

PART 70 PERMIT TO OPERATE

Under the authority of RSMo 643 and the Federal Clean Air Act the applicant is authorized to operate the air contaminant source(s) described below, in accordance with the laws, rules, and conditions set forth here in.

Operating Permit Number: OP2006-098
Expiration Date: DEC 28 2011
Installation ID: 229-0022
Project Number: 2004-04-032

Installation Name and Address

Black Oak Recycling and Disposal Facility
5054 Highway HH
Hartville, MO 65667
Wright County

Parent Company's Name and Address

Waste Corporation of Missouri
2120 W. Bennet Street
Springfield, MO 65807

Installation Description:

Waste Corporation of Missouri, Inc. operates Black Oak Recycling & Disposal Facility, a municipal solid waste landfill facility with a combined 9.16 million cubic meter (m³) capacity located near Hartville, MO. The Hartville landfill (0.3 million m³) opened in 1988 and closed in 1996. The Black Oak Expansion (8.86 million m³) opened in 1995.

At maximum design capacity, Black Oak Recycling & Disposal Facility will be a major source of municipal solid waste landfill emissions (measured as non-methane organic compounds) and hazardous air pollutants (HAPs) and is subject to 40 CFR 60 Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills and 40 CFR 63 Subpart AAAA- National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.

DEC 29 2006

Effective Date

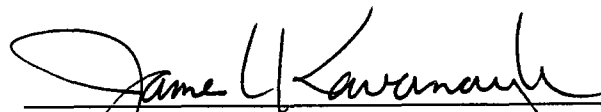

Director or Designee
Department of Natural Resources

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I. Installation Description and Equipment Listing

INSTALLATION DESCRIPTION

Waste Corporation of Missouri, Inc. operates Black Oak Recycling & Disposal Facility, a municipal solid waste (MSW) landfill facility consisting of a combined 9.16 million cubic meter (m³) capacity located near Hartville, MO. The Hartville landfill (0.3 million m³) opened in 1988 and closed in 1996. The Black Oak Expansion (8.86 million m³) opened in 1995.

The closed landfill section (Hartville) has three passive odor control candlestick flares with solar igniters on Phase I and two each on Phase II and Phase III. The active landfill section (Black Oak) has five passive odor control flares. Tier II testing has been performed on both the closed and expansion sections. The 2002 site-specific non-methane organic compounds (NMOC) emissions were less than 50 Mg per year.

The typical operation of the landfill is to place MSW hauled usually by truck in a quarter-acre active area and compact it with heavy equipment to reduce the volume of the waste. The compacted waste is then covered on a routine basis with soil obtained from onsite. Decomposing waste encapsulated within the landfill produces landfill gas that is primarily composed of methane, carbon dioxide, and other NMOCs. Landfill gas also contains small amounts of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). Particulate matter (PM) emissions also occur while the landfill is in operation due to vehicular travel on paved and unpaved roads on installation property, as well as from wind erosion on storage piles and earth-moving activities onsite.

At maximum design capacity, Black Oak Recycling & Disposal Facility will be a major source of municipal solid waste landfill emissions (measured as NMOCs) and HAPs and is subject to 40 CFR 60 Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills and 40 CFR 63 Subpart AAAA- National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.

Reported Air Pollutant Emissions, tons per year							
Year	Particulate Matter ≤ Ten Microns (PM-10)	Sulfur Oxides (SO _x)	Nitrogen Oxides (NO _x)	Volatile Organic Compounds (VOC)	Carbon Monoxide (CO)	Lead (Pb)	Hazardous Air Pollutants (HAPs)
2001	33.57	0.54	0.72	11.44	5.58	-	0.78
2002	29.83	0.71	0.95	7.83	9.23	-	1.15
2003	34.01	0.43	1.21	10.61	25.28	-	1.33
2004	32.72	0.46	1.3	11.52	27.10	-	1.46
2005	26.82	0.49	1.4	11.58	29.06	-	1.62

EMISSION UNITS WITH LIMITATIONS

The following list provides a description of the equipment at this installation which emit air pollutants and which are identified as having unit-specific emission limitations.

Emission Unit #	Description of Emission Unit
EU0010	Landfill 1 (Closed)
EU0020	Landfill 2 (Active)
EU0030	Haul Road (EP-5)

EMISSION UNITS WITHOUT LIMITATIONS

The following list provides a description of the equipment that does not have unit specific limitations at the time of permit issuance.

Description of Emission Source

8,600-Gallon Diesel Fuel Storage (EP-3)

Rock Storage Pile (EP-4)

Solvent Parts Cleaner (EP-6)

Seven (7) Landfill 1 Passive Gas Flares (EP-7)

10,000-Gallon Diesel Fuel Storage (EP-8)

Five (5) Landfill 2 Passive Gas Flares (EP-9)

DOCUMENTS INCORPORATED BY REFERENCE

These documents have been incorporated by reference into this permit.

Construction Permit #042006-013.

II. Plant Wide Emission Limitations

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

Permit Condition PW001

10 CSR 10-6.080

Emission Standards for Hazardous Air Pollutants

40 CFR 61 Subpart M

National Emission Standard for Asbestos

Emission/Operational Limitations:

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

- 1) Either there must be no visible emissions to the outside air from any active waste disposal site where asbestos-containing waste material has been deposited, or the requirements of §61.154(c) or (d) must be met. [§61.154(a)]
- 2) Unless a natural barrier adequately deters access by the general public, either warning signs and fencing must be installed and maintained as follows, or the requirements of §61.154(c)(1) must be met. [§61.154(b)]
 - a) Warning signs must be displayed at all entrances and at intervals of 100 m (330 ft) or less along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material is deposited. The warning signs must:
 - i) Be posted in such a manner and location that a person can easily read the legend; and
 - ii) Conform to the requirements of 51 cm × 36 cm (20&inch;×14&inch;) upright format signs specified in 29 CFR 1910.145(d)(4) and this paragraph; and
 - iii) Display the following legend in the lower panel with letter sizes and styles of a visibility at least equal to those specified in this paragraph. Spacing between any two lines must be at least equal to the height of the upper of the two lines.

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

- b) The perimeter of the disposal site must be fenced in a manner adequate to deter access by the general public.
 - c) Upon request and supply of appropriate information, the director will determine whether a fence or a natural barrier adequately deters access by the general public.
- 3) Rather than meet the no visible emission requirement of §61.154(a), at the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, the asbestos-containing waste material that has been deposited at the site during the operating day or previous 24-hour period shall: [§61.154(c)]

- a) Be covered with at least 15 centimeters (6 inches) of compacted nonasbestos-containing material, or [\[§61.154\(c\)\(1\)\]](#)
- b) Be covered with a resinous or petroleum-based dust suppression agent that effectively binds dust and controls wind erosion. Such an agent shall be used in the manner and frequency recommended for the particular dust by the dust suppression agent manufacturer to achieve and maintain dust control. Other equally effective dust suppression agents may be used upon prior approval by the director. For purposes of this paragraph, any used, spent, or other waste oil is not considered a dust suppression agent. [\[§61.154\(c\)\(2\)\]](#)
- 4) Rather than meet the no visible emission requirement of §61.154(a), use an alternative emissions control method that has received prior written approval by the director according to the procedures described in §61.149(c)(2). [\[§61.154\(d\)\]](#)

Recordkeeping/Reporting:

- 1) For all asbestos-containing waste material received, the installation shall: [\[§61.154\(e\)\]](#)
 - a) Maintain waste shipment records, using a form similar to that shown in Figure 4 of 40 CFR 61.149, and include the following information:
 - i) The name, address, and telephone number of the waste generator.
 - ii) The name, address, and telephone number of the transporter(s).
 - iii) The quantity of the asbestos-containing waste material in cubic meters (cubic yards).
 - iv) The presence of improperly enclosed or uncovered waste, or any asbestos-containing waste material not sealed in leak-tight containers. Report in writing to the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the waste generator (identified in the waste shipment record), and, if different, the Missouri Department of Natural Resources, by the following working day, the presence of a significant amount of improperly enclosed or uncovered waste. Submit a copy of the waste shipment record along with the report.
 - v) The date of the receipt.
 - b) As soon as possible and no longer than 30 days after receipt of the waste, send a copy of the signed waste shipment record to the waste generator.
 - c) Upon discovering a discrepancy between the quantity of waste designated on the waste shipment records and the quantity actually received, attempt to reconcile the discrepancy with the waste generator. If the discrepancy is not resolved within 15 days after receiving the waste, immediately report in writing to the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the waste generator (identified in the waste shipment record), and, if different, the Missouri Department of Natural Resources. Describe the discrepancy and attempts to reconcile it, and submit a copy of the waste shipment record along with the report.
 - d) Retain a copy of all records and reports required by this paragraph for at least 2 years.
- 2) Maintain, until closure, records of the location, depth and area, and quantity in cubic meters (cubic yards) of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area. [\[§61.154\(f\)\]](#)
- 3) Upon closure, comply with all the provisions of §61.151. [\[§61.154\(g\)\]](#)
- 4) Submit to the director, upon closure of the facility, a copy of records of asbestos waste disposal locations and quantities. [\[§61.154\(h\)\]](#)
- 5) Furnish upon request, and make available during normal business hours for inspection by the Administrator, all records required under this section. [\[§61.154\(i\)\]](#)

- 6) Notify the director in writing at least 45 days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at a waste disposal site and is covered. If the excavation will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the director at least 10 working days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification. Include the following information in the notice: [[§61.154\(j\)](#)]
- a) Scheduled starting and completion dates.
 - b) Reason for disturbing the waste.
 - c) Procedures to be used to control emissions during the excavation, storage, transport, and ultimate disposal of the excavated asbestos-containing waste material. If deemed necessary, the director may require changes in the emission control procedures to be used.
 - d) Location of any temporary storage site and the final disposal site.

III. Emission Unit Specific Emission Limitations

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

EU0010, EU0020	
Landfill 1 (closed Hartville), Landfill 2 (active Black Oak Expansion)	
General Description:	Landfill with combined 9.16 million m ³ [5.37 million Mg] capacity
Manufacturer/Model #:	N/A
EIQ Reference # (2003):	EP-1, EP-2

Permit Conditions EU0010 through EU0020-001

10 CSR 10-6.070

New Source Performance Regulations

40 CFR Part 60, Subpart WWW

Standards of Performance for Municipal Solid Waste Landfills

40 CFR Part 60, Subpart A

General Provisions

40 CFR Part 63, Subpart AAAA

National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills

40 CFR Part 63, Subpart A

General Provisions

Emission Limitation:

The permittee, as the designated owner or operator of a MSW landfill having a design capacity equal to or greater than 2.5 million Mg or 2.5 million cubic meters, shall either comply with §60.752(b)(2) (i.e. installation of a collection and control systems) of Subpart WWW or calculate a NMOC emission rate for the landfill using the procedures specified in §60.754 of Subpart WWW. [40 CFR 60.752(b)]

Compliance Requirements:

- 1) If the calculated NMOC emission rate is less than 50 Mg per year, the owner or operator shall: [40 CFR 60.752(b)(1)]
 - a) Submit an annual emission report to the Administrator, except as provided for in §60.757(b)(1)(ii); and [40 CFR 60.752(b)(1)(i)]
 - b) Recalculate the NMOC emission rate annually using the procedures specified in §60.754(a)(1) (“Test Methods” section below) until such time as the calculated NMOC emission rate is equal to or greater than 50 Mg per year, or the landfill is closed. [40 CFR 60.752(b)(1)(ii)]
 - i.) If the NMOC emission rate, upon recalculation required in §60.752(b)(1)(ii), is equal to or greater than 50 Mg per year, the owner or operator shall install a collection and control system in compliance with §60.752(b)(2). [40 CFR 60.752(b)(1)(ii)(A)]
 - ii.) If the landfill is permanently closed, a closure notification shall be submitted to the Administrator as provided for in §60.757(d). [40 CFR 60.752(b)(1)(ii)(B)]
 - c) If the estimated NMOC emission rate as reported in the annual report to the Administrator is less than 50 Mg per year in each of the next 5 consecutive years, the owner or operator may elect to

submit an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the 5 years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based shall be provided to the Administrator. This estimate shall be revised at least once every 5 years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate shall be submitted to the Administrator. The revised estimate shall cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate. [40 CFR 60.757(b)(1)(ii)]

- 2) If the annual calculated NMOC emission rate is equal to or greater than 50 Mg per year, the owner of operator shall:
 - a) Comply with the requirements in §§60.753 through 60.759, except as provided by §60.752(b)(2)(i)(B) (i.e. approved alternatives) [40 CFR 60.756] and
 - b) Comply with the requirements of §§63.1955(b) and 63.1960 through 63.1980 by the date your landfill is required to install a collection and control systems by 40 CFR 60.752(b)(2) of Subpart WWW. [40 CFR 1945(e)]

Test Methods:

The landfill owner or operator shall calculate the NMOC emission rate using either the equation provided in §60.754(a)(1)(i) section or the equation provided in §60.754(a)(1)(ii). Both equations may be used if the actual year-to-year solid waste acceptance rate is known, as specified in §60.754(a)(1)(i), for part of the life of the landfill and the actual year-to-year solid waste acceptance rate is unknown, as specified in §60.754(a)(1)(ii), for part of the life of the landfill. The values to be used in the equation are 0.05 per year for k, 170 cubic meters per Mg for L_o, and 4,000 ppmv as hexane for the C_{NMOC}. [40 CFR 60.754(a)(1)]

- 1) The following equation shall be used if the actual year-to-year solid waste acceptance rate is known. [40 CFR 60.754(a)(1)(i)]

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

Where,

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

k = methane generation rate constant, year⁻¹

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

M_i = mass of solid waste in the ith section, Mg

t_i = age of the ith section, years

C_{NMOC} = concentration of NMOC, ppmv as hexane

3.6 × 10⁻⁹ = conversion factor

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

- 2) The following equation shall be used if the actual year-to-year solid waste acceptance rate is unknown. [40 CFR 60.754(a)(1)(ii)]

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

Where,

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

L_0 = methane generation potential, cubic meters per Mg solid waste

R = average annual acceptance rate, Mg per year

k = methane generation rate constant, year^{-1}

t = age of landfill, years

C_{NMOC} = concentration of NMOC, ppmv as hexane

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

3.6×10^{-9} = conversion factor

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

- 3) Tier 1. The owner or operator shall compare the calculated NMOC mass emission rate to the standard of 50 Mg per year. [40 CFR 60.754(a)(2)]
 - a) If the NMOC emission rate calculated in §60.754(a)(1) is less than 50 Mg per year, then the landfill owner shall submit an emission rate report as provided in §60.757(b)(1) (“Reporting” section below), and shall recalculate the NMOC mass emission rate annually as required under §60.752(b)(1). [40 CFR 60.754(a)(2)(i)]
 - b) If the calculated NMOC emission rate is equal to or greater than 50 Mg per year, then the landfill owner shall either comply with §60.752(b)(2), or determine a site-specific NMOC concentration and recalculate the NMOC emission rate using the procedures provided in §60.754(a)(3). [40 CFR 60.754(a)(2)(ii)]
- 4) Tier 2. The landfill owner or operator shall determine the NMOC concentration using the following sampling procedure. The landfill owner or operator shall install at least two sample probes per hectare of landfill surface that has retained waste for at least 2 years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The sample probes should be located to avoid known areas of nondegradable solid waste. The owner or operator shall collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using Method 25 or 25C of Appendix A of Part 60. Method 18 of Appendix A of Part 60 may be used to analyze the samples collected by the Method 25 or 25C sampling procedure. Taking composite samples from different probes into a single cylinder is allowed; however, equal sample volumes must be taken from each probe. For each composite, the sampling rate, collection times, beginning and ending cylinder vacuums, or alternative volume measurements must be recorded to verify that composite volumes are equal. Composite sample volumes should not be less than one liter unless evidence can be provided to substantiate the accuracy of smaller volumes. Terminate compositing before the cylinder approaches ambient pressure where measurement accuracy diminishes. If using Method 18, the owner or operator must identify all compounds in the sample and, as a minimum, test for those compounds published in the most recent Compilation of Air Pollutant Emission Factors (AP-42), minus carbon monoxide, hydrogen sulfide, and mercury. As a minimum, the instrument must be calibrated for each of the compounds on the list. Convert the concentration of each Method 18 compound to C_{NMOC} as hexane by multiplying by the ratio of its carbon atoms divided by six. If more than the required number of samples are taken, all samples must be used in the analysis. The landfill owner or operator must divide the NMOC concentration from Method 25 or 25C of Appendix A of Part 60 by six to convert from C_{NMOC} as carbon to C_{NMOC} as hexane. If the landfill has an active or passive gas removal system in place, Method 25 or 25C samples may be collected from these systems instead of surface probes provided the removal system can be shown to provide

sampling as representative as the two sampling probe per hectare requirement. For active collection systems, samples may be collected from the common header pipe before the gas moving or condensate removal equipment. For these systems, a minimum of three samples must be collected from the header pipe. [40 CFR 60.754(a)(3)]

- a) The landfill owner or operator shall recalculate the NMOC mass emission rate using the equations provided in §60.754(a)(1)(i) or §60.754(a)(1)(ii) of this section and using the average NMOC concentration from the collected samples instead of the default value in the equation provided in §60.754(a)(1). [40 CFR 60.754(a)(3)(i)]
 - b) If the resulting mass emission rate calculated using the site-specific NMOC concentration is equal to or greater than 50 Mg per year, then the landfill owner or operator shall either comply with §60.752(b)(2), or determine the site-specific methane generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the procedure specified in §60.754(a)(4). [40 CFR 60.754(a)(3)(ii)]
 - c) If the resulting NMOC mass emission rate is less than 50 Mg per year, the owner or operator shall submit an annual or 5-year estimate of the emission rate report as provided in §60.757(b)(1) (“Reporting” section below) and retest the site-specific NMOC concentration every 5 years using the methods specified in §60.754. [40 CFR 60.754(a)(3)(iii)]
- 5) *Tier 3.* The site-specific methane generation rate constant shall be determined using the procedures provided in Method 2E of Appendix A of Part 60. The landfill owner or operator shall estimate the NMOC mass emission rate using equations in §60.754(a)(1)(i) or §60.754(a)(1)(ii) and using a site-specific methane generation rate constant k , and the site-specific NMOC concentration as determined in §60.754(a)(3) instead of the default values provided in §60.754(a)(1). The landfill owner or operator shall compare the resulting NMOC mass emission rate to the standard of 50 Mg per year. [40 CFR 60.754(a)(4)]
- a) If the NMOC mass emission rate as calculated using the site-specific methane generation rate and concentration of NMOC is equal to or greater than 50 Mg per year, the owner or operator shall comply with §60.752(b)(2). [40 CFR 60.754(a)(4)(i)]
 - b) If the NMOC mass emission rate is less than 50 Mg per year, then the owner or operator shall submit a periodic emission rate report as provided in §60.757(b)(1) (“Reporting” section below) and shall recalculate the NMOC mass emission rate annually, as provided in §60.757(b)(1) (“Reporting” section below) using the equations in §60.754(a)(1) and using the site-specific methane generation rate constant and NMOC concentration obtained in §60.754(a)(3). The calculation of the methane generation rate constant is performed only once, and the value obtained from this test shall be used in all subsequent annual NMOC emission rate calculations. [40 CFR 60.754(a)(4)(ii)]
- 6) The owner or operator may use other methods to determine the NMOC concentration or a site-specific k as an alternative to the methods required in §60.754(a)(3) and (a)(4) if the method has been approved by the Administrator. [40 CFR 60.754(a)(5)]

Recordkeeping:

The owner or operator shall keep for at least 5 years up-to-date, readily accessible, on-site records of the design capacity report which triggered §60.752(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable. [40 CFR 60.758(a)]

Reporting:

- 1) Each owner or operator subject to the requirements of Subpart WWW of Part 60 shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, except as provided for in §60.757(b)(1)(ii) (as explained in the “Monitoring” section above). The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate. [40 CFR 60.755(b)]
 - a) The NMOC emission rate report shall contain an annual or 5-year estimate of the NMOC emission rate calculated using the formula and procedures provided in §60.754(a) or (b), as applicable. [40 CFR 60.757(b)(1)]
 - b) The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions. [40 CFR 60.757(b)(2)]
 - c) Each owner or operator subject to the requirements of this subpart is exempted from the requirements of §60.757(b)(1) and (2), after the installation of a collection and control system in compliance with §60.752(b)(2), during such time as the collection and control system is in operation and in compliance with §§60.753 and 60.755. [40 CFR 60.757(b)(3)]
- 2) Each owner or operator subject to the provisions of §60.752(b)(2)(i) shall submit a collection and control system design plan to the Administrator within 1 year of the first report required under §60.757(b) in which the emission rate equals or exceeds 50 Mg per year, except as follows: [40 CFR 60.757(c)]
 - a) If the owner or operator elects to recalculate the NMOC emission rate after Tier 2 NMOC sampling and analysis as provided in §60.754(a)(3) and the resulting rate is less than 50 Mg per year, annual periodic reporting shall be resumed, using the Tier 2 determined site-specific NMOC concentration, until the calculated emission rate is equal to or greater than 50 Mg per year or the landfill is closed. The revised NMOC emission rate report, with the recalculated emission rate based on NMOC sampling and analysis, shall be submitted within 180 days of the first calculated exceedance of 50 Mg per year. [40 CFR 60.757(c)(1)]
 - b) If the owner or operator elects to recalculate the NMOC emission rate after determining a site-specific methane generation rate constant (k), as provided in Tier 3 in §60.754(a)(4), and the resulting NMOC emission rate is less than 50 Mg per yr, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant (k) shall be used in the emission rate calculation until such time as the emissions rate calculation results in an exceedance. The revised NMOC emission rate report based on the provisions of §60.754(a)(4) and the resulting site-specific methane generation rate constant (k) shall be submitted to the Administrator within 1 year of the first calculated emission rate exceeding 50 Mg per year. [40 CFR 60.757(c)(2)]
- 3) Each owner or operator of a controlled landfill shall submit a closure report to the Administrator within 30 days of waste acceptance cessation. The Administrator 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 the Administrator, no additional wastes may be placed into the landfill without filing a notification of modification as described under §60.7(a)(4). [40 CFR 60.757(d)]
- 4) The permittee shall report to the Air Pollution Control Program, Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than ten days after any deviation from or exceedance of any of the terms imposed by this regulation, or any malfunction which causes a deviation from or exceedance of this regulation.
- 5) The permittee shall report any deviations/exceedances of this permit condition using the semi-annual monitoring report and annual compliance certification to the Air Pollution Control Program

Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as required by 10 CSR 10-6.065(6)(C)1.C.(III).

EU0030 Haul Roads	
General Description:	Haul Roads
Manufacturer/Model #:	N/A
EIQ Reference # (2003):	EP-5

PERMIT CONDITION EU0030-001
10 CSR 10-6.060, Construction Permits Construction Permit #042006-013

Emission Limitation:

The permittee shall water the haul roads whenever conditions exist which would cause visible fugitive emissions to enter to ambient air beyond the property boundary. [Special Condition #3]

Monitoring/Recordkeeping/Reporting:

The permittee shall report any deviations/exceedances of this permit condition using the semi-annual monitoring report and annual compliance certification to the Air Pollution Control Program Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as required by 10 CSR 10-6.065(6)(C)1.C.(III).

IV. Core Permit Requirements

The installation shall comply with each of the following requirements. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

10 CSR 10-6.050 Start-up, Shutdown and Malfunction Conditions
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- 1) In the event of a malfunction, which results in excess emissions that exceed one hour, the permittee shall submit to the director within two business days, in writing, the following information:
 - a) Name and location of installation;
 - b) Name and telephone number of person responsible for the installation;
 - c) Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered.
 - d) Identity of the equipment causing the excess emissions;
 - e) Time and duration of the period of excess emissions;
 - f) Cause of the excess emissions;
 - g) Air pollutants involved;
 - h) Best estimate of the magnitude of the excess emissions expressed in the units of the applicable requirement and the operating data and calculations used in estimating the magnitude;
 - i) Measures taken to mitigate the extent and duration of the excess emissions; and
 - j) Measures taken to remedy the situation that caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.
- 2) The permittee shall submit the paragraph 1 information list to the director in writing at least ten days prior to any maintenance, start-up or shutdown, which is expected to cause an excessive release of emissions that exceed one hour. If notice of the event cannot be given ten days prior to the planned occurrence, it shall be given as soon as practicable prior to the release. If an unplanned excess release of emissions exceeding one hour occurs during maintenance, start-up or shutdown, the director shall be notified verbally as soon as practical during normal working hours and no later than the close of business of the following working day. A written notice shall follow within ten working days.
- 3) Upon receipt of a notice of excess emissions issued by an agency holding a certificate of authority under section 643.140, RSMo, the permittee may provide information showing that the excess emissions were the consequence of a malfunction, start-up or shutdown. The information, at a minimum, should be the paragraph 1 list and shall be submitted not later than 15 days after receipt of the notice of excess emissions. Based upon information submitted by the permittee or any other pertinent information available, the director or the commission shall make a determination whether the excess emissions constitute a malfunction, start-up or shutdown and whether the nature, extent and duration of the excess emissions warrant enforcement action under section 643.080 or 643.151, RSMo.
- 4) Nothing in this rule shall be construed to limit the authority of the director or commission to take appropriate action, under sections 643.080, 643.090 and 643.151, RSMo to enforce the provisions of the Air Conservation Law and the corresponding rule.
- 5) Compliance with this rule does not automatically absolve the permittee of liability for the excess emissions reported.

10 CSR 10-6.060 Construction Permits Required

The permittee shall not commence construction, modification, or major modification of any installation subject to this rule, begin operation after that construction, modification, or major modification, or begin operation of any installation which has been shut down longer than five years without first obtaining a permit from the permitting authority.

10 CSR 10-6.065 Operating Permits

The permittee shall file a complete application for renewal of this operating permit at least six months before the date of permit expiration. In no event shall this time be greater than eighteen months. [10 CSR 10-6.065(6)(B)1.A(V)] The permittee shall retain the most current operating permit issued to this installation on-site. [10 CSR 10-6.065(6)(C)1.C(II)] The permittee shall immediately make such permit available to any Missouri Department of Natural Resources personnel upon request. [10 CSR 10-6.065(6)(C)3.B]

10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information

- 1) The permittee shall complete and submit an Emission Inventory Questionnaire (EIQ) in accordance with the requirements outlined in this rule.
- 2) The permittee shall pay an annual emission fee per ton of regulated air pollutant emitted according to the schedule in the rule. This fee is an emission fee assessed under authority of RSMo. 643.079 to satisfy the requirements of the Federal Clean Air Act, Title V.
- 3) The fees shall be due April 1 each year for emissions produced during the previous calendar year. The fees shall be payable to the Department of Natural Resources and shall be accompanied by the Emissions Inventory Questionnaire (EIQ) form or equivalent approved by the director.

10 CSR 10-6.130 Controlling Emissions During Episodes of High Air Pollution Potential

This rule specifies the conditions that establish an air pollution alert (yellow/orange/red/purple), or emergency (maroon) and the associated procedures and emission reduction objectives for dealing with each. The permittee shall submit an appropriate emergency plan if required by the Director.

10 CSR 10-6.150 Circumvention

The permittee shall not cause or permit the installation or use of any device or any other means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission or air contaminant which violates a rule of the Missouri Air Conservation Commission.

10 CSR 10-6.170 Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin

- 1) The permittee shall not cause or allow to occur any handling, transporting or storing of any material; construction, repair, cleaning or demolition of a building or its appurtenances; construction or use of a road, driveway or open area; or operation of a commercial or industrial installation without applying reasonable measures as may be required to prevent, or in a manner which allows or may allow, fugitive particulate matter emissions to go beyond the premises of origin in quantities that the particulate matter may be found on surfaces beyond the property line of origin. The nature or origin of the particulate matter shall be determined to a reasonable degree of certainty by a technique proven to be accurate and approved by the director.
- 2) The permittee shall not cause nor allow to occur any fugitive particulate matter emissions to remain visible in the ambient air beyond the property line of origin.

- 3) Should it be determined that noncompliance has occurred, the director may require reasonable control measures as may be necessary. These measures may include, but are not limited to, the following:
 - a) Revision of procedures involving construction, repair, cleaning and demolition of buildings and their appurtenances that produce particulate matter emissions;
 - b) Paving or frequent cleaning of roads, driveways and parking lots;
 - c) Application of dust-free surfaces;
 - d) Application of water; and
 - e) Planting and maintenance of vegetative ground cover.

10 CSR 10-6.180 Measurement of Emissions of Air Contaminants

- 1) The director may require any person responsible for the source of emission of air contaminants to make or have made tests to determine the quantity or nature, or both, of emission of air contaminants from the source. The director may specify testing methods to be used in accordance with good professional practice. The director may observe the testing. All tests shall be performed by qualified personnel.
- 2) The director may conduct tests of emissions of air contaminants from any source. Upon request of the director, the person responsible for the source to be tested shall provide necessary ports in stacks or ducts and other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.
- 3) The director shall be given a copy of the test results in writing and signed by the person responsible for the tests.

10 CSR 10-3.030 Open Burning Restrictions

- 1) The permittee shall not conduct, cause, permit or allow a salvage operation, the disposal of trade wastes or burning of refuse by open burning.
- 2) Exception - Open burning of trade waste or vegetation may be permitted only when it can be shown that open burning is the only feasible method of disposal or an emergency exists which requires open burning.
- 3) Any person intending to engage in open burning shall file a request to do so with the director. The request shall include the following:
 - a) The name, address and telephone number of the person submitting the application; The type of business or activity involved; A description of the proposed equipment and operating practices, the type, quantity and composition of trade wastes and expected composition and amount of air contaminants to be released to the atmosphere where known;
 - b) The schedule of burning operations;
 - c) The exact location where open burning will be used to dispose of the trade wastes;
 - d) Reasons why no method other than open burning is feasible; and
 - e) Evidence that the proposed open burning has been approved by the fire control authority which has jurisdiction.
- 4) Upon approval of the open burning permit application by the director, the person may proceed with the operation under the terms of the open burning permit. Be aware that such approval shall not exempt Black Oak Recycling and Disposal Facility from the provisions of any other law, ordinance or regulation.
- 5) The permittee shall maintain files with letters from the director approving the open burning operation and previous DNR inspection reports.

10 CSR 10-3.090 Restriction of Emission of Odors

No person may cause, permit or allow the emission of odorous matter in concentrations and frequencies or for durations that odor can be perceived when one volume of odorous air is diluted with seven volumes of odor-free air for two separate trials not less than 15 minutes apart within the period of one hour.

This requirement is not federally enforceable.

10 CSR 10-6.100 Alternate Emission Limits

Proposals for alternate emission limitations shall be submitted on Alternate Emission Limits Permit forms provided by the department. An installation owner or operator must obtain an Alternate Emission Limits Permit in accordance with 10 CSR 10-6.100 before alternate emission limits may become effective.

- 1) The permittee shall follow the procedures and requirements of 40 CFR Part 61, Subpart M for any activities occurring at this installation which would be subject to provisions for 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos.
- 2) The permittee shall conduct monitoring to demonstrate compliance with registration, certification, notification, and Abatement Procedures and Practices standards as specified in 40 CFR Part 61, Subpart M.

10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants and 40 CFR Part 61 Subpart M National Emission Standard for Asbestos

- 1) The permittee shall follow the procedures and requirements of 40 CFR Part 61, Subpart M for any activities occurring at this installation which would be subject to provisions for 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos.
- 2) The permittee shall conduct monitoring to demonstrate compliance with registration, certification, notification, and Abatement Procedures and Practices standards as specified in 40 CFR Part 61, Subpart M.

10 CSR 10-6.250 Asbestos Abatement Projects – Certification, Accreditation, and Business Exemption Requirements

The permittee shall conduct all asbestos abatement projects within the procedures established for certification and accreditation by 10 CSR 10-6.250. This rule requires individuals who work in asbestos abatement projects to be certified by the Missouri Department of Natural Resources Air Pollution Control Program. This rule requires training providers who offer training for asbestos abatement occupations to be accredited by the Missouri Department of Natural Resources Air Pollution Control Program. This rule requires persons who hold exemption status from certain requirements of this rule to allow the department to monitor training provided to employees. Each individual who works in asbestos abatement projects must first obtain certification for the appropriate occupation from the department. Each person who offers training for asbestos abatement occupations must first obtain accreditation from the department. Certain business entities that meet the requirements for state-approved exemption status must allow the department to monitor training classes provided to employees who perform asbestos abatement.

Title VI – 40 CFR Part 82 Protection of Stratospheric Ozone

- 1) The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
 - a) All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance

- must bear the required warning statement if it is being introduced into interstate commerce pursuant to §82.106.
- b) The placement of the required warning statement must comply with the requirements pursuant to §82.108.
 - c) The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110.
 - d) No person may modify, remove, or interfere with the required warning statement except as described in §82.112.
- 2) The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:
- a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.
 - b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
 - c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.
 - d) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with record keeping requirements pursuant to §82.166. ("MVAC-like" appliance as defined at §82.152).
 - e) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.
 - f) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.
- 3) If the permittee manufactures, transforms, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR part 82, Subpart A, Production and Consumption Controls.
- 4) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR part 82, Subpart B, Servicing of Motor Vehicle Air conditioners. The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.

The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR part 82, Subpart G, Significant New Alternatives Policy Program. *Federal Only - 40 CFR part 82*

10 CSR 10-6.280 Compliance Monitoring Usage

- 1) The permittee is not prohibited from using the following in addition to any specified compliance methods for the purpose of submission of compliance certificates:
 - a) Monitoring methods outlined in 40 CFR Part 64;
 - b) Monitoring method(s) approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
 - c) Any other monitoring methods approved by the director.

- 2) Any credible evidence may be used for the purpose of establishing whether a permittee has violated or is in violation of any such plan or other applicable requirement. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred by a permittee:
 - a) Monitoring methods outlined in 40 CFR Part 64;
 - b) A monitoring method approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
 - c) Compliance test methods specified in the rule cited as the authority for the emission limitations.
- 3) The following testing, monitoring or information gathering methods are presumptively credible testing, monitoring, or information gathering methods:
 - a) Applicable monitoring or testing methods, cited in:
 - i) 10 CSR 10-6.030, "Sampling Methods for Air Pollution Sources";
 - ii) 10 CSR 10-6.040, "Reference Methods";
 - iii) 10 CSR 10-6.070, "New Source Performance Standards";
 - iv) 10 CSR 10-6.080, "Emission Standards for Hazardous Air Pollutants"; or
 - b) Other testing, monitoring, or information gathering methods, if approved by the director, that produce information comparable to that produced by any method listed above.

V. General Permit Requirements

The installation shall comply with each of the following requirements. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued,

10 CSR 10-6.065(6)(C)1.B Permit Duration

This permit is issued for a term of five years, commencing on the date of issuance. This permit will expire at the end of this period unless renewed.

10 CSR 10-6.065(6)(C)1.C General Record Keeping and Reporting Requirements

- 1) Record Keeping
 - a) All required monitoring data 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.
 - b) Copies of all current operating and construction permits issued to this installation shall be kept on-site for as long as the permits are in effect. Copies of these permits shall be made immediately available to any Missouri Department of Natural Resources' personnel upon request.
- 2) Reporting
 - a) All reports shall be submitted to the Air Pollution Control Program, Enforcement Section, P. O. Box 176, Jefferson City, MO 65102.
 - b) The permittee shall submit a report of all required monitoring by:
 - i) October 1st for monitoring which covers the January through June time period, and
 - ii) April 1st for monitoring which covers the July through December time period.
 - iii) Exception. Monitoring requirements which require reporting more frequently than semi annually shall report no later than 30 days after the end of the calendar quarter in which the measurements were taken.
 - c) Each report shall identify any deviations from emission limitations, monitoring, record keeping, reporting, or any other requirements of the permit, this includes deviations or Part 64 exceedances.
 - d) Submit supplemental reports as required or as needed. Supplemental reports are required no later than ten days after any exceedance of any applicable rule, regulation or other restriction. All reports of deviations shall identify the cause or probable cause of the deviations and any corrective actions or preventative measures taken.
 - i) Notice of any deviation resulting from an emergency (or upset) condition as defined in paragraph (6)(C)7.A of 10 CSR 10-6.065 (Emergency Provisions) shall be submitted to the permitting authority either verbally or in writing within two working days after the date on which the emission limitation is exceeded due to the emergency, if the permittee wishes to assert an affirmative defense. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that indicate an emergency occurred and the permittee can identify the cause(s) of the emergency. The permitted installation must show that it was operated properly at the time and that during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or requirements in the permit. The notice must contain a description of the emergency, the steps taken to mitigate emissions, and the corrective actions taken.
 - ii) Any deviation that poses an imminent and substantial danger to public health, safety or the environment shall be reported as soon as practicable.

- iii) Any other deviations identified in the permit as requiring more frequent reporting than the permittee's semiannual report shall be reported on the schedule specified in this permit, and no later than ten days after any exceedance of any applicable rule, regulation, or other restriction.
- e) Every report submitted shall be certified by the responsible official, except that, if a report of a deviation must be submitted within ten days after the deviation, the report may be submitted without a certification if the report is resubmitted with an appropriate certification within ten days after that, together with any corrected or supplemental information required concerning the deviation.
- f) The permittee may request confidential treatment of information submitted in any report of deviation.

10 CSR 10-6.065(6)(C)1.D Risk Management Plan Under Section 112(r)

The permittee shall comply with the requirements of 40 CFR Part 68, Accidental Release Prevention Requirements. If the permittee has more than a threshold quantity of a regulated substance in process, as determined by 40 CFR Section 68.115, the permittee shall submit a Risk Management Plan in accordance with 40 CFR Part 68 no later than the latest of the following dates:

- 1) June 21, 1999;
- 2) Three years after the date on which a regulated substance is first listed under 40 CFR Section 68.130; or
- 3) The date on which a regulated substance is first present above a threshold quantity in a process.

10 CSR 10-6.065(6)(C)1.E Title IV Allowances

Not applicable.

10 CSR 10-6.065(6)(C)1.F Severability Clause

In the event of a successful challenge to any part of this permit, all uncontested permit conditions shall continue to be in force. All terms and conditions of this permit remain in effect pending any administrative or judicial challenge to any portion of the permit. If any provision of this permit is invalidated, the permittee shall comply with all other provisions of the permit.

10 CSR 10-6.065(6)(C)1.G General Requirements

- 1) The permittee must comply with all of the terms and conditions of this permit. Any noncompliance with a permit condition constitutes a violation and is grounds for enforcement action, permit termination, permit revocation and re-issuance, permit modification or denial of a permit renewal application.
- 2) The permittee may not use as a defense in an enforcement action that it would have been necessary for the permittee to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit
- 3) The permit may be modified, revoked, reopened, reissued or terminated for cause. Except as provided for minor permit modifications, the filing of an application or request for a permit modification, revocation and reissuance, or termination, or the filing of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- 4) This permit does not convey any property rights of any sort, nor grant any exclusive privilege.
- 5) The permittee shall furnish to the Air Pollution Control Program, upon receipt of a written request and within a reasonable time, any information that the Air Pollution Control Program reasonably may require to determine whether cause exists for modifying, reopening, reissuing or revoking the

permit or to determine compliance with the permit. Upon request, the permittee also shall furnish to the Air Pollution Control Program copies of records required to be kept by the permittee. The permittee may make a claim of confidentiality for any information or records submitted pursuant to 10 CSR 10-6.065(6)(C)1.

10 CSR 10-6.065(6)(C)1.H Incentive Programs Not Requiring Permit Revisions

No permit revision will be required for any installation changes made under any approved economic incentive, marketable permit, emissions trading, or other similar programs or processes provided for in this permit.

10 CSR 10-6.065(6)(C)1.I Reasonably Anticipated Operating Scenarios

None

10 CSR 10-6.065(6)(C)1.J Emissions Trading

Not applicable.

10 CSR 10-6.065(6)(C)3 Compliance Requirements

- 1) Any document (including reports) required to be submitted under this permit shall contain a certification signed by the responsible official.
- 2) Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized officials of the Missouri Department of Natural Resources, or their authorized agents, to perform the following (subject to the installation's right to seek confidential treatment of information submitted to, or obtained by, the Air Pollution Control Program):
 - a) Enter upon the premises where a permitted installation is located or an emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
 - b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c) Inspect, at reasonable times and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
 - d) As authorized by the Missouri Air Conservation Law, Chapter 643, RSMo or the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the terms of this permit, and all applicable requirements as outlined in this permit.
- 3) All progress reports required under an applicable schedule of compliance shall be submitted semiannually (or more frequently if specified in the applicable requirement). These progress reports shall contain the following:
 - a) Dates for achieving the activities, milestones or compliance required in the schedule of compliance, and dates when these activities, milestones or compliance were achieved, and
 - b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.
- 4) The permittee shall submit an annual certification that it is in compliance with all of the federally enforceable terms and conditions contained in this permit, including emissions limitations, standards, or work practices. These certifications shall be submitted annually by April 1st, unless the applicable requirement specifies more frequent submission. These certifications shall be submitted to EPA Region VII, 901 North 5th Street, Kansas City, Kansas 66101, as well as the Air Pollution Control Program, Enforcement Section, P.O. Box 176, Jefferson City, MO 65102. All deviations and Part 64

exceedances and excursions must be included in the compliance certifications. The compliance certification shall include the following:

- a) The identification of each term or condition of the permit that is the basis of the certification;
- b) The current compliance status, as shown by monitoring data and other information reasonably available to the installation;
- c) Whether compliance was continuous or intermittent;
- d) The method(s) used for determining the compliance status of the installation, both currently and over the reporting period; and
- e) Such other facts as the Air Pollution Control Program will require in order to determine the compliance status of this installation.

10 CSR 10-6.065(6)(C)6 Permit Shield

- 1) Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements as of the date that this permit is issued, provided that:
 - a) The application requirements are included and specifically identified in this permit, or
 - b) The permitting authority, in acting on the permit revision or permit application, determines in writing that other requirements, as specifically identified in the permit, are not applicable to the installation, and this permit expressly includes that determination or a concise summary of it.
- 2) Be aware that there are exceptions to this permit protection. The permit shield does not affect the following:
 - a) The provisions of section 303 of the Act or section 643.090, RSMo concerning emergency orders,
 - b) Liability for any violation of an applicable requirement which occurred prior to, or was existing at, the time of permit issuance,
 - c) The applicable requirements of the acid rain program,
 - d) The authority of the Environmental Protection Agency and the Air Pollution Control Program of the Missouri Department of Natural Resources to obtain information, or
 - e) Any other permit or extra-permit provisions, terms or conditions expressly excluded from the permit shield provisions.

10 CSR 10-6.065(6)(C)7 Emergency Provisions

- 1) An emergency or upset as defined in 10 CSR 10-6.065(6)(C)7.A shall constitute an affirmative defense to an enforcement action brought for noncompliance with technology-based emissions limitations. To establish an emergency- or upset-based defense, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, the following:
 - a) That an emergency or upset occurred and that the permittee can identify the source of the emergency or upset,
 - b) That the installation was being operated properly,
 - c) That the permittee took all reasonable steps to minimize emissions that exceeded technology-based emissions limitations or requirements in this permit, and
 - d) That the permittee submitted notice of the emergency to the Air Pollution Control Program within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken.
- 2) Be aware that an emergency or upset shall not include noncompliance caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

10 CSR 10-6.065(6)(C)8 Operational Flexibility

An installation that has been issued a Part 70 operating permit is not required to apply for or obtain a permit revision in order to make any of the changes to the permitted installation described below if the changes are not Title I modifications, the changes do not cause emissions to exceed emissions allowable under the permit, and the changes do not result in the emission of any air contaminant not previously emitted. The permittee shall notify the Air Pollution Control Program, Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 901 North 5th Street, Kansas City, Kansas 66101, at least seven days in advance of these changes, except as allowed for emergency or upset conditions. Emissions allowable under the permit means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

- 1) Section 502(b)(10) changes. Changes that, under section 502(b)(10) of the Act, contravene an express permit term may be made without a permit revision, except for changes that would violate applicable requirements of the Act or contravene federally enforceable monitoring (including test methods), record keeping, reporting or compliance requirements of the permit.
 - a) Before making a change under this provision, The permittee shall provide advance written notice to the Air Pollution Control Program, Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 901 North 5th Street, Kansas City, Kansas 66101, describing the changes to be made, the date on which the change will occur, and any changes in emission and any permit terms and conditions that are affected. The permittee shall maintain a copy of the notice with the permit, and the APCP shall place a copy with the permit in the public file. Written notice shall be provided to the EPA and the APCP as above at least seven days before the change is to be made. If less than seven days notice is provided because of a need to respond more quickly to these unanticipated conditions, the permittee shall provide notice to the EPA and the APCP as soon as possible after learning of the need to make the change.
 - b) The permit shield shall not apply to these changes.

10 CSR 10-6.065(6)(C)9 Off-Permit Changes

- 1) Except as noted below, the permittee may make any change in its permitted operations, activities or emissions that is not addressed in, constrained by or prohibited by this permit without obtaining a permit revision. Insignificant activities listed in the application, but not otherwise addressed in or prohibited by this permit, shall not be considered to be constrained by this permit for purposes of the off-permit provisions of this section. Off-permit changes shall be subject to the following requirements and restrictions:
 - a) The change must meet all applicable requirements of the Act and may not violate any existing permit term or condition; the permittee may not change a permitted installation without a permit revision if this change is subject to any requirements under Title IV of the Act or is a Title I modification;
 - b) The permittee must provide written notice of the change to the Air Pollution Control Program, Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 901 North 5th Street, Kansas City, Kansas 66101, no later than the next annual emissions report. This notice shall not be required for changes that are insignificant activities under 10 CSR 10-6.065(6)(B)3. This written notice shall describe each change, including the date, any change in emissions, pollutants emitted and any applicable requirement that would apply as a result of the change.

- c) The permittee shall keep a record describing all changes made at the installation that result in emissions of a regulated air pollutant subject to an applicable requirement and the emissions resulting from these changes; and
- d) The permit shield shall not apply to these changes.

10 CSR 10-6.020(2)(R)12 Responsible Official

The application utilized in the preparation of this permit was signed by Kevin O'Brien, State President. If this person terminates employment, or is reassigned different duties such that a different person becomes the responsible person to represent and bind the installation in environmental permitting affairs, the owner or operator of this air contaminant source shall notify the Director of the Air Pollution Control Program of the change. Said notification shall be in writing and shall be submitted within 30 days of the change. The notification shall include the name and title of the new person assigned by the source owner or operator to represent and bind the installation in environmental permitting affairs. All representations, agreement to terms and conditions and covenants made by the former responsible person that were used in the establishment of limiting permit conditions on this permit will continue to be binding on the installation until such time that a revision to this permit is obtained that would change said representations, agreements and covenants.

10 CSR 10-6.065(6)(E)6 Reopening-Permit for Cause

This permit may be reopened for cause if:

- 1) The Missouri Department of Natural Resources (MDNR) receives notice from the Environmental Protection Agency (EPA) that a petition for disapproval of a permit pursuant to 40 CFR § 70.8(d) has been granted, provided that the reopening may be stayed pending judicial review of that determination,
- 2) MDNR or EPA determines that the permit contains a material mistake or that inaccurate statements were made which resulted in establishing the emissions limitation standards or other terms of the permit,
- 3) Additional applicable requirements under the Act become applicable to the installation; however, reopening on this ground is not required if—:
 - a) The permit has a remaining term of less than three years;
 - b) The effective date of the requirement is later than the date on which the permit is due to expire;or
 - c) The additional applicable requirements are implemented in a general permit that is applicable to the installation and the installation receives authorization for coverage under that general permit,
- 4) The installation is an affected source under the acid rain program and additional requirements (including excess emissions requirements), become applicable to that source, provided that, upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the permit; or
- 5) MDNR or EPA determines that the permit must be reopened and revised to assure compliance with applicable requirements.

10 CSR 10-6.065(6)(E)1.C Statement of Basis

This permit is accompanied by a statement setting forth the legal and factual basis for the draft permit conditions (including references to applicable statutory or regulatory provisions). This Statement of Basis, while referenced by the permit, is not an actual part of the permit.

VI. Attachments

There are no attachments.

STATEMENT OF BASIS

Permit Reference Documents

These documents were relied upon in the preparation of the operating permit. Because they are not incorporated by reference, they are not an official part of the operating permit.

- 1) Part 70 Operating Permit Application, received April 2, 2004
- 2) 2003 Emissions Inventory Questionnaire, received March 31, 2004;
- 3) U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors*; Volume I, Stationary Point and Area Sources, Fifth Edition.
- 4) Tier 2 Test Report of the Black Oak RDF performed May 14-15, 2002

Applicable Requirements Included in the Operating Permit but Not in the Application or Previous Operating Permits

In the operating permit application, the installation indicated they were not subject to the following regulation(s). However, in the review of the application, the agency has determined that the installation is subject to the following regulation(s) for the reasons stated.

None

Other Air Regulations Determined Not to Apply to the Operating Permit

The Air Pollution Control Program (APCP) has determined the following requirements to not be applicable to this installation at this time for the reasons stated.

10 CSR 10-6.240, *Asbestos Abatement Projects – Registration, Notification and Performance Requirements*

This rule has been determined not to be applicable to the installation as it applies to asbestos abatement contractors. This installation is not a registered asbestos abatement contractor.

10 CSR 10-6.100, *Alternate Emission Limits*

This rule is applicable to all installations that emit volatile organic compounds (VOCs) in the ozone nonattainment areas of the state. The installation is currently in an attainment area, therefore, this rule has not been included in the operating permit.

Construction Permit Revisions

Construction Permit 042006-013

This permit was issued to allow a vertical expansion that will increase the landfill capacity by 2,806,080 m³. The expansion is vertical only, the permitted landfill area remains at approximately 82 acres. Special Condition #1 applies the conditions of 40 CFR part 60, Subpart WWW, which is included in this Operating Permit as a separate permit condition. Special Condition #2 applies the conditions of 40 CFR part 63 Subpart AAAA, which is included in this Operating Permit as a separate permit condition. Special Condition #3 contains haul road watering requirements, which have been included in the Operating Permit.

NSPS Applicability

40 CFR 60 Subpart WWW, *Standards of Performance for Municipal Solid Waste Landfills*.

This municipal waste landfill began operations in 1988. This installation consists of an original landfill with a capacity of 0.3 million cubic meter (m³) that last accepted waste in 1995 and an 8.86 million m³ lateral expansion. The combined maximum design capacity of the landfill is 9.16 million m³. This landfill installation is subject to 40 CFR Part 60, Subpart WWW as it was modified and accepted waste on or after May 30, 1991.

The landfill is not currently subject to 40 CFR Part 60.18 as the passive flares were not installed to comply with 40 CFR Part 60.752(b)(2).

MACT Applicability

40 CFR 63 Subpart AAAA, *National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills*.

This provision states that all municipal solid waste landfills are subject to Subpart AAAA is the landfill has a design capacity equal to or greater than 2.5 million Mg or 2.5 million m³ and has estimated uncontrolled emissions equal to or greater than 50 Mg per year NMOC. Upon exceedance of the 50 Mg NMOC per year threshold, the installation must meet the requirements in this provision by the date the landfill is required to install a collection and control system by 40 CFR 60.752(b)(2) of Subpart WWW.

NESHAP Applicability

40 CFR Part 61, Subpart M, *National Emission Standards for Asbestos*.

This requirement applies to all sources due to the possibility of renovation or demolition at any installation. The requirements of this rule have been summarized and listed in the operating permit under core permit requirements.

CAM Applicability

At the time of issuance, the permittee does not have any emission units subject to the applicability portion of the 40 CFR Part 64 requiring submittal of a CAM plan; none of the pollutant-specific emission units have pre-control emissions that exceed or are equivalent to the major source threshold.

Other Regulatory Determinations

10 CSR 10.620, *Restriction of Emission of Sulfur Compounds*.

This provision applies to any installation that is an emission source of sulfur compounds, except where 10 CSR 10-6.070, New Source Performance Regulations, apply. The passive flares were not installed to comply with 40 CFR Part 60.752(b)(2), therefore this provision applies to the installation; however, based in engineering judgment, the minimal SO₂ emissions from the passive flares will always be expected to be below the allowable limits.

Other Regulations Not Cited in the Operating Permit or the Above Statement of Basis

Any regulation which is not specifically listed in either the Operating Permit or in the above Statement of Basis does not appear, based on this review, to be an applicable requirement for this installation for one or more of the following reasons:

- 1) The specific pollutant regulated by that rule is not emitted by the installation;
- 2) The installation is not in the source category regulated by that rule;
- 3) The installation is not in the county or specific area that is regulated under the authority of that rule;

- 4) The installation does not contain the type of emission unit which is regulated by that rule;
- 5) The rule is only for administrative purposes.

Should a later determination conclude that the installation is subject to one or more of the regulations cited in this Statement of Basis or other regulations which were not cited, the installation shall determine and demonstrate, to the APCP's satisfaction, the installation's compliance with that regulation(s). If the installation is not in compliance with a regulation which was not previously cited, the installation shall submit to the APCP a schedule for achieving compliance for that regulation(s).

Prepared by:

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