



Missouri Department of Natural Resources
Air Pollution Control Program

PART 70 PERMIT TO OPERATE

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

Operating Permit Number: OP2010-036
Project Number: 2005-07-014
Expiration Date: APR 27 2015
Plant ID: 189-0308

Installation Name and Mailing Address:

Fred Weber, Inc. Landfill
2305 Creve Coeur Mill Road
Maryland Heights, MO 63043
Saint Louis County

Parent Company's Name and Address

Fred Weber, Inc
2320 Creve Coeur Mill Road
Maryland Heights, MO 63043

Installation Description:

Fred Weber, Inc. Landfill is a municipal solid waste landfill equipped with a gas collection system, two enclosed flares and a back-up utility flare. The facility is a major source of non-methane organic compounds and hazardous air pollutants, subject to 40 CFR 60 Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills and 40 CFR 63 Subpart AAAA, National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills. The landfill began accepting waste in 1974, and the estimated closure date is about 60-70 years from now. The landfill is 254 acres in size and has a design capacity of 121,391,623 cubic yards. Currently; 22,455,072 cubic yards of solid waste are in place. Landfill gas is supplied to a variety of end users for use as fuel. The gas is flared when end users are not available.

APR 28 2010

Effective Date

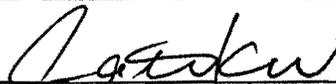

Director or Designee
Department of Natural Resources

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I. Installation Description and Equipment Listing

INSTALLATION DESCRIPTION

Fred Weber, Inc. Landfill is a municipal solid waste landfill equipped with a gas collection system, two enclosed flares and a back-up utility flare. The facility is a major source of non-methane organic compounds and hazardous air pollutants, subject to 40 CFR 60 Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills and 40 CFR 63 Subpart AAAAA, National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills. The landfill began accepting waste in 1974, and the estimated closure date is about 60-70 years from now. The landfill is 254 acres in size and has a design capacity of 121,391,623 cubic yards. Currently; 22,455,072 cubic yards of solid waste are in place. Landfill gas is supplied to a variety of end users for use as fuel. The gas is flared when end users are not available.

Reported Air Pollutant Emissions, tons per year							
Year	Volatile Organic Compounds (VOC)	Hazardous Air Pollutants (HAPs)	Sulfur Oxides (SO _x)	Nitrogen Oxides (NO _x)	Carbon Monoxide (CO)	Particulate Matter ≤ Ten Microns (PM-10)	Particulate Matter 2.5-10 Microns (PM-2.5)
2004	6.69	15.46	2.54	7.26	136.13	15.52	3.09
2005	7.29	15.69	2.49	7.12	133.56	14.65	3.03
2006	7.55	14.64	2.35	6.71	125.82	31.14	2.85
2007	7.77	16.10	2.68	7.64	143.33	22.91	3.25
2008	8.12	21.75	2.43	6.94	130.13	6.83	3.30

EMISSION UNITS WITH EMISSION UNIT SPECIFIC LIMITATIONS

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

Emission Unit #	Description of Emission Unit
EU0070	Utility Flare, 1,300 SCFM, 98% efficiency

EMISSION UNITS WITHOUT EMISSION UNIT SPECIFIC LIMITATIONS

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

Description of Emission Source

Enclosed Flare #1 (South), 3,000 SCFM, 98% efficiency
Enclosed Flare #2 (North), 3,000 SCFM, 98% efficiency
Haul Road (Unpaved Road Traffic)
Surface Strip and Cover (Overburden Replacement)
Landfill (Fugitive Gas Emissions)

DOCUMENTS INCORPORATED BY REFERENCE

These documents have been incorporated by reference into this permit.

- 1) Saint Louis County Air Pollution Control Program Construction Permit 7118

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.

Permit Condition PW001

10 CSR 10-6.170

<i>Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin</i>

Emission Limitations:

No person may 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 to go beyond the premises of origin in quantities that the particulate matter: Remains visible in the ambient air beyond the property line of origin; or may be found on surfaces beyond the property line of origin. The nature or origin of the particulate matter on these surfaces shall be determined to a reasonable degree by a technique proven to be accurate and approved by the Director.

Monitoring:

- 1) Conduct inspections of the facility sufficient to determine compliance with this regulation. If a violation of this regulation is discovered, the facility shall undertake corrective action to eliminate the violation.
- 2) The following monitoring schedule must be maintained:
 - a) Weekly observations shall be conducted for a minimum of eight (8) consecutive weeks after permit issuance. Should no violation of this regulation be observed during this period then-
 - b) Observations must be made once every two weeks for a period of eight (8) weeks. If a violation is noted, monitoring reverts to weekly. Should no violation of this regulation be observed during this period then-
 - c) Observations must be made once per month. If a violation is noted, monitoring reverts to weekly.

If the source reverts to weekly monitoring at any time, monitoring frequency will progress in an identical manner to the initial monitoring frequency.

Record Keeping:

- 1) A log (Attachment A or similar record) must be maintained noting the following:
 - a) Whether air emissions (except water vapor) remain visible in the ambient air beyond the property line of origin;
 - b) Equipment malfunctions that could cause an exceedance of 10 CSR 10-6.170;
 - c) Any violations of 10 CSR 10-6.170 and any corrective actions undertaken to correct the violation.
- 2) Records shall be completed and available for review by the 10th day following the end each month.
- 3) Retain records for the previous sixty (60) month period and make them available to the Saint Louis County Air Pollution Control Program, or its designated agent, at any reasonable time.

Reporting:

Report to the Saint Louis County Air Pollution Control Program, 74 Clarkson Wilson Ctr., Chesterfield, MO 63017, and the Missouri Department of Natural Resources Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102-0176, no later than ten (10) days after the discovery of any exceedance of any of the terms imposed by this regulation.

Permit Condition PW002

10 CSR 10-6.220

<i>Restriction of Emission of Visible Air Contaminants</i>
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Emission Limitations:

- 1) The permittee shall not discharge into the ambient air from any single source of emission whatsoever any air contaminant of opacity greater than 20%.
- 2) A source with a 20% limit may emit air contaminants with an opacity over 20%, but not greater than 40% for an aggregate length of time not to exceed six (6) minutes in any 60 minutes.
- 3) Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements, the requirements shall not apply.

Monitoring/Record Keeping/Reporting:

The permittee shall demonstrate compliance with this regulation by meeting the requirements of Permit Condition PW003 of this permit (40 CFR Part 60 Subpart WWW and 10 CSR 10-5.490).

Permit Condition PW003

10 CSR 10-5.490

<i>Municipal Solid Waste Landfills</i>
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10 CSR 10-6.070

<i>New Source Performance Standards</i>

40 CFR Part 60 Subpart WWW

<i>Standards of Performance for Municipal Solid Waste Landfills</i>

Emission Limitations:

- 1) The active collection system shall: (§60.752(b)(2)(ii)(A))
 - a) Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control;
 - b) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of:
 - i) 5 years or more, if active; or
 - ii) 2 years or more if closed or at final grade.
 - c) Collect gas at a sufficient extraction rate; and
 - d) Be designed to minimize offsite migration of subsurface gas.
- 2) Route all the collected gas to either: (§60.752(b)(2)(ii)(A))
 - a) An open flare designed and operated in accordance with §60.18 except as noted in §60.754(e);
 - b) A control system designed and operated to reduce NMOC by 98 weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by 98 weight percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume (ppmv), dry basis as hexane at 3 percent oxygen. The reduction efficiency or ppmv shall be established by an

- c) initial performance test to be completed no later than 180 days after the initial startup of the approved control system using the test methods specified in §60.754(d).
- 3) If a boiler or process heater is used as the control device, the landfill gas stream shall be introduced into the flame zone.
- 4) The control device shall be operated within the parameter ranges established during the initial or most recent performance test. An average combustion temperature of 1400°F was achieved during the most recent stack test, conducted November 14, 2007, establishing a minimum operating temperature of 1318°F for the enclosed flare. Subsequent stack tests, approved by the Saint Louis County Air Pollution Control Program, may establish a different minimum operating temperature.
 - a) A treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of paragraph 2)a) or 2)b) above.
- 5) Operate the collection system with a negative pressure at each wellhead except under the following conditions (§60.753(b)):
 - a) A fire or increased well temperature;
 - b) Use of a geomembrane or synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan;
 - c) A decommissioned well.
- 6) Operate each interior wellhead in the collection system with a landfill gas temperature less than 55°C (131°F) and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent. The owner or operator may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration, subject to approval by the Saint Louis County Air Pollution Control Program, shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens. (§60.753(c))
- 7) Operate the collection system so that the methane concentration is less than five hundred (500) parts per million above background at the surface of the landfill. (§60.753(d))
- 8) In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to the venting of the gas to the atmosphere shall be closed within 1 hour (§60.753(e))
- 9) Operate the control or treatment system at all times the collected gas is routed to the system except during times of start-up, shutdown, or malfunction, provided that the duration of the start-up, shutdown, or malfunction shall not exceed 5 days for collection systems and shall not exceed 1 hour for treatment or control devices. (§60.753(f) and §60.755(e))
- 10) Testing and calculations shall be conducted in accordance with §60.754.
- 11) The gas collection systems shall be designed and constructed in accordance with §60.759.

Monitoring:

- 1) Conduct quarterly surface testing around the perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications of and complying with the procedures established in §60.755(c)(2) through (3) and §60.755(d). An alternative traversing pattern may be established that ensures equivalent coverage. If an exceedance of the Emission Limitation occurs, cover maintenance or adjustments to the vacuum

- 2) of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be re-monitored in accordance with the schedule established in §60.755(c)(4)(i) through (v). (§60.753(d), §60.755(c) and §60.755(d))
- 3) The owner or operator shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis. (§60.755(c)(5))
- 4) The permittee shall install a sampling port and a thermometer, other temperature measuring device, or an access port for the temperature measurements at each wellhead and: (§60.756(a))
 - a) Measure monthly the gauge pressure in the gas collection header at each individual well. If positive pressure exists, action shall be initiated to correct the exceedance within 5 calendar days. If negative pressure cannot be achieved within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial measurement of positive pressure. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the Administrator for approval. (§60.756(a)(1) and §60.755(a)(3))
 - b) Monitor monthly each well for the temperature and nitrogen or oxygen concentration. If a well exceeds one of the operating parameters established in the *Emission Limitations* Section, action shall be initiated to correct the exceedance within 5 calendar days. If correction of the exceedance cannot be achieved within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial exceedance. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the Administrator for approval. (§60.756(a)(2-3) and §60.755(a)(5))
- 5) When an enclosed combustion device is used, the permittee shall calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment: (§60.756(b))
 - a) A temperature monitoring device equipped with a continuous recorder and having an accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius or ± 0.5 degrees Celsius whichever is greater; and
 - b) A device that records flow to or bypass of the flare. The permittee shall either:
 - i) Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every fifteen (15) minutes; or
 - ii) Secure the bypass line valve in the closed position with a car-seal or a lock and key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.
- 6) When an open flare combustion device is used, the permittee shall calibrate, maintain, and operate according to the manufacturer's specifications the following equipment: (§60.756(c))
 - a) A heat sensing device at the pilot light or the flame itself to indicate the continuous presence of a flame; and
 - b) A device that records flow to or bypass of the flare. The permittee shall either:
 - i) Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every fifteen (15) minutes; or
 - ii) Secure the bypass line valve in the closed position with a car-seal or a lock and key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

Record Keeping:

- 1) The following records shall be kept up-to-date, readily accessible and on-site:
 - a) Control equipment operating parameters to be monitored as specified in the *Monitoring* Section above, and the periods of operation during which the parameter boundaries established during the most recent performance test are exceeded. (§60.758(c))
 - b) Continuous records of the indication of flow to the control device or the indication of bypass flow or monthly inspections of car-seals or lock and key configurations used to seal bypass lines. (§60.758(c)(2))
 - c) Collection and control system exceedances as specified in the *Emission Limitations* Section above and the reading in the subsequent month (whether or not the second reading is an exceedance), and the location of each exceedance; including methane, temperature, oxygen or nitrogen, and pressure standards. (§60.758(e))
 - d) Maximum design capacity of the landfill; (§60.758(a))
 - e) Current solid waste in place; (§60.758(a))
 - f) Year-by-year waste acceptance rate; (§60.758(a))
 - g) A plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector; (§60.758(d))
 - h) The installation date and location of all newly installed collectors; (§60.758(d)(1))
 - i) 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))
 - j) Records of the initial performance test; (§60.758(b))
 - k) Records of subsequent performance tests or monitoring of the control device(s); (§60.758(b))
 - l) Control device vendor specifications shall be maintained for the life of the control equipment; (§60.758(b))
- 2) A surface monitoring design plan shall be developed for the methane monitoring that includes a topographical map with the monitoring route and the rationale for any site-specific deviations for the 30 meter intervals. (60.753(d))
- 3) Monthly records of monitoring for cover integrity and any necessary repairs. (§60.755(c)(5))
- 4) For open and enclosed flares, data listed below as measured during the initial performance test or compliance determination shall be maintained for the life of the control equipment: (§60.758(b)(1))
 - a) Maximum expected gas generation flow rate as calculated in §60.755(a)1.
 - b) Density of wells, horizontal collector, surface collectors, or other gas extraction devices determined using the procedures specified in §60.759(a)(1).
- 5) For enclosed flares, data listed below as measured during initial performance test, shall be maintained for the life of the control equipment: (§60.758(b)(2))
 - a) The average combustion temperature measured at least every 15 minutes and averaged over the same time of the performance test.
 - b) The percent reduction of NMOC determined as specified by 60.752(b)(2)(iii)(B) achieved by the control device.
- 6) For open flares, records listed below shall be maintained for the life of the control equipment: (§60.758(b)(4))
 - a) Flare type;
 - b) Visible emission readings;
 - c) Heat content determination,
 - d) Flow rate or bypass flow rate measurements; and
 - e) Exit velocity determinations made during the performance test as specified in §60.18;

- f) Continuous records of the flare pilot flame or flare flame monitoring; and
 - g) Records of all periods of operations during which the pilot flame or the flare flame is absent.
- 7) Records shall be completed and available for review by the 10th day following the end each month.
- 8) Retain records for the previous sixty (60) month period and make them available to the Saint Louis County Air Pollution Control Program, or its designated agent, at any reasonable time.

Reporting:

- 1) Report to the Saint Louis County Air Pollution Control Program at 74 Clarkson Wilson Ctr., Chesterfield, MO 63017, and the Missouri Department of Natural Resources Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102-0176, no later than ten (10) days after the discovery of any exceedance of any of the terms imposed by this regulation.
- 2) Submit an amended design capacity report providing notification of any increase in the design capacity of the landfill within 90 days of an increase. (§60.757(a)(3))
- 3) Submit closure report within thirty (30) days of the date the landfill ceases accepting solid waste. (§60.757(d))
- 4) Submit an equipment removal report thirty (30) days prior to removal or cessation of operation of the control equipment. The equipment removal report shall contain: (§60.757(e) and 10 CSR 10-5.490(7)(F))
- a) A copy of the closure report;
 - b) A copy of the initial performance test report demonstrating that the 15-year minimum control period has expired; and
 - c) Dated copies of three successive NMOC emission rate reports demonstrating that the landfill is no longer producing 25 megagrams or greater of NMOC per year.
- 5) Submit an annual report (MACT AAAA requires semi-annual submittal of this report and establishes the due dates) of the following recorded information: (§60.757(f))
- a) Value and length of time for exceedance of applicable parameters monitored under §60.756(a) (b), (c), and (d).
 - b) Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under §60.756.
 - c) Description and duration of all periods when the control device was not operating for a period exceeding 1 hour and length of time the control device was not operating.
 - d) All periods when the collection system was not operating in excess of 5 days.
 - e) The location of each exceedance of the 500 parts per million methane concentration as provided in §60.753(d) and the concentration recorded at each location for which an exceedance was recorded in the previous month.
 - f) The date of installation and the location of each well or collection system expansion added pursuant to paragraphs (a)(3), (b), and (c)(4) of §60.755.
 - g) For enclosed combustors, all 3-hour periods of operation during which the combustion temperature was more than 28°C below the average combustion temperature during the most recent performance test shall be reported as an exceedance. (§60.758(c)(1)(i))

Permit Condition PW004

10 CSR 10-6.075

Maximum Achievable Control Technologies

40 CFR Part 63, Subpart AAAA

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

Emission Limitations:

- 1) Meet the requirements of 40 CFR Part 60, Subpart WWW.
- 2) Comply with the requirements of the general provisions of this part specified in Table 1 of Part 63, Subpart AAAA.

Record Keeping:

- 1) Keep records as specified in 40 CFR Part 60, Subpart WWW. (§63.1980(a))
- 2) Keep records as specified in the general provisions of 40 CFR Part 60 and 40 CFR Part 63 as shown in Table 1 of Subpart AAAA. Applicable records in the general provisions include items such as SSM plans and the SSM plan reports (§63.1980(b))
- 3) For the purposes of landfill monitoring and SSM plan requirements, deviations include the following: (§63.1965)
 - a) A deviation occurs when the control device operating parameter boundaries described in 40 CFR §60.758(c)(1) of subpart WWW are exceeded.
 - b) A deviation occurs when 1 hour or more of the hours during the 3-hour block averaging period does not constitute a valid hour of data. A valid hour of data must have measured values for at least three 15-minute monitoring periods within the hour.
 - c) A deviation occurs when a SSM plan is not developed or maintained on site.
- 4) The 3-hour block average used to demonstrate compliance is calculated the same way it is calculated in 40 CFR Part 60, Subpart WWW, except that data collected during monitoring system breakdowns, repairs, calibration checks, zero (low-level) and high-level adjustments, startups, shutdowns, and malfunctions are not to be included in any average computed under this subpart. (§63.1975)

Reporting:

- 1) Submit reports as specified in 40 CFR Part 60, Subpart WWW, with one exception: You must submit the annual report described in 40 CFR 60.757(f) every 6 months. (§63.1980(a))
 - a) Semi-Annual reports are due by July 31st for monitoring which covers the January through June time period. (§63.10(d)(5)(i))
 - b) Semi-Annual reports are due by January 31st for monitoring which covers the July through December time period. (§63.10(d)(5)(i))
- 2) Submit a semi-annual startup, shutdown and malfunction plan report consistent with §63.10(d)(5)(i).
 - a) Semi-Annual reports are due by July 31st for monitoring which covers the January through June time period. (§63.10(d)(5)(i))
 - b) Semi-Annual reports are due by January 31st for monitoring which covers the July through December time period. (§63.10(d)(5)(i))
 - c) If actions taken during a SSM plan are consistent with the procedures in the SSM plan, this information shall be included in the semi-annual SSM plan report.
- 3) Any time an action taken during a SSM plan is not consistent with the SSM plan, the source shall report actions taken to the Saint Louis County Air Pollution Control Program within 2 working days after commencing such actions, followed by a letter containing the information required by

63.10(d)(5)(ii) within 7 working days after the event. To satisfy the 2 working day reporting requirement, the action may be reported via telephone, email or facsimile. Email or regular mail may be utilized to satisfy the 7 working day letter requirement. (Table 1 to Part 63, Subpart AAAA)

- 4) Records shall be completed and available for review by the 10th day following the end each month.
- 5) Retain records for the previous sixty (60) month period and make them available to the Saint Louis County Air Pollution Control Program, or its designated agent, at any reasonable time.

III. Emission Unit Specific Emission Limitations

EU0070 Utility Flare

General Description:	Utility Flare,1,300 SCFM, 98% efficiency
Manufacturer/Model #:	Parnel PUF-12B, 2008
EIQ Reference # (2008):	EP006
STLCO Construction Permit #:	7118

Permit Condition EU0070-001

10 CSR 10-6.060
Construction Permits Required
Construction Permit #7118

Emission Limitations:

The utility flare shall only be used when the existing collection and control system is down or compromised to the point where it cannot collect all of the landfill gas.

Reporting:

- 1) Notify the Saint Louis County Air Pollution Control Program that the utility flare is being utilized within twenty-four (24) hours of such occurrence. This notification is not required to be certified by the responsible official.
- 2) Submit written notice the Saint Louis County Air Pollution Control Program, 74 Clarkson Wilson Ctr., Chesterfield, MO 63017 (or current address) explaining the need to use the utility flare within ten (10) days of its occurrence.

IV. Core Permit Requirements

This section lists excerpts from applicable regulations. The installation is responsible for complying with the full regulations as found in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR). All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

10 CSR 10-6.045 Open Burning Restrictions

No person may conduct, cause, permit, or allow the disposal of tires, petroleum-based products, trade waste, construction or demolition waste, salvage operation waste, or asbestos containing materials by open burning, except as permitted by this regulation.

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, via letter, email or fax, the following information. This notification is not required to be certified by the responsible official.
 - a) Name and location of installation;
 - b) Name and telephone number of person responsible for the installation;
 - c) Name of the person who discovered the malfunction and time/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 10 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 10 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 10 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 10 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.
- 6) Reports required by this rule are not required to be signed or certified by the Responsible Official.

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. Exemptions under 10 CSR 10-6.061 may apply.

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(5)(B)1.A(III)] The permittee shall retain the most current operating permit issued to this installation on-site. [§(6)(C)1.C(II)] The permittee shall immediately make such permit available to any Saint Louis County Air Pollution Control Program or Missouri Department of Natural Resources' personnel upon request. [§(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 complete and submit an Emission Inventory Questionnaire (EIQ) in accordance with the requirements outlined in this rule.
- 2) The permittee shall pay an annual emission fee per ton of regulated air pollutant emitted according to the schedule in the rule. This fee is an emission fee assessed under authority of RSMo 643.079.
- 3) The fees shall be due on the date specified by 10 CSR 10-6.110(3)(D)F each year for emissions produced during the previous calendar year. The fees shall be payable to the Department of Natural Resources and shall be accompanied by the Emissions Inventory Questionnaire (EIQ) form or equivalent approved by the Director.

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

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

10 CSR 10-6.150 Circumvention

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

10 CSR 10-6.180 Measurement of Emissions of Air Contaminants

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

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

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

10 CSR 10-6.280 Compliance Monitoring Usage

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

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

10 CSR 10-5.040 Use of Fuel in Hand-Fired Equipment Prohibited

It shall be unlawful to operate any hand-fired fuel-burning equipment in the Saint Louis, Missouri metropolitan area. This regulation shall apply to all fuel-burning equipment including, but not limited to, furnaces, heating and cooking stoves and hot water furnaces. It shall not apply to wood-burning fireplaces and wood-burning stoves in dwellings, or to fires used for recreational purpose, nor to fires used solely for the preparation of food by barbecuing. Hand-fired fuel-burning equipment is any stove, furnace, or other fuel-burning device in which fuel is manually introduced directly into the combustion chamber.

10 CSR 10-5.160 Control of Odors in the Ambient Air (Not Federally Enforceable)

No person shall emit odorous matter as to cause an objectionable odor on or adjacent to:

- 1) Residential, recreational, institutional, retail sales, hotel or educational premises.
- 2) Industrial premises when air containing odorous matter is diluted with twenty (20) or more volumes of odor free air; or
- 3) Premises other than those in paragraphs (1)A.1. and 2. of the rule when air containing odorous matter is diluted with four (4) or more volumes of odor free air.

The previously mentioned requirement shall apply only to objectionable odors. An odor will be deemed objectionable when thirty percent (30%) or more of a sample of the people exposed to it believe it to be objectionable in usual places of occupancy; the sample size to be at least twenty (20) people or seventy-five percent (75%) of those exposed if fewer than twenty (20) people are exposed.

10 CSR 10-5.450 Control of VOC Emissions from Traffic Coatings

- 1) No person shall supply, sell, offer for sale, apply, or solicit the application of any traffic coating, which at the time of sale or manufacture contains more than 1.26 pounds VOC per gallon, excluding water, exempt compounds, and any colorant added to tint bases, or manufacture, blend, or repackage such a coating for use within the Saint Louis metropolitan area without the approval of the staff Director.
- 2) All VOC-containing materials shall be stored in closed containers when not in use. In use includes, but is not limited to, being accessed, filled, emptied, or repaired.

Title VI – 40 CFR Part 82 Protection of Stratospheric Ozone

- 1) The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
 - a) All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to §82.106.
 - b) The placement of the required warning statement must comply with the requirements pursuant to §82.108.
 - c) The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110.
 - d) No person may modify, remove, or interfere with the required warning statement except as described in §82.112.
- 2) The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:
 - a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.
 - b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
 - c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.
 - d) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with record keeping requirements pursuant to §82.166. ("MVAC-like" appliance as defined at §82.152).
 - e) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.
 - f) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.
- 3) If the permittee manufactures, transforms, imports, or exports a class I or class II substance, the permittee is subject to the requirements as specified in 40 CFR Part 82, Subpart A, Production & 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*

V. Saint Louis County Air Pollution Control Code Requirements

The following requirements are not federally enforceable and are enforced only by the Saint Louis County Air Pollution Control Program. The installation is responsible for complying with the full ordinances as found in the Saint Louis County Air Pollution Control Code.

Section 612.040, Air Quality Standards and Air Pollution Control Regulations

Saint Louis County Air Pollution Control Program may enforce Missouri Code of State Regulations as adopted and promulgated by the Air Conservation Commission of the State of Missouri consisting of Title 10, Division 10, Chapter 5 and 6.

Section 612.100, Emergency Abatement of Violation

By written approval of the County Executive, any facility indirectly or directly discharging any air contaminant in violation of the Saint Louis County Air Pollution Control Code where it is the opinion of the Director that the discharge creates an emergency which requires immediate action to protect the public health, shall order the person in writing to discontinue immediately.

Section 612.110, Permits Required

The permittee shall obtain Saint Louis County Air Pollution Control Program operating permits for its installation. The permittee shall not commence construction, modification, or major modification of any installation subject to this rule without obtaining a permit from Saint Louis County Air Pollution Control Program.

Section 612.120, Permits to be Visibly Affixed or Placed

The permittee shall visibly affix Saint Louis County Air Pollution Control Program Permit on or near permitted equipment.

Section 612.200, Testing Prior to Granting of Operating Permit

Before an authority to construct or permit to operate is granted, the Director may require the applicant to conduct tests to determine the kind or amount of the air contaminant emitted from the equipment. Such tests shall be conducted, reviewed and certified by a licensed engineer under Chapter 327 RSMo 1959. The permittee shall notify the Saint Louis County Air Pollution Control Program of the time and place of testing for the purpose of witnessing the test.

Section 612.220, Suspension or Revocation of Permits

The Director may suspend or revoke a permit to operate or authority to construct for willful or continued violation of the Saint Louis County Air Pollution Control Code

Section 612.250 Fees, When Payable, Exceptions

Fees for authority to construct and operating permits in the amounts provided in Section 612.260 shall be paid to the Director except as provided in subsections 3 and 4 of this rule.

Section 612.260, Schedules

The permittee shall pay the Saint Louis County Air Pollution Control Program Construction and Operating Permit fees when applicable and annual Emission and Inspection fees in accordance with this rule.

Section 612.280, Testing by Order of the Board

If any article, machine, equipment or other contrivance is in violation of the Saint Louis County Air Pollution Control Code, the Director may file with the Board for its approval an order directing the permittee of such equipment to conduct such tests as are necessary in the opinion of the Director and approved by the Board to determine whether the equipment is in violation of this Code. The entire test results shall be reviewed and certified by an engineer licensed under Chapter 327, RSMo 1959. The engineer shall be selected by the permittee and approved by the Board. The permittee shall give at least seven (7) days notice prior to the commencement of the test. The permittee shall submit the test results to the Saint Louis County Air Pollution Control Program, 74 Clarkson Wilson Ctr., Chesterfield, MO 63017.

Section 612.290, Right of Entry; Inspections; Samples

The permittee shall allow the Director or his agent to enter at all times with reasonable notice, inspect any equipment, control apparatus, fuel, matter or things which affect or may affect the emission of air contaminants, inspect any records relating to the use of any equipment or control apparatus which affect or may affect the emission of air contaminants, and sample any equipment, control apparatus, fuel, matter or things which affect or may affect the emission of air contaminants.

Section 612.310, Upset Conditions, Breakdown or Scheduled Maintenance

Emissions exceeding any of the limits established by the St. Louis County Air Pollution Control Code as a direct result of unavoidable upset conditions in the nature of the process or unavoidable and unforeseeable breakdown of any air pollution equipment or related operating equipment or as a direct result of shutdown of such equipment for necessary scheduled maintenance, shall not be deemed in violation of this Code provided the following are met:

- a) Such occurrence in the case of unavoidable upset in or breakdown of equipment shall have been reported to the Director within twenty-four (24) hours after the occurrence.
- b) In the case of shutdown for necessary scheduled maintenance, the intent to shut down shall be reported to the Director at least twenty-four (24) hours prior to the shut down and the exception provided by this section shall only apply in those cases where maximum reasonable effort, including off-shift labor where required, has been made to accomplish such maintenance during periods of non-operation of any related source operation and that it would be unreasonable or impossible to shut down the source operation during the maintenance period.
- c) The person, firm or corporation responsible for such emission shall submit to the Director a full report of such occurrence including a statement of all known causes and of the scheduling and nature of the actions to be taken to minimize or eliminate future occurrences including but not limited to action to correct the conditions causing such emission to exceed said limits, to reduce the frequency of occurrence of such conditions, to minimize the amount by which said limits are exceeded and to reduce the length of time for which said limits are exceeded.

Section 612.340, Air Pollution Nuisances Prohibited

- 1) It is unlawful for the permittee to cause the escape of such quantities of soot, cinders, noxious acids, fumes and gases or other particulate matter from whatever source in such place or matter as to be detrimental to any person or the public or to endanger the health, comfort and safety of any person or the public, injury or damage to property or business.
- 2) No person shall cause or permit the engine of a motor vehicle, other than an emergency vehicle, to idle for longer than three (3) consecutive minutes while parking, standing or stopped as defined in the St. Louis County Traffic Code, unless the engine is being used to operate a loading, unloading or processing device.

Section 612.380, Interfering with or Obstructing Division Personnel

No person shall hinder, resist, interfere with or obstruct the Director or any Division employee in carrying out any duty for the Director or the Board.

Section 612.530, Saint Louis County Department of Health Asbestos Abatement Rules and Regulations—Registration, Notification and Performance Requirements

The permittee shall conduct all asbestos abatement projects within the procedures and requirements established in 612.530.

VI. General Permit Requirements

This section lists excerpts from applicable regulations. The installation is responsible for complying with the cited portions of the regulations as found in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR). All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

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

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

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

- 1) Record Keeping
 - a) All required monitoring data and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report or application.
 - b) Copies of all current operating and construction permits issued to this installation shall be kept on-site for as long as the permits are in effect. Copies of these permits shall be made immediately available to any Saint Louis County Air Pollution Control Program or Missouri Department of Natural Resources' personnel upon request.
- 2) Reporting
 - a) Semi-annual Monitoring Reports
 - i) The permittee shall submit a semi-annual report of all required monitoring by:
 1. October 1st for monitoring which covers January through June time period, and
 2. April 1st for monitoring which covers July through December time period.
 3. 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.
 - ii) Each semi-annual monitoring report must identify any deviations from permit requirements since the previous report that have been monitored by the monitoring systems required under the permit, and any deviation from the monitoring, record keeping and reporting requirements of the permit.
 - iii) These reports shall be submitted to the Saint Louis County Air Pollution Control Program, 74 Clarkson Wilson Ctr., Chesterfield, MO 63017, and the Missouri Department of Natural Resources Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102.
 - b) Supplemental Reports
 - i) 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, unless otherwise specified in the permit. All reports of deviations shall identify the cause or probable cause of the deviations and any corrective actions or preventative measures taken.
 - ii) Notice of any deviation resulting from an emergency (or upset) condition as defined in paragraph (6)(C)7 of 10 CSR 10-6.065 (Emergency Provisions) shall be submitted to the permitting authority either verbally or in writing within two (2) 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.

- iii) Any deviation that poses an imminent and substantial danger to public health, safety or the environment shall be reported as soon as practicable.
 - iv) Any other deviations identified in the permit as requiring more frequent reporting than the permittee's 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.
- c) Every report submitted shall be certified by the responsible official (unless otherwise specified in this permit), unless otherwise specified in the permit. 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.
- d) 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.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 under this rule.

10 CSR 10-6.065, §(6)(C)3.B, and §(6)(C)3.E.(I) – (III) and (V) – (VI) 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 permitting agency to perform the following (subject to the installation's right to seek confidential treatment of information submitted to, or obtained by, the permitting authority under this subsection):
 - a) Enter upon the premises where a permitted installation is located or an emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
 - b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c) Inspect, at reasonable times and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
 - d) As authorized by the Missouri Air Conservation Law, Chapter 643, RSMo or the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the terms of this permit, and all applicable requirements as outlined in this permit.
- 3) All progress reports required under an applicable schedule of compliance shall be submitted semiannually (or more frequently if specified in the applicable requirement). These progress reports shall contain the following:
 - a) Dates for achieving the activities, milestones or compliance required in the schedule of compliance, and dates when these activities, milestones or compliance were achieved, and
 - b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.
- 4) The permittee shall submit an annual certification that it is in compliance with all of the federally enforceable terms and conditions contained in this permit, including emissions limitations, standards, or work practices. These certifications shall be submitted to the Saint Louis County Air Pollution Control Program, 74 Clarkson Wilson Ctr., Chesterfield, MO 63017, the Missouri Department of Natural Resources Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, and EPA Region 7 Missouri Air Compliance Coordinator, 901 N. 5th Street, Kansas City, KS 66101, annually by April 1st, unless the applicable requirement specifies more frequent submission. All deviations and exceedances 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 determining the compliance status of this installation.

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)(E)6.A Reopening-Permit for Cause

This permit may be reopened for cause if:

- 1) The Saint Louis County Air Pollution Control Program, 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,
- 2) 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,
- 3) Saint Louis County Air Pollution Control Program, 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)(C)6. Permit Shield

Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements as of the date of permit issuance, provided that—

- 1) The applicable requirements are included and specifically identified in the permit; or
- 2) 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 the permit expressly includes that determination or a concise summary of it. The Statement of Basis constitutes the referenced determination of applicability.

The permit shield does not affect the following:

- 1) The provisions of Section 303 of the Act or Section 643.090, RSMo concerning emergency orders;
- 2) Liability for any violation of an applicable requirement which occurred prior to, or was existing at, the time of permit issuance;
- 3) The applicable requirements of the acid rain program;
- 4) The authority of the Environmental Protection Agency and the Air Pollution Control Program of the Missouri Department of Natural Resources to obtain information; or
- 5) Any other permit or extra-permit provisions, terms or conditions expressly excluded from the permit shield provisions of 10 CSR 10-6.065.

10 CSR 10-6.065, §(6)(C)8. Operational Flexibility

Operational flexibility (installation changes not requiring permit revisions). This installation 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 and 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 installation shall notify the Saint Louis County Air Pollution Control Program and Missouri Department of Natural Resources Air Pollution Control Program's Enforcement Section, at least seven (7) 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.

Section 502(b)(10) changes. Changes that, under Section 502(b)(10) of the Act, contravene an express permit term may be made without a permit revision, except for changes that would violate applicable requirements of the Act or contravene federally enforceable monitoring (including test methods), record keeping, reporting or compliance requirements of the permit.

- 1) Before making a change under this provision, the permittee shall provide advance written notice to the Saint Louis County Air Pollution Control Program and Missouri Department of Natural Resources Air Pollution Control Program's Enforcement Section, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall maintain a copy of the notice with the permit, and the permitting authority shall place a copy with the permit in the public file. Written notice shall be provided to the administrator and the permitting authority at least seven (7) days before the change is to be made. If less than seven (7) days' notice is provided because of a need to respond more quickly to these unanticipated conditions, the permittee shall provide notice to the administrator and the permitting authority as soon as possible after learning of the need to make the change.
- 2) The permit shield shall not apply to these changes.

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

Except as noted below, the permittee may make any change in its permitted installation's operations, activities or emissions that is not addressed in, constrained by or prohibited by this permit without obtaining a permit revision. Off-permit changes shall be subject to the following requirements and restrictions:

- 1) 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 a Title I modification; Please Note: Changes at the installation which affect the emission limitation(s) classifying the installation as an intermediate source (add additional equipment to the record keeping requirements, increase the emissions above major source level) do not qualify for off-permit changes.

- 2) The permittee must provide written notice of the change to the Saint Louis County Air Pollution Control Program, 74 Clarkson Wilson Ctr., Chesterfield, MO 63017, as well as EPA Region VII, 901 North 5th Street, Kansas City, KS 66101, no later than the next annual emissions report. 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; and
- 3) 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.

10 CSR 10-6.020(2)(R)11 Responsible Official

Thomas Dunn, Vice President Waste Management was established as the responsible official for Fred Weber, Inc. Landfill in the Part 70 Operating Permit Renewal Application, signed on June 24, 2005. 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 Saint Louis County 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)1.C Statement of Basis

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

VI. Attachments

Attachments follow.

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 Renewal Application, received June 27, 2005;
2. Part 70 Operating Permit Application for Significant Modification, received June 13, 2008;
3. NSPS WWW Stack Test for Flares #1 and #2 performed November 14, 2007;
4. 2004-2008 Emissions Inventory Questionnaires;
5. U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors*; Volume I, Stationary Point and Area Sources, Fifth Edition;
6. Saint Louis County Air Pollution Control Program Construction/Operating Permit #6995;
7. Saint Louis County Air Pollution Control Program Construction/Operating Permit #6996.

Applicable Requirements Included in the Operating Permit but not in the Application

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

This provision applies to the flares at this installation since they are a source of sulfur emissions; however, based on the composition of the landfill gas, the minimal SO₂ emissions from the flares will always be expected to be below the allowable limits.

Other Air Regulations Determined Not to Apply to the Operating Permit

Saint Louis County Air Pollution Control Program has determined the following requirements to not be applicable to this installation at this time for the reasons stated.

10 CSR 10-6.400, *Restriction of Emission of Particulate Matter from Industrial Processes*, is not subject to the flares at this facility as this rule defines process weight to exclude liquids and gases used solely as fuels and air introduced for purposes of combustion. Since the landfill gas flare burns captured landfill gas solely for combustion, this rule does not apply to them. 10 CSR 10-6.400(2)(A).

Construction Permit Revisions

The following revisions were made to construction permits for this installation:

Saint Louis County Air Pollution Control Program Construction and Operating Permits #6995 and #6996 were modified to remove a permit condition that required the facility to report any failure or planned shutdown of the flares and/or any portion of the collection system within 24 hours. This condition was not consistent with the County SSM Ordinance, 612.310, nor the State SSM Regulation, 10 CSR 10-6.050, which are both included in this permit.

NSPS Applicability

40 CFR Part 60 Subpart Cc, *Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills*, does not apply to this facility since it has been modified, constructed or reconstructed after May 30, 1991. Fred Weber Landfill applied for and received a horizontal expansion in 1993.

40 CFR Part 60 Subpart WWW, *Standards of Performance for Municipal Solid Waste Landfills*, applies to this facility as described in the permit since it has been modified, constructed or reconstructed after May 30, 1991. Fred Weber Landfill applied for and received a horizontal expansion in 1993.

MACT Applicability

40 CFR Part 63 Subpart AAAA, *National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills*, applies to this facility as described in the permit.

NESHAP Applicability

40 CFR Part 61, Subpart M, *National Emission Standard for Asbestos*, is applicable to all sources. It is included as a core permit requirement.

Other Regulatory Determinations

None.

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 (1) 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 (1) 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 satisfaction of the Saint Louis County Air Pollution Control Program and the Missouri Department of Natural Resources Air Pollution Control Program, 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 Saint Louis County Air Pollution Control Program and Missouri Department of Natural Resources Air Pollution Control Program a schedule for achieving compliance for that regulation(s).

Drafted by Jennifer Phillips, Air Emission Specialist
Saint Louis County Air Pollution Control Program

Reviewed by:

Jason Dickneite
Environmental Engineer