



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502  
www.deq.idaho.gov

C.L. "Butch" Otter, Governor  
John H. Tippetts, Director

November 8, 2017

Ted Hutchinson  
Deputy Solid Waste Director  
Ada County Solid Waste Department  
10300 North Seamans Gulch Road  
Boise, ID 83714

RE: Facility ID No. 001-00195, Ada County Landfill, Boise  
Final Tier I Operating Permit Letter

Dear Mr. Hutchinson:

The Department of Environmental Quality (DEQ) is issuing Tier I Operating Permit No. T1-2017.0015 Project 61858 to Ada County Landfill in accordance with IDAPA 58.01.01.300 through 386, Rules for the Control of Air Pollution in Idaho (Rules).

The enclosed permit is effective immediately, summarizes the applicable requirements for your facility, and requires an annual compliance certification for all emissions units. This permit replaces Tier I Operating Permit No. T1-2015.0014 Project 61501, issued June 25, 2015. The enclosed operating permit is based on the information contained in your permit application received on March 3, 2017. Modifications to and/or renewal of this operating permit shall be requested in a timely manner in accordance with the Rules.

In order to fully understand the compliance requirements of this permit, DEQ highly recommends that you schedule a meeting with J.R. Fuentes, Title V Source Inspector, at (208) 373-0550 to review and discuss the terms and conditions of this permit. Should you choose to schedule this meeting, DEQ recommends the following representatives attend the meeting: your facility's plant manager, responsible official, environmental contact, and any other staff responsible for day-to-day compliance with permit conditions.

Pursuant to IDAPA 58.01.23, you, as well as any other entity, may have the right to appeal this final agency action within 35 days of the date of this decision. However, prior to filing a petition for a contested case, I encourage you to call Morrie Lewis at 208 373-0502 or [Morrie.Lewis@deq.idaho.gov](mailto:Morrie.Lewis@deq.idaho.gov) to address any questions or concerns you may have with the enclosed permit.

Sincerely,

A handwritten signature in black ink that reads "Mike Simon".

Mike Simon  
Stationary Source Program Manager  
Air Quality Division

MS/ML Permit No. T1-2017.0015 Project 61858

Enclosure

# Air Quality

## TIER I OPERATING PERMIT

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|                          |   |
|--------------------------|---|
| <b>Permittee</b>         | Ada County Landfill (Hidden Hollow Energy Operations) |
| <b>Permit Number</b>     | T1-2017.0015  |
| <b>Project ID</b>        | 61858   |
| <b>Facility ID</b>       | 001-00195   |
| <b>Facility Location</b> | 10300 North Seamans Gulch Road<br>Boise, ID 83714     |

### Permit Authority

This permit (a) is issued according to the "Rules for the Control of Air Pollution in Idaho" (Rules) (IDAPA 58.01.01.300–386) (b) incorporates all applicable terms and conditions of prior air quality permits issued by the Idaho Department of Environmental Quality (DEQ) for the permitted source, unless the permittee emits toxic pollutants subject to state-only requirements pursuant to IDAPA 58.01.01.210 and the permittee elects not to incorporate those terms and conditions into this operating permit.

The permittee shall comply with the terms and conditions of this permit. The effective date of this permit is the date of signature by DEQ on this cover page.

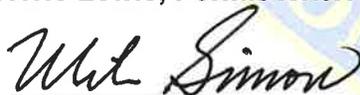
**Date Issued** November 8, 2017

**Date Expires** November 8, 2022



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Morrie Lewis, Permit Writer



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Mike Simon, Stationary Source Manager

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# 1 Acronyms, Units, and Chemical Nomenclature

|                   |  |
|-------------------|--|
| ACLF              | Ada County Landfill  |
| ASTM              | American Society for Testing and Materials   |
| Btu               | British thermal unit   |
| CAA               | Clean Air Act  |
| CAM               | Compliance Assurance Monitoring  |
| CEMS              | continuous emission monitoring systems   |
| cfm               | cubic feet per minute  |
| CFR               | Code of Federal Regulations  |
| CI                | compression ignition   |
| CMS               | continuous monitoring systems  |
| CO                | carbon monoxide  |
| CO <sub>2</sub>   | carbon dioxide   |
| CO <sub>2</sub> e | CO <sub>2</sub> equivalent emissions   |
| COMS              | continuous opacity monitoring systems  |
| DEQ               | Idaho Department of Environmental Quality  |
| EPA               | United States Environmental Protection Agency  |
| GHG               | greenhouse gases   |
| gr                | grains (1 lb = 7,000 grains)   |
| H <sub>2</sub> S  | hydrogen sulfide   |
| HAP               | hazardous air pollutants   |
| HHC               | Hidden Hollow Cell   |
| HHE               | Hidden Hollow Energy, LLC  |
| hp                | horsepower   |
| hr/yr             | hours per consecutive 12-calendar-month period   |
| ICE               | internal combustion engines  |
| IDAPA             | a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act |
| lb/hr             | pounds per hour  |
| LFG               | landfill gas   |
| MACT              | Maximum Achievable Control Technology  |
| MMBtu             | million British thermal units  |
| MMscf             | million standard cubic feet  |
| MRRR              | Monitoring, Recordkeeping and Reporting Requirements   |
| MSW               | municipal solid waste  |
| NESHAP            | National Emission Standards for Hazardous Air Pollutants   |
| NMOC              | nonmethane organic compounds   |
| NO <sub>2</sub>   | nitrogen dioxide   |
| NO <sub>x</sub>   | nitrogen oxides  |
| NRC               | North Ravine Cell  |
| NSPS              | New Source Performance Standards   |
| O <sub>2</sub>    | oxygen   |
| O&M               | operation and maintenance  |
| PM                | particulate matter   |
| PM <sub>2.5</sub> | particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers                                      |
| PM <sub>10</sub>  | particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers                                       |
| ppm               | parts per million  |

|                 |   |
|-----------------|---|
| ppmv            | parts per million by volume                     |
| ppmw            | parts per million by weight                     |
| PSD             | Prevention of Significant Deterioration         |
| PTC             | permit to construct                             |
| RICE            | reciprocating internal combustion engines       |
| Rules           | Rules for the Control of Air Pollution in Idaho |
| scfm            | standard cubic feet per minute                  |
| SIP             | State Implementation Plan                       |
| SO <sub>2</sub> | sulfur dioxide                                  |
| SSM             | startup, shutdown, and malfunction              |
| T/yr            | tons per consecutive 12-calendar-month period   |
| T1              | Tier 1 operating permit                         |
| ULSD            | ultra low sulfur diesel                         |
| U.S.C.          | United States Code                              |
| VOC             | volatile organic compound                       |

## 2 Permit Scope

### Purpose

- 2.1 This Tier I operating permit establishes facility-wide requirements in accordance with the Idaho State Implementation Plan control strategy and the Rules. Ada County Landfill's Hidden Hollow Energy Operations and landfill operations are considered one single Tier I major facility. Ada County Landfill's Tier I permit is issued in two sections, with one section addressing landfill operations and the other section addressing Hidden Hollow Energy operations. This document is the Hidden Hollow Energy Operations section of the Tier I permit.
- 2.2 This Tier I operating permit incorporates the following permits:
- Permit to Construct No. P-2009.0001 Project 61360, issued April 15, 2015
- 2.3 This Tier I operating permit replaces the following permit:
- Tier I Operating Permit No. T1-2015.0014 Project 61501, issued June 25, 2015

### Regulated Sources

- 2.4 Table 2.1 lists all sources of regulated emissions in this permit.

Table 2.1 Regulated Sources

| Permit Section | Source                                  | Control Equipment                          |
|----------------|---|--|
| 3, 4           | Landfill Gas Engines #1, #2, #3, and #4 | H <sub>2</sub> S scrubber treatment system |

### 3 Facility-Wide Conditions

3.1 Table 3.1 contains a summary of requirements that apply generally to emissions units at the facility.

**Table 3.1 Applicable Requirements Summary**

| Permit Conditions | Parameter  | Limit/Standard Summary   | Applicable Requirements Reference | Monitoring, Recordkeeping, and Reporting Requirements |
|-------------------|--|--|-----------------------------------|---|
| 3.2–3.5           | Fugitive Dust                                      | Reasonable control   | IDAPA 58.01.01.650–651            | 3.3–3.5, 3.24, 3.29                                   |
| 3.6–3.7           | Odors  | Reasonable control   | IDAPA 58.01.01.775–776            | 3.7, 3.24, 3.29                                       |
| 3.8–3.10          | Visible Emissions                                  | 20% opacity for no more than 3 minutes in any 60-minute period                                     | IDAPA 58.01.01.625                | 3.9–3.10, 3.24, 3.29                                  |
| 3.11–3.15         | Excess Emissions                                   | Compliance with IDAPA 58.01.01.130-136   | IDAPA 58.01.01.130–136            | 3.11–3.15, 3.24, 3.29                                 |
| 3.16–3.17         | Sulfur Content                                     | ASTM grade No. 1 fuel oil $\leq$ 0.3% by weight<br>ASTM grade No. 2 fuel oil $\leq$ 0.5% by weight | IDAPA 58.01.01.725                | 3.17, 3.24, 3.29                                      |
| 3.18              | Open Burning                                       | Compliance with IDAPA 58.01.01.600-623   | IDAPA 58.01.01.600–623            | 3.18, 3.24, 3.29                                      |
| 3.19              | Asbestos   | Compliance with 40 CFR 61, Subpart M   | 40 CFR 61, Subpart M              | 3.19, 3.24, 3.29                                      |
| 3.20              | Accidental Release Prevention                      | Compliance with 40 CFR 68  | 40 CFR 68                         | 3.20, 3.24, 3.29                                      |
| 3.21              | Recycling and Emissions Reductions                 | Compliance with 40 CFR 82, Subpart F   | 40 CFR 82, Subpart F              | 3.21, 3.24, 3.29                                      |
| 3.22, 3.23        | NSPS/NESHAP General Provisions                     | Compliance with 40 CFR 60 Subpart A and 40 CFR 63 Subpart A  | IDAPA 58.01.01.107.03             | 3.22, 3.23, 3.24, 3.29                                |
| 3.24              | Monitoring and Recordkeeping                       | Maintenance of required records  | IDAPA 58.01.01.322.06             | 3.24, 3.29  |
| 3.25–3.28         | Testing  | Compliance testing   | IDAPA 58.01.01.157                | 3.25–3.28, 3.24, 3.29                                 |
| 3.29              | Reports and Certifications                         | Submittal of required reports, notifications, and certifications                                   | IDAPA 58.01.01.322.08             | 3.29  |
| 3.30              | Incorporation of Federal Requirements by Reference | Compliance with applicable federal requirements referenced   | IDAPA 58.01.01.107                | 3.30  |

## Fugitive Dust

- 3.2 All reasonable precautions shall be taken to prevent particulate matter (PM) from becoming airborne in accordance with IDAPA 58.01.01.650–651. In determining what is reasonable, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions that might affect the movement of PM. Some of the reasonable precautions include, but are not limited to, the following:
- Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of lands.
  - Application, where practical, of asphalt, water, or suitable chemicals to, or covering of, dirt roads, material stockpiles, and other surfaces which can create dust.
  - Installation and use, where practical, of hoods, fans, and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.
  - Covering, where practical, of open-bodied trucks transporting materials likely to give rise to airborne dusts.
  - Paving of roadways and their maintenance in a clean condition, where practical.
  - Prompt removal of earth or other stored material from streets, where practical.
- [IDAPA 58.01.01.650–651, 4/11/15; PTC No. P-2009.0001, 4/15/15]
- 3.3 The permittee shall monitor and maintain records of the frequency and the method(s) used (e.g., water, chemical dust suppressants) to reasonably control fugitive emissions.  
[IDAPA 58.01.01.322.06, 07, 5/1/94]
- 3.4 The permittee shall maintain records of all fugitive dust complaints received. The permittee shall take appropriate corrective action as expeditiously as practicable after receiving of a valid complaint. The records shall include, at a minimum, the date that each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.  
[IDAPA 58.01.01.322.06, 07, 5/1/94]
- 3.5 The permittee shall conduct a monthly facility-wide inspection of potential sources of fugitive emissions during daylight hours and under normal operating conditions to ensure that the methods used to reasonably control fugitive emissions are effective. If fugitive emissions are not being reasonably controlled, the permittee shall take corrective action as expeditiously as practicable. The permittee shall maintain records of the results of each fugitive emissions inspection. The records shall include, at a minimum, the date of each inspection and a description of the following: the permittee's assessment of the conditions existing at the time fugitive emissions were present (if observed), any corrective action taken in response to the fugitive emissions, and the date the corrective action was taken.  
[IDAPA 58.01.01.322.06, 07, 5/1/94]

## Odors

- 3.6 The permittee shall not allow, suffer, cause, or permit the emission of odorous gases, liquids, or solids to the atmosphere in such quantities as to cause air pollution.  
[IDAPA 58.01.01.775–776 (state only), 5/1/94; PTC No. P-2009.0001, 4/15/15]

- 3.7 The permittee shall maintain records of all odor complaints received. If the complaint has merit, the permittee shall take appropriate corrective action as expeditiously as practicable. The records shall include, at a minimum, the date that each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.

[IDAPA 58.01.01.322.06, 07 (state only), 5/1/94; PTC No. P-2009.0001, 4/15/15]

## Visible Emissions

- 3.8 The permittee shall not discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by procedures contained in IDAPA 58.01.01.625. These provisions shall not apply when the presence of uncombined water, NO<sub>x</sub>, and/or chlorine gas is the only reason for the failure of the emission to comply with the requirements of this section.

[IDAPA 58.01.01.625, 5/8/09; PTC No. P-2009.0001, 4/15/15]

- 3.9 The permittee shall conduct a quarterly facility-wide inspection of potential sources of visible emissions, during daylight hours and under normal operating conditions. Sources that are monitored using a continuous opacity monitoring system (COMS) are not required to comply with this permit condition. The inspection shall consist of a see/no see evaluation for each potential source of visible emissions. If any visible emissions are present from any point of emission, the permittee shall either:

- a) Take appropriate corrective action as expeditiously as practicable to eliminate the visible emissions. Within 24 hours of the initial see/no see evaluation and after the corrective action, the permittee shall conduct a see/no see evaluation of the emissions point in question. If the visible emissions are not eliminated, the permittee shall comply with b).

or

- b) Perform a Method 9 opacity test in accordance with the procedures outlined in IDAPA 58.01.01.625. A minimum of 30 observations shall be recorded when conducting the opacity test. If opacity is greater than 20%, as measured using Method 9, for a period or periods aggregating more than three minutes in any 60-minute period, the permittee shall take all necessary corrective actions and report the period or periods as an excess emission in the annual compliance certification and in accordance with IDAPA 58.01.01.130–136.

[IDAPA 58.01.01.322.06, 5/1/94; PTC No. P-2009.0001, 4/15/15]

- 3.10 The permittee shall maintain records of the results of each visible emission inspection and each opacity test when conducted. The records shall include, at a minimum, the date and results of each inspection and test and a description of the following: the permittee's assessment of the conditions existing at the time visible emissions are present (if observed), any corrective action taken in response to the visible emissions, and the date corrective action was taken.

[IDAPA 58.01.01.322.07, 5/1/94; PTC No. P-2009.0001, 4/15/15]

## Excess Emissions

### *Excess Emissions-General*

- 3.11 The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130–136 for excess emissions. The provisions of IDAPA 58.01.01.130–136 shall govern in the event of conflicts between the excess emissions facility-wide conditions (Permit Conditions 3.11 through 3.15) and the regulations of IDAPA 58.01.01.130–136.

During an excess emissions event, the permittee shall, with all practicable speed, initiate and complete appropriate and reasonable action to correct the conditions causing the excess emissions event; to reduce the frequency of occurrence of such events; to minimize the amount by which the emission standard is exceeded; and shall, as provided below or upon request of DEQ, submit a full report of such occurrence, including a statement of all known causes, and of the scheduling and nature of the actions to be taken.

[IDAPA 58.01.01.132, 4/5/00]

***Excess Emissions-Startup, Shutdown, and Scheduled Maintenance***

**3.12** In all cases where startup, shutdown, or scheduled maintenance of any equipment or emission unit is expected to result or results in an excess emissions event, the permittee shall demonstrate compliance with IDAPA 58.01.01.133.01(a) through (d), including, but not limited to, the following:

- Prohibiting any scheduled startup, shutdown, or maintenance resulting in excess emissions shall occur during any period in which an Atmospheric Stagnation Advisory or a Wood Stove Curtailment Advisory has been declared by DEQ.
- Notifying DEQ of the excess emissions event as soon as reasonably possible, but no later than two hours prior to, the start of the event, unless the permittee demonstrates to DEQ's satisfaction that a shorter advance notice was necessary.
- Reporting and recording the information required pursuant to the excess emissions reporting and recordkeeping requirements (Permit Conditions 3.13 and 3.14) and IDAPA 58.01.01.135 and 136 for each excess emissions event due to startup, shutdown, or scheduled maintenance.

[IDAPA 58.01.01.133, 4/11/06]

***Excess Emissions-Upset, Breakdown, or Safety Measures***

**3.13** In all cases where upset or breakdown of equipment or an emissions unit, or the initiation of safety measures, results or may result in an excess emissions event, the permittee shall demonstrate compliance with IDAPA 58.01.01.134.01(a) and (b) and the following:

- Immediately undertake all appropriate measures to reduce and, to the extent possible, eliminate excess emissions resulting from the event and to minimize the impact of such excess emissions on the ambient air quality and public health.
- Notify DEQ of any upset, breakdown, or safety event that results in excess emissions. Such notification shall identify the time, specific location, equipment or emissions unit involved, and (to the extent known) the cause(s) of the occurrence. The notification shall be given as soon as reasonably possible, but no later than 24 hours after the event, unless the permittee demonstrates to DEQ's satisfaction that the longer reporting period was necessary.
- Report and record the information required pursuant to the excess emissions reporting and recordkeeping facility-wide conditions (Permit Conditions 3.13 and 3.14) and IDAPA 58.01.01.135 and 136 for each excess emissions event caused by an upset, breakdown, or safety measure.
- During any period of excess emissions caused by upset, breakdown, or operation under facility safety measures, DEQ may require the permittee to immediately reduce or cease operation of the equipment or emissions unit causing the period until such time as the condition causing the excess has been corrected or brought under control. Such action by DEQ shall be taken upon consideration of the factors listed in IDAPA 58.01.01.134.03 and after consultation with the permittee.

[IDAPA 58.01.01.134, 4/11/06]

### ***Excess Emissions-Reporting and Recordkeeping***

**3.14** The permittee shall submit a written report to DEQ for each excess emissions event, no later than 15 days after the beginning of such an event. Each report shall contain the information specified in IDAPA 58.01.01.135.02.

[IDAPA 58.01.01.135, 4/11/06]

**3.15** The permittee shall maintain excess emissions records at the facility for the most recent five calendar-year period. The excess emissions records shall be made available to DEQ upon request and shall include the information requested by IDAPA 58.01.01.136.03(a) and (b) as summarized in the following:

- An excess emissions log book for each emissions unit or piece of equipment containing copies of all reports that have been submitted to DEQ pursuant to IDAPA 58.01.01.135 for the particular emissions unit or equipment; and
- Copies of all startup, shutdown, and scheduled maintenance procedures and upset, breakdown, or safety preventative maintenance plans that have been developed by the permittee in accordance with IDAPA 58.01.01.133 and 134, and facility records as necessary to demonstrate compliance with such procedures and plans.

[IDAPA 58.01.01.136, 4/5/00]

### **Sulfur Content**

**3.16** The permittee shall not sell, distribute, use, or make available for use any of the following:

- Distillate fuel oil containing more than the following percentages of sulfur:
  - ASTM Grade 1 fuel oil, 0.3% by weight
  - ASTM Grade 2 fuel oil, 0.5% by weight
- Coal containing greater than 1.0% sulfur by weight
- DEQ may approve an exemption from these fuel sulfur content requirements (IDAPA 58.01.01.725.01-725.04) if the permittee demonstrates that, through control measures or other means, SO<sub>2</sub> emissions are equal to or less than those resulting from the combustion of fuels complying with these limitations.

[IDAPA 58.01.01.725, 4/11/15]

**3.17** The permittee shall maintain documentation of supplier verification of distillate fuel oil or coal sulfur content on an as received basis.

[IDAPA 58.01.01.322.07, 5/1/94]

### **Open Burning**

**3.18** The permittee shall comply with the “Rules for Control of Open Burning” (IDAPA 58.01.01.600–623).

[IDAPA 58.01.01.600–623, 3/17/17]

### **Asbestos**

**3.19** NESHAP 40 CFR 61, Subpart M—National Emission Standard for Asbestos  
The permittee shall comply with all applicable requirements of 40 CFR 61, Subpart M—  
“National Emission Standard for Asbestos.”

[40 CFR 61, Subpart M]

## Accidental Release Prevention

**3.20** A permittee of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, shall comply with the requirements of the “Chemical Accident Prevention Provisions” at 40 CFR 68 no later than the latest of the following dates:

- Three years after the date on which a regulated substance present above a threshold quantity is first listed under 40 CFR 68.130.
- The date on which a regulated substance is first present above a threshold quantity in a process.

[40 CFR 68.10(a)]

## Recycling and Emissions Reductions

### 3.21 40 CFR 82—Protection of Stratospheric Ozone

The permittee shall comply with applicable standards for recycling and emissions reduction of refrigerants and their substitutes pursuant to 40 CFR 82, Subpart F, “Recycling and Emissions Reduction.”

[40 CFR 82, Subpart F]

## NSPS/NESHAP General Provisions

### 3.22 NSPS 40 CFR 60, Subpart A-General Provisions

The permittee shall comply with the applicable requirements of 40 CFR 60, Subpart A “General Provisions” in accordance with 40 CFR 60.1. A summary of requirements for affected facilities is provided in Table 3.2.

Table 3.2 NSPS 40 CFR 60, Subpart A - Summary of General Provisions

| Section               | Subject                        | Summary of Section Requirements  |
|-----------------------|--------------------------------|--|
| 60.4                  | Address                        | <ul style="list-style-type: none"> <li>• DEQ is delegated these Subparts and all requests, reports, applications, submittals, and other communications associated with 40 CFR 60, Subparts A, and JJJJ shall be submitted to:<br/>Department of Environmental Quality<br/>Boise Regional Office<br/>1445 N. Orchard<br/>Boise, ID 83706</li> </ul>   |
| 60.7(a), (b), and (f) | Notification and Recordkeeping | <ul style="list-style-type: none"> <li>• Notification shall be furnished of commencement of construction postmarked no later than 30 days of such date.</li> <li>• Notification shall be furnished of initial startup postmarked within 15 days of such date.</li> <li>• Notification shall be furnished of any physical or operational change that may increase emissions postmarked 60 days before the change is made.</li> <li>• Records shall be maintained of the occurrence and duration of any startup, shutdown or malfunction; any malfunction of the air pollution control equipment; or any periods during which a CMS or monitoring device is inoperative.</li> <li>• Records shall be maintained, in a permanent form suitable for inspection, of all measurements, performance testing measurements, calibration checks, adjustments and maintenance performed, and other required information. Records shall be maintained for a period of two years following the date of such measurements, maintenance, reports, and records.</li> <li>• <i>40 CFR 60.4245 specifies applicable requirements for NSPS Subpart JJJJ.</i></li> </ul> |

**Table 3.2 NSPS 40 CFR 60, Subpart A – Summary of General Provisions (continued)**

| Section | Subject  | Summary of Section Requirements   |
|---------|--|---|
| 60.8    | Performance Tests                                      | <ul style="list-style-type: none"> <li>• At least 30 days prior notice of any performance test shall be provided to afford the opportunity to have an observer to be present.</li> <li>• Within 60 days of achieving the maximum production rate, but not later 180 days after initial startup, performance test(s) shall be conducted and a written report of the results of such test(s) furnished.</li> <li>• Performance testing facilities shall be provided as follows: <ul style="list-style-type: none"> <li>Sampling ports adequate for test methods applicable to such facility.</li> <li>Safe sampling platform(s).</li> <li>Safe access to sampling platform(s).</li> <li>Utilities for sampling and testing equipment.</li> </ul> </li> <li>• Performance tests shall be conducted and data reduced in accordance with 40 CFR 60.8(b), (c), and (f).</li> <li>• <i>40 CFR 60.8 only applies to owners and operators who are subject to performance testing in subpart JJJJ.</i></li> </ul>   |
| 60.11   | Compliance with Standards and Maintenance Requirements | <ul style="list-style-type: none"> <li>• <i>Compliance with standards and maintenance requirements are specified in subpart JJJJ.</i></li> </ul>  |
| 60.12   | Circumvention  | <ul style="list-style-type: none"> <li>• No permittee shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard.</li> </ul>  |
| 60.13   | Monitoring Requirements (CMS)                          | <ul style="list-style-type: none"> <li>• All CMS and monitoring devices shall be installed and operational prior to conducting performance tests required by 40 CFR 60.8.</li> <li>• A performance evaluation of the COMS or CEMS shall be conducted before or during any performance test and a written report of the results of the performance evaluation furnished. Reporting requirements include submitting performance evaluations reports within 60 days of the evaluations required by this section, and submitting results of the performance evaluations for the COM within 10 days before a performance test, if using a COM to determine compliance with opacity during a performance test instead of Method 9.</li> <li>• The zero and span calibration drifts must be checked at least once daily and adjusted in accordance with the requirements in 40 CFR 60.13(d).</li> <li>• The zero and upscale (span) calibration drifts of a COMS must be automatically, intrinsic to the opacity monitor, checked at least once daily.</li> <li>• Except for system breakdowns, repairs, calibration checks, and zero and span adjustments, all CMS shall be in continuous operation and shall meet minimum frequency of operation requirements as specified in 40 CFR 60.13(e).</li> <li>• All CMS or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. CMS shall be located and installed in accordance with the requirements in 40 CFR 60.13(f) and (g).</li> <li>• Data shall be reduced and computed in accordance with the procedures in 40 CFR 60.13(h), (i), and (j).</li> </ul> |
| 60.14   | Modification   | <ul style="list-style-type: none"> <li>• A physical or operational change which results in an increase in the emission rate to the atmosphere or any pollutant to which a standard applies shall be considered a modification, and upon modification an existing facility shall become an affected facility in accordance with the requirements and exemptions in 40 CFR 60.14.</li> <li>• Within 180 days of the completion of any physical or operational change, compliance with all applicable standards must be achieved.</li> </ul>   |
| 60.15   | Reconstruction   | <ul style="list-style-type: none"> <li>• An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate in accordance with the requirements of 40 CFR 60.15.</li> </ul>   |

[40 CFR 60, Subpart A]

### 3.23 NESHAP 40 CFR 63, Subpart A—General Provision

The permittee shall comply with the requirements of 40 CFR 63, Subpart A—“General Provisions.” A summary of applicable requirements for affected sources is provided in Table 3.3.

**Table 3.3 NESHAP 40 CFR 63, Subpart A – Summary of General Provisions for Affected Sources**

| Section            | Subject  | Summary of Section Requirements  |
|--------------------|--|--|
| 63.13              | Address  | <ul style="list-style-type: none"> <li>DEQ is delegated these Subparts and all requests, reports, applications, submittals, and other communications associated with 40 CFR 63, Subparts A and ZZZZ shall be submitted to:<br/>           Department of Environmental Quality<br/>           Boise Regional Office<br/>           1445 N. Orchard<br/>           Boise, ID 83706</li> </ul>  |
| 63.4(a)            | Prohibited Activities  | <ul style="list-style-type: none"> <li>No permittee must operate any affected source in violation of the requirements of 40 CFR 63 in accordance with 40 CFR 63.4(a). No permittee subject to the provisions of this part shall fail to keep records, notify, report, or revise reports as required under this part.</li> </ul>  |
| 63.4(b)            | Circumvention/<br>Fragmentation                                      | <ul style="list-style-type: none"> <li>No permittee shall build, erect, install or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard.</li> <li>Fragmentation which divides ownership of an operation, within the same facility among various owners where there is no real change in control, will not affect applicability in accordance with 40 CFR 63.4(c).</li> </ul>  |
| 63.6(b)<br>and (c) | Compliance Dates   | <ul style="list-style-type: none"> <li>The permittee of any new or reconstructed source must comply with the relevant standard as specified in 40 CFR 63.6(b).<br/>           The permittee of a source that has an initial startup before the effective date of a relevant standard must comply not later than the standard’s effective date in accordance with 40 CFR 63.6(b)(1).<br/>           The permittee of a source that has an initial startup after the effective date of a relevant standard must comply upon startup of the source in accordance with 40 CFR 63.6(b)(2).</li> <li>The permittee of any existing sources must comply with the relevant standard by the compliance date established in the applicable subpart or as specified in 40 CFR 63.6(c).<br/>           The permittee of an area source that increases its emissions of hazardous air pollutants such that the source becomes a major source shall be subject to relevant standards for existing sources in accordance with 40 CFR 63.6(c)(5).</li> <li><i>40 CFR 63.6595 specifies the compliance dates for NESHAP Subpart ZZZZ.</i></li> </ul>  |
| 63.6(e)<br>and (f) | Compliance with Standards and Maintenance Requirements (Non-Opacity) | <ul style="list-style-type: none"> <li>At all times, including periods of startup, shutdown, and malfunction, the permittee must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions in accordance with 40 CFR 63.6(e).</li> <li>The permittee of an affected source must develop a written startup, shutdown, and malfunction plan (SSM) and a program of corrective action for malfunctioning process, air pollution control, and monitoring equipment used to comply with the relevant standard in accordance with 40 CFR 63.6(e). The permittee must maintain the current plan at the affected source and must make the plan available upon request. If the plan fails to address or inadequately addresses a malfunction, the permittee must revise the plan within 45 days after the event.</li> <li>The permittee must record and report actions taken during a startup, shutdown, or malfunction in accordance with the requirements in 40 CFR 63.6(e). The permittee shall confirm that actions taken during the relevant reporting period during periods of startup, shutdown, and malfunction were consistent with the plan in the semiannual SSM report.</li> <li>Non-opacity emission standards shall apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified, in accordance with 40 CFR 63.6(f).</li> </ul> |

**Table 3.3 NESHAP 40 CFR 63, Subpart A – Summary of General Provisions for Affected Sources (continued)**

| Section | Subject                          | Summary of Section Requirements   |
|---------|----------------------------------|---|
| 63.7    | Performance Testing Requirements | <ul style="list-style-type: none"> <li>• If required to do performance testing, the permittee must perform such tests within 180 days of the compliance date in accordance with 40 CFR 63.7(a).</li> <li>• The permittee must notify in writing of the intention to conduct a performance test at least 60 calendar days before the performance test is initially scheduled to begin to allow review of the site-specific test plan and to have an observer present during the test in accordance with 40 CFR 63.7(b).</li> <li>• Before conducting a required performance test, the permittee shall develop and, if requested, shall submit a site-specific test plan for approval in accordance with 40 CFR 63.7(c). The test plan shall include a test program summary, the test schedule, data quality objectives, and both an internal and external quality assurance (QA) program.</li> <li>• If required to do performance testing, the permittee shall provide performance testing facilities in accordance with 40 CFR 63.7(d): <ul style="list-style-type: none"> <li>Sampling ports adequate for test methods applicable to such source.</li> <li>Safe sampling platform(s);</li> <li>Safe access to sampling platform(s);</li> <li>Utilities for sampling and testing equipment; and</li> <li>Any other facilities deemed necessary for safe and adequate testing of a source.</li> </ul> </li> <li>• Performance tests shall be conducted and data reduced in accordance with 40 CFR 63.7(e) and (f).</li> <li>• The permittee shall report the results of the performance test before the close of business on the 60th day following the completion of the test, unless specified or approved otherwise in accordance with 40 CFR 63.7(g).</li> <li>• <i>40 CFR 63.6610-6612 specify the performance test dates for NESHAP Subpart ZZZZ.</i></li> <li>• <i>40 CFR 63.6645 specifies notification requirements for NESHAP Subpart ZZZZ.</i></li> <li>• <i>40 CFR 63.6620 specifies appropriate test methods for NESHAP Subpart ZZZZ.</i></li> </ul>   |
| 63.9    | Notification Requirements        | <ul style="list-style-type: none"> <li>• The permittee of an affected source that has an initial startup before the effective date of a relevant standard shall notify in writing that the source is subject to the relevant standard, in accordance with 40 CFR 63.9(b)(2). The notification, which shall be submitted not later than 120 calendar days after the effective date of the relevant standard (or within 120 calendar days after the source becomes subject to the relevant standard), shall provide the following information: <ul style="list-style-type: none"> <li>The name and address of the permittee;</li> <li>The address (i.e., physical location) of the affected source;</li> <li>An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date;</li> <li>A brief description of the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted; and</li> <li>A statement of whether the affected source is a major source or an area source.</li> </ul> </li> <li>• The permittee of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required must provide the following information in writing in accordance with 40 CFR 63.9(b)(4): <ul style="list-style-type: none"> <li>A notification of intention to construct a new major-emitting affected source, reconstruct a major-emitting affected source, or reconstruct a major source such that the source becomes a major-emitting affected source;</li> <li>A notification of the actual date of startup of the source delivered or postmarked within 15 calendar days after that date.</li> </ul> </li> <li>• The permittee of a new or reconstructed affected source for which an application for approval of construction or reconstruction is not required must provide the following information in writing in accordance with 40 CFR 63.9(b)(5): <ul style="list-style-type: none"> <li>A notification of intention to construct a new affected source, reconstruct an affected source, or reconstruct a source such that the source becomes an affected source, and</li> <li>A notification of the actual date of startup of the source delivered or postmarked within 15 calendar days after that date.</li> </ul> <p>Unless the permittee has requested and received prior permission, the notification must include the information required in the application for approval of construction or reconstruction as specified in 40 CFR 63.5(d)(1).</p> </li> </ul> |

**Table 3.3 NESHAP 40 CFR 63, Subpart A – Summary of General Provisions for Affected Sources (continued)**

| Section | Subject                               | Summary of Section Requirements  |
|---------|---------------------------------------|--|
| 63.9    | Notification Requirements (continued) | <ul style="list-style-type: none"> <li>• The permittee shall notify in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the opportunity to review and approve the site-specific test plan required by 40 CFR 63.7(c), and to have an observer present during the test.</li> <li>• The permittee of an affected source shall notify in writing of the anticipated date for conducting the opacity or visible emission observations in accordance with 40 CFR 63.9(f), if such observations are required.</li> <li>• Each time a notification of compliance status is required under this part, the permittee of such source shall submit a notification of compliance status in accordance with 40 CFR 63.9(h)(2)(i). The notification shall list: <ul style="list-style-type: none"> <li>The methods that were used to determine compliance;</li> <li>The results of any performance tests, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted;</li> <li>The methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods;</li> <li>The type and quantity of hazardous air pollutants emitted by the source (or surrogate pollutants if specified in the relevant standard), reported in units and averaging times and in accordance with the test methods specified in the relevant standard;</li> <li>If the relevant standard applies to both major and area sources, an analysis demonstrating whether the affected source is a major source (using the emissions data generated for this notification);</li> <li>A description of the air pollution control equipment (or method) for each emission point, including each control device (or method) for each hazardous air pollutant and the control efficiency (percent) for each control device (or method); and</li> <li>A statement by the permittee of the affected existing, new, or reconstructed source as to whether the source has complied with the relevant standard or other requirements.</li> </ul> </li> <li>• The notification must be sent before the close of business on the 60<sup>th</sup> day following the completion of the relevant compliance demonstration activity specified in the relevant standard unless otherwise specified in accordance with 40 CFR 63.9(h)(2)(ii). If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with a standard, the notification shall be sent before close of business on the 30<sup>th</sup> day following the completion of the observations.</li> <li>• Each time a notification of compliance status is required under this part, the permittee of such source shall submit the notification of compliance status following completion of the relevant compliance demonstration activity specified.</li> <li>• If a permittee submits estimates or preliminary information in an application in place of the actual emissions data or control efficiencies, the permittee shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this section in accordance with 40 CFR 63.9(h)(5).</li> <li>• Any change in the information already provided under this section shall be provided in writing within 15 calendar days after the change in accordance with 40 CFR 63.9(j).</li> <li>• <i>40 CFR 63.6645 specifies notification requirements for NESHAP Subpart ZZZZ.</i></li> </ul> |

**Table 3.3 NESHAP 40 CFR 63, Subpart A – Summary of General Provisions for Affected Sources (continued)**

| Section | Subject                                  | Summary of Section Requirements   |
|---------|--|---|
| 63.10   | Recordkeeping and Reporting Requirements | <ul style="list-style-type: none"> <li>• The permittee shall maintain files of all required information recorded in a form suitable and readily available for expeditious inspection and review in accordance with 40 CFR 63.10(b)(1). The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site.</li> <li>• The permittee shall maintain relevant records of the following in accordance with 40 CFR 63.10(b)(2); <ul style="list-style-type: none"> <li>The occurrence and duration of each startup or shutdown when the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards;</li> <li>The occurrence and duration of each malfunction of operation or the required air pollution control and monitoring equipment;</li> <li>All required maintenance performed on the air pollution control and monitoring equipment;</li> <li>Actions taken during periods of startup or shutdown when the source exceeded applicable emission limitations in a relevant standard and when the actions taken are different from the procedures specified in the affected source’s SSM plan; or</li> <li>Actions taken during periods of malfunction when the actions taken are different from the procedures specified in the affected source’s SSM plan;</li> <li>All information necessary, including actions taken, to demonstrate conformance with the affected source’s SSM plan (see 40 CFR 63.6(e)(3)) when all actions taken during periods of startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), and malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) are consistent with the procedures specified in such plan. (The information needed to demonstrate conformance with the SSM plan may be recorded using a “checklist,” or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events);</li> <li>Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);</li> <li>All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report);</li> <li>All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;</li> <li>All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;</li> <li>All CMS calibration checks;</li> <li>All adjustments and maintenance performed on CMS;</li> <li>All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under 40 CFR 63.8(f)(6); and</li> <li>All documentation supporting initial notifications and notifications of compliance status under 40 CFR 63.9.</li> </ul> </li> <li>• If an permittee determines that his or her stationary source that emits one or more HAP, and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to a relevant standard because of limitations on the source’s potential to emit or an exclusion, the permittee must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first in accordance with 40 CFR 63.10(b).</li> <li>• <i>Additional requirements are specified in 40 CFR 63.6655 and 40 CFR 63.6650 for NESHAP Subpart ZZZZ.</i></li> </ul> |

**[40 CFR 63, Subpart A]**

## Monitoring and Recordkeeping

**3.24** The permittee shall maintain sufficient records to ensure compliance with all of the terms and conditions of this operating permit. Monitoring records shall include, but not be limited to, the following: (a) the date, place, and times of sampling or measurements; (b) the date analyses were performed; (c) the company or entity that performed the analyses; (d) the analytical techniques or methods used; (e) the results of such analyses; and (f) the operating conditions existing at the time of sampling or measurement. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to DEQ representatives upon request.

[IDAPA 58.01.01.322.06, 07, 5/1/94]

## Performance Testing

**3.25** If performance testing is required, the permittee shall provide notice of intent to test to DEQ at least 15 days prior to the scheduled test or shorter time period as provided in a permit, order, consent decree, or by DEQ approval. DEQ may, at its option, have an observer present at any emissions tests conducted on a source. DEQ requests such testing not be performed on weekends or state holidays.

**3.26** All testing shall be conducted in accordance with the procedures in IDAPA 58.01.01.157. Without prior DEQ approval, any alternative testing is conducted solely at the permittee's risk. If the permittee fails to obtain prior written approval by DEQ for any testing deviations, DEQ may determine that the testing does not satisfy the testing requirements. Therefore, prior to conducting any performance test, the permittee is encouraged to submit in writing to DEQ, at least 30 days in advance, the following for approval:

- The type of method to be used.
- Any extenuating or unusual circumstances regarding the proposed test.
- The proposed schedule for conducting and reporting the test.

[IDAPA 58.01.01.157, 4/11/15; IDAPA 58.01.01.322.06, 08.a, 09, 5/1/94]

**3.27** Unless a longer time is approved by DEQ, the permittee shall submit a compliance test report for the respective test to DEQ within 60 days upon request following the date in which a compliance test required by this permit is concluded. The compliance test report shall include all process operating data collected during the test period as well as the test results, raw test data, and associated documentation, including any approved test protocol.

[IDAPA 58.01.01.157.04, 4/11/15; IDAPA 58.01.01.322. 08.a, 09, 5/1/94]

**3.28** The proposed test date(s), test date rescheduling notice(s), compliance test report, and all other correspondence shall be sent to the DEQ address specified in the "Reports and Certifications" facility-wide condition (Permit Condition 3.29).

[IDAPA 58.01.01.157, 4/11/15; IDAPA 58.01.01.322.06, 08.a, 09, 5/1/94]

## Reports and Certifications

**3.29** All periodic reports and certifications required by this permit shall be submitted to DEQ within 30 days of the end of each specified reporting period. Excess emissions reports and notifications shall be submitted in accordance with IDAPA 58.01.01.130–136. Reports, certifications, and notifications shall be submitted to:

Air Quality Permit Compliance  
Department of Environmental Quality  
Boise Regional Office  
1445 N. Orchard  
Boise, ID 83706

Phone: (208) 208-373-0550  
Fax: (208) 208-373-0287

The periodic compliance certification required in the general provisions (General Provision 5.22) shall also be submitted within 30 days of the end of the specified reporting period to:

Part 70 Operating Permit Program  
U.S. EPA Region 10, Mail Stop: OAW-150  
1200 Sixth Ave., Suite 900  
Seattle, WA 98101

[IDAPA 58.01.01.322.08, 11, 4/5/00]

## Incorporation of Federal Requirements by Reference

**3.30** Unless expressly provided otherwise, any reference in this permit to any document identified in IDAPA 58.01.01.107.03 shall constitute the full incorporation into this permit of that document for the purposes of the reference, including any notes and appendices therein. Documents include, but are not limited to:

- Standards of Performance for New Stationary Sources (NSPS), 40 CFR 60
- National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP), 40 CFR 63

For permit conditions referencing or cited in accordance with any document incorporated by reference (including permit conditions identified as NSPS or NESHAP), should there be any conflict between the requirements of the permit condition and the requirements of the document, the requirements of the document shall govern, including any amendments to that regulation.

[IDAPA 58.01.01.107, 3/29/17; PTC No. P-2009.0001, 4/15/15]

## 4 Landfill Gas Engines

### Summary Description

4.1 The Ada County Landfill (ACLF) covers approximately 2,700 acres of land located about 6.5 miles northwest of Boise. The ACLF is comprised of the Hidden Hollow Cell (HHC) and North Ravine Cell (NRC). The HHC encompasses an area of approximately 110 acres with a design capacity of 16 million cubic yards and is anticipated to be closed at the earliest 2020. The NRC encompasses an area of approximately 260 acres, has a design capacity of 70 million cubic yards, and has an active life of approximately 90 years. The NRC began accepting municipal solid waste in 2007.

Landfill gas (LFG) collected by ACLF undergoes treatment prior to combustion in the engines or flares. The treatment process includes dewatering, compression, cooling, filtration, and hydrogen sulfide (H<sub>2</sub>S) removal. ACLF operates four stationary emissions units: two enclosed flares and two emergency diesel engines. Hidden Hollow Energy, LLC (HHE) operates two existing LFG engines. Two additional LFG engines are anticipated to be constructed within two years of issuance of this permit.

LFG engines combust LFG as fuel to drive 1.6-megawatt (MW) generators. At 100% load, each of the associated engines operates at 2,233 brake horsepower (bhp). All fuel used by each of these engines is obtained from ACLF.

LFG engines 1 and 2 were manufactured prior to June 12, 2006. LFG engines 3 and 4 will be manufactured after July 1, 2010 and have yet to be installed. Therefore, each engine is subject to NESHAP 40 CFR 63, Subpart ZZZZ requirements. LFG engines 3 and 4 are also subject to NESHAP 40 CFR 60, Subpart JJJJ requirements.

Table 4.1 describes the devices used to control emissions from the landfill gas engines.

**Table 4.1 Landfill Gas Engines Description**

| Emissions Units / Processes                 | Control Devices                            |
|---|--|
| LFG Engine #1 – Caterpillar 3520C, 2233 bhp | H <sub>2</sub> S Scrubber Treatment System |
| LFG Engine #2 – Caterpillar 3520C, 2233 bhp |  |
| LFG Engine #3 – Caterpillar 3520C, 2233 bhp |  |
| LFG Engine #4 – Caterpillar 3520C, 2233 bhp |  |

Table 4.2 contains only a summary of the requirements that apply to the landfill gas engines. Specific permit requirements are listed below.

**Table 4.2 Applicable Requirements Summary**

| Permit Conditions | Parameter        | Limit/Standard Summary   | Applicable Requirements Reference | Operating, Monitoring, and Recordkeeping Requirements |
|-------------------|------------------|--|-----------------------------------|---|
| 3.6–3.7           | Odors            | Reasonable control   | IDAPA 58.01.01.775–776            | 3.7, 3.24, 3.29                                       |
| 3.8–3.10          | Opacity Limit    | 20% opacity for no more than 3 minutes in any 60-minute period | IDAPA 58.01.01.625                | 3.9–3.10, 3.24, 3.29                                  |
| 4.2               | H <sub>2</sub> S | 600 ppm  | P-2009.0001                       | 4.3–4.5, 3.24, 3.29                                   |

## **Emission Limits**

- 4.2 The H<sub>2</sub>S concentration of the landfill gas being combusted in the landfill gas engines shall not exceed 600 ppm.  
[PTC No. P-2009.0001, 4/15/15]

## **Operating Requirements**

- 4.3 The permittee shall operate and maintain the landfill gas engines in a manner consistent with the manufacturer's recommendations.  
[PTC No. P-2009.0001, 4/15/15]
- 4.4 The engines shall burn landfill gas only.  
[PTC No. P-2009.0001, 4/15/15]

## **Monitoring and Recordkeeping Requirements**

- 4.5 The H<sub>2</sub>S concentration of the landfill gas exiting the H<sub>2</sub>S scrubber treatment system, prior to being combusted in the engines or flares, shall not exceed the landfill gas stream H<sub>2</sub>S concentration limit.  
[PTC No. P-2009.0001, 4/15/15]

## **40 CFR 63 Subpart ZZZZ Requirements**

- 4.6 The LFG Engines do not have to meet the emission limitations and operating limitations of the Subpart.  
[40 CFR 63.6590(b)(2); PTC No. P-2009.0001, 4/15/15]
- 4.7 The permittee shall operate and maintain the engines and associated pollution control equipment (where applicable) in a manner that minimizes emissions.  
[40 CFR 63.6605; PTC No. P-2009.0001, 4/15/15]
- 4.8 The permittee must operate and maintain the stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis by monitoring and recording the fuel usage daily with separate fuel meters to measure the volumetric flow rate of each fuel. In addition, the permittee shall operate the engines in a manner which reasonably minimizes HAP emissions.  
[40 CFR 63.6625(c); PTC No. P-2009.0001, 4/15/15]
- 4.9 The engine's time spent at idle during startup shall be minimized to a period needed for appropriate and safe loading of the engine, but not to exceed 30 minutes.  
[40 CFR 63.6625(h); PTC No. P-2009.0001, 4/15/15]
- 4.10 The permittee shall submit an initial notification that includes the information in 40 CFR 63.9(b)(2)(i) through (v), and a statement that the stationary RICE has no additional requirements and explain the basis of the exclusion.  
[40 CFR 63.6645(f); PTC No. P-2009.0001, 4/15/15]
- 4.11 The permittee shall keep records of the daily fuel usage monitors.  
[40 CFR 63.6655(c); PTC No. P-2009.0001, 4/15/15]
- 4.12 All records shall be readily accessible in hard copy or electronic form for a minimum of five (5) years after the date of each occurrence, measurement, maintenance procedure, corrective action or report.  
[40 CFR 63.6660; PTC No. P-2009.0001, 4/15/15]

4.13 The permittee shall submit an annual report with the following information:

- Fuel flow rate of each fuel and the heating values that were used in the calculations.
- A demonstration that the percentage of heat input provided by landfill gas or digester gas is equivalent to 10 percent or more of the total fuel consumption on an annual basis.
- The operating limits provided in the federally enforceable permit, and any deviations from these limits.
- Any problems or error suspected with the meters.

[40 CFR 63.6650(g); PTC No. P-2009.0001, 4/15/15]

**NSPS 40 CFR 60 Subpart JJJJ Requirements**

4.14 The permittee must comply with the emission standards in Table 1 to this subpart for LFG Engines 3 and 4.

**Table 1 to Subpart JJJJ of Part 60 – NO<sub>x</sub>, CO and VOC Emission Standards for Stationary SI Landfill/Digester Gas Engines**

| Engine type and fuel  | Maximum engine power | Manufacture date | Emission Standards <sup>(a)</sup> |     |                    |                             |     |                    |
|-----------------------|----------------------|------------------|-----------------------------------|-----|--------------------|-----------------------------|-----|--------------------|
|                       |                      |                  | g/hp-hr                           |     |                    | ppmvd at 15% O <sub>2</sub> |     |                    |
|                       |                      |                  | NO <sub>x</sub>                   | CO  | VOC <sup>(b)</sup> | NO <sub>x</sub>             | CO  | VOC <sup>(b)</sup> |
| Landfill/Digester Gas | hp≥500               | 7/1/2010         | 2.0                               | 5.0 | 1.0                | 150                         | 610 | 80                 |

a) Owners and operators of stationary non-certified SI engines may choose to comply with the emission standards in units of either g/hp-hr or ppmvd at 15 percent O<sub>2</sub>.

b) For purposes of this subpart, when calculating emissions of volatile organic compounds, emissions of formaldehyde should not be included.

[40 CFR 60.4233; PTC No. P-2009.0001, 4/15/15]

4.15 The permittee shall operate and maintain stationary SI ICE that achieve the emission standards as required in 40 CFR 60.4233(e) over the entire life of the engines.

[40 CFR 60.4234; PTC No. P-2009.0001, 4/15/15]

4.16 The permittee shall keep a maintenance plan and must, to the extent practicable, maintain and operate the engines in a manner consistent with good air pollution control practice for minimizing emissions.

[40 CFR 60.4243(b)(2)(ii) ; PTC No. P-2009.0001, 4/15/15]

4.17 The permittee shall maintain and operate the AFR controller in order to ensure proper operation of the engine and control device to minimize emissions at all times.

[40 CFR 60.4243(g) ; PTC No. P-2009.0001, 4/15/15]

4.18 The permittee shall keep records of the following information:

- For each engine notifications submitted and all documentation supporting any notification.
- Maintenance conducted on each SI engine.

The permittee shall maintain these records on-site and be made available to DEQ representatives upon request for a period of at least five years.

[40 CFR 60.4245(a)(1-2) ; PTC No. P-2009.0001, 4/15/15]

**4.19** The owner or operator shall conduct an initial performance test and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance on each engine.

- The permittee shall conduct the initial performance test within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup.

[40 CFR 60.4243(b)(2)(ii) ; PTC No. P-2009.0001, 4/15/15]

**4.20** The permittee shall follow the following procedures:

- Each performance test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and according to the requirements in 40 CFR 60.8 and under the specific conditions that are specified by Table 2 to Subpart JJJJ.
- The permittee may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in 40 CFR 60.8(c). If your stationary SI internal combustion engine is non-operational, you do not need to startup the engine solely to conduct a performance test.
- The permittee must conduct three separate test runs for each performance test required in this section, as specified in 40 CFR 60.8(f). Each test run must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and last at least 1 hour.
- To determine compliance with the NO<sub>x</sub> mass per unit output emission limitation for each engine, the permittee shall convert the concentration of NO<sub>x</sub> in the engine exhaust using the following equation:

$$ER = \frac{C_d * 1.912 * 10^{-3} * Q * T}{HP - hr}$$

Where:

ER = Emission rate of NO<sub>x</sub> in g/hp-hr.

C<sub>d</sub> = Measured NO<sub>x</sub> concentration in parts per million by volume (ppmv).

1.912 x 10<sup>-3</sup> = Conversion for ppm NO<sub>x</sub> to grams per standard cubic meter @ 20 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour, dry basis.

T = Time of test run, in hours.

HP-hr = Brake work of the engine, horsepower-hour.

- To determine compliance with the CO mass per unit output emission limitation, the permittee shall convert the concentration of CO in the engine exhaust using the following equation:

$$ER = \frac{C_d * 1.164 * 10^{-3} * Q * T}{HP - hr}$$

Where:

ER = Emission rate of CO in g/hp-hr.

C<sub>d</sub> = Measured CO concentration in parts per million by volume (ppmv).

1.164 x 10<sup>-3</sup> = Conversion for ppm CO to grams per standard cubic meter @ 20 degrees Celsius.

- Q = Stack gas volumetric flow rate, in standard cubic meter per hour, dry basis.
- T = Time of test run, in hours.
- HP-hr = Brake work of the engine, horsepower-hour.

- When calculating emissions of VOC, emissions of formaldehyde should not be included. To determine compliance with the VOC mass per unit output emission limitation, the permittee shall convert the concentration of VOC in the engine exhaust using the following equation:

$$ER = \frac{C_d * 1.833 * 10^{-3} * Q * T}{HP - hr}$$

Where:

- ER = Emission rate of VOC in g/hp-hr.
- Cd = Measured VOC concentration as propane in parts per million by volume (ppmv).
- 1.833 x 10<sup>-3</sup> = Conversion for ppm VOC measured as propane to grams per standard cubic meter @ 20 degrees Celsius.
- Q = Stack gas volumetric flow rate, in standard cubic meter per hour, dry basis.
- T = Time of test run, in hours.
- HP-hr = Brake work of the engine, horsepower-hour.

[40 CFR 60.4244; PTC No. P-2009.0001, 4/15/15]

4.21 The permittee must comply with the following requirements for performance tests within 10 percent of 100 percent peak (or the highest achievable) load:

Table 2 to Subpart JJJJ of Part 60—Requirements for Performance Tests

| For each  | Complying with the requirement to  | You must   | Using   | According to the following requirements   |
|---|--|--|---|---|
| 1. Stationary SI internal combustion engine demonstrating compliance according to 40 CFR 60.4244. | a. limit the concentration of NO <sub>x</sub> in the stationary SI internal combustion engine exhaust. | i. Select the sampling port location and the number of traverse points;  | (1) Method 1 or 1A of 40 CFR 60, appendix A or ASTM Method D6522–00(2005) <sup>a</sup> .  | (a) Alternatively, for NO <sub>x</sub> , O <sub>2</sub> , and moisture measurement, ducts ≤6 inches in diameter may be sampled at a single point located at the duct centroid and ducts >6 and ≤12 inches in diameter may be sampled at 3 traverse points located at 16.7, 50.0, and 83.3% of the measurement line ('3-point long line'). If the duct is >12 inches in diameter and the sampling port location meets the two and half-diameter criterion of Section 11.1.1 of Method 1 of 40 CFR 60, Appendix A, the duct may be sampled at '3-point long line'; otherwise, conduct the stratification testing and select sampling points according to Section 8.1.2 of Method 7E of 40 CFR 60, Appendix A. |
|   |  | ii. Determine the O <sub>2</sub> concentration of the stationary internal combustion engine exhaust at the sampling port location; | (2) Method 3, 3A, or 3B <sup>b</sup> of 40 CFR 60, appendix A or ASTM Method D6522–00(2005) <sup>a</sup> .                                  | (b) Measurements to determine O <sub>2</sub> concentration must be made at the same time as the measurements for NO <sub>x</sub> concentration.   |
|   |  | iii. Determine the exhaust flow rate of the stationary internal combustion engine exhaust;   | (3) Method 2 or 19 of 40 CFR 60.  |   |
|   |  | iv. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and | (4) Method 4 of 40 CFR 60, appendix A, Method 320 of 40 CFR 63, appendix A, or ASTM D6348–03 (incorporated by reference, see 40 CFR 60.17). | (c) Measurements to determine moisture must be made at the same time as the measurement for NO <sub>x</sub> concentration.  |

**Table 2 to Subpart JJJJ of Part 60—Requirements for Performance Tests (continued)**

|  |  |  |   |  |
|--|--|--|---|--|
|  |  | v. Measure NO <sub>x</sub> at the exhaust of the stationary internal combustion engine.  | (5) Method 7E of 40 CFR 60, appendix A, Method D6522–00(2005) <sup>a</sup> , Method 320 of 40 CFR 63, appendix A, or ASTM D6348–03 (incorporated by reference, see 40 CFR 60.17).       | (d) Results of this test consist of the average of the three 1-hour or longer runs.  |
|  | b. limit the concentration of CO in the stationary SI internal combustion engine exhaust.  | i. Select the sampling port location and the number of traverse points;  | (1) Method 1 or 1A of 40 CFR 60, appendix A.  | (a) If using a control device, the sampling site must be located at the outlet of the control device.                              |
|  |  | ii. Determine the O <sub>2</sub> concentration of the stationary internal combustion engine exhaust at the sampling port location; | (2) Method 3, 3A, or 3B <sup>b</sup> of 40 CFR 60, appendix A or ASTM Method D6522–00(2005) <sup>a</sup> .  | (b) Measurements to determine O <sub>2</sub> concentration must be made at the same time as the measurements for CO concentration. |
|  |  | iv. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and | (4) Method 4 of 40 CFR 60, appendix A, Method 320 of 40 CFR 63, appendix A, or ASTM D6348–03 (incorporated by reference, see 40 CFR 60.17).   | (c) Measurements to determine moisture must be made at the same time as the measurement for CO concentration.                      |
|  |  | v. Measure CO at the exhaust of the stationary internal combustion engine.   | (5) Method 10 of 40 CFR 60, appendix A, ASTM Method D6522–00(2005) <sup>a</sup> , Method 320 of 40 CFR 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see 40 CFR 60.17). | (d) Results of this test consist of the average of the three 1-hour or longer runs.  |
|  | c. limit the concentration of VOC in the stationary SI internal combustion engine exhaust. | i. Select the sampling port location and the number of traverse points;  | (1) Method 1 or 1A of 40 CFR 60, appendix A.  | (a) If using a control device, the sampling site must be located at the outlet of the control device.                              |

Table 2 to Subpart JJJJ of Part 60—Requirements for Performance Tests (continued)

| For each | Complying with the requirement to | You must   | Using   | According to the following requirements   |
|----------|-----------------------------------|--|---|---|
|          |                                   | ii. Determine the O <sub>2</sub> concentration of the stationary internal combustion engine exhaust at the sampling port location; | (2) Method 3, 3A, or 3B <sup>b</sup> of 40 CFR 60, appendix A or ASTM Method D6522–00(2005) <sup>a</sup> .  | (b) Measurements to determine O <sub>2</sub> concentration must be made at the same time as the measurements for VOC concentration. |
|          |                                   | iii. Determine the exhaust flow rate of the stationary internal combustion engine exhaust;   | (3) Method 2 or 19 of 40 CFR 60.  |   |
|          |                                   | iv. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and | (4) Method 4 of 40 CFR 60, appendix A, Method 320 of 40 CFR 63, appendix A, or ASTM D6348–03 (incorporated by reference, see 40 CFR 60.17).   | (c) Measurements to determine moisture must be made at the same time as the measurement for VOC concentration.                      |
|          |                                   | v. Measure VOC at the exhaust of the stationary internal combustion engine.  | (5) Methods 25A and 18 of 40 CFR 60, appendix A, Method 25A with the use of a methane cutter as described in 40 CFR 1065.265, Method 18 or 40 CFR 60, appendix A, <sup>c,d</sup> Method 320 of 40 CFR 63, appendix A, or ASTM D6348–03 (incorporated by reference, see 40 CFR 60.17). | (d) Results of this test consist of the average of the three 1-hour or longer runs  |
|          |                                   | iv. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and | (4) Method 4 of 40 CFR 60, appendix A, Method 320 of 40 CFR 63, appendix A, or ASTM D6348–03 (incorporated by reference, see 40 CFR 60.17).   | (c) Measurements to determine moisture must be made at the same time as the measurement for NO <sub>x</sub> concentration.          |

**Table 2 to Subpart JJJJ of Part 60—Requirements for Performance Tests (continued)**

| For each | Complying with the requirement to  | You must   | Using   | According to the following requirements  |
|----------|--|--|---|--|
|          |  | v. Measure NO <sub>x</sub> at the exhaust of the stationary internal combustion engine.  | (5) Method 7E of 40 CFR 60, appendix A, Method D6522–00(2005) <sup>a</sup> , Method 320 of 40 CFR 63, appendix A, or ASTM D6348–03 (incorporated by reference, see 40 CFR 60.17).       | (d) Results of this test consist of the average of the three 1-hour or longer runs.  |
|          | b. limit the concentration of CO in the stationary SI internal combustion engine exhaust.  | i. Select the sampling port location and the number of traverse points;  | (1) Method 1 or 1A of 40 CFR 60, appendix A.  | (a) If using a control device, the sampling site must be located at the outlet of the control device.                              |
|          |  | ii. Determine the O <sub>2</sub> concentration of the stationary internal combustion engine exhaust at the sampling port location; | (2) Method 3, 3A, or 3B <sup>b</sup> of 40 CFR 60, appendix A or ASTM Method D6522–00(2005) <sup>a</sup> .  | (b) Measurements to determine O <sub>2</sub> concentration must be made at the same time as the measurements for CO concentration. |
|          |  | iv. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and |   | (c) Measurements to determine moisture must be made at the same time as the measurement for CO concentration.                      |
|          |  | v. Measure CO at the exhaust of the stationary internal combustion engine.   | (5) Method 10 of 40 CFR 60, appendix A, ASTM Method D6522–00(2005) <sup>a</sup> , Method 320 of 40 CFR 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see 40 CFR 60.17). | (d) Results of this test consist of the average of the three 1-hour or longer runs.  |
|          | c. limit the concentration of VOC in the stationary SI internal combustion engine exhaust. | i. Select the sampling port location and the number of traverse points;  | (1) Method 1 or 1A of 40 CFR 60, appendix A.  | (a) If using a control device, the sampling site must be located at the outlet of the control device.                              |

**Table 2 to Subpart JJJJ of Part 60—Requirements for Performance Tests (continued)**

| For each | Complying with the requirement to | You must   | Using   | According to the following requirements   |
|----------|-----------------------------------|--|---|---|
|          |                                   | ii. Determine the O <sub>2</sub> concentration of the stationary internal combustion engine exhaust at the sampling port location; | (2) Method 3, 3A, or 3B <sup>b</sup> of 40 CFR 60, appendix A or ASTM Method D6522–00(2005) <sup>a</sup> .  | (b) Measurements to determine O <sub>2</sub> concentration must be made at the same time as the measurements for VOC concentration. |
|          |                                   | iii. Determine the exhaust flow rate of the stationary internal combustion engine exhaust;   |   | (3) Method 2 or 19 of 40 CFR 60.  |
|          |                                   | iv. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and | (4) Method 4 of 40 CFR 60, appendix A, Method 320 of 40 CFR 63, appendix A, or ASTM D6348–03 (incorporated by reference, see 40 CFR 60.17).   | (c) Measurements to determine moisture must be made at the same time as the measurement for VOC concentration.                      |
|          |                                   | v. Measure VOC at the exhaust of the stationary internal combustion engine.  | (5) Methods 25A and 18 of 40 CFR 60, appendix A, Method 25A with the use of a methane cutter as described in 40 CFR 1065.265, Method 18 or 40 CFR 60, appendix A, <sup>c,d</sup> Method 320 of 40 CFR 63, appendix A, or ASTM D6348–03 (incorporated by reference, see 40 CFR 60.17). | (d) Results of this test consist of the average of the three 1-hour or longer runs.   |

- a) ASTM D6522–00 is incorporated by reference; see 40 CFR 60.17. Also, you may petition the Administrator for approval to use alternative methods for portable analyzer.
- b) You may use ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses, for measuring the O<sub>2</sub> content of the exhaust gas as an alternative to EPA Method 3B.
- c) You may use EPA Method 18 of 40 CFR 60, appendix A, provided that you conduct an adequate presurvey test prior to the emissions test, such as the one described in OTM 11 on EPA’s Web site (<http://www.epa.gov/ttn/emc/prelim/otm11.pdf>).
- d) You may use ASTM D6420–99 (2004), Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography/Mass Spectrometry as an alternative to EPA Method 18 for measuring total nonmethane organic.

**[40 CFR 60.4244(a) ; PTC No. P-2009.0001, 4/15/15]**

**4.22** The permittee must meet the following notification, reporting and recordkeeping requirements:

If the SI engines have not been certified by an engine manufacturer to meet the emission standards of 40 CFR 60.4231, the permittee must submit an initial notification as required in 40 CFR 60.7(a)(1). The notification must include the following information:

- Name and address of the owner or operator;
- The address of the affected source;
- Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;
- Emission control equipment; and
- Fuel used.

[40 CFR 60.4245; PTC No. P-2009.0001, 4/15/15]

**4.23** The permittee must submit a copy of each performance test as conducted in 40 CFR 60.4244 within 60 days after the test has been completed.

[40 CFR 60.4245(d) ; PTC No. P-2009.0001, 4/15/15]

**4.24** Unless expressly provided otherwise, any reference in this permit to any document identified in IDAPA 58.01.01.107.03 shall constitute the full incorporation into this permit of that document for the purposes of the reference, including any notes and appendices therein. Documents include, but are not limited to:

- Standards of Performance for New Stationary Sources (NSPS), 40 CFR 60, Subpart JJJJ.
- National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP), 40 CFR 63, Subpart ZZZZ.

For permit conditions referencing or cited in accordance with any document incorporated by reference (including permit conditions identified as NSPS or NESHAP), should there be any conflict between the requirements of the permit condition and the requirements of the document, the requirements of the document shall govern, including any amendments to that regulation.

[IDAPA 58.01.01.107, 3/29/17]

## 5 General Provisions

### General Compliance

- 5.1 The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.  
[IDAPA 58.01.01.322.15.a, 5/1/94; 40 CFR 70.6(a)(6)(i)]
- 5.2 It shall not be a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the terms and conditions of this permit.  
[IDAPA 58.01.01.322.15.b, 5/1/94; 40 CFR 70.6(a)(6)(ii)]
- 5.3 Any permittee who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.  
[IDAPA 58.01.01.315.01, 5/1/94; 40 CFR 70.5(b)]

### Reopening

- 5.4 This permit may be revised, reopened, revoked and reissued, or terminated for cause. Cause for reopening exists under any of the circumstances listed in IDAPA 58.01.01.386. Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable in accordance with IDAPA 58.01.01.360 through 369.  
[IDAPA 58.01.01.322.15.c, 5/1/94; IDAPA 58.01.01.386, 3/19/99; 40 CFR 70.7(f)(1), (2); 40 CFR 70.6(a)(6)(iii)]
- 5.5 The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.  
[IDAPA 58.01.01.322.15.d, 5/1/94; 40 CFR 70.6(a)(6)(iii)]

### Property Rights

- 5.6 This permit does not convey any property rights of any sort or any exclusive privilege.  
[IDAPA 58.01.01.322.15.e, 5/1/94; 40 CFR 70.6(a)(6)(iv)]

### Information Requests

- 5.7 The permittee shall furnish all information requested by DEQ, within a reasonable time, that DEQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit.  
[Idaho Code §39-108; IDAPA 58.01.01.122, 4/5/00; IDAPA 58.01.01.322.15.f, 4/5/00; 40 CFR 70.6(a)(6)(v)]
- 5.8 Upon request, the permittee shall furnish to DEQ copies of records required to be kept by this permit. For information claimed to be confidential, the permittee may furnish such records along with a claim of confidentiality in accordance with Idaho Code §9-342A and applicable implementing regulations including IDAPA 58.01.01.128.  
[IDAPA 58.01.01.322.15.g, 5/1/94; IDAPA 58.01.01.128, 4/5/00; 40 CFR 70.6(a)(6)(v)]

## Severability

- 5.9 The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

[IDAPA 58.01.01.322.15.h, 5/1/94; 40 CFR 70.6(a)(5)]

## Changes Requiring Permit Revision or Notice

- 5.10 The permittee may not commence construction or modification of any stationary source, facility, major facility, or major modification without first obtaining all necessary permits to construct or an approval under IDAPA 58.01.01.213, or complying with IDAPA 58.01.01.220 through 223. The permittee shall comply with IDAPA 58.01.01.380 through 386 as applicable.

[IDAPA 58.01.01.200–223, 4/2/08; IDAPA 58.01.01.322.15.i, 3/19/99; IDAPA 58.01.01.380–386, 7/1/02; 40 CFR 70.4(b)(12), (14), (15); 40 CFR 70.7(d), (e)]

- 5.11 Changes that are not addressed or prohibited by the Tier I operating permit require a Tier I operating permit revision if such changes are subject to any requirement under Title IV of the Clean Air Act (CAA), 42 United States Code (U.S.C.) Section 7651 through 7651c, or are modifications under Title I of the CAA, 42 U.S.C. Section 7401 through 7515. Administrative amendments (IDAPA 58.01.01.381), minor permit modifications (IDAPA 58.01.01.383), and significant permit modifications (IDAPA 58.01.01.382) require a revision to the Tier I operating permit. IDAPA 58.01.01.502(b)(10) changes are authorized in accordance with IDAPA 58.01.01.384. Off permit changes and required notice are authorized in accordance with IDAPA 58.01.01.385.

[IDAPA 58.01.01.381–385, 4/5/00; IDAPA 58.01.01.209.05, 4/11/06; 40 CFR 70.4(b)(14), (15)]

## Federal and State Enforceability

- 5.12 Unless specifically identified as a "state-only" provision, all terms and conditions in this permit, including any terms and conditions designed to limit a source's potential to emit, are enforceable: (i) by DEQ in accordance with state law; and (ii) by the United States or any other person in accordance with federal law.

[IDAPA 58.01.01.322.15.j, 5/1/94; 40 CFR 70.6(b)(1), (2)]

- 5.13 Provisions specifically identified as a "state-only" provision are enforceable only in accordance with state law. "State-only" provisions are those that are not required under the Federal Clean Air Act or under any of its applicable requirements or those provisions adopted by the state prior to federal approval.

[Idaho Code §39-108; IDAPA 58.01.01.322.15.k, 3/23/98]

## Inspection and Entry

**5.14** Upon presentation of credentials, the permittee shall allow DEQ or an authorized representative of DEQ to do the following:

- Enter upon the permittee's premises where a Tier I source is located, or emissions related activity is conducted, or where records are kept under conditions of this permit;
- Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;
- Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
- As authorized by the Idaho Environmental Protection and Health Act, sample or monitor, at reasonable times, substances or parameters for the purpose of determining or ensuring compliance with this permit or applicable requirements.

[Idaho Code §39-108; IDAPA 58.01.01.322.15.1, 5/1/94; 40 CFR 70.6(c)(2)]

## New Applicable Requirements

**5.15** The permittee shall comply with applicable requirements that become effective during the permit term on a timely basis.

[IDAPA 58.01.01.322.10, 4/5/00; IDAPA 58.01.01.314.10.a.ii, 5/1/94; 40 CFR 70.6(c)(3) citing 70.5(c)(8)]

## Fees

**5.16** The permittee shall pay annual registration fees to DEQ in accordance with IDAPA 58.01.01.387 through IDAPA 58.01.01.397.

[IDAPA 58.01.01.387, 4/2/03; 40 CFR 70.6(a)(7)]

## Certification

**5.17** All documents submitted to DEQ shall be certified in accordance with IDAPA 58.01.01.123 and comply with IDAPA 58.01.01.124.

[IDAPA 58.01.01.322.15.o, 5/1/94; 40 CFR 70.6(a)(3)(iii)(A); 40 CFR 70.5(d)]

## Renewal

**5.18** The permittee shall submit an application to DEQ for a renewal of this permit at least six months before, but no earlier than 18 months before, the expiration date of this operating permit. To ensure that the term of the operating permit does not expire before the permit is renewed, the permittee is encouraged to submit a renewal application nine months prior to the date of expiration.

[IDAPA 58.01.01.313.03, 4/5/00; 40 CFR 70.5(a)(1)(iii)]

**5.19** If a timely and complete application for a Tier I operating permit renewal is submitted, but DEQ fails to issue or deny the renewal permit before the end of the term of this permit, then all the terms and conditions of this permit, including any permit shield that may have been granted pursuant to IDAPA 58.01.01.325, shall remain in effect until the renewal permit has been issued or denied.

[IDAPA 58.01.01.322.15.p, 5/1/94; 40 CFR 70.7(b)]

## Permit Shield

**5.20** Compliance with the terms and conditions of the Tier I operating permit, including those applicable to all alternative operating scenarios and trading scenarios, 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 the Tier I operating permit; or
- DEQ has determined that other requirements specifically identified are not applicable and all of the criteria set forth in IDAPA 58.01.01.325.01(b) have been met.
- The permit shield shall apply to permit revisions made in accordance with IDAPA 58.01.01.381.04 (administrative amendments incorporating the terms of a permit to construct), IDAPA 58.01.01.382.04 (significant modifications), and IDAPA 58.01.01.384.03 (trading under an emissions cap).
- Nothing in this permit shall alter or affect the following:
  - Any administrative authority or judicial remedy available to prevent or terminate emergencies or imminent and substantial dangers;
  - The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;
  - The applicable requirements of the acid rain program, consistent with 42 U.S.C. Section 7651(g)(a); and
  - The ability of EPA to obtain information from a source pursuant to Section 114 of the CAA; or the ability of DEQ to obtain information from a source pursuant to Idaho Code §39-108 and IDAPA 58.01.01.122.

[Idaho Code §39-108 and 112; IDAPA 58.01.01.122, 4/5/00; IDAPA 58.01.01.322.15.m, 5/1/94; IDAPA 58.01.01.325, 3/19/99; IDAPA 58.01.01.381.04, 382.04, 383.05, 384.03, 385.03, 3/19/99; 40 CFR 70.6(f)]

## Compliance Schedule and Progress Reports

**5.21** The permittee shall comply with the following:

- For each applicable requirement for which the source is not in compliance, the permittee shall comply with the compliance schedule incorporated in this permit.
- For each applicable requirement that will become effective during the term of this permit and that provides a detailed compliance schedule, the permittee shall comply with such requirements in accordance with the detailed schedule.
- For each applicable requirement that will become effective during the term of this permit that does not contain a more detailed schedule, the permittee shall meet such requirements on a timely basis.
- For each applicable requirement with which the permittee is in compliance, the permittee shall continue to comply with such requirements.

[IDAPA 58.01.01.322.10, 4/5/00; IDAPA 58.01.01.314.9, 5/1/94; IDAPA 58.01.01.314.10, 4/5/00; 40 CFR 70.6(c)(3) and (4)]

## Periodic Compliance Certification

**5.22** The permittee shall submit compliance certifications during the term of the permit for each emissions unit to DEQ and the EPA as follows:

- The compliance certifications for all emissions units shall be submitted annually from October 1 to September 30 or more frequently if specified by the underlying applicable requirement or elsewhere in this permit by DEQ.
- The initial compliance certification for each emissions unit shall address all of the terms and conditions contained in the Tier I operating permit that are applicable to such emissions unit, including emissions limitations, standards, and work practices;
- The compliance certification shall be in an itemized form providing the following information (provided that the identification of applicable information may cross-reference the permit or previous reports as applicable):
  - The identification of each term or condition of the Tier I operating permit that is the basis of the certification;
  - The identification of the method(s) or other means used by the permittee for determining the compliance status with each term and condition during the certification period. Such methods and other means shall include, at a minimum, the methods and means required under Subsections 322.06, 322.07, and 322.08;
  - The status of compliance with the terms and conditions of the Tier I operating permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the method or means designated in Subsection 322.11.c.ii above. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR 64 occurred; and
  - Such information as DEQ may require to determine the compliance status of the emissions unit.

**5.23** All original compliance certifications shall be submitted to DEQ and a copy of all compliance certifications shall be submitted to the EPA.

[IDAPA 58.01.01.322.11, 4/6/05; 40 CFR 70.6(c)(5)(iii) as amended, 62 Fed. Reg. 54900, 54946 (10/22/97); 40 CFR 70.6(c)(5)(iv)]

## False Statements

**5.24** No person shall knowingly make any false statement, representation, or certification in any form, notice, or report required under this permit or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.125, 3/23/98]

## No Tampering

**5.25** No person shall knowingly render inaccurate any monitoring device or method required under this permit or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.126, 3/23/98]

## **Semiannual Monitoring Reports**

- 5.26** In addition to all applicable reporting requirements identified in this permit, the permittee shall submit reports of any required monitoring at least every six months. The permittee's semiannual reporting periods shall be from October 1 to March 31 and April 1 to September 30. All instances of deviations from this operating permit's requirements must be clearly identified in the report. The semiannual reports shall be submitted to DEQ within 30 days of the end of the specified reporting period.

[IDAPA 58.01.01.322.15.q, 3/23/98; IDAPA 58.01.01.322.08.c, 4/5/00; 40 CFR 70.6(a)(3)(iii)]

## **Reporting Deviations and Excess Emissions**

- 5.27** The permittee shall promptly report all deviations from permit requirements including upset conditions, their probable cause, and any corrective actions or preventive measures taken. For excess emissions, the report shall be made in accordance with IDAPA 58.01.01.130–136. For all other deviations, the report shall be made in accordance with IDAPA 58.01.01.322.08.c, unless otherwise specified in this permit.

[IDAPA 58.01.01.322.15.q, 3/23/98; IDAPA 58.01.01.135, 4/11/06; 40 CFR 70.6(a)(3)(iii)]

## **Permit Revision Not Required**

- 5.28** 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.

[IDAPA 58.01.01.322.05.b, 4/5/00; 40 CFR 70.6(a)(8)]

## **Emergency**

- 5.29** In accordance with IDAPA 58.01.01.332, an "emergency", as defined in IDAPA 58.01.01.008, constitutes an affirmative defense to an action brought for noncompliance with such technology-based emissions limitation if the conditions of IDAPA 58.01.01.332.02 are met.

[IDAPA 58.01.01.332.01, 4/5/00; 40 CFR 70.6(g)]