

Missouri Department of Natural Resources
Air Pollution Control Program

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: OP2007-052

Expiration Date: OCT 4 2012

Installation ID: 163-0040

Project Number: 2004-06-100

Installation Name and Address

Eagle Ridge Landfill
13100 Highway VV
P.O. Box 310
Bowling Green, MO 63334
Pike County

Parent Company's Name and Address

Gecko Investments, L.L.C.
6140 Parkland Boulevard, Suite 300
Mayfield Heights, OH 44124

Installation Description:

This installation is an active Municipal Solid Waste Landfill that opened in 1972. The installation has a design capacity of 6.0 million cubic meters. Based on Tier 2 calculations conducted in 2004 for the landfill, the nonmethane organic compounds (NMOC) emissions rate is below 50 megagrams per year (Mg/yr)., and therefore, a gas collection and control system is not required at this time.

OCT 5 2007

Effective Date

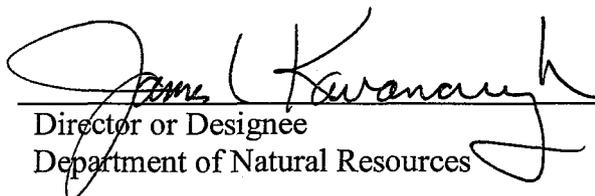

Director or Designee
Department of Natural Resources

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I. Installation Description and Equipment Listing

INSTALLATION DESCRIPTION

This installation is an active Municipal Solid Waste Landfill that opened in 1972. The installation has a design capacity of 6.0 million cubic meters. Based on Tier 2 calculations conducted in 2004 calculation, the landfill nonmethane organic compounds (NMOC) emissions rate is below 50 megagrams per year (Mg/yr), and therefore, a gas collection and control system is not required at this time.

The reported actual emissions for the past four years for the installation are listed below:

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)
2006	5.57	—	—	2.25	0.61	—	0.27
2005	4.06	—	—	1.90	0.48	—	0.22
2004	4.04	—	—	2.05	0.39	—	0.18
2003	1.58	—	—	1.61	—	—	0.21
2002	3.64	—	—	1.28	0.33	—	0.17

EMISSION UNITS WITH LIMITATIONS

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

Emission Unit #	Description of Emission Unit
EU0010	Municipal Landfill

EMISSION UNITS WITHOUT LIMITATIONS

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

EIQ Reference #	Description of Emission Unit
EP-01	Haul Road
EP-03	Diesel Fuel Storage Tank (less than 1,000 gallon capacity)
EP-07	Space Heaters

DOCUMENTS INCORPORATED BY REFERENCE

These documents have been incorporated by reference into this permit.

Currently no documents have been incorporated by reference into this permit.

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.

None

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 – Municipal Landfill		
Description	Manufacturer/ Model #	2005 EIQ Reference #
Municipal solid waste landfill, Constructed in 1972	NA	EP-01

Permit Condition EU0010-001

10 CSR 10-6.070
New Source Performance Regulations
40 CFR Part 60 Subpart WWW
Standards of Performance for Municipal Solid Waste Landfills

Emission Limitation:

40 CFR 60.752 - Standards for air emissions from municipal solid waste landfills:

The permittee, as the designated owner or operator of a Municipal Solid Waste (MSW) landfill having a design capacity equal to or greater than 2.5 million Megagrams (Mg) or 2.5 million cubic meters, shall either comply with §60.752(b)(2) of Subpart WWW (i.e. installation of a collection and control system) or calculate an NMOC emission rate for the landfill using the procedures specified §60.754 of Subpart WWW (Test Methods and Procedures). The NMOC emission rate shall be recalculated annually, except as provided in §60.757(b)(1)(ii) of Subpart WWW. [§60.752(b)]

Monitoring:

The NMOC emission rate shall be recalculated annually, except as provided in §60.757(b)(1)(ii) of Subpart WWW. [§60.752(b)]

- 1) If the calculated NMOC emission rate is less than 50 megagrams per year, the owner or operator shall:
[§60.752(b)(1)]
 - a) Submit an annual emission report to the Administrator, except as provided for in §60.757(b)(1)(ii); and
[§60.752(b)(1)(i)]
 - b) Recalculate the NMOC emission rate annually using the procedures specified in §60.754(a)(1) until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, or the landfill is closed. [§60.752(b)(1)(ii)]
 - i) If the NMOC emission rate, upon recalculation required in §60.752(b)(1)(ii) of this subpart, is equal to or greater than 50 megagrams per year, the owner or operator shall install a collection and control system in compliance with §60.752(b)(2). [§60.752(b)(1)(ii)(A)]
- 2) If the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, the owner or operator shall: [§60.752(b)(2)]
 - a) Submit a collection and control system design plan prepared by a professional engineer to the Administrator within one year: [§60.752(b)(2)(i)]

- i) The collection and control system as described in the plan shall meet the design requirements of §60.757(b)(2)(ii). [§60.752(b)(2)(i)(A)]
 - ii) The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of §§60.753 through 60.758 proposed by the owner or operator. [§60.752(b)(2)(i)(B)]
 - iii) The collection and control system design plan shall either conform with specifications for active collection systems in §60.759 or include a demonstration to the Administrator's satisfaction of the sufficiency of the alternative provisions to §60.759. [§60.752(b)(2)(i)(C)]
 - iv) The Administrator shall review the information submitted under §60.752(b)(2)(i) (A), (B) and (C) and either approve it, disapprove it, or request that additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be necessary. A wide variety of system designs are possible, such as vertical wells, combination horizontal and vertical collection systems, or horizontal trenches only, leachate collection components, and passive systems. [§60.752(b)(2)(i)(D)]
- b) Install a collection and control system that captures the gas generated within the landfill as required by §60.752(b)(2)(ii)(A) or §60.752(b)(2)(ii)(B) and §60.752(b)(2)(iii) within 30 months after the first annual report in which the emission rate equals or exceeds 50 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the emission rate is less than 50 megagrams per year, as specified in §60.757(c)(1) or (2). [§60.752(b)(2)(ii)]
- i) An active collection system shall: [§60.752(b)(2)(ii)(A)]
 - (1) Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control or treatment system equipment; [§60.752(b)(2)(ii)(A)(1)]
 - (2) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of: [§60.752(b)(2)(ii)(A)(2)]
 - (a) five years or more if active; or [§60.752(b)(2)(ii)(A)(2)(i)]
 - (b) two years or more if closed or at final grade. [§60.752(b)(2)(ii)(A)(2)(ii)]
 - (3) Collect gas at a sufficient extraction rate; [§60.752(b)(2)(ii)(A)(3)]
 - (4) Be designed to minimize off-site migration of subsurface gas. [§60.752(b)(2)(ii)(A)(4)]
 - ii) A passive collection system shall: [§60.752(b)(2)(ii)(B)]
 - (1) Comply with the provisions specified in §60.752(b)(2)(ii)(A)(1), §60.752(b)(ii)(A)(2), and §60.752(b)(ii)(A)(A)(4). [§60.752(b)(2)(ii)(B)(1)]
 - (2) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners shall be installed as required under §258.40. [§60.752(b)(2)(ii)(B)(2)]
- c) Route all the collected gas to a control system that complies with the requirements in either §60.752(b)(2)(iii)(A), §60.752(b)(2)(iii)(B) or §60.752(b)(2)(iii)(C). [§60.752(b)(2)(iii)]
- i) An open flare designed and operated in accordance with §60.18; [§60.752(b)(2)(iii)(A)]
 - ii) A control system designed and operated to reduce NMOC by 98 weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by 98 weight percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume, dry basis as hexane at three percent oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test to be completed no later than 180 days after the initial startup of the approved control system using the test methods specified in §60.754(d). [§60.752(b)(2)(iii)(B)]

- (1) If a boiler or process heater is used as the control device, the landfill gas stream shall be introduced into the flame zone. [§60.752(b)(2)(iii)(B)(1)]
- (2) The control device shall be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in §60.756; [§60.752(b)(2)(iii)(B)(2)]
- iii) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of §60.752(b)(2)(iii)(A) or §60.752(b)(2)(iii)(B). [§60.752(b)(2)(iii)(C)]
- d) Operate the collection and control device installed to comply with this subpart in accordance with the provisions of §§60.753, 60.755 and 60.756. [§60.752(b)(2)(iv)]
- e) The collection and control system may be capped or removed provided that all the conditions of §60.752(b)(2)(v)(A), (B), and (C) are met: [§60.752(b)(2)(v)]
 - i) The landfill shall be a closed landfill as defined in §60.751 of this subpart. A closure report shall be submitted to the Administrator as provided in §60.757(d); [§60.752(b)(2)(v)(A)]
 - ii) The collection and control system shall have been in operation a minimum of 15 years; and [§60.752(b)(2)(v)(B)]
 - iii) Following the procedures specified in §60.754(b) of this subpart, the calculated NMOC gas produced by the landfill shall be less than 50 megagrams per year on three successive test dates. The test dates shall be no less than 90 days apart, and no more than 180 days apart. [§60.752(b)(2)(v)(C)]

Recordkeeping:

Except as provided in §60.752(b)(2)(i)(B), each owner or operator of an MSW landfill subject to the provisions of §60.752(b) shall keep for at least five 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 four hours. Either paper copy or electronic formats are acceptable. [§60.758(a)]

Reporting:

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

- 1) Each owner or operator subject to the requirements of this subpart shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, except as provided for in §60.757(b)(1)(ii) or §60.757(b)(3). The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate. [§60.757(b)]
 - a) The NMOC emission rate report shall contain an annual or five-year estimate of the NMOC emission rate calculated using the formula and procedures provided in §60.754(a) or §60.754(b), as applicable. [§60.757(b)(1)]
 - i) The initial NMOC emission rate report may be combined with the initial design capacity report required in §60.757(a) and shall be submitted no later than indicated in §60.757(b)(1)(i)(A) and §60.757(b)(1)(i)(B). Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in §60.757(b)(1)(ii) and §60.757(b)(3). [§60.757(b)(1)(i)]
 - ii) If the estimated NMOC emission rate as reported in the annual report to the Administrator is less than 50 megagrams per year in each of the next five consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next five -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 five 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 five years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the five-year estimate, a revised five-year estimate shall be submitted to the Administrator. The revised estimate shall cover the five-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate. [§60.757(b)(1)(ii)]

- b) The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or five-year emissions. [§60.757(b)(2)]
 - c) Each owner or operator subject to the requirements of this subpart is exempted from the requirements §60.757(b)(1) and §60.757(b)(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. [§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 one year of the first report required under §60.757(b) in which the emission rate equals or exceeds 50 megagrams per year, except as follows: [§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 megagrams 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 megagrams 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 megagrams per year. [§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 megagrams per year, 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 one year of the first calculated emission rate exceeding 50 megagrams per year. [§60.757(c)(2)]

Permit Condition EU0010-002

10 CSR 10-6.075
Maximum Achievable Control Technology Regulations
40 CFR Part 63 Subpart AAAAA
National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills

Currently the installation is not subject to 40 CFR Part 63 Subpart AAAAA. When the installation becomes subject to 40 CFR Part 60 Subpart WWW §60.752(b)(2), collection and control requirements, then 40 CFR Part 63 Subpart AAAAA will be applicable and the permittee shall comply with this permit condition.

Emission Limitation:

- 1) You must comply with the requirements of 40 CFR Part 60, Subpart WWW. [§63.1955(a)(1)]
- 2) If you are required by 40 CFR 60.752(b)(2) of Subpart WWW to install a collection and control system, you must comply with the requirements in §§63.1960 through 63.1985 and with the general provisions of this subpart specified in Table 1 of 40 CFR Part 63 Subpart AAAAA. [§63.1955(b)]
- 3) When a collection and control system is required, for approval of collection and control systems that include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions, you must follow the procedures in 40 CFR 60.752(b)(2). If alternatives have already been approved under Part 60 Subpart WWW or the Federal plan, or EPA approved and effective State or tribal plan, these alternatives can be used to comply with this subpart, except that all affected sources must comply with the SSM requirements in Subpart A of Part 63 as specified in Table 1 of Subpart AAAAA and all affected sources must submit compliance reports every 6 months as specified in §63.1980(a) and §63.1980(b), including information on all deviations that occurred during the 6-month reporting period. Deviations for continuous emission monitors or numerical continuous parameter monitors must be determined using a three hour monitoring block average. [§63.1955(c)]

Compliance Requirements:

- 1) Compliance is determined in the same way it is determined for Part 60, Subpart WWW, including performance testing, monitoring of the collection system, continuous parameter monitoring, and other credible evidence. In addition, continuous parameter monitoring data, collected under §§60.756(b)(1), (c)(1), and (d) of Subpart WWW, are used to demonstrate compliance with the operating conditions for control systems. If a deviation occurs, you have failed to meet the control device operating conditions described in Subpart AAAAA and have deviated from the requirements of Subpart AAAAA. Finally, you must develop and implement a written SSM plan according to the provisions in §63.6(e)(3). A copy of the SSM plan must be maintained on site. Failure to write, implement, or maintain a copy of the SSM plan is a deviation from the requirements of Subpart AAAAA. [§63.1960]
- 2) A deviation occurs when the control device operating parameter boundaries described in 40 CFR 60.758(c)(1) of Subpart WWW are exceeded. [§63.1965(a)]
- 3) A deviation occurs when one hour or more of the hours during the three-hour block averaging period does not constitute a valid hour of data. A valid hour of data must have measured values for at least three 15-minute monitoring periods within the hour. [§63.1965(b)]
- 4) A deviation occurs when a SSM plan is not developed, implemented, or maintained on site. [§63.1965(c)]
- 5) Three-hour block averages used to demonstrate compliance are calculated in the same way as they are calculated in Part 60, Subpart WWW, except that the data collected during the events listed in

§§§63.1955(a), (b), (c), and (d) are not to be included in any average computed under Subpart AAAA: [§63.1975]

- a) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments. [§63.1975(a)]
- b) Startups. [§63.1975(b)]
- c) Shutdowns. [§63.1975(c)]
- d) Malfunctions. [§63.1975(d)]

Recordkeeping Requirements:

- 1) Keep records as specified in Part 60, Subpart WWW. [§63.1980(a)]
- 2) You must also keep records as specified in the general provisions of Part 60 and of Subpart AAAA as shown in Table 1. Applicable records in the general provisions include items such as SSM plans and the SSM plan reports. [§63.1980(b)]

Reporting Requirements:

- 1) Keep reports as specified in Part 60, Subpart WWW, with one exception: You must submit the annual report described in §60.757(f) every 6 months. [§63.1980(a)]
- 2) You must also keep reports as specified in the general provisions of Part 60 and of Subpart AAAA as shown in Table 1 of Subpart AAAA. Applicable records in the general provisions include items such as SSM plans and the SSM plan reports. [§63.1980(b)]

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*

- 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 one 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 payable to the Department of Natural Resources and shall be accompanied by the 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. Qualified personnel shall perform all tests.
- 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 Eagle Ridge Landfill 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 Department of Natural Resources 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 10-6.080 *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 department's Air Pollution Control Program (APCP). This rule requires training providers who offer training for asbestos abatement occupations to be accredited by the APCP. 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 recordkeeping 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 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

- f) 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 Recordkeeping and Reporting Requirements

1) Recordkeeping

- 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 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) June 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, recordkeeping, 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.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 APCP upon receipt of a written request and within a reasonable time, any information that the APCP 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 APCP 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)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 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 June 1st, unless the applicable requirement specifies more frequent submission. These certifications shall be submitted to Environmental Protection Agency's (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 ACP 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 EPA and the APCP of the 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 APCP 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), recordkeeping, 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 Mr. Ron Boerema, Site Manager. On March 28, 2005, the APCP was informed that Mr. Ron Boerema is no longer the responsible official and Mr. Kevin O'Brien, State President is now the responsible official. 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 APCP 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 Department of Natural Resources receives notice from the 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) The Department of Natural Resources 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) The Department of Natural Resources 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 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.

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 June 25, 2004;
- 2) Part 70 Initial Operating Permit, Permit No. OP1999-199, issued December 28, 1999;
- 3) 2005 Emissions Inventory Questionnaire, received April 11, 2006;
- 4) U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors*; Volume I, Stationary Point and Area Sources, Fifth Edition; and
- 5) Part 70 Operating Permit Administrative Amendment, Project No. 2005-10-046.

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 APCP has determined the following requirements to not be applicable to this installation at this time for the reasons stated.

- 1) 10 CSR 10-3.030, *Maximum Allowable Emission of Particulate Matter From Fuel Burning Equipment Used for Indirect Heating*.

The significant emission source(s) at this installation do not meet the definition of "indirect heating" as specified in 10 CSR 10-6.020, "...for the primary purposes of producing steam, hot water or hot air or other indirect heating of liquids, gases or solids where, in the course of doing so, the products of combustion do not come into direct contact with process materials..."

The installation has reported insignificant emission source(s) (i.e. space heaters with a total heat capacity of less than 10 MMBtu/hr) which are subject to the requirements of this rule. However, the APCP does not consider these sources to be capable of exceeding the particulate matter (PM) emission limitation of 0.60 pounds of particulate matter per million Btu's of heat input of this rule.

Therefore, as the significant emission source(s) were not considered to meet the indirect heating definition and the remaining insignificant emission unit(s) are always expected to be in compliance with the PM limitation, this rule is not included in the applicable requirements section of this operating permit.

- 2) 10 CSR 10-6.260, *Restriction of Emission of Sulfur Compounds*

This rule is amended to update emission limits and references to regulations, changes the rule organization, and brings the rule up to date. The amended rule clarifies applicability of sources subject to New Source Performance Standards and this rule.

The amended rule also includes an exemption for combustion equipment that uses exclusively pipeline grade natural gas as defined in 40 CFR 72.2 or liquefied petroleum gas as defined by American Society for Testing and Materials (ASTM), or any combination of these fuels.

All combustion equipment at the installation which uses pipeline grade natural gas, therefore is exempt from the requirements of this rule.

- 3) 10 CSR 10-6.310, *Restriction of Emission from Municipal Solid Waste Landfills*
This rule applies to each municipal solid waste landfill for which construction, reconstruction or modification was commenced before May 30, 1991, and has accepted waste at any time since November 8, 1987. However, the last modification to this installation was done after the above date. Therefore, this regulation is not applicable to this installation.
- 4) 40 CFR Part 60, Subpart Kb-*Standards of Performance for Volatile Organic Liquid Storage*
The provisions of this subpart apply to each storage vessel with a capacity greater than or equal to 75 cubic meters (m³) that is used to store volatile organic liquids (VOL) for which construction, reconstruction, or modification is commenced after July 23, 1984.

All of the tanks at this installation are less than the 75 m³ minimum capacity stated in the rule. Therefore, this is not an applicable rule.

- 5) 40 CFR Part 60, Subpart Cc, *Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills*
It may appear that this regulation would apply to this installation because it is designated toward installations which are existing MSW landfills for which construction, reconstruction or modification was commenced before May 30, 1991. However, the scope of this regulation (§60.30c) is only to prescribe regulations which shall establish a procedure by which each state shall submit to the administrator (EPA) a plan which establishes standards of performance for any existing source for any air pollutant (in accordance to section 111(d) of the Clean Air Act and 40 CFR Subpart B). Therefore, this regulation is for the states and is not directly applicable to the installation.

Construction Permit Revisions

There are no Air Pollution Control Program construction permits associated with this installation.

New Source Performance Standards (NSPS) Applicability

40 CFR Part 60, Subpart WWW, *Standards of Performance for Municipal Solid Waste Landfills*
The provisions of this subpart apply to each municipal solid waste landfill that commenced construction, reconstruction or modification on or after May 30, 1991.

The installation is subject to 40 CFR Part 60, Subpart WWW as it was modified and accepted waste on or after May 30, 1991.

Maximum Available Control Technology (MACT) Applicability

40 CFR Part 632, Subpart AAAA – *National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills*

This subpart applies to all MSW landfills that are major source, and to some landfills that are area sources. Area sources are subject to this rule if they have a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, and they have estimated uncontrolled emissions equal to or greater than 50 Mg per year NMOC.

At the time of this permit issuance, Eagle Ridge Landfill has estimated uncontrolled emissions less than 50 megagrams per year. Therefore it is not subject to this subpart.

When the installation becomes subject to 40 CFR Part 60 Subpart WWW §60.752(b)(2) collection and control requirements, i.e., estimated uncontrolled emissions are equal to or greater than 50 Mg per year NMOC, then 40 CFR Part 63 Subpart AAAA will be applicable and the permittee will comply with the requirements of this subpart.

National Emission Standards for Hazardous Air Pollutants (NESHAP) Applicability

40 CFR Part 61 Subpart M, *National Emission Standard for Asbestos*, §61.145(a), *Standard for demolition and renovation*.

This regulation has been included in the operating permit because it applies to any demolition or renovation (as outlined in 40 CFR 61.145) of buildings containing asbestos at the installation.

Compliance Assurance Monitoring (CAM) Applicability

40 CFR Part 64, *Compliance Assurance Monitoring (CAM)*

The CAM rule applies to each pollutant specific emission unit that:

- Is subject to an emission limitation or standard, and
- Uses a control device to achieve compliance, and
- Has pre-control emissions that exceed or are equivalent to the major source threshold.

Units that are subject to 111 or 112 standards promulgated after 11/15/90 are excluded from CAM.

Since the landfill is subject to 40 CFR Part 60, Subpart WWW, the installation is not subject to CAM.

Other Regulatory Determinations

Haul Road Fugitive Emissions:

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

The regulation applies to fugitive particulate emissions, with the intent of restricting and preventing fugitive emissions from traveling off property. The installation is required to meet the conditions stated in the core permit requirements. Fugitive emissions from haul roads would be regulated under this regulation.

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

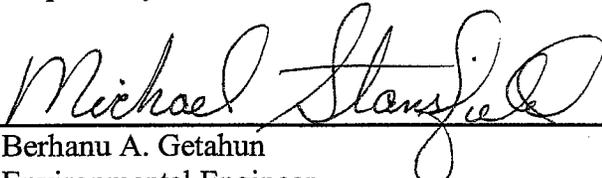
Any regulation which is not specifically listed in either the Operating Permit or in the above Statement of Basis does not appear, based on this review, to be an applicable requirement for this installation for one or more of the following reasons:

- 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 APCA'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:

for 
Berhanu A. Getahun
Environmental Engineer