



## **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 herein.

**Operating Permit Number:** OP2013-013  
**Expiration Date:** MAR 18 2018  
**Installation ID:** 111-0025  
**Project Number:** 2012-01-097

**Installation Name and Address**

BFI Backridge Landfill, LLC (Backridge Landfill)  
26265 Route B  
LaGrange, MO 63448  
Lewis County

**Parent Company's Name and Address**

BFI Waste Systems of Missouri, LLC  
2980 Granger Drive  
Springfield, IL 62707

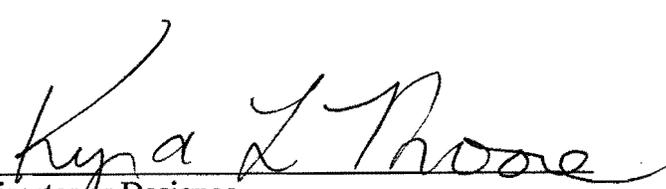
**Installation Description:**

Backridge Landfill is a municipal solid waste landfill that has accepted waste since 1991. The landfill has a design capacity of 3.3 million Mg. The installation is subject to 40 CFR 60 Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills. A flare is used to control migration and odors, and is not a required control device per 40 CFR 60 Subpart WWW. The installation is also subject to 40 CFR Part 63 Subpart CCCCCC-National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

The installation is required to obtain a Part 70 Operating Permit per 40 CFR 60 Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills.

MAR 19 2013

Effective Date

  
Director or Designee

Department of Natural Resources

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## I. Installation Description and Equipment Listing

### INSTALLATION DESCRIPTION

Backridge Landfill is a municipal solid waste landfill that has accepted waste since 1991. The landfill has a design capacity of 3.3 million Mg. The installation is subject to 40 CFR 60 Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills. A flare is used to control migration and odors, and is not a required control device per 40 CFR 60 Subpart WWW. The installation is also subject to 40 CFR Part 63 Subpart CCCCCC-National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

The installation is required to obtain a Part 70 Operating Permit per 40 CFR 60 Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills.

<b>Reported Air Pollutant Emissions, tons per year</b>					
Pollutants	2010	2009	2008	2007	2006
Particulate Matter ≤ Ten Microns (PM <sub>10</sub> )	1.66	1.66	1.66	1.66	1.66
Particulate Matter ≤ 2.5 Microns (PM <sub>2.5</sub> )	0	0	0	0	0
Sulfur Oxides (SO <sub>x</sub> )	0	0	0	0	0
Nitrogen Oxides (NO <sub>x</sub> )	0	0	0	0	0
Volatile Organic Compounds(VOC)	1.16	1.16	1.16	1.16	1.16
Carbon Monoxide (CO)	0	0	0	0	0
Lead (Pb)	0	0	0	0	0
Hazardous Air Pollutants (HAPs)	0.15	0.15	0.15	0.15	0.15
Ammonia (NH <sub>3</sub> )	0	0	0	0	0

### EMISSION UNITS WITH LIMITATIONS

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

Emission Unit #	Description of Emission Unit
1	MSW Landfill
6	1,350 SCFM open flare
3	560 gallon capacity gasoline storage tank

### **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 (EIQ #)

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0.175 MMBtu/hr diesel fuel fired shop heater  
11 hp gasoline fired leachate pump  
57,000 gallon capacity leachate storage tank  
10,000 gallon capacity diesel storage tank (2)  
Paved haul roads  
Unpaved haul roads (4,5)  
Aggregate handling and storage piles

### **DOCUMENTS INCORPORATED BY REFERENCE**

These documents have been incorporated by reference into this permit.

None

## **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.

<b>Landfill</b>	
Emission Unit	Description
1	MSW Landfill

**PERMIT CONDITION Emission Unit 1-001**  
10 CSR 10-6.070 New Source Performance Regulations and  
40 CFR Part 60, Subpart A General Provisions and Subpart W -Standards of Performance for  
Municipal Solid Waste Landfills

**Emission Limitations:**

1. Each owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, shall either comply with Paragraph (b)(2) of this section or calculate an NMOC emission rate for the landfill using the procedures specified in §60.754. The NMOC emission rate shall be recalculated annually, except as provided in §60.757(b)(1)(ii) of this subpart. The owner or operator of an MSW landfill subject to this subpart with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters is subject to part 70 or 71 permitting requirements. [§60.752(b)]
  - (a) If the calculated NMOC emission rate is less than 50 megagrams per year, the owner or operator shall: [§60.752(b)(1)]
    - (i). Submit an annual emission report to the Director, except as provided for in §60.757(b)(1)(ii); and [§60.752(b)(1)(i)]
    - (ii). 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)]
      - A. If the NMOC emission rate, upon recalculation required in Paragraph (b)(1)(ii) of this section, is equal to or greater than 50 megagrams per year, the owner or operator shall install a collection and control system in compliance with Paragraph (b)(2) of this section. [§60.752(b)(1)(ii)(A)]
      - B. If the landfill is permanently closed, a closure notification shall be submitted to the Director as provided for in §60.757(d). [§60.752(b)(1)(ii)(B)]
2. When a MSW landfill subject to this subpart is closed, the owner or operator is no longer subject to the requirement to maintain an operating permit under part 70 or 71 of this chapter for the landfill if the landfill is not otherwise subject to the requirements of either part 70 or 71 and if either of the following conditions are met: [§60.752(d)]
  - (a) The landfill was never subject to the requirement for a control system under Paragraph (b)(2) of this section; or [§60.752(d)(1)]
  - (b) The owner or operator meets the conditions for control system removal specified in Paragraph (b)(2)(v) of this section. [§60.752(d)(2)]

**Test methods and procedures:**

1. The landfill owner or operator shall calculate the NMOC emission rate using either the equation provided in Paragraph (a)(1)(i) of this section or the equation provided in Paragraph (a)(1)(ii) of this section. Both equations may be used if the actual year-to-year solid waste acceptance rate is known, as specified in Paragraph (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 Paragraph (a)(1)(ii), for part of the life of the landfill. The values to be used in both equations are 0.05 per year for k, 170 cubic meters per megagram for  $L_o$ , and 4,000 parts per million by volume as hexane for the  $C_{NMOC}$ . For landfills located in geographical areas with a thirty year annual average precipitation of less than 25 inches, as measured at the nearest representative official meteorologic site, the k value to be used is 0.02 per year. [§60.754(a)(1)]

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

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

where,

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

k=methane generation rate constant, year<sup>-1</sup>

$L_o$ =methane generation potential, cubic meters per megagram solid waste

$M_i$ =mass of solid waste in the i<sup>th</sup> section, megagrams

$t_i$ =age of the i<sup>th</sup> section, years

$C_{NMOC}$ =concentration of NMOC, parts per million by volume as hexane

$3.6 \times 10^{-9}$ =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

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

$$M_{NMOC} = 2L_oR(e^{-kc} - e^{-kt})C_{NMOC}(3.6 \times 10^{-9})$$

Where:

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

$L_o$ =methane generation potential, cubic meters per megagram solid waste

R=average annual acceptance rate, megagrams per year

k=methane generation rate constant, year<sup>-1</sup>

t = age of landfill, years

$C_{NMOC}$ =concentration of NMOC, parts per million by volume as hexane

c=time since closure, years; for active landfill c=0 and  $e^{-kc}=1$

$3.6 \times 10^{-9}$ =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.

2. Tier 1. The owner or operator shall compare the calculated NMOC mass emission rate to the standard of 50 megagrams per year. [§60.754(a)(2)]

a) If the NMOC emission rate calculated in Paragraph (a)(1) of this section is less than 50 megagrams per year, then the landfill owner shall submit an emission rate report as provided in

- §60.757(b)(1), and shall recalculate the NMOC mass emission rate annually as required under §60.752(b)(1). [§60.754(a)(2)(i)]
- b) If the calculated NMOC emission rate is equal to or greater than 50 megagrams 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 Paragraph (a)(3) of this section. [§60.754(a)(2)(ii)]
3. 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 two 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 non-degradable 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 this part. Method 18 of Appendix A of this part 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 this part 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. [§60.754(a)(3)]
- a) The landfill owner or operator shall recalculate the NMOC mass emission rate using the equations provided in Paragraph (a)(1)(i) or (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 Paragraph (a)(1) of this section. [§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 megagrams 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 Paragraph (a)(4) of this section. [§60.754(a)(3)(ii)]
- c) If the resulting NMOC mass emission rate is less than 50 megagrams per year, the owner or operator shall submit a periodic estimate of the emission rate report as provided in §60.757(b)(1) and retest the site-specific NMOC concentration every five years using the methods specified in this section. [§60.754(a)(3)(iii)]

4. Tier 3. The site-specific methane generation rate constant shall be determined using the procedures provided in Method 2E of Appendix A of this part. The landfill owner or operator shall estimate the NMOC mass emission rate using equations in Paragraph (a)(1)(i) or (a)(1)(ii) of this section and using a site-specific methane generation rate constant  $k$ , and the site-specific NMOC concentration as determined in Paragraph (a)(3) of this section instead of the default values provided in Paragraph (a)(1) of this section. The landfill owner or operator shall compare the resulting NMOC mass emission rate to the standard of 50 megagrams per year. [§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 megagrams per year, the owner or operator shall comply with §60.752(b)(2). [§60.754(a)(4)(i)]
  - b) If the NMOC mass emission rate is less than 50 megagrams per year, then the owner or operator shall submit a periodic emission rate report as provided in §60.757(b)(1) and shall recalculate the NMOC mass emission rate annually, as provided in §60.757(b)(1) using the equations in Paragraph (a)(1) of this section and using the site-specific methane generation rate constant and NMOC concentration obtained in Paragraph (a)(3) of this section. 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. [§60.754(a)(4)(ii)]
5. 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 Paragraphs (a)(3) and (a)(4) of this section if the method has been approved by the Administrator. [§60.754(a)(5)]
6. When calculating emissions for PSD purposes, the owner or operator of each MSW landfill subject to the provisions of this subpart shall estimate the NMOC emission rate for comparison to the PSD major source and significance levels in §§51.166 or 52.21 of this chapter using AP-42 or other approved measurement procedures. [§60.754(c)]

**Reporting requirements:**

1. Each owner or operator subject to the requirements of this subpart shall submit an NMOC emission rate report to the Director initially and annually thereafter, except as provided for in Paragraphs (b)(1)(ii) or (b)(3) of this section. The Director 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 (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 Paragraph (a) of this section and shall be submitted no later than indicated in Paragraphs (b)(1)(i)(A) and (B) of this section. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in Paragraphs (b)(1)(ii) and (b)(3) of this section. [§60.757(b)(1)(i)]
      - A. June 10, 1996, for landfills that commenced construction, modification, or reconstruction on or after May 30, 1991, but before March 12, 1996, or [§60.757(b)(1)(i)(A)]
      - B. Ninety days after the date of commenced construction, modification, or reconstruction for landfills that commence construction, modification, or reconstruction on or after March 12, 1996. [§60.757(b)(1)(i)(B)]
    - (ii) If the estimated NMOC emission rate as reported in the annual report to the Director 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 Director. 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 Director. 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 of Paragraphs (b)(1) and (2) of this section, 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)]

**Recordkeeping requirements:**

1. The permittee 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)]
2. The permittee shall keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector. [§60.758(d)]
  - (a) Each owner or operator subject to the provisions of this subpart shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under §60.755(b). [§60.758(d)(1)]
  - (b) Each owner or operator subject to the provisions of this subpart shall keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in §60.759(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in §60.759(a)(3)(ii). [§60.758(d)(2)]
3. Reports of any deviations 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 shall be submitted semi-annually, in the semi-annual monitoring report and annual compliance certification, as required by Section V of this permit.

<b>Flare</b>	
Emission Unit	Description
6	1,350 SCFM open flare

**PERMIT CONDITION Emission Unit 6-001**  
 10 CSR 10-6.220, Restriction of Emission of Visible Air Contaminants

**Emission Limitations:**

1. No owner or other person shall cause or permit emissions to be discharged into the atmosphere from any new source any visible emissions with an opacity greater than 20%.
2. Exception: A person may discharge into the atmosphere from any source of emissions for a period(s) aggregating not more than six (6) minutes in any 60 minutes air contaminants with an opacity up to 60%.

**Monitoring/Recordkeeping/Reporting:**

See Section IV of this permit.

<b>Gasoline Storage Tank</b>	
Emission Unit	Description
3	560 gallon capacity gasoline storage tank

**Permit Condition Emission Unit 3-001**  
 10 CSR 10-6.075 Maximum Achievable Control Technology Regulations and  
 40 CFR Part 63, Subpart A General Provisions and Subpart CCCCCC-National Emission Standards for  
 Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities

**Operational Standards:**

1. You must not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following: [§63.11116(a)]
  - a) Minimize gasoline spills; [§63.11116(a)(1)]
  - b) Clean up spills as expeditiously as practicable; [§63.11116(a)(2)]
  - c) Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use; [§63.11116(a)(3)]
  - d) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators. [§63.11116(a)(4)]
2. You are not required to submit notifications or reports as specified in §63.11125, §63.11126, or Subpart A of this part, but you must have records available within 24 hours of a request by the Administrator to document your gasoline throughput. [§63.11116(b)]
3. You must comply with the requirements of this subpart no later than January 10, 2011. [§63.11116(c) and §63.11113(b)]
4. Portable gasoline containers that meet the requirements of 40 CFR Part 59, Subpart F, are considered acceptable for compliance with Paragraph (a)(3) of this section. [§63.11116(d)]

**Monitoring/Recordkeeping/Reporting:**

1. The permittee shall, upon request by the Administrator, demonstrate that their monthly throughput is less than the 10,000-gallon threshold level. For existing sources, as specified in §63.11112(d), recordkeeping to document monthly throughput must begin on January 10, 2008. For existing sources that are subject to this subpart only because they load gasoline into fuel tanks other than those in motor vehicles, as defined in §63.11132, recordkeeping to document monthly throughput must begin on January 24, 2011. Records required under this Paragraph shall be kept for a period of five years. [§63.11111(e)]
2. Reports of any deviations 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 shall be submitted semi-annually, in the semi-annual monitoring report and annual compliance certification, as required by Section V of this permit.

## IV. Core Permit Requirements

The installation shall comply with each of the following regulations or codes. Consult the appropriate sections in the Code of Federal Regulations (CFR), the Code of State Regulations (CSR), and local ordinances 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. The following is only an excerpt from the regulation or code, and is provided for summary purposes only.

### 10 CSR 10-6.045 Open Burning Requirements

- 1) General Provisions. The open burning of tires, petroleum-based products, asbestos containing materials, and trade waste is prohibited, except as allowed below. Nothing in this rule may be construed as to allow open burning which causes or constitutes a public health hazard, nuisance, a hazard to vehicular or air traffic, nor which violates any other rule or statute.
- 2) Refer to the regulation for a complete list of allowances. The following is a listing of exceptions to the allowances:
  - a) Burning of household or domestic refuse. Burning of household or domestic refuse is limited to open burning on a residential premises having not more than four dwelling units, provided that the refuse originates on the same premises.
  - b) Yard waste, with the following exceptions:
- 3) Certain types of materials may be open burned provided an open burning permit is obtained from the director. The permit will specify the conditions and provisions of all open burning. The permit may be revoked if the owner or operator fails to comply with the conditions or any provisions of the permit.
- 4) BFI Backridge Landfill, LLC may be issued an annually renewable open burning permit for open burning provided that an air curtain destructor or incinerator is utilized and only tree trunks, tree limbs, vegetation or untreated wood waste are burned. Open burning shall occur at least two hundred (200) yards from the nearest occupied structure unless the owner or operator of the occupied structure provides a written waiver of this requirement. Any waiver shall accompany the open burning permit application. The permit may be revoked if BFI Backridge Landfill, LLC fails to comply with the provisions or any condition of the open burning permit.
  - a) In a nonattainment area, as defined in 10 CSR 10-6.020, Paragraph (2)(N)5., the director shall not issue a permit under this section unless the owner or operator can demonstrate to the satisfaction of the director that the emissions from the open burning of the specified material would be less than the emissions from any other waste management or disposal method.
- 5) Reporting and Recordkeeping. New Source Performance Standard (NSPS) 40 CFR Part 60 Subpart CCCC establishes certain requirements for air curtain destructors or incinerators that burn wood trade waste. These requirements are established in 40 CFR 60.2245-60.2260. The provisions of 40 CFR Part 60 Subpart CCCC promulgated as of September 22, 2005 shall apply and are hereby incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401. To comply with NSPS 40 CFR 60.2245-60.2260, sources must conduct an annual Method 9 test. A copy of the annual Method 9 test results shall be submitted to the director.
- 6) Test Methods. The visible emissions from air pollution sources shall be evaluated as specified by 40 CFR Part 60, Appendix A–Test Methods, Method 9–Visual Determination of the Opacity of Emissions from Stationary Sources. The provisions of 40 CFR Part 60, Appendix A, Method 9

promulgated as of December 23, 1971 is incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401.

#### **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 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 10-6.080 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 10-6.100 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.

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

- 1) The permittee shall submit full emissions report either electronically via MoEIS, which requires Form 1.0 signed by an authorized company representative, or on Emission Inventory Questionnaire (EIQ) paper forms on the frequency specified in this rule and in accordance with the requirements outlined in this rule. Alternate methods of reporting the emissions, such as spreadsheet file, can be submitted for approval by the director.
- 2) The permittee may be required by the director to file additional reports.
- 3) Public Availability of Emission Data and Process Information. Any information obtained pursuant to the rule(s) of the Missouri Air Conservation Commission that would not be entitled to confidential treatment under 10 CSR 10-6.210 shall be made available to any member of the public upon request.
- 4) 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.
- 5) The fees shall be payable to the Department of Natural Resources and shall be accompanied by the emissions report.
- 6) The permittee shall complete required reports on state supplied EIQ forms or electronically via MoEIS. Alternate methods of reporting the emissions can be submitted for approval by the director. The reports shall be submitted to the director by April 1 after the end of each reporting year. If the full emissions report is filed electronically via MoEIS, this due date is extended to May 1.

- 7) The reporting period shall end on December 31 of each calendar year. Each report shall contain the required information for each emission unit for the twelve (12)-month period immediately preceding the end of the reporting period.
- 8) The permittee shall collect, record and maintain the information necessary to complete the required forms during each year of operation of the installation.

#### **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**

##### **Emission Limitation:**

- 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.

##### **Monitoring:**

The permittee shall conduct inspections of its facilities sufficient to determine compliance with this regulation. If the permittee discovers a violation, the permittee shall undertake corrective action to eliminate the violation.

The permittee shall maintain the following monitoring schedule:

- 1) The permittee shall conduct weekly observations for a minimum of eight (8) consecutive weeks after permit issuance.
- 2) Should no violation of this regulation be observed during this period then-
  - a) The permittee may observe once every two (2) weeks for a period of eight (8) weeks.
  - b) If a violation is noted, monitoring reverts to weekly.
  - c) Should no violation of this regulation be observed during this period then-
    - i) The permittee may observe once per month.
    - ii) If a violation is noted, monitoring reverts to weekly.
- 3) If the permittee reverts to weekly monitoring at any time, monitoring frequency will progress in an identical manner to the initial monitoring frequency.

**Recordkeeping:**

The permittee shall document all readings on Attachment A, or its equivalent, noting the following:

- 1) Whether air emissions (except water vapor) remain visible in the ambient air beyond the property line of origin.
- 2) Whether the visible emissions were normal for the installation.
- 3) Whether equipment malfunctions contributed to an exceedance.
- 4) Any violations and any corrective actions undertaken to correct the violation.

**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 10-6.165 Restriction of Emission of Odors**

**This requirement is not federally enforceable.**

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 odor evaluation shall be taken at a location outside of the installation's property boundary.

**10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants**

**Emission Limitation:**

No owner or other person shall cause or permit to be discharged into the atmosphere from any source any visible emissions in excess of the limits specified by this rule. This permit will contain the opacity limits identified (10, 20 or 40 percent) for the specific emission units.

**Monitoring:**

- 1) The permittee shall conduct opacity readings on each emission unit using the procedures contained in U.S. EPA Test Method 22. The permittee is only required to take readings when the emission unit is operating and when the weather conditions allow. If the permittee observes no visible or other significant emissions using these procedures, then no further observations are required. For emission units with visible emissions perceived or believed to exceed the applicable opacity standard, the source representative would then conduct a Method 9 observation.
- 2) The permittee must maintain the following monitoring schedule:
  - a) The permittee shall conduct weekly observations for a minimum of eight (8) consecutive weeks after permit issuance.
  - b) Should the permittee observe no violations of this regulation during this period then-
    - i) The permittee may observe once every two (2) weeks for a period of eight (8) weeks.
    - ii) If a violation is noted, monitoring reverts to weekly.
    - iii) Should no violation of this regulation be observed during this period then-
      - (1) The permittee may observe once per month.
      - (2) If a violation is noted, monitoring reverts to weekly.
- 3) If the source reverts to weekly monitoring at any time, monitoring frequency will progress in an identical manner from the initial monitoring frequency.

**Recordkeeping:**

The permittee shall maintain records of all observation results using Attachment B (or its equivalent), noting:

- 1) Whether any air emissions (except for water vapor) were visible from the emission units;
- 2) All emission units from which visible emissions occurred;
- 3) Whether the visible emissions were normal for the process;
- 4) The permittee shall maintain records of any equipment malfunctions, which may contribute to visible emissions; and,
- 5) The permittee shall maintain records of all U.S. EPA Method 9 opacity tests performed.

<b>10 CSR 10-6.250 Asbestos Abatement Projects – Certification, Accreditation, and Business Exemption Requirements</b>
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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 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.
- 5) 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*

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<b>10 CSR 10-6.280 Compliance Monitoring Usage</b>
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- 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”;
  - 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 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 Missouri Department of Natural Resources' personnel upon request.
- 2) Reporting
  - a) All reports shall be submitted to the Air Pollution Control Program's 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, 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 semi-annual 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 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)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 semi-annually (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, 11201 Renner Blvd., Lenexa, KS 66219, as well as the Air Pollution Control Program's 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 applicable 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's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 11201 Renner Blvd., Lenexa, KS 66219, 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's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 11201 Renner Blvd., Lenexa, KS 66219, 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 Air Pollution Control Program shall place a copy with the permit in the public file. Written notice shall be provided to the EPA and the Air Pollution Control Program 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 Air Pollution Control Program 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, 11201 Renner Blvd., Lenexa, KS 66219, 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 Dan Winters, General Manager. 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) The Missouri 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 Missouri 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.

## **VI. Attachments**

Attachments follow.





**Attachment C**

Method 9 Opacity Emissions Observations								
Company				Observer				
Location				Observer Certification Date				
Date				Emission Unit				
Time				Control Device				
Hour	Minute	Seconds				Steam Plume (check if applicable)		Comments
		0	15	30	45	Attached	Detached	
	0							
	1							
	2							
	3							
	4							
	5							
	6							
	7							
	8							
	9							
	10							
	11							
	12							
	13							
	14							
	15							
	16							
	17							
	18							
SUMMARY OF AVERAGE OPACITY								
Set Number	Time				Opacity			
	Start	End	Sum	Average				

Readings ranged from \_\_\_\_\_ to \_\_\_\_\_ % opacity.

Was the emission unit in compliance at the time of evaluation? \_\_\_\_\_  
 YES NO Signature of Observer



## 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 January 26, 2012;
2. 2010 Emissions Inventory Questionnaire, received January 26, 2011;
3. U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors*; Volume I, Stationary Point and Area Sources, Fifth Edition;
4. webFIRE;
5. Construction Permit #022010-006; and
6. Construction Permit 022011-001.

### 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.

10 CSR 10-6.220, *Restriction of Emission of Air Contaminants*

The installation indicated this regulation does not apply in the application. However, since the flare is not required by 40 CFR Part 60 Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills, then the unit does not meet the exemption in 6.220(1)(H), as it is not regulated by 40 CFR Part 60, including the flare requirements of §60.18. Since the exemption is not met, this regulation does apply and has been included in the permit.

### 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.

None

### Construction Permit History

The following construction permits were issued to this installation:

1. Construction Permit #022010-006  
This permit was issued February 17, 2010 to authorize construction of an active landfill gas collection system and a 1,350 SCFM candlestick flare. This permit does not contain any special conditions. This permit was superseded by Construction Permit #022011-001.

2. Construction Permit #022011-001

This permit was issued February 3, 2011 to authorize a horizontal expansion and a 1,350 candlestick flare. The installation received Construction Permit #022010-006 while an application for the 836,200 cubic yard expansion was being reviewed by the Solid Waste Program. An applicability determination was later submitted to the APCP under project #2010-09-014 for the horizontal expansion. It was determined that the flare and the expansion should be considered one project for construction permitting purposes. Although not specifically stated, this construction permit supercedes Construction Permit #022010-006. This permit does not contain any special conditions.

**New Source Performance Standards (NSPS) Applicability**

*40 CFR Part 60 Subpart Cc, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills*

This regulation applies to each existing MSW landfill for which construction, reconstruction or modification was commenced before May 30, 1991.

This landfill was constructed after May 30, 1991, therefore this rule does not apply.

*40 CFR Part 60 Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984*

This rule applies to each storage vessel with a capacity greater than or equal to 75 cubic meters ( $m^3$ ) that is used to store volatile organic liquids (VOL) for which construction, reconstruction, or modification is commenced after July 23, 1984.

The storage tanks that contain VOL at this installation are all less than 75  $m^3$  (19,812.9 gallon) capacity, therefore this rule does not apply.

*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

Upon completion of the horizontal expansion, the landfill capacity is now greater than the 2.5 million megagram applicability threshold of this regulation. Therefore, regulation applies and appears in the Operating Permit as Permit Condition Emission Unit 1-001. According to Tier 2 testing, conducted April 5, 2011, the NMOC emission rates are and will continue to be less than 50 Mg/yr through 2016. Since the 50 Mg/yr threshold for controls will not be met within the life of this Operating Permit, those conditions have not been incorporated into this permit. Also, the installation submitted an amended design capacity report as required in §60.757(a), so those requirements have not been included in this Operating Permit.

The flare is not required by this regulation, as the installation has not met the emissions thresholds requiring the installation of a control device. The flare is being used for controlling possible landfill gas migration and odors. The flare is not subject to the requirements of 40 CFR Part 60 Subpart WWW or Subpart A, §60.18.

### **Maximum Achievable Control Technology (MACT) Applicability**

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

This regulation does not currently apply to the landfill, but it will apply once the NMOC emission rates exceed 50 Mg/yr. This is not expected to occur during the life of this Operating Permit.

40 CFR Part 63 Subpart CCCCC, *National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities*

This subpart establishes national emission limitations and management practices for hazardous air pollutants (HAP) emitted from the loading of gasoline storage tanks at gasoline dispensing facilities (GDF). This subpart also establishes requirements to demonstrate compliance with the emission limitations and management practices.

The 560 gallon gasoline storage tank is subject to this regulation, which appears in the permit as Permit Condition Emission Unit 3-001.

40 CFR Part 63 Subpart ZZZZ, *National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*

This regulation does not apply to the engine on the leachate pump because the engine is not stationary. The unit is moved to various locations around the installation as needed. As long as the unit continues to move, then this regulation does not apply.

### **National Emission Standards for Hazardous Air Pollutants (NESHAP) Applicability**

None

### **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.

40 CFR Part 64 is not applicable because none of the pollutant-specific emission units uses a control device to achieve compliance with a relevant standard.

**Greenhouse Gas Emissions**

This installation is not a major source for greenhouse gases, as shown in the table below. This table accounts for emissions from the flare, the shop heater, and the leachate pump. This table does not include emissions from the storage tanks, or the fugitive emissions from the landfill.

**Updated Potential to Emit for the Installation**

<b>Pollutant</b>	<b>Potential to Emit (tons/yr)<sup>1</sup></b>
CO	266.39
CO <sub>2</sub> e	0
HAP	0
NO <sub>x</sub>	14.79
PM <sub>10</sub>	6.03
PM <sub>25</sub>	6.03
SO <sub>x</sub>	0.2
VOC	0

<sup>1</sup>The flare was evaluated maximum capacity and 8,760 hours of uncontrolled annual operation, using emission factors from webFIRE, SCC 50100410. This table does not include any fugitive emissions from the landfills, which do have VOC and HAP emissions. Since this installation is not a named source, the fugitive emissions are not included in potential emission calculations.

**Other Regulatory Determinations**

10 CSR 10-6.310, *Restriction of Emissions from Municipal Solid Waste Landfills*

This regulation applies to landfills which were constructed/reconstructed/or modified before May 30, 1991. This landfill was constructed after that date, and is subject to the New Source Performance Standards instead of this rule.

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

The flare burns landfill gas, which has a sulfur concentration of 46.9 ppmv, which is much less than the limit for new sources, 500 ppmv. Since this unit is assumed to always be in compliance, this rule was not included in the Operating Permit.

**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 Air Pollution Control Program'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 Air Pollution Control Program a schedule for achieving compliance for that regulation(s).

Prepared by:

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Nicole Weidenbenner, P.E.  
Environmental Engineer

Mr. Dan Winters  
BFI Backridge Landfill, LLC  
2980 Granger Drive  
Springfield, IL 62707

Re: BFI Backridge Landfill, LLC, 111-0025  
Permit Number: **OP2013-013**

Dear Mr. Winters:

Enclosed with this letter is your Part 70 operating permit. Please review this document carefully. Operation of your installation in accordance with the rules and regulations cited in this document is necessary for continued compliance. It is very important that you read and understand the requirements contained in your permit.

You may appeal this permit to the Administrative Hearing Commission (AHC), P.O. Box 1557, Jefferson City, MO 65102, as provided in RSMo 643.078.16 and 621.250.3. If you choose to appeal, you must file a petition with the AHC within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed. If it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the AHC.

If you have any questions or need additional information regarding this permit, please do not hesitate to contact Nicole Weidenbenner, P.E., at the Department of Natural Resources, Air Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102, or by telephone at (573) 751-4817. Thank you for your time and attention to this matter.

Sincerely,

AIR POLLUTION CONTROL PROGRAM

Michael J. Stansfield, P.E.  
Operating Permit Unit Chief

MJS:nwk

Enclosures

c: Northeast Regional Office  
PAMS File: 2012-01-097

**MEMORANDUM**

DATE: November 29, 2012

TO: 2012-01-097-BFI Backridge Landfill, LLC

FROM: Nicole Weidenbenner, P.E., Environmental Engineer

SUBJECT: Response to Public Comments

The draft Part 70 Operating Permit for **BFI Backridge Landfill, LLC** was placed on public notice as of **April 16, 2012**, for a 30-day comment period. The public notice was published on the Department of Natural Resources' Air Pollution Control Program's web page at: <http://www.dnr.mo.gov/env/apcp/PermitPublicNotices.htm> on **Monday, April 16, 2012**. On **May 11, 2012**, the Air Pollution Control Program received comments from EPA Region 7's Mark A. Smith, Air Permitting and Compliance Branch Chief, the comments will be addressed within this Response to EPA Comments document.

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**EPA Comment #1:**

Comment 1. – Installation Description:

Application for Title V Permit to Operate, submitted by BFI Backridge Landfill, LLC in January 2012, describes the facility as one with an active landfill gas collection and control system approved for construction under Permit to Construct #022010-006. The description also contains a discussion of the landfill gas (LFG) generation rate determination, with the conclusion that the LFG of non-methane organic compounds (NMOC) is currently less than 50 Mg/yr. Therefore, this system is not required to satisfy the applicable standards for active gas collection control systems detailed in 40 CFR 60 Subpart WWW and 40 CFR 63 Subpart AAAA.

Construction permit #022011-001 issued to Backridge Landfill February 3, 2011 describes the facility as an existing municipal solid waste landfill with a permitted design capacity of 3,311,823 cubic meters. Based on a waste density of 1,400 pounds per cubic yard, the capacity approximates to 2.75 million megagrams. These capacities require the installation of either a landfill gas collection control system, or calculate the non-methane organic compound (NMOC) mass emission rate. Using the 40 CFR 60, subpart WWW default values, the NMOC mass emission rate is above 50 megagrams per year. According to the construction permit application, Backridge Landfill is determining a site specific NMOC concentration and to recalculate the NMOC mass emission rate per Tier II. A 1,350 SCFM flare was also installed on this construction permit, to address possible landfill gas migration and odors.

The installation description included in section I of the draft Backridge Landfill Part 70 operating permit describes the facility as an existing municipal solid waste landfill which began operation in 1991; has a design capacity of 3.3 million Mg and utilizes a flare to control migration and odors.

These descriptions all contain important information used to determine applicability with 40 CFR 60, Subpart WWWW and 40 CFR 63 Subpart AAAAA. However, the description in the draft Part 70 operating permit, for the BFI Backridge Landfill, does not include all of the pertinent information.

Therefore EPA recommends that MDNR verify the true and accurate details of the installation description and modify the description accordingly to provide all information used for applicable requirement determinations.

### **Missouri Air Pollution Control Program Response to EPA Comment #1:**

Any details that are necessary to determine regulatory applicability are contained in the Statement of Basis.

#### **EPA Comment #2:**

##### Comment 2. – Installation Description:

The installation description in the Backridge Landfill draft Part 70 operating permit includes four (4) references to 40 CFR 60 Subpart WWWW, one (1) on the cover page and three (3) on page 3. The description in the draft refers to 40 CFR 60 Subpart WWWW as Standards of Performance for Municipal Soils Waste Landfills. The word Soils should be Solid and MDNR is encouraged to make this correction.

### **Missouri Air Pollution Control Program Response to EPA Comment #2:**

This change has been incorporated into the Operating Permit.

#### **EPA Comment #3:**

##### Comment 3. – Permit Condition Emission Unit 1-001:

The wording that MDNR has included within this permit condition is confusing and misleading. There are numerous references to “paragraphs” and “subparts” and “sections” and the references cannot be easily identified in the permit condition. The reference citations can be followed when using the Code of Federal Regulations (CFR) but they do not transfer into a permit condition. Additionally, there are many references to the “Administrator” which is more appropriately the “Director” for this permit condition. Finally, there are several references to an “Appendix A of this part” and there is no appendix A included with this permit.

The practice of MDNR has been to provide a brief and/or paraphrased description of the applicable standard with the reference to the CFR and/or CSR. This streamlined approach appears to follow the March 5, 1996 EPA guidance memorandum “White Paper Number 2 for Improved Implementation of The Part 70 Operating Permits Program”.

Therefore EPA Region 7 suggests this permit condition be modified to only specify emission limitations or applicable standards appropriate for the Backridge Landfill and provide the CFR citation.

### **Missouri Air Pollution Control Program Response to EPA Comment #3:**

The “Administrator” to “Director” changes have been made in the permit, with the exception of §60.754(a)(5), which is not delegated to the state according to §60.750(b). The remainder of the

permit condition contains the language as it appears in the Federal Register, with citations at the end of each condition.

**EPA Comment #4:**

Comment 4. – Permit Condition Emission Unit 3-001:

The wording that MDNR has included within this permit condition contains several references to “paragraphs” and “subparts” and the references cannot be easily identified in the permit condition. The reference citations can be followed when using the Code of Federal Regulations (CFR) but they do not transfer into a permit condition. Additionally, there are references to the “Administrator” which is more appropriately the “Director” for this permit condition.

The practice of MDNR has been to provide a brief and/or paraphrased description of the applicable standard with the reference to the CFR and/or CSR. This streamlined approach appears to follow the March 5, 1996 EPA guidance memorandum “White Paper Number 2 for Improved Implementation of The Part 70 Operating Permits Program”.

Therefore EPA Region 7 suggests this permit condition be modified to only specify emission limitations or applicable standards appropriate for the Backridge Landfill and provide the CFR citation.

Finally, in item 2 within the monitoring/recordkeeping/reporting section, the requirement is to submit semiannual monitoring reports and annual compliance certification as required by Section IV of this permit. However, the requirement for submission of semiannual monitoring reports and annual compliance certification is in Section V. Therefore, EPA recommends the MDNR correct this reference citation.

**Missouri Air Pollution Control Program Response to EPA Comment #4:**

The permit condition contains the language as it appears in the Federal Register with citations at the end of each condition. The references to Section V have been addressed in the permit. The references to “Administrator” have not been changed because Missouri Department of Natural Resources has not accepted enforcement delegation for this subpart.

**EPA Comment #5:**

Comment 5. – Section IV Core Permit Requirements:

10 CSR 10-6.045 sets forth the conditions and restrictions for the open burning of refuse and combustible materials throughout Missouri and defines when an open burning permit is required. Included in the draft permit are exceptions and allowances specifically for the Kansas City metropolitan area, Springfield-Greene County area, St. Joseph area and St. Louis Metropolitan area. The Backridge Landfill is located in LaGrange, Missouri which is in Lewis County in northeast Missouri and is not associated with any of these four (4) specifically identified areas.

Therefore, EPA suggests that MDNR remove the conditions that do not apply to the Backridge Landfill.

**Missouri Air Pollution Control Program Response to EPA Comment #5:**

The change has been incorporated into the permit.

**EPA Comment #6:**Comment 6. – Statement of Basis:

The section on Greenhouse Gas Emissions says: “This installation is not a major source for greenhouse gases, as shown in the table below. This table accounts for emissions from the flare, the shop heater and the leachate pump. This table does not include emissions from the storage tanks or the fugitive emissions from the landfill.” The potential to emit for CO<sub>2</sub>e in the table shows a 0 tons/yr.

BFI Backridge Landfill application for Title V permit to operate includes a section on rule applicability and BFI Backridge Landfill addresses greenhouse gasses in section 5.1.3 (pages 5-3 and 5-4). In this section, BFI Backridge reports GHG emissions at peak landfill gas (LFG) generation of 23,515 tons/yr.

Additionally, Backridge Landfill reported to the EPA, in accordance with the requirements associated with the mandatory greenhouse gas reporting rule; that their landfill in LaGrange had an estimated 2010 CO<sub>2</sub>e of 75,388 metric tonnes.

Therefore, MDNR should reevaluate the CO<sub>2</sub>e potential to emit for this installation and modify the value shown in the table accordingly.

**Missouri Air Pollution Control Program Response to EPA Comment #8:**

The Statement of Basis clearly states that the emissions presented in the table are from the flare, the heater, and the pump only. According to 10 CSR 10-6.065(2)(A)2., the fugitive emissions of an installation are not considered unless the installation is a named source. Since this installation is not a named source, it would not be appropriate to include the fugitive emissions in the potential emissions table.