The owner of any source for which a permit was issued under 9VAC5-80-50 through 9VAC5-80-300 shall pay annual emissions fees, as applicable, consistent with the requirements of 9VAC5-80-310 through 9VAC5-80-350 and annual maintenance fees, as applicable, consistent with the requirements of 9VAC5-80-2310 through 9VAC5-80-2350.  
(9VAC5-80-110, 9VAC5-80-310 et seq., and 9VAC5-80-2310 et seq.)
86. **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.

(9VAC5-80-110 and 9VAC5-50-90)

87. **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 DEQ, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.  
(9VAC5-80-110 and 9VAC5-50-20 E)

88. **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 9VAC5-80-140 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 9VAC5 Chapter 80, Article 1.  
(9VAC5-80-110)

89. **General Conditions - Inspection and Entry Requirements** - The permittee shall allow the 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 shall be kept under the terms and conditions of the permit.
- b. Have access to and copy, at reasonable times, any records that shall 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.

(9VAC5-80-110 and Condition 25 of the 7/29/2011 Permit Document)

90. **General Conditions - Reopening for Cause** - The permit shall be reopened by the DEQ 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 9VAC5-80-80 F. The conditions for reopening a permit are as follows:

- a. The permit shall be reopened if the DEQ 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 DEQ determines that the permit shall be revised or revoked to assure compliance with the applicable requirements.
- c. The permit shall not be reopened by the DEQ if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9VAC5-80-110 D.

(9VAC5-80-110)



91. **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 the DEQ upon request. (9VAC5-80-110 and 9VAC5-80-150)

92. **General Conditions - Transfer of Permits**

- a. No person shall transfer a permit from one location to another, unless authorized under 9VAC5-80-130, or from one piece of equipment to another.
- b. 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 DEQ of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9VAC5-80-200.
- c. 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 DEQ of the change in source name within 30 days of the name change and shall comply with the requirements of 9VAC5-80-200.

(9VAC5-80-110 and 9VAC5-80-160, and Condition 30 of the 7/29/2011 permit Document)

93. **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 9VAC5 Chapter 80 Article 1. The DEQ may suspend, under such conditions and for such period of time as the DEQ may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations. (9VAC5-80-110, 9VAC5-80-190 C, 9VAC5-80-260, and Condition 24 of 7/29/2011 Permit Document)

94. **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. (9VAC5-80-110 and 9VAC5-80-80 E)

95. **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.  
(9VAC5-80-110 and 40 CFR Part 82)

96. **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).  
(9VAC5-60-70 and 9VAC5-80-110)
97. **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.  
(9VAC5-80-110 and 40 CFR Part 68)
98. **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.  
(9VAC5-80-110)
99. **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 9VAC5-80-110, except subsection N, shall be included to determine compliance.
  - b. The permit shield described in 9VAC5-80-140 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 9VAC5-80-50 through 9VAC5-80-300.
- (9VAC5-80-110)
100. **General Conditions – Permit Copy** - The permittee shall keep a copy of the July 29, 2011 permit on the premises of the landfill facility to which it applies.  
(9VAC5-80-110 and Condition 31 of the 7/29/2011 Permit Document)