West Virginia Department of Environmental Protection
Division of Air Quality

Earl Ray Tomblin
Governor

Randy C. Huffman
Cabinet Secretary

Permit to Operate

Pursuant to

Title V

of the Clean Air Act

Issued to:

Northwestern Landfill, Inc.
Parkersburg
R30-10700121-2016

William F. Durham
Director

Issued: [Date of issuance] • Effective: [Equals issue date plus two weeks]
Expiration: [5 years after issuance date] • Renewal Application Due: [6 months prior to expiration]

Permit Number: **R30-10700121-2016**
Permittee: **Northwestern Landfill, Inc.**
Facility Name: **Parkersburg**
Permittee Mailing Address: **510 East Dry Run Road, Parkersburg, WV 26104**

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Facility Location:	Parkersburg, Wood County, West Virginia
Telephone Number:	(304) 428-0602
Type of Business Entity:	Corporation
Facility Description:	Northwestern Landfill is a municipal solid waste landfill that began operation in 1975. Northwestern Landfill, Inc. owns 349 acres of land bordered by US Route 50 to the North and I-77 to the West. The facility has 133.21 acres permitted for the disposal of solid waste and receives approximately 15,000 to 25,000 tons of waste per month. Waste is brought to the landfill by truck and disposed of. The waste is spread and compacted with soil placed over the active area each day for cover.
SIC Codes:	4953 Primary; None Secondary; None Tertiary
UTM Coordinates:	457.50 Easting • 4344.37 Northing • Zone 17

Permit Writer: Robert Mullins

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

Issuance of this Title V Operating Permit does not supersede or invalidate any existing permits under 45CSR13, 14 or 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V Operating Permit.

Table of Contents

1.0 Emission Units and Active R13, R14, and R19 Permits 3

2.0 General Conditions 5

3.0 Facility-Wide Requirements 14

4.0 Source-Specific Requirements for Landfill Operations 20

5.0 Source-Specific Requirements for Landfill Gas Flare (LGF-1) 27

Appendix A 31

Appendix B 32

1.0 Emission Units and Active R13, R14, and R19 Permits

1.1. Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
Landfill					
01-C1	E001	Phase 1 Area – Inactive	1991	931,000 Mg	None
01-C2	E001	North Slope Area – Closed and Capped	1975	185,250 Mg	None
01-C3	E001	Central Area – Closed and Capped	1975	775,730 Mg	None
01-C4	E001	West Slope Area – Closed and Capped	1975	354,880 Mg	None
01-A1	E001	Phase 2 Area – Active	1996	50,000 Mg	None
01-F1	E001	Phase 2 (Remaining) – Future Area	Proposed	1,620,000 Mg	None
LGF-1	LGF-1	Landfill Gas Flare	2010	3,000 cfm	None
Miscellaneous					
1-A	1-A	Diesel fuel storage tank		10,000 gal	None
1-B	1-B	Diesel fuel storage tank		6,000 gal	None
2	2	Gasoline storage tank		1,000 gal	None
3	3	Oil/Water Separator	2003	800 gal	None
4-A	4-A	Used Oil Tank	1993	2,000 gal	None
4-B	4-B	Lubricant Tank	1993	500 gal	None
4-C	4-C	Hydraulic Fluid Tank	1993	500 gal	None
4-D	4-D	Lubricant Tank	1993	275 gal	None
4-E	4-E	Hydraulic Fluid Tank	1993	275 gal	None
5-A	5-A	Antifreeze	2010	6-55 gal drums	None
5-B	5-B	Hydraulic Oil	2010	1-55 gal drum	None
6-A, 6-B	6-A, 6-B	Mobile Fuel Tank	1992	1-800 gal diesel tank 1-275 gal engine oil tank 1-275 gal hydraulic oil tank 1-275 gal antifreeze tank	None
7	7	Truck Wash	1996	2-1,600 gal sumps 1-500 gal sump 1-200 gal fuel tank	None
8	8	Leachate Sump	1995	2,250 gal	None
9	9	Leachate Sump	1995	280 gal	None
10	10	Leachate Sump	1995	2,250 gal	None
12-A	12-A	Leachate Pond No. 1	1991	750,000 gal	None
12-B	12-B	Leachate Pond No. 2	2009	500,000 gal	None
004	E004	Used Oil Burner	1995	0.5 mmbtu/hr	None

1.2. Active R13, R14, and R19 Permits

The underlying authority for any conditions from R13, R14, and/or R19 permits contained in this operating permit is cited using the original permit number (e.g. R13-1234). The current applicable version of such permit(s) is listed below.

Permit Number	Date of Issuance
R13-2592B	September 13, 2010

2.0 General Conditions

2.1. Definitions

2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.

2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.

2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to a "rolling yearly total" shall mean the sum of the monthly data, values or parameters being measured, monitored, or recorded, at any given time for the previous twelve (12) consecutive calendar months.

2.2. Acronyms

CAAA	Clean Air Act Amendments
CBI	Confidential Business Information
CEM	Continuous Emission Monitor
CES	Certified Emission Statement
C.F.R. *or* CFR	Code of Federal Regulations
CO	Carbon Monoxide
C.S.R. *or* CSR	Codes of State Rules
DAQ	Division of Air Quality
DEP	Department of Environmental Protection
FOIA	Freedom of Information Act
HAP	Hazardous Air Pollutant
HON	Hazardous Organic NESHAP
HP	Horsepower
lbs/hr *or* lb/hr	Pounds per Hour
LDAR	Leak Detection and Repair
m	Thousand
MACT	Maximum Achievable Control Technology
mm	Million
mmBtu/hr	Million British Thermal Units per Hour
mmft^3/hr *or* mmcf/hr	Million Cubic Feet Burned per Hour
NA *or* N/A	Not Applicable
NAAQS	National Ambient Air Quality Standards
NESHAPS	National Emissions Standards for Hazardous Air Pollutants
NO_x	Nitrogen Oxides
NSPS	New Source Performance Standards
PM	Particulate Matter
PM_{10}	Particulate Matter less than 10µm in diameter
pph	Pounds per Hour
ppm	Parts per Million
PSD	Prevention of Significant Deterioration
psi	Pounds per Square Inch
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO_2	Sulfur Dioxide
TAP	Toxic Air Pollutant
TPY	Tons per Year
TRS	Total Reduced Sulfur
TSP	Total Suspended Particulate
USEPA	United States Environmental Protection Agency
UTM	Universal Transverse Mercator
VEE	Visual Emissions Evaluation
VOC	Volatile Organic Compounds

2.3. Permit Expiration and Renewal

2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.
[45CSR§30-5.1.b.]

2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.
[45CSR§30-4.1.a.3.]

2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-4.1.a.3.
[45CSR§30-6.3.b.]

2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.
[45CSR§30-6.3.c.]

2.4. Permit Actions

2.4.1. 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.
[45CSR§30-5.1.f.3.]

2.5. Reopening for Cause

2.5.1. This permit shall be reopened and revised under any of the following circumstances:

a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§§30-6.6.a.1.A. or B.

b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.

c. The Secretary or U.S. 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.

d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

2.6.1. The permittee may request an administrative permit amendment as defined in and according to the procedures specified in 45CSR§30-6.4.
[45CSR§30-6.4.]

2.7. Minor Permit Modifications

2.7.1. The permittee may request a minor permit modification as defined in and according to the procedures specified in 45CSR§30-6.5.a.
[45CSR§30-6.5.a.]

2.8. Significant Permit Modification

2.8.1. The permittee may request a significant permit modification, in accordance with 45CSR§30-6.5.b., for permit modifications that do not qualify for minor permit modifications or as administrative amendments.
[45CSR§30-6.5.b.]

2.9. Emissions Trading

2.9.1. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are in accordance with all applicable requirements.
[45CSR§30-5.1.h.]

2.10. Off-Permit Changes

2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:

a. The change must meet all applicable requirements and may not violate any existing permit term or condition.

b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

c. The change shall not qualify for the permit shield.

d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.

e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.

f. No permittee may make any changes which would require preconstruction review under any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) pursuant to the provisions of 45CSR§30-5.9.

[45CSR§30-5.9.]

2.11. Operational Flexibility

2.11.1. The permittee may make changes within the facility as provided by § 502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.
[45CSR§30-5.8]

2.11.2. Before making a change under 45CSR§30-5.8., the permittee shall provide advance written notice to the Secretary and to U.S. EPA, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall thereafter maintain a copy of the notice with the permit, and the Secretary shall place a copy with the permit in the public file. The written notice shall be provided to the Secretary and U.S. EPA at least seven (7) days prior to the date that the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to such unanticipated conditions, the permittee shall provide notice to the Secretary and U.S. EPA as soon as possible after learning of the need to make the change.
[45CSR§30-5.8.a.]

2.11.3. The permit shield shall not apply to changes made under 45CSR§30-5.8., except those provided for in 45CSR§30-5.8.d. However, the protection of the permit shield will continue to apply to operations and emissions that are not affected by the change, provided that the permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The permit shield may be reinstated for emissions and operations affected by the change:

a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or

b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.

[45CSR§30-5.8.c.]

2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
[45CSR§30-2.39]

2.12. Reasonably Anticipated Operating Scenarios

2.12.1. The following are terms and conditions for reasonably anticipated operating scenarios identified in this permit.

a. Contemporaneously with making a change from one operating scenario to another, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of this permit and 45CSR30.

b. The permit shield shall extend to all terms and conditions under each such operating scenario; and

c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.

[45CSR§30-5.1.i.]

2.13. Duty to Comply

2.13.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

2.14.1. The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times (including all times in which the facility is in operation) 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 to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:

a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

2.16.1. 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. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.
[45CSR§30-5.1.f.2.]

2.17. Emergency

2.17.1. 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 preventative maintenance, careless or improper operation, or operator error.
[45CSR§30-5.7.a.]

2.17.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of 45CSR§30-5.7.c. are met.
[45CSR§30-5.7.b.]

2.17.3. The affirmative defense of emergency shall be demonstrated 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 emission standards, or other requirements in the permit; and

d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

2.17.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
[45CSR§30-5.7.d.]

2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.
[45CSR§30-5.7.e.]

2.18. Federally-Enforceable Requirements

2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.
[45CSR§30-5.2.a.]

2.18.2. Those provisions specifically designated in the permit as “State-enforceable only” shall become “Federally-enforceable” requirements upon SIP approval by the USEPA.

2.19. Duty to Provide Information

2.19.1. The permittee shall furnish to the Secretary within a reasonable time any information the Secretary 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 Secretary copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.
[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

2.20.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.
[45CSR§30-4.2.]

2.21. Permit Shield

2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.
[45CSR§30-5.6.a.]

2.21.2. Nothing in this permit shall alter or affect the following:

a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or

b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.

c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.

[45CSR§30-5.6.c.]

2.22. Credible Evidence

2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.
[45CSR§30-5.3.e.3.B. and 45CSR38]

2.23. Severability

2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.
[45CSR§30-5.1.e.]

2.24. Property Rights

2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege.
[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.

a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.

b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

[45CSR§30-5.1.d.]

2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.
[45CSR§30-5.1.a.2.]

3.0 Facility-Wide Requirements

3.1. Limitations and Standards

3.1.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]

3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]

3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.
[40 C.F.R. §61.145(b) and 45CSR34]

3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1, State-Enforceable only.]

3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.
[45CSR§11-5.2]

3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality.
[W.Va. Code § 22-5-4(a)(14)]

3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:

a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.

b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.

[40 C.F.R. 82, Subpart F]

3.1.8. **Risk Management Plan.** Should this stationary source, as defined in 40 C.F.R. § 68.3, become subject to Part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 C.F.R. § 68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.
[40 C.F.R. 68]

3.1.9. No person shall cause, suffer, allow or permit fugitive particulate matter to be discharged beyond the boundary lines of the property on which the discharge originates or at any public or residential location, which causes or contributes to statutory air pollution.
[45CSR§17-3.1]

3.1.10. The permittee shall submit a control program upon the request of the Secretary, when the permitted facility is in violation of rule 45CSR17. The Secretary may require the permittee to utilize a system to minimize fugitive particulate matter that may include, but is not limited to, the following:

a. Use, where practicable, of water or chemicals for control of particulate matter in demolition of existing buildings or structures, construction operations, grading of roads or the clearing of land;

b. Application of asphalt, water or suitable chemicals on unpaved roads, material stockpiles and other surfaces which can create airborne particulate matter;

c. Covering of material transport vehicles, or treatment of cargo, to prevent contents from dripping, sifting, leaking or otherwise escaping and becoming airborne, and prompt removal of tracked material from roads or streets.

[45CSR§§17-3.2. & 4.1.]

3.2. Monitoring Requirements

3.2.1. None.

3.3. Testing Requirements

3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.

b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit.

c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

d. The permittee shall submit a report of the results of the stack test within 60 days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:

1. The permit or rule evaluated, with the citation number and language.

2. The result of the test for each permit or rule condition.

3. A statement of compliance or non-compliance with each permit or rule condition.

[WV Code §§ 22-5-4(a)(14-15) and 45CSR13]

3.4. Recordkeeping Requirements

3.4.1. **Monitoring information.** The permittee shall keep records of monitoring information that include the following:

a. The date, place as defined in this 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 the analyses; and

f. The operating conditions existing at the time of sampling or measurement.

[45CSR§30-5.1.c.2.A., 45CSR13, R13-2592, 4.4.1.]

3.4.2. **Retention of records.** The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. 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. Where appropriate, records may be maintained in computerized form in lieu of the above records.
[45CSR§30-5.1.c.2.B., 45CSR13, R13-2592, 3.4.1.]

3.4.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.
[45CSR§30-5.1.c., State-Enforceable only.]

3.5. Reporting Requirements

3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
[45CSR§§30-4.4. *and* 5.1.c.3.D.]

3.5.2. A permittee may request confidential treatment for the submission of reporting required under 45CSR§30-5.1.c.3. pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
[45CSR§30-5.1.c.3.E.]

3.5.3. Except for the electronic submittal of the annual certification to the USEPA as required in 3.5.5 below, all notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, mailed first class or by private carrier with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street SE
Charleston, WV 25304

Phone: 304/926-0475
FAX: 304/926-0478

If to the US EPA:

Associate Director
Office of Air Enforcement and Compliance Assistance (3AP20)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.
[45CSR§30-8.]

3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The annual certification to the USEPA shall be submitted in electronic format only. It shall be submitted by e-mail to the following address: R3_APD_Permits@epa.gov. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.
[45CSR§30-5.3.e.]

3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4.
[45CSR§30-5.1.c.3.A.]

3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.

3.5.8. **Deviations.**

a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:

1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.

2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.

3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.

4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary. **[45CSR§30-5.1.c.3.B.]**

3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement.
[45CSR§30-4.3.h.1.B.]

3.6. Compliance Plan

3.6.1. None

3.7. Permit Shield

3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.

3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.

a. **40 CFR 60, Subpart Kb –** All of the tanks at this facility were constructed after July 23, 1984 but have a design capacity less than 75 m^3. Therefore, none of the tanks at this facility are subject to 40 C.F.R. 60 Subpart Kb.

b. **40CFR§60.757(a)(3):** The design capacity of this facility is greater than 2.5 million megagrams and 2.5 million cubic meters. Therefore, amended design capacity reports are not required.

c. **40 C.F.R. 64 – Compliance Assurance Monitoring**. This facility does not have a pollutant specific emissions unit with a control device used to meet an applicable standard or limit. Therefore, the facility is not subject to the Compliance Assurance Monitoring (CAM) rule.

4.0 Source-Specific Requirements for Landfill Operations [Emission Unit IDs: 01-C1, 01-C2, 01-C3, 01-C4, 01-A1, 01-F1]

4.1. Limitations and Standards

4.1.1. **Requirements When Reported NMOC Emission Rate is ≥ 50 Mg/yr.** - If the reported nonmethane organic compounds (NMOC) emission rate, in the initial, annual or revised 5-year report, is equal to or exceeds 50 megagrams per year, the permittee shall:

a. Submit a Landfill Gas (LFG) collection and control system design plan prepared by a professional engineer within 1 year of the NMOC emission report in compliance with 40 C.F.R. § 60.752 (b) (2), or

b. Within 180 days of the emission rate report, demonstrate, using a site specific NMOC concentration (Tier 2), that NMOC emissions do not equal or exceed 50 megagrams per year, submit a revised NMOC emission rate report, resume annual NMOC emission rate reporting, and retest the site specific NMOC concentration every 5 years. This shall be completed in accordance with 40 C.F.R. § 60.754 (a) (3).

Reporting requirements shall be completed as stated in 4.5.1 and 4.5.2.

[45CSR23, 40 C.F.R. § 60.757, 40 C.F.R. § 60.754 (a) (3)]

4.1.2. **Requirements When Reported NMOC Emission Rate is ≥ 50 Mg/yr**. (when using site specific C_{NMOC}) - If, using a site specific NMOC concentration, the NMOC emission rate is equal to or exceeds 50 megagrams per year, the permittee shall:

a. Submit a Landfill Gas (LFG) collection and control system design plan prepared by a professional engineer within 1 year of the NMOC emission report in compliance with 40 C.F.R. § 60.752 (b) (2), or

b. Within 1 year of the emission rate report, demonstrate using a site specific methane generation constant (Tier 3), that NMOC emissions do not equal or exceed 50 megagrams per year, submit a revised NMOC emission rate report and resume annual NMOC emission rate reporting. This shall be completed in accordance with 40 C.F.R. § 60.754 (a) (4).

Reporting requirements shall be completed as stated in 4.5.1 and 4.5.2.

[45CSR23, 40 C.F.R. § 60.757, 40 C.F.R. § 60.754 (a) (4)]

4.1.3. Within 30 months of the first annual emission rate report in which the emission rate equals or exceeds 50 megagrams per year of NMOC and the permittee cannot demonstrate compliance with Tier 2 or Tier 3 calculations, the permittee shall install a landfill gas collection and control system which conforms to 40 C.F.R. § 60.759 and

a. Is designed to handle the maximum expected gas flow rate from the entire area of the landfill;

b. Collects gas from each area, cell or group of cells in which initial solid waste has been in place for a period of:

1. 5 years or more if active; or

2. 2 years or more if closed or at final grade;

c. Operate the collection system with negative pressure at each wellhead except conditions identified under 40 C.F.R. § 60.753 (b).

d. Operate each interior wellhead in the collection system with a landfill gas temperature less than 55 ^{o}C and with either nitrogen level less than 20 percent or an oxygen level less than 5 percent. The owner or operator may establish higher value if they show supporting data that the elevated parameters does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

e. Collects gas at a sufficient extraction rate;

f. Is designed to minimize off-site migration of subsurface gas;

g. Reduces NMOC by 98 weight percent or for an enclosed combustion device, either reduces NMOC by 98 weight percent or reduces the outlet concentration to less than 20 ppmv, dry as hexane, at 3 percent oxygen;

h. Maintains the methane concentration at the surface of the landfill at less than 500 ppmv above the background level.

[45CSR23, 40 C.F.R. § 60.752, 40 C.F.R. § 60.753]

4.1.4. **LFG Collection and Control System Design Plan -** The landfill gas collection and control design plan shall be submitted to the Division of Air Quality within one year after submitting the NMOC emission rate report, reporting an NMOC emission rate which equals or exceeds 50 megagrams per year.

a. If the permittee is required to install a gas collection and control system, the permittee shall apply for a Title V operating permit significant permit revision within 90 days of the date of the approval of the gas collection and control plan.

[45CSR23, 40 C.F.R. § 60.757 (c)]

4.1.5. This facility is subject to 40 C.F.R. 63 Subpart AAAA and must meet the following compliance dates:

a. If your landfill is a new affected source, you must comply with this subpart by January 16, 2003 or at the time you begin operating, whichever is last.
[40 C.F.R. §63.1945(a)](01-F1)

b. If your landfill is an existing affected source, you must comply with this subpart by January 16, 2004.
[40 C.F.R. §63.1945(b)](01-C1, 01-C2, 01-C3, 01-C4, 01-A1)

c. If your landfill is a new affected source and is an area source meeting the criteria in 40 C.F.R. §63.1935(a)(3), you must comply with the requirements of 40 C.F.R. §§63.1955(b) and 63.1960 through 63.1980 by the date your landfill is required to install a collection and control system by 40 CFR 60.752(b)(2) of subpart WWW.
[40 C.F.R. §63.1945(e)](01-F1)

d. If your landfill is an existing affected source and is an area source meeting the criteria in 40 C.F.R. §63.1935(a)(3), you must comply with the requirements in 40 C.F.R. §§63.1955(b) and 63.1960

through 63.1980 by the date your landfill is required to install a collection and control system by 40 CFR §60.752(b)(2) of subpart WWW, the Federal plan, or EPA approved and effective State or tribal plan that applies to your landfill or by January 16, 2004, whichever occurs later.
[40 C.F.R. §63.1945(f)](01-C1, 01-C2, 01-C3, 01-C4, 01-A1)

[45CSR34, 40 C.F.R. §63.1945]

4.1.6. The permittee must comply with the requirements of 40 CFR part 60, subpart WWW.
[45 CSR34, 40 C.F.R. §63.1955(a)(1)]

4.1.7. If you are required by 40 CFR §60.752(b)(2) of subpart WWW, the Federal plan, or an EPA approved and effective State or tribal plan to install a collection and control system, you must comply with the requirements in 40 C.F.R. §§63.1960 through 63.1985 and with the general provisions of 40 C.F.R. Part 63 specified in Table 1 of 40 C.F.R. 63 Subpart AAAA.
[45 CSR34, 40 C.F.R. §63.1955(b)]

4.1.8. Each owner or operator of an active waste disposal site that receives asbestos-containing waste material from a source covered under 40 C.F.R.§§61.149, 61.150, or 61.155 shall meet the following requirements:

a. Either there must be no visible emissions to the outside air from any active waste disposal site where asbestos-containing waste material has been deposited, or the requirements of 4.1.8.c or 4.1.8.d. must be met.

b. Unless a natural barrier adequately deters access by the general public, either warning signs and fencing must be installed and maintained as follows, or the requirements of 4.1.8.c.1. must be met.

1. Warning signs must be displayed at all entrances and at intervals of 100 m (330 ft) or less along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material is deposited. The warning signs must:

i. Be posted in such a manner and location that a person can easily read the legend; and

ii. Conform to the requirements of 51 cm × 36 cm (20″ × 14″) upright format signs specified in 29 CFR 1910.145(d)(4) and this paragraph; and

iii. Display the following legend in the lower panel with letter sizes and styles of a visibility at least equal to those specified in this paragraph.

Legend	**Notation**
Asbestos Waste Disposal Site	2.5 cm (1 inch) Sans Serif, Gothic or Block.
Do Not Create Dust	1.9 cm (3/4 inch) Sans Serif, Gothic or Block.
Breathing Asbestos is Hazardous to Your Health	14 Point Gothic.

Spacing between any two lines must be at least equal to the height of the upper of the two lines.

2. The perimeter of the disposal site must be fenced in a manner adequate to deter access by the general public.

3. Upon request and supply of appropriate information, the Secretary will determine whether a fence or a natural barrier adequately deters access by the general public.

c. Rather than meet the no visible emission requirement of 4.1.8.a, at the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, the asbestos-containing waste material that has been deposited at the site during the operating day or previous 24-hour period shall:

1. Be covered with at least 15 centimeters (6 inches) of compacted nonasbestos-containing material, or

2. Be covered with a resinous or petroleum-based dust suppression agent that effectively binds dust and controls wind erosion. Such an agent shall be used in the manner and frequency recommended for the particular dust by the dust suppression agent manufacturer to achieve and maintain dust control. Other equally effective dust suppression agents may be used upon prior approval by the Secretary. For purposes of this paragraph, any used, spent, or other waste oil is not considered a dust suppression agent.

d. Rather than meet the no visible emission requirement of 4.1.8.a, use an alternative emissions control method that has received prior written approval by the Secretary according to the procedures described in 40 C.F.R. §61.149(c)(2).

e. For all asbestos-containing waste material received, the owner or operator of the active waste disposal site shall:

1. Maintain waste shipment records, using a form similar to that shown in Appendix B, and include the following information:

i. The name, address, and telephone number of the waste generator.

ii. The name, address, and telephone number of the transporter(s).

iii. The quantity of the asbestos-containing waste material in cubic meters (cubic yards).

iv. The presence of improperly enclosed or uncovered waste, or any asbestos-containing waste material not sealed in leak-tight containers. Report in writing to the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the waste generator (identified in the waste shipment record), and, if different, the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the disposal site, by the following working day, the presence of a significant amount of improperly enclosed or uncovered waste. Submit a copy of the waste shipment record along with the report.

v. The date of the receipt.

2. As soon as possible and no longer than 30 days after receipt of the waste, send a copy of the signed waste shipment record to the waste generator.

3. Upon discovering a discrepancy between the quantity of waste designated on the waste shipment records and the quantity actually received, attempt to reconcile the discrepancy with the waste generator. If the discrepancy is not resolved within 15 days after receiving the waste, immediately

report in writing to the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the waste generator (identified in the waste shipment record), and, if different, the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the disposal site. Describe the discrepancy and attempts to reconcile it, and submit a copy of the waste shipment record along with the report.

4. Retain a copy of all records and reports required by this paragraph for at least 2 years.

f. Maintain, until closure, records of the location, depth and area, and quantity in cubic meters (cubic yards) of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area.

g. Upon closure, comply with all the provisions of 40 C.F.R. §61.151.

h. Submit to the Secretary, upon closure of the facility, a copy of records of asbestos waste disposal locations and quantities.

i. Furnish upon request, and make available during normal business hours for inspection by the Secretary, all records required under this section.

j. Notify the Secretary in writing at least 45 days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at a waste disposal site and is covered. If the excavation will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Administrator at least 10 working days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification. Include the following information in the notice:

1. Scheduled starting and completion dates.

2. Reason for disturbing the waste.

3. Procedures to be used to control emissions during the excavation, storage, transport, and ultimate disposal of the excavated asbestos-containing waste material. If deemed necessary, the Administrator may require changes in the emission control procedures to be used.

4. Location of any temporary storage site and the final disposal site.

[45CSR34, 40 C.F.R. §61.154]

4.2. Monitoring Requirements

4.2.1. None.

4.3. Testing Requirements

4.3.1. None.

4.4. Recordkeeping Requirements

4.4.1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. These records shall include:

a. Current maximum design capacity, current amount of refuse in place, and year by year refuse accumulation rates.

b. Description, location, amount, and placement date of all asbestos-containing or nondegradable waste excluded from gas collection as provided in 40 C.F.R. § 60.759 (a) (3) (i) as well as any non-productive areas excluded from collection as provided in 40 C.F.R. § 60.759 (a) (3) (ii).

c. Installation date and location of all vents, wells and flares.

These records shall be available on site for inspection by the Division of Air Quality and shall be current for the most recent five (5) years.

[45CSR23, 40 C.F.R. § 60.758]

4.5. Reporting Requirements

4.5.1. **Annual NMOC Emission Report** - Not later than July 1 of each year, unless the permittee elects to submit a five-year NMOC emission rate report, the permittee must submit an annual NMOC emission rate report to the Division of Air Quality. The NMOC emission rate shall be calculated in accordance with the methodology contained in 40 C.F.R. §60.754 (a) (1). The report shall include all data, calculations, sample reports and measurements used to estimate the emissions.
[45CSR23, 40 C.F.R § 60.757 (b)]

4.5.2. **5-year NMOC Report** - If the estimated NMOC emission rate, as presented in the annual report is less than 50 Mg/yr in each of the next five consecutive years following the initial NMOC report, the permittee may elect to submit an estimate of the NMOC emission rate for the next five year period in lieu of the annual report. The estimate shall include the following:

a. Current amount of the solid waste in place, and

b. The estimated waste acceptance rate for each year of the five years for which an NMOC emission rate is estimated.

The NMOC emission rate shall be calculated in accordance with the methodology contained in 40 C.F.R. §60.754 (a) (1). All data, calculations, sample reports and measurements upon which the estimate is based shall be presented with the report to the Division of Air Quality. The estimate shall be revised at least every five (5) years.

[45CSR23, 40 C.F.R. § 60.757 (b) (1) (ii)]

4.5.3. **Revision of 5-year NMOC Report** - 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 the Division of Air Quality. The revised estimate shall cover the five year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate and shall be submitted within 180 days of the first exceedance of the estimated waste acceptance rate.
[45CSR23, 40 C.F.R. § 60.757 (b) (1) (ii)]

4.5.4. **Closure Report** - The permittee shall submit a closure report to the Division of Air Quality within 30 days of the date the MSW landfill stopped accepting waste.
[45CSR23, 40 C.F.R. § 60.758 and 40 C.F.R. § 60.757 (d)]

4.6. Compliance Plan

4.6.1. None.

5.0 Source-Specific Requirements for Landfill Gas Flare (LGF-1)

5.1. Limitations and Standards

5.1.1. The active landfill gas collection system and non-assisted flare identified as LGF-1 shall be installed, operated and maintained in accordance with the following:

a. Emissions from LGF-1 shall not exceed any of the limits listed in Table 5.1.1.a.;

Table 5.1.1.a. - Emission Limits from LGF-1

Pollutant	Emission Rate	
	Lb/hr	TPY
$PM/PM_{10}/PM_{2.5}$	1.53[1]	6.7
SO_2	1.49	6.5
NO_x	6.20	27.2
CO	33.73	147.8
VOCs	0.48	2.1
HCl	1.26	5.5

[1]Compliance with this PM emission limit ensures compliance with the less stringent limit in 45CSR§6-4.1

b. The annual amount of landfill gas flared by LGF-1 shall not exceed 1,576.8 MMscf per year;

c. The permittee shall install and maintain a device/system that continuously measures and records the total amount of landfill gas routed to the flare at all times;

d. The flare shall be operated with a flame present at all times while landfill gas is routed to the flare. The presence of a flare pilot light or flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame;

e. The gas collection system and flare shall be designed and installed in accordance with "Good Engineering Practices" ; and

f. The LGF-1 flare shall be operated with no visible emissions, except for periods not to exceed a total of five minutes during any two consecutive hours. Compliance with this limit will ensure compliance with the less stringent limit in 45CSR§6-4.3.

[45CSR13, R13-2592, 4.1.1., 45CSR §§6-4.1 and 4.3]

5.1.2. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.
[45CSR13, R13-2592, 4.1.2., 45CSR§13-5.11.]

5.2. Monitoring Requirements

5.2.1. For the purpose of determining compliance with the visible emissions limits of 5.1.1.f. , the permittee shall conduct visible emission checks of the LGF-1 flare within 60 days after start-up of the flare in accordance with this condition. The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40 C.F.R. Part 60, Appendix A, Method 22 or from the lecture portion of the 40 C.F.R. Part 60, Appendix A, Method 9 certification course.

Visible emission checks shall be conducted at least once per calendar month with a maximum of forty-five (45) days between consecutive readings. These checks shall be performed at each source flare for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Visible emission checks shall be performed during periods of normal facility operation and appropriate weather conditions

If visible emissions are present at a source(s) for three (3) consecutive monthly checks, the permittee shall conduct an opacity reading at that source(s) using the procedures and requirements of Method 9 as soon as practicable, but within seventy-two (72) hours of the final visual emission check. A Method 9 observation at a source(s) restarts the count of the number of consecutive readings with the presence of visible emissions.
[45CSR13, R13-2592, 4.2.1.]

5.2.2. In order to demonstrate compliance with the continuous flame requirements of 5.1.1.d., the permittee shall monitor the presence or absence of a flame using a thermocouple or any other equivalent device.
[45CSR13, R13-2592, 4.2.2.]

5.2.3. The permittee shall record the total amount of landfill gas routed to LGF-1 on a monthly basis and determine the 12-month rolling total to demonstrate compliance with the limits set forth in 5.1.1.b. and to determine actual emissions. Records of such monitoring shall be maintained in accordance with 3.4.2. of this permit.
[45CSR13, R13-2592, 4.2.3.]

5.3. Testing Requirements

5.3.1. None.

5.4. Recordkeeping Requirements

5.4.1. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
[45CSR13, R13-2592, 4.4.2.]

5.4.2. **Record of Malfunctions of Air Pollution Control Equipment**. For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

a. The equipment involved.

b. Steps taken to minimize emissions during the event.

c. The duration of the event.

d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

e. The cause of the malfunction.

f. Steps taken to correct the malfunction.

g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

[45CSR13, R13-2592, 4.4.3.]

5.4.3. The permittee shall maintain records of all monitoring data required by 5.2.1., documenting the date and time of each visible emission check, the emission point or equipment/source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The permittee shall also record the general weather conditions (i.e. sunny, approximately 80°F, 6 - 10 mph NE wind) during the visible emission check(s). An example form is supplied as Appendix A of this permit. For an emission unit out of service during the normal monthly evaluation, the record of observation may note "out of service" (O/S) or equivalent.
[45CSR13, R13-2592, 4.4.4.]

5.4.4. For the purpose of demonstrating compliance with section 5.1.1.d. and 5.2.2, the permittee shall maintain records of the times and duration of all periods which the flame was absent. This condition is only applicable to the active gas collection system flare identified as LGF-1. Said records shall be maintained in accordance with 3.4.2. of this permit.
[45CSR13, R13-2592, 4.4.5.]

5.4.5. For the purpose of demonstrating compliance with condition 5.1.1.f., the permittee shall maintain records of the visible emission opacity tests conducted. Said records shall be maintained on-site or in a readily accessible off-site location maintained in accordance with 3.4.2. of this permit.
[45CSR13, R13-2592, 4.4.6.]

5.4.6. The permittee shall keep records of the date when any flare(s) is placed in operation, taken out of operation and the identification of the specific flare. Such records shall be maintained in accordance with 3.4.2. of this permit.
[45CSR13, R13-2592, 4.4.7.]

5.5. Reporting Requirements

5.5.1. Any exceedances of the allowable visible emission requirement for any emission source discovered during observations using 40 C.F.R. Part 60, Appendix A, Method 22 must be reported in writing to the Director of the Division of Air Quality as soon as practicable, but within ten (10) calendar days, of the occurrence and shall include, at a minimum, the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the violation(s), and any corrective measures taken or planned.
[45CSR13, R13-2592B, 4.5.1.]

5.5.2. The permittee shall submit the results of any testing/assessment conducted as a requirement of this permit to the Director within 60 days after conducting such testing.
[45CSR13, R13-2592B, 4.5.2]

5.6. Compliance Plan

5.6.1. None.

Appendix A

Date of Observation: _____
Date Entered by: _____
Reviewed by: _____
Date Reviewed: _____
General Weather Conditions:_____

Emission Point ID	Description of Emission Point	Time of Observation	Visible Emissions (Yes/No)	Consecutive Months of Visible Emissions	Comments

Appendix B

Generator	1. Work site name and mailing address	Owner's name	Owner's telephone no.
	2. Operator's name and address		Operator's telephone no.
	3. Waste disposal site (WDS) name, mailing address, and physical site location		WDS phone no.
	4. Name, and address of responsible agency		
	5. Description of materials	6. Containers No. Type	7. Total quantity m^3 (yd^3)
	8. Special handling instructions and additional information		
	9. OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.		
	Printed/typed name & title	Signature	Month Day Year
Transporter	10. Transporter 1 (Acknowledgment of receipt of materials)		
	Printed/typed name & title Address and telephone no.	Signature	Month Day Year
	11. Transporter 2 (Acknowledgment of receipt of materials)		
	Printed/typed name & title Address and telephone no.	Signature	Month Day Year
Disposal Site	12. Discrepancy indication space		
	13. Waste disposal site owner or operator: Certification of receipt of asbestos materials covered by this manifest except as noted in item 12.		
	Printed/typed name & title	Signature	Month Day Year

(Continued)

Figure 4. Waste Shipment Record

INSTRUCTIONS

Waste Generator Section (Items 1-9)

1. Enter the name of the facility at which asbestos waste is generated and the address where the facility is located. In the appropriate spaces, also enter the name of the owner of the facility and the owner's phone number.

2. If a demolition or renovation, enter the name and address of the company and authorized agent responsible for performing the asbestos removal. In the appropriate spaces, also enter the phone number of the operator.

3. Enter the name, address, and physical site location of the waste disposal site (WDS) that will be receiving the asbestos materials. In the appropriate spaces, also enter the phone number of the WDS. Enter "on-site" if the waste will be disposed of on the generator's property.

4. Provide the name and address of the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program.

5. Indicate the types of asbestos waste materials generated. If from a demolition or renovation, indicate the amount of asbestos that is

   - Friable asbestos material
   - Nonfriable asbestos material

6. Enter the number of containers used to transport the asbestos materials listed in item 5. Also enter one of the following container codes used in transporting each type of asbestos material (specify any other type of container used if not listed below):

   DM - Metal drums, barrels
   DP - Plastic drums, barrels
   BA - 6 mil plastic bags or wrapping

7. Enter the quantities of each type of asbestos material removed in units of cubic meters (cubic yards).

8. Use this space to indicate special transportation, treatment, storage or disposal or Bill of Lading information. If an alternate waste disposal site is designated, note it here. Emergency response telephone numbers or similar information may be included here.

9. The authorized agent of the waste generator must read and then sign and date this certification. The date is the date of receipt by transporter.

NOTE: The waste generator must retain a copy of this form.

(continued)

Figure 4. Waste Shipment Record

Transporter Section (Items 10 & 11)

10. & 11. Enter name, address, and telephone number of each transporter used, if applicable. Print or type the full name and title of person accepting responsibility and acknowledging receipt of materials as listed on this waste shipment record for transport. Enter date of receipt and signature.

NOTE: The transporter must retain a copy of this form.

Disposal Site Section (Items 12 & 13)

12. The authorized representative of the WDS must note in this space any discrepancy between waste described on this manifest and waste actually received as well as any improperly enclosed or contained waste. Any rejected materials should be listed and destination of those materials provided. A site that converts asbestos-containing waste material to nonasbestos material is considered a WDS.

13. The signature (by hand) of the authorized WDS agent indicates acceptance and agreement with statements on this manifest except as noted in item 12. The date is the date of signature and receipt of shipment.

NOTE: The WDS must retain a completed copy of this form. The WDS must also send a completed copy to the operator listed in item 2.

Figure 4. Waste Shipment Record