

United States Environmental Protection Agency
Region 8
Air Program
1595 Wynkoop Street
Denver, Colorado 80202-1129



AIR POLLUTION CONTROL
TITLE V PERMIT TO OPERATE

In accordance with the provisions of title V of the Clean Air Act and 40 CFR part 71 and applicable rules and regulations,

Transit Waste, LLC
Bondad Recycling Center and Depository (Bondad Landfill)

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

This source is authorized to operate at the following location:

Southern Ute Indian Reservation
1500 County Road 318
La Plata County, Colorado

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act.

Callie A. Videtich, Director
Air Program
US EPA Region 8

11/21/08

Date

Intentionally Left Blank

**AIR POLLUTION CONTROL
TITLE V PERMIT TO OPERATE
Transit Waste
Bondad Recycling Center and Depository (Bondad Landfill)**

Permit Number: V-SU-0047-07.00

Issue Date: November 21, 2008

Effective Date: December 1, 2008

Expiration Date: December 1, 2013

The permit number cited above should be referenced in future correspondence regarding this facility.

Permit Revision History

DATE OF REVISION	TYPE OF REVISION	SECTION NUMBER, TITLE	DESCRIPTION OF REVISION
November 21, 2008	Initial Title V Permit Issued	N.A.	Title V Permit # V-SU-0047-07.00

TABLE OF CONTENTS

ABBREVIATIONS AND ACRONYMS	vi
TABLES	vii
I. <u>Source Identification and Unit-Specific Information</u>	1
I.A. General Source Information	1
I.B. Source Emission Points	2
II. <u>Specific Requirements for Landfill Gas Emissions</u>	3
II.A. 40 CFR Part 60, Subpart A – Standards of Performance for New Stationary Sources	3
II.B. 40 CFR 60, Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills	3
II.C. Standards for Emissions	3
II.D. Testing Requirements	4
II.E. Reporting Requirements	6
II.F. Record Keeping Requirements	8
III. <u>Specific Requirements – Unit E003</u>	9
III.A. 40 CFR Part 63, Subpart A – National Emission Standards for Hazardous Air Pollutants, General Provisions	9
III.B. 40 CFR Part 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines	9
III.C. 40 CFR Part 60, Subpart A – Standards of Performance for New Stationary Sources, General Provisions	9
III.D. 40 CFR Part 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	9
III.E. Emission Standards and Work Practice Requirements	10
III.F. Fuel Requirements	11
III.G. Monitoring and Record Keeping Requirements	11
IV. <u>Facility Wide Requirements</u>	12
IV.A. Stratospheric Ozone Protection	12
IV.B. Reporting Requirements	12
IV.C. Permit Shield	14
V. <u>Part 71 Administrative Requirements</u>	14
V.A. Annual Fee Payment	14
V.B. Annual Emissions Inventory	17
V.C. Part 71 Compliance Requirements	18
V.D. Duty to Provide and Supplement Information	20
V.E. Submissions	20
V.F. Severability Clause	21
V.G. Permit Actions	21
V.H. Administrative Permit Amendments	21
V.I. Minor Permit Modifications	22
V.J. Group Processing of Minor Permit Modifications	24

V.K. Significant Permit Modifications	25
V.L. Reopening for Cause	26
V.M. Property Rights.....	26
V.N. Inspection and Entry	26
V.O. Emergency Provisions.....	27
V.P. Transfer of Ownership or Operation	28
V.Q. Off Permit Changes	28
V.R. Permit Expiration and Renewal	29
VI. <u>Appendix</u>	30
VI.A. Inspection Information.....	30
VI.B. Equations for NMOC Calculations Referenced in Section II.C.1	30
VI.C. Tier 2 NMOC Calculation Procedures for a Site-Specific NMOC Concentration	32
VI.D. Fugitive Particulate Matter Emissions Control Plan	33

ABBREVIATIONS AND ACRONYMS

AR	Acid Rain
ARP	Acid Rain Program
bbls	Barrels
BACT	Best Available Control Technology
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
CMS	Continuous Monitoring System (includes COMS, CEMS and diluent monitoring)
COMS	Continuous Opacity Monitoring System
CO	Carbon monoxide
CO ₂	Carbon dioxide
DAHS	Data Acquisition and Handling System
dscf	Dry Standard Cubic Foot
dscm	Dry Standard Cubic Meter
EIP	Economic Incentives Programs
EPA	Environmental Protection Agency
FGD	Flue Gas Desulfurization
gal	Gallon
GPM	Gallons Per Minute
H ₂ S	Hydrogen Sulfide
HAP	Hazardous Air Pollutant
hr	Hour
Id.	Identification Number
kg	Kilogram
lb	Pound
MACT	Maximum Achievable Control Technology
MVAC	Motor Vehicle Air Conditioner
Mg	Megagram
MMBtu	Million British Thermal Units
mo	Month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMHC	Nonmethane Hydrocarbons
NO _x	Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
pH	Negative logarithm of effective hydrogen ion concentration (acidity)
PM	Particulate Matter
PM ₁₀	Particulate matter less than 10 microns in diameter
ppm	Parts per million
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psi	Pounds per square inch
psia	Pounds per square inch absolute
RICE	Reciprocating Internal Combustion Engine
RMP	Risk Management Plan
scfm	Standard Cubic Feet per minute
SNAP	Significant New Alternatives Program
SO ₂	Sulfur Dioxide
tpy	Tons Per Year
US EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

TABLES

Number	Page
Table 1. Emission Units.....	2
Table 2. Insignificant Emission Units.....	2
Table 3. Emission Limits for Unit E003.....	10

I. Source Identification and Unit-Specific Information

I.A. General Source Information

Parent Company name: Transit Waste, LLC

Plant Name: Bondad Recycling Center and Depository (Bondad Landfill)

Plant Location: Latitude: 37° 3' 18.71''N
Longitude: 107° 51' 45.92''W

Region: 8

State: Colorado

County: La Plata

Reservation: Southern Ute Reservation

Tribe: Southern Ute Indian Tribe

Responsible Official: Vice President

SIC Code : 4953, establishments primarily engaged in the collection and disposal of refuse by processing or destruction or in the operation of incinerators, waste treatment plants, landfills, or other sites for disposal of such materials.

AFS Plant Identification Number: 08-067-01080

Other Clean Air Act Permits: There are no other federal CAA permits issued to this facility such as Nonattainment NSR or PSD.

Description of Process:

The Bondad Recycling Center and Depository (Bondad Landfill) is a municipal solid waste (MSW) disposal site that accepts non-hazardous residential, commercial, and industrial waste, owned and operated by Transit Waste, LLC. The facility is located approximately 15 miles south of Durango, Colorado, and has been in operation since 1997.

I.B. Source Emission Points

**Table 1 - Emission Units
Bondad Landfill**

Emission Unit Id.	Description	Control Equipment
E001	MSW Landfill: 2.924 million cubic meters and 2.924 million megagrams design capacity Date Operation Commenced: 1997	None (NMOC <50 Mg/year)
E002	Fugitive Dust Emissions	Fugitive Dust Plan
E003	20 kW (27 hp) diesel generator, Tier 2 Certified Serial Number: 3806575 Install date: January 4, 2008 Model Year: 2007	None

**Table 2 - Insignificant Emission Units
Bondad Landfill**

Emission Unit Id.	Description
IE001	(1) 2,000 gallon diesel storage tank
IE002	(4) 300 gallon storage tanks (diesel, used coolant, used hydraulic fluid, or used oil)
IE003	(5) 55 gallon storage tanks (diesel, used coolant, used hydraulic fluid, or used oil)

II. Specific Requirements for Landfill Gas Emissions

II.A. 40 CFR Part 60, Subpart A – Standards of Performance for New Stationary Sources, General Provisions

This facility is subject to the requirements of 40 CFR part 60, subpart A as stated in §60.1. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 60, subpart A.

[40 CFR 60.1 - 60.19]

II.B. 40 CFR 60, Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills

1. This facility is subject to the requirements of 40 CFR part 60, subpart WWW. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 60, subpart WWW.

[40 CFR 60.750 - 60.759]

2. Requirements pursuant to 40 CFR part 60, subpart WWW in Section II., of this permit are taken from the Federal Register as published on September 8, 2006 (71 FR 53271).

II.C. Standards for Emissions [40 CFR 60.752]

1. Each permittee of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, and with an estimated nonmethane organic compounds (NMOC) emission rate less than 50 megagrams per year shall:

- (a) Submit an annual emission report to the Administrator, except as provided for in Section II.E.2.(a)(ii) of this permit and 40 CFR 60.757(b)(1)(ii);

[40 CFR 60.752(b)(1)(i)]

- (b) Recalculate the NMOC emission rate annually using the procedures specified in Section II.D.1., until such time as one of the following occurs:
 - (i) If the NMOC emission rate, upon recalculation required in Section II.C.1.(b), is equal to or greater than 50 megagrams per year, a collection and control system shall be installed in compliance with 40 CFR 60.752(b)(2); or

- (ii) If the landfill is permanently closed, a closure notification shall be submitted to EPA, as specified in 40 CFR 60.757(d).

[40 CFR 60.752(b)(1)(ii)]

II.D. Testing Requirements [40 CFR 60.754]

1. The permittee shall calculate the NMOC emission rate using either the equation provided in Section VI.B.1., of this permit or the equation provided in Section VI.B.2., of this permit.

[40 CFR 60.754(a)(1)]

2. Tier 1. The permittee shall compare the calculated NMOC mass emission rate to the standard of 50 megagrams per year.

- (a) If the NMOC emission rate is less than 50 megagrams per year, then an emission rate report shall be submitted to EPA, as specified in Section II.E.2.(a) of this permit, and the permittee shall recalculate the NMOC mass emission rate annually as required under Section II.C.1.(b).

[40 CFR 60.754(a)(2)(i)]

- (b) If the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, then the permittee shall either comply with 40 CFR 60.752(b)(2), or determine a site-specific NMOC concentration and recalculate the NMOC emission rate using the procedures specified in Section II.D.3.

[40 CFR 60.754(a)(2)(ii)]

3. Tier 2. The permittee shall determine the NMOC concentration using the sampling procedure specified in Section VI.C.1., of this permit.

- (a) The NMOC mass emission rate shall be recalculated using the equations specified in Section VI.B.1., or Section VI.B.2., and using the average NMOC concentration from the collected samples instead of the default value in the equations provided in Section VI.B.

[40 CFR 60.754(a)(3)(i)]

- (b) If the resulting mass emission rate calculated using the site-specific NMOC concentration is equal to or greater than 50 megagrams per year, then the permittee shall either comply with 40 CFR 60.752(b)(2), or determine the site-specific methane generation rate constant and recalculate the NMOC

emission rate using the site-specific methane generation rate using the procedure specified in Section II.D.4.

[40 CFR 60.754(a)(3)(ii)]

- (c) If the resulting NMOC mass emission rate is less than 50 megagrams per year, a periodic estimate of the emission rate report as specified in Section II.E.2.(a) shall be submitted to EPA, and the site-specific NMOC concentration shall be retested every 5 years using the methods specified in Section II.D.3.

[40 CFR 60.754(a)(3)(iii)]

- 4. Tier 3. The permittee shall determine the site-specific methane generation rate constant using the procedures specified in Method 2E of 40 CFR part 60, Appendix A. The NMOC mass emission rate shall be estimated using the equations specified in Section VI.B.1., or Section VI.B.2., and using a site-specific methane generation rate constant (k), and the site-specific NMOC concentration as determined in Section II.D.3., instead of the default values provided in Section VI.B. The resulting NMOC mass emission rate shall be compared to the standard of 50 megagrams per year.

- (a) If the NMOC mass emission rate as calculated using the site-specific methane generation rate and concentration of NMOC is equal to or greater than 50 megagrams per year, the permittee shall comply with 40 CFR 60.752(b)(2) to control landfill gas emissions.

[40 CFR 60.754(a)(4)(i)]

- (b) If the NMOC mass emission rate is less than 50 megagrams per year, then the permittee shall submit a periodic emission rate report as specified in Section II.E.2.(a), using the equations specified in Section VI.B.1., or Section VI.B.2., and using the site-specific methane generation rate constant and NMOC concentration obtained per Section II.D.3. The calculation of the methane generation rate constant is performed only once, and the value obtained from this test shall be used in all subsequent annual NMOC emission rate calculations.

[40 CFR 60.754(a)(4)(ii)]

- 5. Upon EPA approval the permittee may use other methods to determine the NMOC concentration or a site-specific “k” as an alternative to the methods required in Sections II.D.3., and II.D.4.

[40 CFR 60.754(a)(5)]

II.E. Reporting Requirements [40 CFR 60.757]

Except as provided in 40 CFR 60.752(b)(2)(i)(B),

1. The permittee shall submit an initial design capacity report to EPA.

- (a) The initial design capacity report shall fulfill the requirements of the notification of the date construction is commenced as required by 40 CFR 60.7(a)(1) and shall be submitted no later than 90 days after the date of commenced construction, modification, or reconstruction.

[40 CFR 60.757(a)(1)]

(b) The initial design capacity report shall contain the following information:

- (i) A map or plot of the landfill, providing the size and location of the landfill, and identifying all areas where solid waste may be landfilled according to the permit issued by EPA.
- (ii) The maximum design capacity of the landfill. Where the maximum design capacity is specified in the permit issued by EPA, a copy of the permit specifying the maximum design capacity may be submitted as part of the report. If the maximum design capacity of the landfill is not specified in the permit, the maximum design capacity shall be calculated using good engineering practices. The calculations shall be provided, along with the relevant parameters as part of the report. EPA may request other reasonable information as may be necessary to verify the maximum design capacity of the landfill.

[40 CFR 60.757(a)(2)]

2. The permittee shall submit an NMOC emission rate report to EPA initially and annually thereafter, except as provided for in Sections II.E.2.(a)(ii) or II.E.2.(c) of this permit. EPA may request such additional information as may be necessary to verify the reported NMOC emission rate. If Tier 2 NMOC emission calculations are completed, the revised NMOC emission rate report, with the recalculated emission rate based on NMOC sampling and analysis, shall be submitted within 180 days of the first calculated exceedance of 50 megagrams per year. If Tier 3 NMOC emission calculations are completed, the revised NMOC emission rate report prepared in compliance with the requirements of Section VI.B.1., and 2., and the resulting site-specific methane generation rate constant (k), shall be submitted to EPA within 1 year of the first calculated emission rate exceeding 50 megagrams per year.

[40 CFR 60.757(b) and 40 CFR 60.757(c)(1)-(2)]

- (a) The NMOC emission rate report shall contain an annual or 5-year estimate of the NMOC emission rate calculated using the formula and procedures specified in Section II.D., for an uncontrolled landfill.

- (i) The initial NMOC emission rate report may be combined with the initial design capacity report required in Section II.E.1., and shall be submitted no later than 90 days after the date of commenced construction, modification, or reconstruction. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in Sections II.E.2(a)(ii), and II.E.2.(c).

[40 CFR 60.757(b)(1)(i)]

- (ii) If the estimated NMOC emission rate as reported in the annual report to EPA is less than 50 megagrams per year in each of the next 5 consecutive years, the permittee may elect to submit an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the 5 years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based shall be provided to EPA. This estimate shall be revised at least once every 5 years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate shall be submitted to EPA. The revised estimate shall cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

[40 CFR 60.757(b)(1)(ii)]

- (b) The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions.

[40 CFR 60.757(b)(2)]

- (c) The permittee is exempted from the requirements of Sections II.E.2(a) and II.E.2.(b), after the installation of a collection and control system in compliance with 40 CFR 60.752(b)(2), during such time as the collection and control system is in operation and in compliance with 40 CFR 60.753 and 60.755.

[40 CFR 60.757(b)(3)]

II.F. Record Keeping Requirements [40 CFR 60.758]

1. Except as provided in 40 CFR 60.752(b)(2)(i)(B), the permittee shall keep for at least 5 years up-to-date, readily accessible, on-site records of the design capacity report which triggered 40 CFR 60.752(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

[40 CFR 60.758(a)]

2. If the permittee converts design capacity from volume to mass or mass to volume to demonstrate that the landfill design capacity is less than 2.5 million megagrams or 2.5 million cubic meters, per the definition of “design capacity,” on-site records of the annual recalculation of site-specific density, design capacity, and the supporting documentation shall be kept readily accessible. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

[40 CFR 60.758(f)]

III. Specific Requirements – Unit E003

III.A. 40 CFR Part 63, Subpart A – National Emission Standards for Hazardous Air Pollutants, General Provisions [40 CFR 63.1-63.16]

The General Provisions of 40 CFR part 63 do not apply to the 20 kW diesel generator (E003).

[40 CFR 63.6665]

III.B. 40 CFR Part 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines

1. Unit E003 (20 kW diesel generator) is subject to the requirements of 40 CFR part 63, subpart ZZZZ. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 63, subpart ZZZZ.

[40 CFR 63.6585]

2. A stationary compression ignition (CI) RICE with a site rating of less than or equal to 500 brake horse power (hp) must meet the requirements of part 63 by meeting the requirements of 40 CFR part 60, subpart IIII, for CI engines. No further requirements apply for such engines under 40 CFR part 63.

[40 CFR 63.6590(c)]

III.C. 40 CFR Part 60, Subpart A – Standards of Performance for New Stationary Sources, General Provisions [40 CFR 60.1 - 60.19]

The General Provisions of 40 CFR part 60 apply to the 20 kW diesel generator (E003).

[40 CFR 60.4218]

III.D. 40 CFR Part 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

This facility is subject to the requirements of 40 CFR part 60, subpart IIII. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 60, subpart IIII.

[40 CFR 60.4200]

III.E. Emission Standards and Work Practice Requirements

1. The permittee shall meet the requirements of 40 CFR part 60, subpart IIII for emissions from unit E003 by meeting the emission standards for Tier 2 certified engines at 40 CFR part 89.

[40 CFR 60.4204(b), 60.4201(a)]

- (a) Emissions from unit E003 shall not exceed the exhaust emission standards contained in Table 3, as follows:

**Table 3 – Tier 2 Emission Standards (g/kW-hr)
For 20 kW Diesel Generator (E003)
Bondad Landfill**

NMHC + NO _x	CO	PM
7.5	5.5	0.60

[40 CFR 89.112(a)]

- (b) The exhaust opacity from unit E003 shall not exceed:

- (a) 20 percent during the acceleration mode;
 - (b) 15 percent during the lugging mode; and
 - (c) 50 percent during the peaks in either the acceleration or lugging modes.

[40 CFR 89.113(a)(1)-(3)]

- (c) The permittee shall not allow emissions from the crankcase of unit E003 to be discharged into the ambient atmosphere, unless such crankcase emissions are permanently routed into the exhaust and included in all exhaust emission measurements.

[40 CFR 89.112(e)]

2. Unit E003 must be installed and configured according to the manufacturer's specifications.

[40 CFR 60.4211(c)]

3. The permittee must operate and maintain unit E003 and control device according to the manufacturer's written instructions or procedures developed by the permittee that are approved by the engine manufacturer. In addition, the permittee may only change those settings that are permitted by the manufacturer. The permittee must also meet the requirements of 40 CFR parts 89 and/or 1068, as they apply.

[40 CFR 60.4211(a)]

III.F. Fuel Requirements

1. Beginning October 1, 2007, the permittee shall use diesel fuel in emission unit E003 that meets the following requirements:
 - (a) Sulfur content of 500 parts per million (ppm) maximum;
 - (b) Cetane index or aromatic content, as follows:
 - (i) A minimum cetane index of 40; or
 - (ii) A maximum aromatic content of 35 volume percent.

[40 CFR 80.510(a), 40 CFR 60.4207(a)]

2. Beginning October 1, 2010, the permittee shall use diesel fuel in emission unit E003 that meets the following requirements:
 - (a) Sulfur content of 15 ppm maximum for nonroad (NR) diesel fuel;
 - (b) Cetane index or aromatic content, as follows:
 - (i) A minimum cetane index of 40; or
 - (ii) A maximum aromatic content of 35 volume percent.

[40 CFR 80.510(b), 40 CFR 60.4207(b)]

III.G. Monitoring and Record Keeping Requirements

1. If unit E003 is equipped with a diesel particulate filter to comply with the emission standards in §60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached.

[40 CFR 60.4209(b)]

2. If unit E003 is equipped with a diesel particulate filter, the permittee must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached.

[40 CFR 60.4214(c)]

IV. Facility Wide Requirements

IV.A. Stratospheric Ozone Protection [40 CFR 82]

1. The following requirements apply to any air conditioning appliances at the source (“appliance” as defined in 40 CFR 82.152) that contain Class I or Class II refrigerants, and in an amount less than 50 pounds:

The permittee shall comply with applicable standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Part 82, Subpart B:

- (a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the applicable required practices pursuant to 40 CFR 82.156.
 - (b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the applicable standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
 - (c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - (d) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) must comply with recordkeeping requirements pursuant to 40 CFR 82.166(i).
2. If the permittee manufactures, transforms, destroys, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR part 82, subpart A, Production and Consumption Controls.

IV.B. Reporting Requirements [40 CFR 71.6(a)(3)(iii)]

1. Pursuant to 40 CFR 71.6(a)(3)(iii), the permittee shall submit to EPA reports of any required monitoring under this permit semi-annually by April 1st and October 1st. All instances of deviations from permit requirements must be clearly identified

in such reports. All required reports must be certified by a responsible official consistent with Section V.E.1., of this permit.

[40 CFR 71.6(a)(3)(iii)(A)]

(a) “Deviation” means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or recordkeeping established in accordance with §§71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours which constitutes a deviation, each 24 hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

- (i) A situation where emissions exceed an emission limitation or standard;
- (ii) A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;
- (iii) A situation in which observations or data collected demonstrates noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit; or
- (iv) A situation in which an exceedance or an excursion, as defined in 40 CFR part 64 occurs.

[40 CFR 71.6(a)(3)(iii)(C)]

2. The permittee shall promptly report to EPA deviations from permit requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. “Prompt” is defined as follows:

- (a) Any definition of “prompt” or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit;
- (b) Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:
 - (i) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.

- (ii) For emissions of any regulated air pollutant, excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
- (iii) For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report required in Section IV.B.1.

[40 CFR 71.6(a)(3)(iii)(B)]

- 3. If any of the events described in Section IV.B.2(b)(i) or (ii) occur, the permittee must notify EPA by telephone (1-800-227-8917) or facsimile (303-312-6064) based on the timetables listed above. A written notice, certified consistent with Section V.E.1., of this permit must be submitted within 10 working days of the occurrence. All deviations reported under this section must also be identified in the semi-annual report required under Section IV.B.1., of this permit.

[40 CFR 71.6(a)(3)(iii)(B)(4)]

[Explanatory note: Notification by telephone or facsimile must specify that this notification is a deviation report for a part 71 permit.]

IV.C. Permit Shield [40 CFR 71.6(f)(3)]

- 1. Nothing in this permit shall alter or affect the following:
 - (a) The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;
 - (b) The ability of the EPA to obtain information under section 114 of the CAA; or
 - (c) The provisions of section 303 of the CAA (emergency orders), including the authority of the Administrator under that section.

V. Part 71 Administrative Requirements

V.A. Annual Fee Payment [40 CFR 71.6(a)(7) and 40 CFR 71.9]

- 1. The permittee shall pay an annual permit fee in accordance with the procedures outlined below.

[40 CFR 71.9(a)]

2. The permittee shall pay the annual permit fee each year no later than April 1st. The fee shall cover the previous calendar year.

[40 CFR 71.9(h)]

3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency.

[40 CFR 71.9(k)(1)]

4. The permittee shall send fee payment and a completed fee filing form to:

For regular U.S. Postal Service mail

U.S. Environmental Protection Agency
FOIA and Miscellaneous Payments
Cincinnati Finance Center
P.O. Box 979078
St. Louis, MO 63197-9000

For non-U.S. Postal Service Express mail

(FedEx, Airborne, DHL, and UPS)

U.S. Bank
Government Lockbox 979078
U.S. EPA FOIA & Misc. Payments
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

[40 CFR 71.9(k)(2)]

5. The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment to the address listed in Section V.E.2., of this permit.

[40 CFR 71.9(h)(1)]

*[Explanatory note: The fee filing form “FF” and the fee calculation worksheet form “FEE” may be found on EPA website at:
<http://www.epa.gov/air/oaqps/permits/p71forms.html>]*

6. Basis for calculating annual fee:

- (a) The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all “regulated pollutants (for fee calculation)” emitted from the source by the presumptive emissions fee (in dollars/ton) in effect at the time of calculation.

[40 CFR 71.9(c)(1)]

- (i) “Actual emissions” means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation) emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emission unit’s actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year.

[40 CFR 71.9(c)(6)]

- (ii) Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data.

[40 CFR 71.9(h)(3)]

- (iii) If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures.

[40 CFR 71.9(e)(2)]

[Explanatory note: The presumptive fee amount is revised each calendar year to account for inflation, and it is available from EPA prior to the start of each calendar year.]

- (b) The permittee shall exclude the following emissions from the calculation of fees:

- (i) The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tpy;

[40 CFR 71.9(c)(5)(i)]

- (ii) Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation; and

[40 CFR 71.9(c)(5)(ii)]

- (iii) The quantity of actual emissions (for fee calculation) of insignificant activities [defined in §71.5(c)(11)(i)] or of insignificant emissions levels from emissions units identified in the permittee's application pursuant to §71.5(c)(11)(ii).

[40 CFR 71.9(c)(5)(iii)]

- 7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official.

[40 CFR 71.9(h)(2)]

[Explanatory note: The fee calculation worksheet form already incorporates a section to help you meet this responsibility.]

- 8. The permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for 5 years following submittal of fee payment. [Emission-related data include, for example, emissions-related forms provided by EPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with §71.6(a)(3)(ii).]

[40 CFR 71.9(i)]

- 9. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with §71.9(l).

[40 CFR 71.9(l)]

- 10. When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification.

[40 CFR 71.9(j)(2)]

- 11. A permittee who thinks an EPA assessed fee is in error and who wishes to challenge such fee, shall provide a written explanation of the alleged error to EPA along with full payment of the EPA assessed fee.

[40 CFR 71.9(j)(3)]

V.B. Annual Emissions Inventory [40 CFR 71.9(h)(1) and (2)]

- 1. The permittee shall submit an annual emissions report of its actual emissions for both criteria pollutants and regulated HAPS for this facility for the preceding calendar year for fee assessment purposes. The annual emissions report shall be

certified by a responsible official and shall be submitted each year to EPA by April 1st.

2. The annual emissions report shall be submitted to EPA at the address listed in Section V.E.2., of this permit.

[Explanatory note: An annual emissions report, required at the same time as the fee calculation worksheet by §71.9(h), has been incorporated into the fee calculation worksheet form as a convenience.]

V.C. Part 71 Compliance Requirements

1. Compliance with the Permit

- (a) The permittee must comply with all conditions of this part 71 permit. Any permit noncompliance constitutes a violation of the CAA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

[40 CFR 71.6(a)(6)(i)]

- (b) 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.

[40 CFR 71.6(a)(6)(ii)]

- (c) For the purpose of submitting compliance certifications in accordance with Section V.C.2., of this permit, or establishing whether or not a person has violated or is in violation of any requirement of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[section 113(a) and 113(e)(1) of the Act, 40 CFR 51.212, 52.12, 52.33, 60.11(g), and 61.12.]

2. Compliance Certifications

- (a) The permittee shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices annually by April 1st, and shall cover the 12 month period ending on February 28th of the year the certification of compliance is due.

[Explanatory note: To help part 71 permittees meet reporting responsibilities, EPA has developed a reporting form for annual compliance certifications. The form may be found on EPA website at: <http://www.epa.gov/air/oaqps/permits/p71forms.html>]

- (b) The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with §71.5(d).

[40 CFR 71.6(c)(5)]

- (c) The certification shall include the following:

- (i) Identification of each permit term or condition that is the basis of the certification;
- (ii) The identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required in this permit. If necessary, the permittee also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the CAA, which prohibits knowingly making a false certification or omitting material information;
- (iii) The status of compliance with each term and condition of the permit for the period covered by the certification based on the method or means designated in Section V.C.2.(a)(ii) above. The certification shall identify each deviation and take it into account in the compliance certification;
- (iv) Such other facts as the EPA may require to determine the compliance status of the source; and
- (v) Whether compliance with each permit term was continuous or intermittent.

[40 CFR 71.6(c)(5)(iii)]

3. Compliance Schedule and Progress Reports [40 CFR 71.6(c)(3) &(4), and 71.5(c)(8)(iii) and (iv)]

- (a) For applicable requirements with which the permittee is in compliance, the permittee will continue to comply with such requirements.

[40 CFR 71.6(c)(3) and 40 CFR 71.5(c)(8)(iii)(A)]

- (b) For applicable requirements that will become effective during the permit term, the permittee will meet such requirements on a timely basis.

[40 CFR 71.6(c)(3) and 40 CFR 71.5(c)(8)(iii)(B)]

V.D. Duty to Provide and Supplement Information [40 CFR 71.6(a)(6)(v), 71.5(a)(3), and 71.5(b)]

1. The permittee shall furnish to EPA, within a reasonable time, any information that EPA 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 EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential must be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B.

[40 CFR 71.6(a)(6)(v) and 40 CFR 71.5(a)(3)]

2. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. In addition, a permittee shall provide additional information as necessary to address any requirements that become applicable after the date a complete application is filed, but prior to release of a draft permit.

[40 CFR 71.5(b)]

V.E. Submissions [40 CFR 71.5(d), 71.6(c)(1) and 71.9(h)(2)]

1. Any document (application form, report, compliance certification, etc.) required to be submitted under this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[Explanatory note: EPA has developed a reporting form "CTAC" for certifying truth, accuracy and completeness of part 71 submissions. The form may be found on EPA website at: <http://www.epa.gov/air/oaqps/permits/p71forms.html>]

2. Any documents required to be submitted under this permit, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to:

Part 71 Permit Contact
Air Program, 8P-AR
U.S. Environmental Protection Agency
1595 Wynkoop St.
Denver, Colorado 80202-1129

V.F. Severability Clause [40 CFR 71.6(a)(5)]

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

V.G. Permit Actions [40 CFR 71.6(a)(6)(iii)]

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

V.H. Administrative Permit Amendments [40 CFR 71.7(d)]

1. The permittee may request the use of administrative permit amendment procedures for a permit revision that:
 - (a) Corrects typographical errors;
 - (b) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
 - (c) Requires more frequent monitoring or reporting by the permittee;
 - (d) Allows for a change in ownership or operational control of a source where the EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the EPA;

- (e) Incorporates into the part 71 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of 40 CFR 71.7 and 40 CFR 71.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in 40 CFR 71.6; or
- (f) Incorporates any other type of change which EPA has determined to be similar to those listed above in Sections V.H.1.(a) through (d) above.

[Note to permittee: If subparagraphs (a) through (f) above do not apply, please contact EPA for a determination of similarity prior to submitting your request for an administrative permit amendment under this provision.]

V.I. Minor Permit Modifications [40 CFR 71.7(e)(1)]

1. The permittee may request the use of minor permit modification procedures only for those modifications that:
 - (a) Do not violate any applicable requirement;
 - (b) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
 - (c) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
 - (d) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - (i) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I of the CAA; and
 - (ii) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the CAA;
 - (e) Are not modifications under any provision of title I of the CAA; and

- (f) Are not required to be processed as a significant modification.

[40 CFR 71.7(e)(1)(i)(A)]

2. Notwithstanding the list of changes ineligible for minor permit modification procedures in Sections V.I.1.(a) through (f) and V.J.1.(a) and (b), minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

[40 CFR 71.7(e)(1)(i)(B)]

3. An application requesting the use of minor permit modification procedures shall meet the requirements of 40 CFR 71.5(c) and shall include the following:
- (a) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 - (b) The source's suggested draft permit;
 - (c) Certification by a responsible official, consistent with Section V.E.1., and 40 CFR 71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
 - (d) Completed forms for the permitting authority to use to notify affected States as required by 40 CFR 71.8.

[40 CFR 71.7(e)(1)(ii)]

4. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by 40 CFR 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

[40 CFR 71.7(e)(1)(v)]

5. The permit shield under 40 CFR 71.6(f) may not extend to minor permit modifications.

[40 CFR 71.7(e)(1)(vi)].

V.J. Group Processing of Minor Permit Modifications [40 CFR 71.7(e)(2)]

1. Group processing of modifications by EPA may be used only for those permit modifications:

- (a) That meet the criteria for minor permit modification procedures under Section V.I.1., of this permit; and
- (b) That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in 40 CFR 71.2, or 5 tpy, whichever is least.

[40 CFR 71.7(e)(2)(i)]

2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of 40 CFR 71.5(c), and shall include the following:

- (a) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
- (b) The source's suggested draft permit;
- (c) Certification by a responsible official, consistent with Section V.E.1., and 40 CFR 71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used;
- (d) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under Section V.J.1.(b); and
- (e) Completed forms for the permitting authority to use to notify affected States as required by 40 CFR 71.8.

[40 CFR 71.7(e)(2)(ii)]

3. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes

any of the actions authorized by 40 CFR 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

[40 CFR 71.7(e)(2)(v)]

4. The permit shield under 40 CFR 71.6(f) does not extend to group processing of minor permit modifications.

[40 CFR 71.7(e)(1)(vi)]

V.K. Significant Permit Modifications [40 CFR 71.7(e)(3)]

1. The permittee must request the use of significant permit modification procedures for those modifications that:
 - (a) Do not qualify as minor permit modifications or as administrative amendments;
 - (b) Are significant changes in existing monitoring permit terms or conditions; or
 - (c) Are relaxations of reporting or record keeping permit terms or conditions.

[40 CFR 71.7(e)(3)(i)]

2. Nothing herein shall be construed to preclude the permittee from making changes consistent with part 71 that would render existing permit compliance terms and conditions irrelevant.

[40 CFR 71.7(e)(3)(i)]

3. Permittees must meet all requirements of part 71 for applications, public participation, and review by affected states and tribes for significant permit modifications. For the application to be determined complete, the permittee must supply all information that is required by 40 CFR 71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change.

[40 CFR 71.7(e)(3)(ii), 71.8(d), and 71.5(a)(2)]

V.L. Reopening for Cause [40 CFR 71.7(f)]

1. The permit may be reopened and revised prior to expiration under any of the following circumstances:
 - (a) Additional applicable requirements under the CAA become applicable to a major part 71 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not 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 have been extended pursuant to 40 CFR 71.7 (c)(3);
 - (b) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;
 - (c) EPA 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; or
 - (d) EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

[40 CFR 71.7(f)]

V.M. Property Rights [40 CFR 71.6(a)(6)(iv)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

V.N. Inspection and Entry [40 CFR 71.6(c)(2)]

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow EPA or an authorized representative to perform the following:

1. Enter upon the permittee's premises where a part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
4. As authorized by the CAA, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

V.O. Emergency Provisions [40 CFR 71.6(g)]

1. In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (a) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
 - (b) The permitted facility was at the time being properly operated;
 - (c) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
 - (d) The permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements for prompt notification of deviations.

[40 CFR 71.6(g)(3)]

2. In any enforcement proceeding the permittee attempting to establish the occurrence of an emergency has the burden of proof.

[40 CFR 71.6(g)(4)]

3. An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the

emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

[40 CFR 71.6(g)(1)]

V.P. Transfer of Ownership or Operation [40 CFR 71.7(d)(1)(iv)]

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if the EPA determines no other change in this permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA.

V.Q. Off Permit Changes [40 CFR 71.6(a)(12) and 40 CFR 71.6(a)(3)(ii)]

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met, and that all records required by this section are kept on site at the source for a period of 5 years:

1. Each change is not addressed or prohibited by this permit;
2. Each change shall meet with all applicable requirements and shall not violate any existing permit term or condition;
3. Changes under this provision may not include changes subject to any requirement of 40 CFR parts 72 through 78 or modifications under any provision of title I of the CAA;
4. The permittee must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under 40 CFR 71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;
5. The permit shield does not apply to changes made under this provision; and
6. The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

V.R. Permit Expiration and Renewal [40 CFR 71.5(a)(1)(iii), 71.5(a)(2), 71.5(c)(5), 71.6(a)(11), 71.7(b), 71.7(c)(1), and 71.7(c)(3)]

1. This permit shall expire upon the earlier occurrence of the following events:
 - (a) For sources other than those identified in 40 CFR 71.6(a)(11)(i), five (5) years elapses from the date of issuance; or
 - (b) The source is issued a part 70 or part 71 permit under an EPA approved or delegated permit program.

[40 CFR 71.6(a)(11)]
2. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration of this permit.

[40 CFR 71.5(a)(1)(iii)]
3. If the permittee submits a timely and complete permit application for renewal, consistent with 40 CFR 71.5(a)(2), but EPA has failed to issue or deny the renewal permit, then all the terms and conditions of the permit, including any permit shield granted pursuant to 40 CFR 71.6(f) shall remain in effect until the renewal permit has been issued or denied.

[40 CFR 71.7(c)(3)]
4. The permittee's failure to have a part 71 permit is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.

[40 CFR 71.7(b)]
5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State, and tribal review.

[40 CFR 71.7(c)(1)]
6. The application for renewal shall include the current permit number, description of permit revisions and off permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

[40 CFR 71.5(a)(2) and 71.5(c)(5)]

VI. Appendix

VI.A. Inspection Information

1. Driving Directions:

From the intersection of 9th Street and Camino Del Rio (US-550) in Durango, CO:

Drive South on Camino Del Rio (US-550).

At approximately 4.7 miles, take a right to remain on US-550.

Continue south on US-550 for approximately 11.9 additional miles.

Turn left on County Road 310.

The Bondad Recycling Center and Depository is on the left after approximately 1.9 miles.

2. Global Positioning Coordinates

Latitude: 37 degrees 3' 18.71''N

Longitude: 107 degrees 51' 45.92''W

3. Safety Considerations:

Steel toed boots, hard hat, and a safety vest.

VI.B. Equations for NMOC Calculations Referenced in Section II.C.1.

[40 CFR 60.754(a)(1)]

[Explanatory note: Both equations may be used if the actual year-to-year solid waste acceptance rate is known, as specified in Section VI.B.1., for part of the life of the landfill and the actual year-to-year solid waste acceptance rate is unknown, as specified in Section VI.B.2., for part of the life of the landfill. The values to be used in both equations are 0.02 per year for k (for arid climates with a thirty year annual average precipitation of less than 25 inches, as measured at the nearest representative official meteorologic site), 170 cubic meters per megagram for L_o , and 4,000 parts per million by volume as hexane for the C_{NMOC} . The Bondad Landfill is located in an arid climate with a thirty year annual average precipitation of less than 25 inches.]

1. The following equation shall be used if the actual year-to-year solid waste acceptance rate is known.

$$M_{NMOC} = \sum_{i=1}^n 2kL_o M_i (e^{-kt_i})(C_{NMOC})(3.6 \times 10^{-9})$$

where:

M_{NMOC} = Total NMOC emission rate from the landfill, megagrams per year

k = methane generation rate constant, year⁻¹

L_o = methane generation potential, cubic meters per megagram solid waste

M_i = mass of solid waste in the i^{th} section, megagrams

t_i = age of the i^{th} section, years

C_{NMOC} = concentration of NMOC, parts per million by volume as hexane

3.6×10^{-9} = conversion factor

The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for M_i if documentation of the nature and amount of such wastes is maintained.

[40 CFR 60.754(a)(1)(i)]

2. The following equation shall be used if the actual year-to-year solid waste acceptance rate is unknown.

$$M_{NMOC} = 2L_o R(e^{-kc} - e^{-kt})C_{NMOC}(3.6 \times 10^{-9})$$

where:

M_{NMOC} = mass emission rate of NMOC, megagrams per year

L_o = methane generation potential, cubic meters per megagram solid waste

R = average annual acceptance rate, megagrams per year

k = methane generation rate constant, year⁻¹

t = age of landfill, years

C_{NMOC} = concentration of NMOC, parts per million by volume as hexane

c = time since closure, years; for active landfill $c = 0$ and $e^{-kc} = 1$

3.6×10^{-9} = conversion factor

The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value of R , if documentation of the nature and amount of such wastes is maintained.

[40 CFR 60.754(a)(1)(ii)]

VI.C. Tier 2 NMOC Calculation Procedures for a Site-Specific NMOC Concentration
[40 CFR 60.754(a)(3)]

The following is the Tier 2 procedure that the permittee shall follow to determine the NMOC concentration.

1. The landfill owner or operator shall install at least two sample probes per hectare of landfill surface that has retained waste for at least 2 years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The sample probes should be located to avoid known areas of nondegradable solid waste. The owner or operator shall collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using Method 25 or 25C of 40 CFR part 60, Appendix A. Method 18 of 40 CFR part 60, Appendix A, may be used to analyze the samples collected by the Method 25 or 25C sampling procedure. Taking composite samples from different probes into a single cylinder is allowed; however, equal sample volumes must be taken from each probe. For each composite, the sampling rate, collection times, beginning and ending cylinder vacuums, or alternative volume measurements must be recorded to verify that composite volumes are equal. Composite sample volumes should not be less than one liter unless evidence can be provided to substantiate the accuracy of smaller volumes. Terminate compositing before the cylinder approaches ambient pressure where measurement accuracy diminishes. If using Method 18, the owner or operator must identify all compounds in the sample and, as a minimum, test for those compounds published in the most recent Compilation of Air Pollutant Emission Factors (AP-42), minus carbon monoxide, hydrogen sulfide, and mercury. As a minimum, the instrument must be calibrated for each of the compounds on the list. Convert the concentration of each Method 18 compound to C_{NMOC} as carbon to C_{NMOC} as hexane. If the landfill has an active or passive gas removal system in place, Method 25 or 25C samples may be collected from these systems instead of surface probes provided the removal system can be shown to provide sampling as representative as the two sampling probe per hectare requirement. For active collection systems, samples may be collected from the common header pipe before the gas moving or condensate removal equipment. For these systems, a minimum of three samples must be collected from the header pipe.

VI.D. Fugitive Particulate Matter Emissions Control Plan

1. Implement watering during land clearing, topsoil and overburden removal, and other material handling operations, unless natural moisture is sufficient to control fugitive particulate emissions.
2. Water stockpiles, both active and inactive, as necessary to control fugitive particulate emissions.
3. Vegetate inactive stockpiles and closed landfill surfaces within one year of disturbance.
4. Water unpaved haul roads as often as necessary to control fugitive particulate emissions.
5. Limit vehicle speeds on unpaved roads and disturbed areas to 20 mph.
6. Minimize the size of the working face.
7. Minimize the total disturbed area on-site.
8. Apply 6 inches of soil cover or alternative daily cover to disposed solid waste at the end of each operating day, or at more frequent intervals if necessary, to control fugitive particulate emissions.

The need for watering shall be based on the following criteria:

1. Visual observation
2. Surface conditions
3. Ambient temperature
4. Recent precipitation
5. Humidity
6. Wind conditions
7. Traffic volume