



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

Brad Little, Governor
John Tippetts, Director

August 13, 2020

John Malletta, President and CEO
IRWS, LLC
242 N. 8th St., Suite 220
Boise, Idaho 83702

RE: Facility ID No. 039-00020, IRWS, LLC, Mayfield
Transfer of Ownership by Tier I Administrative Permit Amendment

Dear Mr. Malletta:

The Department of Environmental Quality (DEQ) is issuing Tier I Operating Permit No. T1-2019.0004, Project 62484 to IRWS, LLC in Mayfield for a transfer of ownership from Idaho Waste Services, Inc. – Simco Road Landfill to IRWS, LLC. This Tier I Operating Permit is issued in accordance with IDAPA 58.01.01.381, Rules for the Control of Air Pollution in Idaho and is based on the certified information received on July 29, 2020. The transfer of ownership is based on the following information:

Previous Permittee Information

Permittee:	Idaho Waste Services, Inc. – Simco Road Landfill
Mailing Address:	P.O. Box 20756, Keizer, Oregon 97307
Facility Location:	16415 Northwest Waste Site Drive, Mayfield, Idaho 83716
Facility Contact:	Jack Yarbrough, President
Phone Number:	(208) 796-2727
E-mail Address:	IdahoWaste@gmail.com
Responsible Official:	Jack Yarbrough, President
Phone Number:	(208) 796-2727

Updated Permittee Information

Permittee:	IRWS, LLC
Mailing Address:	242 N. 8 th St., Suite 220, Boise, Idaho 83702
Facility Location:	16415 Northwest Waste Site Drive, Mayfield, Idaho 83716
Facility Contact:	Jeff Thompson, VP Operations
Phone Number:	(208) 353-8808
E-mail Address:	jeff@2xRecycling.com
Responsible Official:	John Malletta, President and CEO
Phone Number:	(208) 353-8808

Mr. Malletta
August 13, 2020
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This permit is effective immediately and replaces T1-2019.0004, Project 62164 issued May 24, 2019. This permit does not release IRWS, LLC from compliance with all other applicable federal, state, or local laws, regulations, permits, or ordinances.

If you have any questions, please contact Christina Boulay at (208) 373-0171 or christina.boulay@deq.idaho.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Simon".

Mike Simon
Stationary Source Bureau Chief
Air Quality Division

MS/cb

Permit No. T1-2019.0004 PROJ 62484

Enclosure

Air Quality

TIER I OPERATING PERMIT

Permittee IRWS, LLC
Permit Number T1-2019.0004
Project ID 62484
Facility ID 039-00020
Facility Location 16415 Northwest Waste Site Drive
Mayfield, Idaho 83716

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 August 13, 2020

Date Expires May 24, 2024

Christina Boulay

Christina Boulay, Permit Writer

Mike Simon

Mike Simon, Stationary Source Bureau Chief

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1 Acronyms, Units, and Chemical Nomenclature

ACR	auto shredder residue
ACMW	asbestos containing material waste
ASTM	American Society for Testing and Materials
Btu	British thermal unit
CAA	Clean Air Act
cfm	cubic feet per minute
CFR	Code of Federal Regulations
CI	compression ignition
CNMOC	concentration of non-methane organic compound
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	CO ₂ equivalent emissions
DEQ	Idaho Department of Environmental Quality
EPA	United States Environmental Protection Agency
GHG	greenhouse gases
gr	grains (1 lb = 7,000 grains)
H ₂ S	hydrogen sulfide
HAP	hazardous air pollutants
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
IWS	Idaho Waste Services, Inc.
lb/hr	pounds per hour
LFG	landfill gas
LFGCCS	landfill gas collection and control system
M ³	cubic meters
MACT	Maximum Achievable Control Technology
Mg	megagrams
MMBtu	million British thermal units
MMscf	million standard cubic feet
MRRR	Monitoring, Recordkeeping and Reporting Requirements
MSW	municipal solid waste
MSWLF	municipal solid waste landfill
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMOC	nonmethane organic compounds
NO ₂	nitrogen dioxide
NO _x	nitrogen oxides
NSPS	New Source Performance Standards
O ₂	oxygen
O&M	operation and maintenance
OHV	off-highway vehicles
PM	particulate matter
PM _{2.5}	particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers
PM ₁₀	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
RCRA	Resource Conservation and Recovery Act
Rules	Rules for the Control of Air Pollution in Idaho
scfm	standard cubic feet per minute
SIP	State Implementation Plan
SSM	startup, shutdown, and malfunction
T/yr	tons per consecutive 12-calendar-month period
T1	Tier I 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. The purpose of this permit amendment is to change the name of the permittee.
- 2.2 This Tier I operating permit replaces the following permit(s):
- Tier I Operating Permit No. T1-2019.0004 issued May 24, 2019

Regulated Sources

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

Table 2.1 Regulated Sources

Permit Section	Source	Control Equipment
3	Fugitive dust emissions created from a number of sources: paved and unpaved roads, landfill equipment/landfill operations that include dozing and grading activities for compressing municipal solid waste and applying daily cover, and storage piles.	Reasonable control
4	IRWS, LLC Landfill	None

3 Facility-Wide Conditions

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
3.1-3.4	Fugitive Dust	Reasonable control	IDAPA 58.01.01.650–651	3.2–3.4, 3.24, 3.29
3.5, 3.6	Odors	Reasonable control	IDAPA 58.01.01.775–776	3.6, 3.24, 3.29
3.7-3.9	Visible Emissions	20% opacity for no more than 3 minutes in any 60-minute period	IDAPA 58.01.01.625	3.8, 3.9, 3.24, 3.29
3.10-3.14	Excess Emissions	Compliance with IDAPA 58.01.01.130-136	IDAPA 58.01.01.130–136	3.10-3.14, 3.24, 3.29
3.15	PM	Natural gas only 0.015 gr/dscf at 3% O ₂ Fuel oil only 0.05 gr/dscf at 3% O ₂ Coal only 0.05 gr/dscf at 8% O ₂ Wood only 0.08 gr/dscf at 8% O ₂	IDAPA 58.01.01.676–677	(see Emissions Unit/Source Name Section)
3.16, 3.17	Sulfur Content	ASTM grade No. 1 fuel oil ≤ 0.3% by weight ASTM grade No. 2 fuel oil ≤ 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 60/63, 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
3.31	Non-road Engines	Non-applicability of 40 CFR 63, Subpart ZZZ	40 CFR 1068.30	3.31

Fugitive Dust

- 3.1** All reasonable precautions shall be taken to prevent particulate matter (PM) from becoming airborne in accordance with IDAPA 58.01.01.650–651.
[IDAPA 58.01.01.650–651, 4/11/2015]
- 3.2** 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, 5/1/1994]
- 3.3** 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, 5/1/1994]
- 3.4** The permittee shall conduct a quarterly 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, 5/1/1994]

Odors

- 3.5** 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), 5/1/1994]
- 3.6** 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), 5/1/1994]

Visible Emissions

- 3.7** 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, NOx, 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, 4/5/2000]

3.8 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, 5/1/1994]

3.9 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, 5/1/1994]

Excess Emissions

Excess Emissions-General

3.10 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 3.10 through 3.14) 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, 4/5/2000]

Excess Emissions-Startup, Shutdown, and Scheduled Maintenance

3.11 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, 4/11/2006]

Excess Emissions-Upset, Breakdown, or Safety Measures

3.12 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, 4/11/2006]

Excess Emissions-Reporting and Recordkeeping

3.13 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, 4/11/2006]

3.14 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, 4/5/2000]

Fuel-Burning Equipment

3.15 The permittee shall not discharge to the atmosphere from any fuel-burning equipment PM in excess of 0.015 grains per dry standard cubic foot (gr/dscf) of effluent gas corrected to 3% oxygen by volume for gas, 0.050 gr/dscf of effluent gas corrected to 3% oxygen by volume for liquid, 0.050 gr/dscf of effluent gas corrected to 8% oxygen by volume for coal, and 0.080 gr/dscf of effluent gas corrected to 8% oxygen by volume for wood products.

[IDAPA 58.01.01.676–677, 5/1/1994]

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, SO₂ emissions are equal to or less than those resulting from the combustion of fuels complying with these limitations.

[IDAPA 58.01.01.725, 4/11/2015]

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

[IDAPA 58.01.01.322.07, 5/1/1994]

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, 3/29/2012]

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 Part 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"> All requests, reports, applications, submittals, and other communications associated with 40 CFR 60, Subpart(s) shall be submitted to: Boise Regional Office 1445 N. Orchard Boise, ID 83706
60.7(a), (b), and (f)	Notification and Recordkeeping	<ul style="list-style-type: none"> Notification shall be furnished of commencement of construction postmarked no later than 30 days of such date. Notification shall be furnished of initial startup postmarked within 15 days of such date. Notification shall be furnished of any physical or operational change that may increase emissions postmarked 60 days before the change is made. 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. 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.
60.8	Performance Tests	<ul style="list-style-type: none"> At least 30 days prior notice of any performance test shall be provided to afford the opportunity to have an observer to be present. 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. Performance testing facilities shall be provided as follows: <ul style="list-style-type: none"> Sampling ports adequate for test methods applicable to such facility. Safe sampling platform(s). Safe access to sampling platform(s). Utilities for sampling and testing equipment. Performance tests shall be conducted and data reduced in accordance with 40 CFR 60.8(b), (c), and (f)
60.11(a), (d), (f), and (g)	Compliance with Standards and Maintenance Requirements	<ul style="list-style-type: none"> When performance tests are required, compliance with standards is determined by methods and procedures established by 40 CFR 60.8. At all times, including periods of startup, shutdown, and malfunction, the owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.
60.11(b), (c), and (e)	Compliance with Standards and Maintenance Requirements (Opacity)	<ul style="list-style-type: none"> Compliance with opacity standards shall be determined by Method 9 in Appendix A of 40 CFR 60. The permittee may elect to use COM measurements in lieu of Method 9, provided notification is made at least 30 days before the performance test. The opacity standards shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided. Opacity observations shall be conducted concurrently with the initial performance test required in 40 CFR 60.8 in accordance with the requirements and exceptions in 40 CFR 60.11(e).

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

Section	Subject	Summary of Section Requirements
60.12	Circumvention	<ul style="list-style-type: none"> 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.
60.13	Monitoring Requirements (CMS)	<ul style="list-style-type: none"> All CMS and monitoring devices shall be installed and operational prior to conducting performance tests required by 40 CFR 60.8. 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. 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). The zero and upscale (span) calibration drifts of a COMS must be automatically, intrinsic to the opacity monitor, checked at least once daily. 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). 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). Data shall be reduced and computed in accordance with the procedures in 40 CFR 60.13(h), (i), and (j).
60.14	Modification	<ul style="list-style-type: none"> 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. Within 180 days of the completion of any physical or operational change, compliance with all applicable standards must be achieved.
60.15	Reconstruction	<ul style="list-style-type: none"> 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.

[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"> • All requests, reports, applications, submittals, and other communications associated with 40 CFR 63, Subpart(s) shall be submitted to: <table border="0" style="margin-left: 20px;"> <tr> <td style="padding-right: 20px;">Director, Office of Air Quality</td> <td>Boise Regional Office</td> </tr> <tr> <td>US EPA</td> <td>1445 N. Orchard</td> </tr> <tr> <td>1200 Sixth Ave.</td> <td>Boise, ID 83706</td> </tr> <tr> <td>Seattle, WA 98101</td> <td></td> </tr> </table> 	Director, Office of Air Quality	Boise Regional Office	US EPA	1445 N. Orchard	1200 Sixth Ave.	Boise, ID 83706	Seattle, WA 98101	
Director, Office of Air Quality	Boise Regional Office									
US EPA	1445 N. Orchard									
1200 Sixth Ave.	Boise, ID 83706									
Seattle, WA 98101										
63.4(a)	Prohibited Activities	<ul style="list-style-type: none"> • 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. 								
63.4(b)	Circumvention/ Fragmentation	<ul style="list-style-type: none"> • 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. • 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). 								
63.6(b) and (c)	Compliance Dates	<ul style="list-style-type: none"> • The permittee of any new or reconstructed source must comply with the relevant standard as specified in 40 CFR 63.6(b). <ul style="list-style-type: none"> ◦ 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). ◦ 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). • 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). <ul style="list-style-type: none"> ◦ 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). 								
63.6(e) and (f)	Compliance with Standards and Maintenance Requirements (Non-Opacity)	<ul style="list-style-type: none"> • 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). • The permittee of an affected source must develop a written startup, shutdown, and malfunction plan 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. • 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 startup, shutdown, and malfunction report. • 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). 								

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"> • 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). • 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). • 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. • 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"> ○ Sampling ports adequate for test methods applicable to such source. ○ Safe sampling platform(s); ○ Safe access to sampling platform(s); ○ Utilities for sampling and testing equipment; and ○ Any other facilities deemed necessary for safe and adequate testing of a source. • Performance tests shall be conducted and data reduced in accordance with 40 CFR 63.7(e) and (f). • 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).
63.9	Notification Requirements	<ul style="list-style-type: none"> • 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"> ○ The name and address of the permittee; ○ The address (i.e., physical location) of the affected source; ○ An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date; ○ 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 ○ A statement of whether the affected source is a major source or an area source. • 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"> ○ 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; ○ A notification of the actual date of startup of the source delivered or postmarked within 15 calendar days after that date. • 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"> ○ 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 ○ A notification of the actual date of startup of the source delivered or postmarked within 15 calendar days after that date. ○ 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).

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"> • 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. • 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. • 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"> ○ The methods that were used to determine compliance; ○ 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; ○ The methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods; ○ 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; ○ 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); ○ 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 ○ 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. • The notification must be sent before the close of business on the 60th 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 30th day following the completion of the observations. • 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. • 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). • 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).

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"> • 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. • The permittee shall maintain relevant records of the following in accordance with 40 CFR 63.10(b)(2); <ul style="list-style-type: none"> ○ 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; ○ The occurrence and duration of each malfunction of operation or the required air pollution control and monitoring equipment; ○ All required maintenance performed on the air pollution control and monitoring equipment; ○ 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 startup, shutdown, and malfunction plan; or ○ Actions taken during periods of malfunction when the actions taken are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan; ○ All information necessary, including actions taken, to demonstrate conformance with the affected source's startup, shutdown, and malfunction 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 startup, shutdown, and malfunction plan may be recorded using a "checklist," or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events); ○ Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods); ○ 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); ○ All results of performance tests, CMS performance evaluations, and opacity and visible emission observations; ○ All measurements as may be necessary to determine the conditions of performance tests and performance evaluations; ○ All CMS calibration checks; ○ All adjustments and maintenance performed on CMS; ○ 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 ○ All documentation supporting initial notifications and notifications of compliance status under 40 CFR 63.9. • 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).

[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, 5/1/1994]

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, 4/5/2000]

3.27 Within 60 days following the date in which a performance test required by this permit is concluded, the permittee shall submit to DEQ a performance test report. The report shall include a description of the process, identification of the test method(s) used, equipment used, all process operating data collected during the test period, and test results, as well as raw test data and associated documentation, including any approved test protocol.

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, 4/5/2000]

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

The periodic compliance certification required in the general provisions (General Provision 6.22) 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 155
Seattle, WA 98101

[IDAPA 58.01.01.322.08, 11, 4/5/2000]

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 Part 60, Subpart XXX – Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014.
- National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61, Subpart M – National Emission Standard for Asbestos

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, 3/29/2017]

- 3.31** The permittee shall utilize only nonroad engines for tipping trailers and pumping leachate as defined by 40 CFR 1068.30.
- A nonroad engine is an internal combustion engine that meets the following criteria: by itself or in or on a piece of equipment, it is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

- An internal combustion engine is not a nonroad engine if it meets any of the following criteria: the engine remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year.
- The permittee shall maintain on site at all times the manufacturer's specifications for the generators and pumps being used. These specifications shall be made available to DEQ representatives upon request.

[40 CFR 1068.30]

4 IRWS, LLC Landfill – 40 CFR 60 Subpart XXX

Summary Description

IRWS, LLC is the owner and operator of a landfill, located in Elmore County, Idaho. IRWS, LLC is a municipal solid waste landfill (MSWLF) located near Mayfield, Idaho.

Furthermore, IRWS, LLC is a Resource Conservation and Recovery Act (RCRA), Subtitle D municipal solid waste landfill (MSWLF) and active asbestos containing material waste (ACMW) disposal site located north and west of Mountain Home, Idaho. It began officially accepting waste for disposal in September 1999. The original design for the landfill was prepared by J-U-B Engineers dated June 1995. The design capacity has changed over the years with the last reported change on September 28, 2015. The design continues to provide for the excavation of cells below existing ground to a depth ranging from zero to 55-feet below ground surface.

Two lined landfill cells have been constructed to date. Cell No. 1 is located in the northerly and easterly portion of the site located south of the Union Pacific Railroad tracks. Cell 2A is located to the west of Cell No.1. The construction of cells is progressing to the west and south. The landfill has a current permitted design capacity of 15 million tons (approximately 25 million cubic yards). As of the end of 2018, there is approximately 2,424,592 tons (~4.1 million cubic yards) of waste placed within the landfill.

Since IRWS, LLC commenced construction of the landfill after May 20, 1991, and has additional capacity for future waste deposition, IRWS, LLC is considered to be a “designated facility” as defined under 40 CFR 62.14352(a) and therefore subject to the New Source Performance Standards (NSPS). The current IRWS, LLC design capacity of approximately 19.1 million cubic meters/13.6 million megagrams (Mg), is greater than 2.5million cubic meters (m³) and 2.5 million Mg, and therefore IRWS, LLC cannot be exempted from NSPS under 40 CFR 62.14352(b) and (c). Furthermore, SRRL developed Cell 2A in 2015 which is a “modification after July 17, 2014”, and thus 40 CFR Part 60 Subpart XXX - Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014, applies to IRWS, LLC.

IRWS, LLC accepts waste from residents and businesses in the metro Boise area, and primarily from Ada and Elmore Counties. Wastes are primarily brought in by commercial haulers, and very little waste is brought in by private individuals, who will typically bring waste to the neighboring County transfer station (Bennett Road transfer station). IRWS, LLC also accepts waste from Mountain Home Air Force base. Waste is hauled to the landfill by commercial garbage trucks, private vendors and contractors, and general public vehicles.

Table 4.1 describes the devices used to control emissions from IRWS, LLC.

Table 4.1 IRWS, LLC Description

Emissions Units / Processes	Control Devices
SRRL – Cell 1	None
SRRL – Cell 2A	None

Table 4.2 contains only a summary of the requirements that apply to the IRWS, LLC. 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
4.2-4.5	Landfill Emissions	Standards for air emissions	40 CFR 60.762	4.2-4.5, 4.16, 4.17-4.19, 4.21
4.6	Landfill Emissions	Operational standards for collection and control systems	40 CFR 60.763	4.6
4.7-4.12	Landfill Emissions	Test methods and procedures	40 CFR 60.764	4.8-4.12, 4.27
4.13	Landfill Emissions	Compliance provisions	40 CFR 60.765	4.13, 4.24
4.14	Landfill Emissions	Monitoring of operations	40 CFR 60.766	4.14
4.15-4.26	Landfill Emissions	Reporting requirements	40 CFR 60.767	4.15-4.26
4.27-4.36	Landfill Emissions	Recordkeeping Requirements	40 CFR 60.768	4.27-4.36
4.37-4.39	Landfill Emissions	Specifications for active collection systems	40 CFR 60.769	4.29, 4.37-4.39

40 CFR 60 Subpart XXX - Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014

4.1 All owners or operators of landfills subject to Section 859 must comply with Federal Operating Permit Requirements (Title V) in accordance with IDAPA 58.01.01.859.04. The following permit conditions incorporate 40 CFR 60.760-769, Subpart XXX - Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014, as it applies to IRWS, LLC based on the information in the application. Should, in the future, changes made to IRWS, LLC trigger other requirements in 40 CFR 60, Subpart XXX, requirements in 40 CFR 60, Subpart XXX shall govern.

[IDAPA 58.01.01.859, 4/5/00]

NSPS 40 CFR 60.762 - Standards for air emissions from municipal solid waste landfills

4.2 In accordance with 40 CFR 60.762(b)(1)(ii), the permittee shall recalculate the NMOC emission rate annually using the procedures specified in §60.764(a)(1) until such time as the calculated NMOC emission rate is equal to or greater than 34 megagrams per year, or the landfill is closed.

- If the calculated NMOC emission rate, upon initial calculation or annual recalculation required in paragraph (b) of this section, is equal to or greater than 34 megagrams per year, the owner or operator must either:
 - Comply with paragraph (b)(2) of this section; calculate NMOC emissions using the next higher tier in §60.764; or
 - Conduct a surface emission monitoring demonstration using the procedures specified in §60.764(a)(6).

[40 CFR 60.762(b)(1)(ii)]

- 4.3** In accordance with 40 CFR 60.762(b)(2), if the calculated NMOC emission rate is equal to or greater than 34 megagrams per year using Tier 1, 2, or 3 procedures, the permittee must either:
- Submit a collection and control system design plan prepared by a professional engineer to DEQ within 1 year as specified in §60.767(c); or
 - Calculate NMOC emissions using the next higher tier in §60.764; or,
 - Conduct a surface emission monitoring demonstration using the procedures specified in §60.764(a)(6).

[40 CFR 60.762(b)(2)(i)]

- 4.4** If the permittee is required to install and start up a collection and control system that captures the gas generated within the landfill, otherwise known as landfill gas collection and control system (LFGCCS), as required by paragraphs (b)(2)(ii)(C) or (D) and (b)(2)(iii) of this section, they must do so within 30 months after:

- The first annual report in which the NMOC emission rate equals or exceeds 34 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the NMOC emission rate is less than 34 megagrams per year, as specified in §60.767(c)(4); or
- The most recent NMOC emission rate report in which the NMOC emission rate equals or exceeds 34 megagrams per year based on Tier 2, if the Tier 4 surface emissions monitoring shows a surface methane emission concentration of 500 parts per million methane or greater as specified in §60.767(c)(4)(iii).

[40 CFR 60.762(b)(2)(ii)(A,B)]

- 4.5** If the permittee is required to install and start up a LFGCCS the system must be installed, started, and removed in accordance with 40 CFR 60.762(b)(2)(ii-v).

[40 CFR 60.762(b)(2)(ii-v)]

NSPS 40 CFR 60.763 – Operational standards for collection and control systems

- 4.6** If the permittee is required to install and start up a LFGCCS, the system must be operated in accordance with 40 CFR 60.763.

[40 CFR 60.763]

NSPS 40 CFR 60.764 - Test methods and procedures

- 4.7** In accordance with 40 CFR 60.764(a)(1)(i), the permittee shall calculate the NMOC emission rate using the equation for the actual year to year solid waste acceptance is known.

[40 CFR 60.764(a)(1)(i)]

- 4.8** Tier 1 NMOC emission rates calculated with the equation in 40 CFR 60.764 (a)(1)(i) shall be compared to NMOC mass emission rate to the standard of 34 megagrams per year.

- If the NMOC emission rate calculated in paragraph (a)(1) of this section is less than 34 megagrams per year, then the landfill owner or operator must submit an NMOC emission rate report according to §60.767(b), and must recalculate the NMOC mass emission rate annually as required under §60.762(b).
- If the calculated NMOC emission rate as calculated in paragraph (a)(1) of this section is equal to or greater than 34 megagrams per year, then the landfill owner must either:
 - Submit a gas collection and control system design plan within 1 year as specified in §60.767(c) and install and operate a gas collection and control system within 30 months according to §60.762(b)(2)(ii) and (iii);

- Determine a site-specific NMOC concentration and recalculate the NMOC emission rate using the Tier 2 procedures provided in paragraph (a)(3) of this section; or
- Determine a site-specific methane generation rate constant and recalculate the NMOC emission rate using the Tier 3 procedures provided in paragraph (a)(4) of this section.

[40 CFR 60.764(a)(2)]

4.9 Tier 2 sampling shall be performed in accordance with 40 CFR 60.764(a)(3).

- Within 60 days after the date of completing each performance test (as defined in §60.8), the owner or operator must submit the results according to §60.767(i)(1).
- The landfill owner or operator must recalculate the NMOC mass emission rate using Equation 1 or Equation 2 provided in paragraph (a)(1)(i) or (a)(1)(ii) of this section and using the average site-specific NMOC concentration from the collected samples instead of the default value provided in paragraph (a)(1) of this section.
- If the resulting NMOC mass emission rate is less than 34 megagrams per year, then the owner or operator must submit a periodic estimate of NMOC emissions in an NMOC emission rate report according to §60.767(b)(1), and must recalculate the NMOC mass emission rate annually as required under §60.762(b). The site-specific NMOC concentration must be retested every 5 years using the methods specified in this section.
- If the NMOC mass emission rate as calculated using the Tier 2 site-specific NMOC concentration is equal to or greater than 34 megagrams per year, the landfill owner or operator must either:
 - Submit a gas collection and control system design plan within 1 year as specified in §60.767(c) and install and operate a gas collection and control system within 30 months according to §60.762(b)(2)(ii) and (iii);
 - Determine a site-specific methane generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the Tier 3 procedures specified in paragraph (a)(4) of this section; or
 - Conduct a surface emission monitoring demonstration using the Tier 4 procedures specified in paragraph (a)(6) of this section.

[40 CFR 60.764(a)(3)]

4.10 Tier 3 sampling shall be performed in accordance with 40 CFR 60.764(a)(4).

- If the NMOC mass emission rate as calculated using the Tier 2 site-specific NMOC concentration and Tier 3 site-specific methane generation rate is equal to or greater than 34 megagrams per year, the owner or operator must either:
 - Submit a gas collection and control system design plan within 1 year as specified in §60.767(c) and install and operate a gas collection and control system within 30 months according to §60.762(b)(2)(ii) and (iii); or
 - Conduct a surface emission monitoring demonstration using the Tier 4 procedures specified in paragraph (a)(6) of this section.

- If the NMOC mass emission rate is less than 34 megagrams per year, then the owner or operator must recalculate the NMOC mass emission rate annually using Equation 1 or Equation 2 in paragraph (a)(1) of this section and using the site-specific Tier 2 NMOC concentration and Tier 3 methane generation rate constant and submit a periodic NMOC emission rate report as provided in §60.767(b)(1). The calculation of the methane generation rate constant is performed only once, and the value obtained from this test must be used in all subsequent annual NMOC emission rate calculations.

[40 CFR 60.764(a)(4)]

4.11 The permittee may use other methods to determine the NMOC concentration or a site-specific methane generation rate constant as an alternative to the methods required in paragraphs (a)(3) and (4) of this section if the method has been approved by DEQ.

[40 CFR 60.764(a)(5)]

4.12 Tier 4 sampling shall be performed in accordance with 40 CFR 60.764(a)(6).

- The permittee shall demonstrate that surface methane emissions are below 500 parts per million. Surface emission monitoring must be conducted on a quarterly basis.
- Tier 4 sampling shall follow procedures in 40 CFR 60.764(a)(6)(i-viii).
 - Tier 4 is allowed only if the landfill owner or operator can demonstrate that NMOC emissions are greater than or equal to 34 Mg/yr but less than 50 Mg/yr using Tier 1 or Tier 2.
 - If both Tier 1 and Tier 2 indicate NMOC emissions are 50 Mg/yr or greater, then Tier 4 cannot be used.
 - In addition, the landfill must meet the criteria in paragraph (a)(6)(viii) of this section if a landfill has installed and operates a LFGCCS that is not required by this subpart.

[40 CFR 60.764(a)(6)]

NSPS 40 CFR 60.765, Compliance provisions

4.13 If the permittee is required to install and start up a LFGCCS, in accordance with 40 CFR 60.765, except as provided in §60.767(c)(2), the specified methods in paragraphs (a)(1) through (6) of this section must be used to determine whether the gas collection system is in compliance with §60.762(b)(2)(ii).

[40 CFR 60.765]

NSPS 40 CFR 60.766, Monitoring of operations

4.14 If the permittee is required to install and start up a LFGCCS, except for the collection and control system design plan must include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of §§60.763 through 60.768 proposed by the owner or operator, the permittee shall monitor operations in accordance with 40 CFR 60.766.

[40 CFR 60.766]

NSPS 40 CFR 60.767, Reporting requirements

4.15 In accordance with 40 CFR 60.767(a)(3), the permittee shall submit an amended design capacity report must be submitted to DEQ providing notification of an increase in the design capacity of the landfill, within 90 days of an increase in the maximum design capacity of the landfill to meet or exceed 2.5 million megagrams and 2.5 million cubic meters. This increase in design capacity may result from an increase in the permitted volume of the landfill or an increase in the density as documented in the annual recalculation required in §60.768(f).

[40 CFR 60.767(a)(3)]

4.16 In accordance with 40 CFR 60.767(b), the permittee must submit an NMOC emission rate report following the procedure specified in paragraph (i)(2) of this section to DEQ initially and annually thereafter, except as provided for in paragraph (b)(1)(ii) of this section. DEQ may request such additional information as may be necessary to verify the reported NMOC emission rate.

- The NMOC emission rate report must contain an annual or 5-year estimate of the NMOC emission rate calculated using the formula and procedures provided in §60.764(a) or (b), as applicable.
 - Subsequent NMOC emission rate reports must be submitted annually thereafter, except as provided for in paragraph (b)(1)(ii) of this section.
 - Subsequent NMOC emission rate reports must be submitted ninety days after the date of commenced construction, modification, or reconstruction for landfills that commence construction, modification, or reconstruction after August 29, 2016.
- If the estimated NMOC emission rate as reported in the annual report to DEQ is less than 34 megagrams per year in each of the next 5 consecutive years, the owner or operator may elect to submit, following the procedure specified in paragraph (i)(2) of this section, an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. This estimate must include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the 5 years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based must be provided to DEQ. This estimate must be revised at least once every 5 years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate must be submitted to DEQ. The revised estimate must cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.
- The NMOC emission rate report must include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions.
- The permittee is exempted from the requirements to submit an NMOC emission rate report, after installing a LFGCCS that complies with §60.762(b)(2), during such time as the LFGCCS is in operation and in compliance with §§60.763 and 60.765.

[40 CFR 60.767(b)(1-4)]

4.17 If the permittee is required to install and start up a LFGCCS, the permittee must submit a LFGCCS design plan to DEQ for approval according to the schedule in paragraph (c)(4) of this section. The LFGCCS design plan must be prepared in accordance with 40 CFR 60.767(c).

[40 CFR 60.767(c)]

- 4.18** In accordance with 40 CFR 60.767(d), if the permittee is required to install and start up a LFGCCS, the permittee must submit a design plan under paragraph (c) of this section must submit a revised design plan to DEQ for approval as follows:
- At least 90 days before expanding operations to an area not covered by the previously approved design plan.
 - Prior to installing or expanding the gas collection system in a way that is not consistent with the design plan that was submitted to DEQ according to paragraph (c) of this section.
- [40 CFR 60.767(d)]**
- 4.19** In accordance with 40 CFR 60.767(e), upon closure, the permittee must submit a closure report to DEQ within 30 days of waste acceptance cessation. DEQ may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 40 CFR 258.60. If a closure report has been submitted to DEQ, no additional wastes may be placed into the landfill without filing a notification of modification as described under §60.7(a)(4).
- [40 CFR 60.767(e)]**
- 4.20** In accordance with 40 CFR 60.767(f), if the permittee is required to install and start up a LFGCCS, the permittee must submit an equipment removal report to DEQ 30 days prior to removal or cessation of operation of the control equipment.
- [40 CFR 60.767(f)]**
- 4.21** In accordance with 40 CFR 60.767(g), the owner or operator of a landfill seeking to comply with §60.762(b)(2) using an active collection system designed in accordance with §60.762(b)(2)(ii) must submit to DEQ, following the procedure specified in paragraph (i)(2) of this section, annual reports of the recorded information in paragraphs (g)(1) through (7) of this section. The initial annual report must be submitted within 180 days of installation and startup of the collection and control system, and must include the initial performance test report required under §60.8, as applicable, unless the report of the results of the performance test has been submitted to the EPA via the EPA's CDX. In the initial annual report, the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted may be submitted in lieu of the performance test report if the report has been previously submitted to the EPA's CDX. For enclosed combustion devices and flares, reportable exceedances are defined under §60.768(c).
- [40 CFR 60.767(g)]**
- 4.22** In accordance with 40 CFR 60.767(h), if the permittee is required to install and start up a LFGCCS, the permittee must submit the following information with the initial performance test report required under §60.8:
- A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;
 - The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;
 - The documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;

- The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area;
- The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and
- The provisions for the control of off-site migration.

[40 CFR 60.767(h)]

4.23 In accordance with 40 CFR 60.767(i), the permittee must submit reports electronically according to paragraphs (i)(1) and (2) of this section listed below.

- Within 60 days after the date of completing each performance test (as defined in §60.8), the permittee must submit the results of each performance test according to the following procedures:
 - For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT Web site (https://www3.epa.gov/ttn/chief/ert/ert_info.html) at the time of the test, you must submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI). CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). Performance test data must be submitted in a file format generated through the use of the EPA's ERT or an alternative file format consistent with the extensible markup language (XML) schema listed on the EPA's ERT Web site, once the XML schema is available. If you claim that some of the performance test information being submitted is confidential business information (CBI), you must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site, including information claimed to be CBI, on a compact disc, flash drive or other commonly used electronic storage media to the EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.
 - For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, you must submit the results of the performance test to DEQ at the appropriate address listed in §60.4.
- The permittee is required to submit reports following the procedure specified in this paragraph must submit reports to the EPA via the CEDRI. (CEDRI can be accessed through the EPA's CDX.) The owner or operator must use the appropriate electronic report in CEDRI for this subpart or an alternate electronic file format consistent with the XML schema listed on the CEDRI Web site (<https://www3.epa.gov/ttn/chief/cedri/index.html>). If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the owner or operator must submit the report to DEQ at the appropriate address listed in §60.4. Once the form has been available in CEDRI for 90 calendar days, the owner or operator must begin submitting all subsequent reports via CEDRI. The reports must be submitted by the deadlines specified in this subpart, regardless of the method in which the reports are submitted.

[40 CFR 60.767(i)]

- 4.24** In accordance with 40 CFR 60.767(j), the permittee must submit corrective actions and the corresponding timelines as follows:
- For corrective action that is required according to §60.765(a)(3)(iii) or (a)(5)(iii) and is expected to take longer than 120 days after the initial exceedance to complete, you must submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to DEQ as soon as practicable but no later than 75 days after the first measurement of positive pressure or temperature monitoring value of 55 degrees Celsius (131 degrees Fahrenheit). DEQ must approve the plan for corrective action and the corresponding timeline.
 - For corrective action that is required according to §60.765(a)(3)(iii) or (a)(5)(iii) and is not completed within 60 days after the initial exceedance, you must submit a notification to DEQ as soon as practicable but no later than 75 days after the first measurement of positive pressure or temperature exceedance.
- [40 CFR 60.767(j)]**

- 4.25** In accordance with 40 CFR 60.767(j), the permittee that has employed leachate recirculation or added liquids based on a Research, Development, and Demonstration permit (issued through Resource Conservation and Recovery Act, subtitle D, part 258) within the last 10 years must submit to DEQ, annually, following the procedure specified in paragraph (i)(2) of this section.
- [40 CFR 60.767(k)]**

- 4.26** In accordance with 40 CFR 60.767(l), the permittee must provide a notification of the date(s) upon which it intends to demonstrate site-specific surface methane emissions are below 500 parts per million methane, based on the Tier 4 provisions of §60.764(a)(6). The landfill must also include a description of the wind barrier to be used during the SEM in the notification. Notification must be postmarked not less than 30 days prior to such date.

If there is a delay to the scheduled Tier 4 SEM date due to weather conditions, including not meeting the wind requirements in §60.764(a)(6)(iii)(A), the owner or operator of a landfill shall notify DEQ by email or telephone no later than 48 hours before any delay or cancellation in the original test date, and arrange an updated date with DEQ by mutual agreement.

[40 CFR 60.767(l)]

NSPS 40 CFR 60.768 Recordkeeping Requirements

- 4.27** In accordance with 40 CFR 60.768(a), except as provided in §60.767(c)(2), the permittee must keep for at least 5 years up-to-date, readily accessible, on-site records of the design capacity report that triggered §60.762(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.
- [40 CFR 60.758(a)]**
- 4.28** In accordance with 40 CFR 60.768(b), except as provided in §60.767(c)(2), if the permittee is required to install and start up a LFGCCS, the permittee must keep up-to-date, readily accessible records for the life of the control system equipment of the data listed in paragraphs (b)(1) through (5) of this section as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring must be maintained for a minimum of 5 years. Records of the control device vendor specifications must be maintained until removal.
- [40 CFR 60.768(b)]**

4.29 In accordance with 40 CFR 60.768(c), except as provided in §60.767(c)(2), the permittee must keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in §60.766 as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

[40 CFR 60.768(c)]

4.30 In accordance with 40 CFR 60.768(d), except as provided in §60.767(c)(2), if the permittee is required to install and start up a LFGCCS, the permittee must keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector.

[40 CFR 60.768(d)]

4.31 In accordance with 40 CFR 60.768(e), except as provided in §60.767(c)(2), if the permittee is required to install and start up a LFGCCS, the permittee must keep for at least 5 years up-to-date, readily accessible records of the following:

- All collection and control system exceedances of the operational standards in §60.763, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.
- Each owner or operator subject to the provisions of this subpart must also keep records of each wellhead temperature monitoring value of 55 degrees Celsius (131 degrees Fahrenheit) or above, each wellhead nitrogen level at or above 20 percent, and each wellhead oxygen level at or above 5 percent.
- For any root cause analysis for which corrective actions are required in §60.765(a)(3)(i) or (a)(5)(i), keep a record of the root cause analysis conducted, including a description of the recommended corrective action(s) taken, and the date(s) the corrective action(s) were completed.
- For any root cause analysis for which corrective actions are required in §60.765(a)(3)(ii) or (a)(5)(ii), keep a record of the root cause analysis conducted, the corrective action analysis, the date for corrective action(s) already completed following the positive pressure reading or high temperature reading, and, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates.
- For any root cause analysis for which corrective actions are required in §60.765(a)(3)(iii) or (a)(5)(iii), keep a record of the root cause analysis conducted, the corrective action analysis, the date for corrective action(s) already completed following the positive pressure reading or high temperature reading, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates, and a copy of any comments or final approval on the corrective action analysis or schedule from the regulatory agency.

[40 CFR 60.768(e)]

4.32 In accordance with 40 CFR 60.768(f), the permittee who convert design capacity from volume to mass or mass to volume to demonstrate that landfill design capacity is less than 2.5 million megagrams or 2.5 million cubic meters, as provided in the definition of “design capacity”, must keep readily accessible, on-site records of the annual recalculation of site-specific density, design capacity, and the supporting documentation. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

[40 CFR 60.768(f)]

4.33 In accordance with 40 CFR 60.768(g), the permittee seeking to demonstrate that site-specific surface methane emissions are below 500 parts per million by conducting surface emission monitoring under the Tier 4 procedures specified in §60.764(a)(6) must keep for at least 5 years up-to-date, readily accessible records of all surface emissions monitoring and information related to monitoring instrument calibrations conducted according to sections 8 and 10 of Method 21 of appendix A of this part.

[40 CFR 60.768(g)]

4.34 In accordance with 40 CFR 60.768(h), except as provided in §60.767(c)(2), if the permittee is required to install and start up a LFGCCS, the permittee must keep for at least 5 years up-to-date, readily accessible records of all collection and control system monitoring data for parameters measured in §60.766(a)(1), (2), and (3).

[40 CFR 60.768(h)]

4.35 In accordance with 40 CFR 60.768(i), any records required to be maintained by this subpart that are submitted electronically via the EPA's CDX may be maintained in electronic format.

[40 CFR 60.768(i)]

4.36 In accordance with 40 CFR 60.768(j), the permittee reporting leachate or other liquids addition under §60.767(k), keep records of any engineering calculations or company records used to estimate the quantities of leachate or liquids added, the surface areas for which the leachate or liquids were applied, and the estimates of annual waste acceptance or total waste in place in the areas where leachate or liquids were applied.

[40 CFR 60.768(j)]

NSPS CFR 60.769 Specifications for active collection systems

4.37 In accordance with 40 CFR 60.769(a), in seeking to comply with §60.762(b)(2)(i), if the permittee is required to install and start up a LFGCCS, the permittee must site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures unless alternative procedures have been approved by DEQ as provided in §60.767(c)(2) and (3).

[40 CFR 60.769(a)]

4.38 In accordance with 40 CFR 60.769(b), in seeking to comply with §60.762(b)(2)(ii)(A), if the permittee is required to install and start up a LFGCCS, the permittee must construct the gas collection devices using the equipment or procedures listed in 40 CFR 60.769(b)(1-3).

[40 CFR 60.769(b)]

4.39 In accordance with 40 CFR 60.769(c), in seeking to comply with §60.762(b)(2)(iii), if the permittee is required to install and start up a LFGCCS, the permittee must convey the landfill gas to a control system in compliance with §60.762(b)(2)(iii) through the collection header pipe(s). The gas mover equipment must be sized to handle the maximum gas generation flow rate expected over the intended use period of the gas moving equipment using the procedures listed in 40 CFR 60.769(c)1-2).

[40 CFR 60.769(c)]

5 Insignificant Activities

Summary Description

- 5.1 Table 5.1 lists the units or activities that are insignificant on the basis of size or production rate as provided by the permittee. The regulatory citation for units and activities that are insignificant on the basis of size or production rate is IDAPA 58.01.01.317.01.b. There are no monitoring, recordkeeping, or reporting requirements for insignificant emission units or activities. No emission unit or activity subject to an applicable requirement shall qualify as an insignificant emission unit or activity.

Table 5.1 Insignificant Activities

Description	Insignificant Activities IDAPA 58.01.01.317.01(b)(i) Citation
100-gallon gasoline tank in the maintenance shop - Operation, loading and unloading of storage tanks	IDAPA 58.01.01.317.01(b)(i)(1)
500-gallon propane tank for shop - Operation, loading and unloading storage of propane	IDAPA 58.01.01.317.01(b)(i)(4)
Welding less than 1 ton per day – Welding using not more than one (1) ton per day of welding rod	IDAPA 58.01.01.317.01(b)(i)(9)
Propane heater - repair shop - space heaters using propane and generating less than five million (5,000,000) Btu/hr.	IDAPA 58.01.01.317.01(b)(i)(18)
Fuel service truck – multiple petroleum tanks – Operation, loading and unloading of volatile organic compound storage tanks and equipment used exclusively to pump, load, unload...	IDAPA 58.01.01.317.01(b)(i)(3) & (20)
Waste Tire Recycling - Tire Pyrolysis – activity with potential emissions and actual emissions less than or equal to the significant emission rate as defined in Section 006 and less than one T/yr of HAP.	IDAPA 58.01.01.317.01(b)(i)(30)
Columbia Tipper –diesel engine – 174 hp -Combustion source, less than 500,000 Btu/hr, using any commercial fuel.	IDAPA 58.01.01.317.01(b)(i)(6)
Portable diesel generator – 77 hp - Combustion source, less than 500,000 Btu/hr, using any commercial fuel.	IDAPA 58.01.01.317.01(b)(i)(6)

[IDAPA 58.01.01.317.01(b)(i), 5/3/2003]

6 General Provisions

General Compliance

- 6.1** 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, 5/1/1994; 40 CFR 70.6(a)(6)(i)]
- 6.2** 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, 5/1/1994; 40 CFR 70.6(a)(6)(ii)]
- 6.3** 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, 5/1/1994; 40 CFR 70.5(b)]

Reopening

- 6.4** 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, 5/1/1994; IDAPA 58.01.01.386, 3/19/1999; 40 CFR 70.7(f)(1), (2); 40 CFR 70.6(a)(6)(iii)]
- 6.5** 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, 5/1/1994; 40 CFR 70.6(a)(6)(iii)]

Property Rights

- 6.6** This permit does not convey any property rights of any sort or any exclusive privilege.
[IDAPA 58.01.01.322.15.e, 5/1/1994; 40 CFR 70.6(a)(6)(iv)]

Information Requests

- 6.7** 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, 4/5/2000; IDAPA 58.01.01.322.15.f, 4/5/2000; 40 CFR 70.6(a)(6)(v)]
- 6.8** 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, 5/1/1994; IDAPA 58.01.01.128, 4/5/2000; 40 CFR 70.6(a)(6)(v)]

Severability

- 6.9** 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, 5/1/1994; 40 CFR 70.6(a)(5)]

Changes Requiring Permit Revision or Notice

- 6.10** 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, 3/25/2016; IDAPA 58.01.01.322.15.i, 3/19/1999; IDAPA 58.01.01.380–386, 7/1/2002; 40 CFR 70.4(b)(12), (14), (15); 40 CFR 70.7(d), (e)]
- 6.11** 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, 4/5/2000; IDAPA 58.01.01.209.05, 4/11/2006; 40 CFR 70.4(b)(14), (15)]

Federal and State Enforceability

- 6.12** 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, 5/1/1994; 40 CFR 70.6(b)(1), (2)]
- 6.13** 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, 3/23/1998]

Inspection and Entry

- 6.14** 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.l, 5/1/1994; 40 CFR 70.6(c)(2)]

New Applicable Requirements

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

[IDAPA 58.01.01.322.10, 4/5/2000; IDAPA 58.01.01.314.10.a.ii, 5/1/1994;
40 CFR 70.6(c)(3) citing 70.5(c)(8)]

Fees

6.16 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, 4/2/2003; 40 CFR 70.6(a)(7)]

Certification

6.17 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, 5/1/1994; 40 CFR 70.6(a)(3)(iii)(A); 40 CFR 70.5(d)]

Renewal

6.18 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, 4/5/2000; 40 CFR 70.5(a)(1)(iii)]

6.19 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, 5/1/1994; 40 CFR 70.7(b)]

Permit Shield

6.20 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, 4/5/2000; IDAPA 58.01.01.322.15.m, 5/1/1994; IDAPA 58.01.01.325, 3/19/1999; IDAPA 58.01.01.381.04, 382.04, 383.05, 384.03, 385.03, 3/19/1999; 40 CFR 70.6(f)]

Compliance Schedule and Progress Reports

6.21 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, 4/5/2000; IDAPA 58.01.01.314.9, 5/1/1994; IDAPA 58.01.01.314.10, 4/5/2000; 40 CFR 70.6(c)(3) and (4)]

Periodic Compliance Certification

6.22 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 January 1 to December 31 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 Part 64 occurred; and

- Such information as DEQ may require to determine the compliance status of the emissions unit.

6.23 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, 4/6/2005; 40 CFR 70.6(c)(5)(iii) as amended, 62 Fed. Reg. 54900, 54946 (10/22/1997); 40 CFR 70.6(c)(5)(iv)]

False Statements

6.24 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, 3/23/1998]

No Tampering

6.25 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, 3/23/1998]

Semiannual Monitoring Reports

6.26 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 January 1 to June 30 and July 1 to December 31. 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, 3/23/1998; IDAPA 58.01.01.322.08.c, 4/5/2000; 40 CFR 70.6(a)(3)(iii)]

Reporting Deviations and Excess Emissions

6.27 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, 3/23/1998; IDAPA 58.01.01.135, 4/11/2006; 40 CFR 70.6(a)(3)(iii)]

Permit Revision Not Required

6.28 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, 4/5/2000; 40 CFR 70.6(a)(8)]

Emergency

- 6.29** 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, 4/5/2000; 40 CFR 70.6(g)]