

**Southern Ute Indian Tribe**  
**Environmental Programs Division**  
**Air Quality Program**  
**71 Mike Frost Way**  
**Ignacio, Colorado 81137**



**AIR POLLUTION CONTROL**  
**TITLE V PERMIT TO OPERATE**

In accordance with the provisions of Title V of the Clean Air Act (42 U.S.C. 7661-7661f) and Part 1, Article II of the Southern Ute Indian Tribe/State of Colorado Environmental Commission's Reservation Air Code (RAC) and applicable rules and regulations,

**Transit Waste, LLC**  
**Bondad Recycling Center and Depository**

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the conditions listed in this permit.

This source is authorized to operate at the following location:

**Southern Ute Indian Reservation**  
**Section 31, T33N R9W**  
**La Plata County, Colorado**

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by the Tribe and citizens under the Clean Air Act.

A handwritten signature in blue ink that reads "Brenda Jarrell".

\_\_\_\_\_  
Brenda Jarrell, Air Quality Program Manager  
Environmental Programs Division  
Southern Ute Indian Tribe



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## Abbreviations and Acronyms

4SLB	Four-Stroke Lean-Burn
4SRB	Four-Stroke Rich-Burn
AFS	Air Facility System database
AQP	Southern Ute Indian Tribe's Air Quality Program
bbl	Barrels
BACT	Best Available Control Technology
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
CMS	Continuous Monitoring System (includes COMS, CEMS and diluent monitoring)
COMS	Continuous Opacity Monitoring System
CO	Carbon monoxide
CO <sub>2</sub>	Carbon dioxide
dscf	Dry standard cubic foot
dscm	Dry standard cubic meter
EPA	United States Environmental Protection Agency
gal	Gallon
GPM	Gallons per minute
H <sub>2</sub> S	Hydrogen sulfide
HAP	Hazardous Air Pollutant
hr	Hour
ID	Identification Number
kg	Kilogram
lbs	Pounds
MACT	Maximum Achievable Control Technology
Mg	Megagram
MMBtu	Million British Thermal Units
MMSCFD	Million standard cubic feet per day
mo	Month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMHC	Non-methane hydrocarbons
NO <sub>x</sub>	Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
pH	Negative logarithm of effective hydrogen ion concentration (acidity)
PM	Particulate Matter
PM <sub>10</sub>	Particulate matter less than 10 microns in diameter
ppbvd	Parts per billion by volume, dry
ppm	Parts per million
ppmvd	Parts per million by volume, dry
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psi	Pounds per square inch
psia	Pounds per square inch absolute
RAC	Southern Ute Indian Tribe/State of Colorado Environmental Commission's Reservation Air Code
RICE	Reciprocating Internal Combustion Engine
RMP	Risk Management Plan
scf	Standard cubic feet
scfm	Standard cubic feet per minute
SI	Spark Ignition
SO <sub>2</sub>	Sulfur Dioxide
SUIT	Southern Ute Indian Tribe
tpy	Ton(s) Per Year
Tribe	Southern Ute Indian Tribe
US EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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## **I. Source Information and Emission Unit Identification**

### **I.A. Source Information**

**Parent Company Name:** Transit Waste, LLC

**Plant Name:** Bondad Recycling Center and Depository

**Plant Location:** Section 31, T33N R9W  
Latitude: N 37.055197  
Longitude: W -107.862756

**State:** Colorado

**Reservation:** Southern Ute Indian Reservation

**County:** La Plata County

**Responsible Official:** Regional Vice President

**SIC Code:** 4953

**AFS Plant Identification Number:** 08-067-U0022

**Other Clean Air Act Permits:** This permit replaces the facility's EPA-issued Part 71 permit (V-SU-0047-07.00). There are no other CAA permits issued to this facility.

#### **Description of Process:**

According to Transit Waste's application, the Bondad Recycling Center and Depository (Bondad Landfill) is a municipal solid waste (MSW) disposal site that accepts non-hazardous residential, commercial, and industrial waste. The facility has been in operation since 1997 and the operating hours for receiving waste are Monday through Friday 8:00 a.m. to 4:30 p.m. MT. The site operating hours may extend beyond this time period to allow for site preparation and the application of daily cover.

The process of waste decomposition over time includes complex microbial and biochemical reactions within the landfill's interior after the waste has been deposited. The first stage of refuse decomposition is rapid and continues until the entrained oxygen within the refuse has been depleted. The mature stage of refuse decomposition is anaerobic. The two primary constituents of landfill gas (LFG) during this phase are methane (CH<sub>4</sub>) and carbon dioxide (CO<sub>2</sub>). The landfill gas composition is typically about 45 percent CO<sub>2</sub> with the remaining 50 percent being CH<sub>4</sub>. The production of LFG is a continuous process; it begins

a few months after initial waste placement and continues until microbial reactions are limited by substrate or moisture availability.

LFG production volumes are affected by the rate at which the solid waste is disposed. Production volumes vary over the lifetime of the landfill but generally increase from year to year until the peak volume is reached shortly after landfill closure. Other factors influencing production include climate (i.e. precipitation), overall moisture conditions within the landfill, types of solid waste accepted (degradable vs. inert), etc.

The LFG picks up other constituents in relatively small concentrations as it travels through the refuse. These include hydrogen sulfide, which can range from zero to several hundred parts per million (ppm), non-methane organic compounds (NMOC) and volatile organic compounds (VOC), which can range from several hundred to several thousand ppm. Some of the VOCs are hazardous air pollutants (HAPs). The CH4 and CO2 in the LFG are regulated greenhouse gas (GHG) emissions.

Refuse hauling vehicles and other on-site vehicles generate fugitive dust (particulate matter) emissions while traveling on haul roads and other portions of the landfill site. Heavy equipment used for excavation, transportation, stockpiling, deposition of soil cover material, and wind also generates fugitive particulate emissions on the landfill surface. To mitigate particulate emissions at the site, these areas are watered using a water truck. The water truck moves at slow speeds across the site, spraying a wide area with water to reduce particulate emissions.

Diesel fuel, engine lubrication oil, antifreeze, and hydraulic fluid or oil are stored on-site. The facility maintains one (1) 2000-gallon diesel storage tank, four (4) 300-gallon storage tanks, and five (5) 55-gallon storage tanks. These sources emit fugitive VOC and HAP emissions.

**I.B. Source Emission Points**

**Table 1 – Emission Units  
Transit Waste, LLC, Bondad Landfill**

<b>Emission Unit ID<sup>1</sup></b>	<b>Description</b>	<b>Control Equipment</b>
E001	Landfill gas surface emissions	None

## **II. Site Specific Requirements**

### **II.A. Requirements for Landfill Gas Emissions**

#### **II.A.1. 40 CFR Part 60, Subpart A –Standards of Performance for New Stationary Sources, General Provisions [40 CFR 60.1 - 60.19, RAC 3-102]**

- a. This facility is subject to the requirements of 40 CFR Part 60, Subpart A. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 60, Subpart A.

#### **II.A.2. Standards of Performance for Municipal Solid Waste Landfills [40 CFR 60.750-60.759, RAC 3-102]**

- a. This facility is subject to the requirements of 40 CFR Part 60, Subpart WWW. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 60, Subpart WWW.

#### **1. Applicability [40 CFR 60.752(b)]**

- a. 40 CFR Part 60, Subpart WWW applies to emission unit E001, a Municipal Solid Waste (MSW) landfill with a design capacity equal to or greater than 2.5 million megagrams by mass or 2.5 million cubic meters by volume constructed, reconstructed or modified on or after May 30, 1991 subject only to the requirements of subsection A 2.2 of this section at this time.

#### **2. General Standards [40 CFR 60.752(b)]**

- a. The permittee shall calculate an NMOC emission rate for the landfill using the procedure and default values specified in §60.754(a)(1).
- b. **Tier 1:** The permittee shall compare the calculated NMOC mass emission rate to the standard of 50 megagrams per year as required by §60.754(a)(2).

(1) If the calculated NMOC emission rate is less than 50 megagrams per year using Tier 1, the permittee shall:

- (i) Submit an emission rate report as provided in §60.757(b)(1); and
- (ii) Recalculate the NMOC mass emission rate annually using the procedure and default values specified in §60.754(a)(1) and using Tier 1 as specified in

§60.754(a)(2) until such time as the calculated emission rate is equal to or greater than 50 megagrams per year or the landfill is closed.

[40 CFR 60.752(b)(1) and 40 CFR 60.754(a)(1)(i)]

(2) If the calculated NMOC emission rate using the default values of §60.754(a)(1) is equal to or greater than 50 megagrams per year using Tier 1, the permittee shall either:

(i) Comply with §60.752(b)(2) as follows:

(A) Submit a collection and control system design plan prepared by a professional engineer within 1 year; and

(B) Install a collection and control system, as specified in §60.752(b)(2)(ii)(A) or (B) and §60.752(b)(2)(iii), within 30 months after the first annual report in which the rate equals or exceeds 50 megagram per year; and

(C) Comply with the specifications for active collection systems as specified in §60.759.

or

(ii) Determine a site-specific NMOC concentration and recalculate the NMOC emission rate using the procedures provided in paragraph §60.754(a)(3) and identified as Tier 2.

[40 CFR 60.752(b)(2) and 40 CFR 60.754(a)(1)(ii)]

c. **Tier 2:** The permittee shall calculate a site-specific NMOC concentration as required by §60.754(a)(3) and recalculate the NMOC mass emission rate using the equations provided in §60.754(a)(1) using the average NMOC concentration from the collected samples instead of the default value in the equation in §60.754(a)(1).

(1) If the resulting NMOC mass emission rate is less than 50 megagrams per year using Tier 2, the permittee shall:

(i) Submit a periodic estimate of the emission rate report as provided in §60.757(b)(1); and

(ii) Retest the site-specific NMOC concentration every 5 years using Tier 2.

[40 CFR 60.754(a)(3)(i)]

(2) If the resulting NMOC mass emission rate is equal to or greater than 50 megagrams per

year using Tier 2, the permittee shall either:

(i) Comply with §60.752(b)(2) as follows:

(A) Submit a collection and control system design plan prepared by a professional engineer within 1 year; and

(B) Install a collection and control system, as specified in §60.752(b)(2)(ii)(A) or (B) and §60.752(b)(2)(iii), within 30 months after the first annual report in which the rate equals or exceeds 50 megagram per year; ; and

(C) Comply with the specifications for active collection systems as specified in §60.759.

or

(ii) Determine a site-specific methane generation rate constant and recalculate the NMOC emission rate using the procedures specified in paragraph §60.754(a)(4) and identified as Tier 3.

[40 CFR 60.752(b)(2) and 40 CFR 60.754(a)(3)(ii)]

d. **Tier 3:** The permittee shall determine the site-specific methane generation rate constant as required by §60.754(a)(4) and recalculate the NMOC mass emission rate using the site-specific methane generation rate constant, the NMOC concentration previously determined by Tier 2, and the equations provided in §60.754(a)(1).

(1) If the resulting NMOC mass emission rate is less than 50 megagrams per year using Tier 3, the permittee shall:

(i) Submit a periodic emission rate report as provided in §60.757(b)(1); and

(ii) Recalculate the NMOC emission rate annually as provided in §60.757(b)(1) using the equations in paragraph §60.754(a)(1), the site-specific methane generation rate constant, and NMOC concentration rate obtained by Tier 2 every 5 years. The site-specific methane generation rate constant is performed only once, and the value obtained from this test shall be used in all subsequent annual NMOC emission rate calculations.

[40 CFR 60.754(a)(4)(ii)]

(2) If the resulting NMOC mass emission rate is equal to or greater than 50 megagrams per year using Tier 3, the permittee shall comply with §60.752(b)(2) as follows:

- (i) Submit a collection and control system design plan prepared by a professional engineer within 1 year; and
- (ii) Install a collection and control system, as specified in §60.752(b)(2)(ii)(A) or (B) and §60.752(b)(2)(iii), within 30 months after the first annual report in which the rate equals or exceeds 50 megagram per year ; and
- (iii) Comply with the specifications for active collection systems as specified in §60.759.

[40 CFR 60.752(b)(2) and 40 CFR 60.754(a)(4)(i)]

**3. Continuous Compliance Requirements [40 CFR 60.755]**

- a. Collection and control systems required under §60.752(b)(2)(ii) shall use the methods specified in §60.755(a)(1) through (a)(6) to determine whether the gas collection and control system is in compliance.

**4. Monitoring Requirements [40 CFR 60.756]**

- b. The requirements of §60.756(a) - (f) shall be used to monitor the capture and control system requirements of §60.752(b)(2).

**5. Recordkeeping Requirements [40 CFR 60.758]**

- a. The permittee shall meet the applicable recordkeeping requirements of §60.758(a) - (f).

**6. Reporting Requirements [40 CFR 60.757]**

- c. If the NMOC emission rate equals or exceeds 50 megagrams per year, the permittee shall meet the applicable reporting requirements of §60.757(a) - (g).

**III. Facility-Wide Requirements**

Conditions in this section of the permit apply to all emissions units located at the facility, including any units not specifically listed in Table 1 or Table 2 of the Source Emission Points section of this permit.

[RAC 2-110(1)(d)]

**III.A. General Recordkeeping Requirements [RAC 2-110(6)]**

The permittee shall comply with the following generally applicable recordkeeping requirements:

1. If the permittee determines that his or her stationary source that emits (or has the potential to emit, without federally recognized controls) one or more hazardous air pollutants is not subject to a relevant standard or other requirement established under 40 CFR Part 63, the permittee shall keep a record of the applicability determination at Transit Waste's Corporate Headquarters offices for a period of five years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination shall include an analysis (or other information) that demonstrates why the permittee believes the source is unaffected (e.g., because the source is an area source).

[40 CFR 63.10(b)(3)]

2. Records shall be kept of off permit changes made, as required by the Off Permit Changes section of this permit.

### **III.B. General Reporting Requirements**

1. The permittee shall submit to the Tribe all reports of any required monitoring under this permit semiannually, by April 1 and October 1 of each year. The report due on April 1 shall cover the July 1 - December 31 reporting period of the previous calendar year. The report due on October 1 shall cover the January 1 - June 30 reporting period of the current calendar year. The initial report shall cover the period from the issuance date of this permit through the end of the relevant semi-annual reporting period. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with the **Submissions** section of this permit.

[RAC 2-110(7)(a)]

2. "Deviation" means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or recordkeeping established in accordance with RAC 2-110(5) and (6). For a situation lasting more than 24 hours which constitutes a deviation, each 24 hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:
  - a. A situation where emissions exceed an emission limitation or standard;
  - b. A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met; or
  - c. A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit.

- d. A situation in which an exceedance or an excursion, as defined in 40 CFR Part 64 occurs.

[RAC 1-103(21)]

- 3. The permittee shall promptly report to the Tribe deviations from permit requirements, (including emergencies), including the date, time, duration, and the probable cause of such deviations, the quantity and pollutant type of excess emissions resulting from the deviation, and any preventative, mitigation, or corrective actions or measures taken. “Prompt” is defined as follows:
  - a. Where the underlying applicable requirement contains a definition of “prompt” or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern.
  - b. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:
    - (i) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made by email, telephone, verbal, or facsimile communication by the close of business the next working day, upon discovery of the occurrence, and in writing within 10 working days from the occurrence;
    - (ii) For emissions of any regulated air pollutant, excluding those listed in RAC § 2-110(7)(b)(i), that continue for more than 2 hours in excess of permit requirements, the report must be made by email, telephone, verbal, or facsimile communication by the close of business the next working day, upon discovery of the occurrence, and in writing within 10 working days from the occurrence;
    - (iii) For all other deviations from permit requirements, the report shall be contained in the report submitted with the semi-annual monitoring report.

[RAC 2-110(7)(b)]

### **III.C. Permit Shield [RAC 2-110(10)(c)]**

Nothing in this permit shall alter or affect the following:

- 1. The provisions of Section 303 of the Clean Air Act, 42 U.S.C. § 7603 concerning emergency powers, including the respective authorities of the Administrator under those sections;

2. The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;
3. The applicable requirements of the acid rain program consistent with section 408(a) of the Act; or
4. The ability of the Administrator respectively to obtain information from a source pursuant to Section 114 of the Clean Air Act, 42 U.S.C. § 7414.

#### **IV. Part 70 Administrative Requirements**

##### **IV.A. Annual Fee Payment [RAC 2-110(1)(h) and RAC 2-118]**

1. An annual operating permit emission fee shall be paid to the Tribe by the permittee.

[RAC 2-118(2)]
2. The permittee shall pay the annual permit fee each year no later than April 1<sup>st</sup> for the preceding calendar year, except that the first annual permit fee will cover the period from the issuance date of this permit through December 31 of the same year.

[RAC 2-118(2)]
3. Fee payments shall be remitted in the form of a money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the Southern Ute Indian Tribe and sent or delivered by the United States Postal Service c/o Environmental Programs Division Part 70 Program, P.O. Box 737 MS #84, Ignacio, Colorado 81137; or by common carrier (such as UPS or FedEx) c/o Environmental Programs Division Part 70 Program, 398 Ouray Drive, Ignacio, Colorado 81137.

[RAC 2-118(4)(a)]
4. The permittee shall send an updated fee calculation worksheet submitted annually by the same deadline as required for fee payment to the address listed in the **Submissions** section of this permit.

[RAC 2-118]
5. Basis for calculating annual fee:
  - a. Subtotal annual fees shall be calculated by multiplying the applicable emission fee set pursuant to RAC § 2-119(1) times the total tons of actual emissions for each fee pollutant. In absence of actual emissions data, calculate the annual fee based on the potential to emit (as defined at RAC 1-103(51)) for each fee pollutant. Emissions of any regulated air

pollutant that already are included in the fee calculation under a category of regulated pollutant, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM10, shall be counted only once in determining the source's actual emissions.

[RAC 2-119(2)(a)]

- (i) "Actual emissions" means the actual rate of emissions in tpy of any fee pollutant (for fee calculation) emitted from a title V source over the preceding calendar year or any other period determined by the Tribe to be more representative of normal operation and consistent with the fee schedule adopted by the Tribe and approved by the Administrator. Actual emissions shall be calculated using each emissions units actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year or other period used for this calculation.

[RAC 1-103(2)]

- (ii) Actual emissions shall be computed using compliance methods required by the permit.

[RAC 2-118(1)(b)]

- (iii) If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures.

[RAC 2-118(1)(b)]

- b. The total annual fee submitted shall be the greater of the applicable minimum fee or the sum of subtotal annual fees for all fee pollutants emitted from the source.

[RAC 2-119(2)(b)]

*[Explanatory note: The applicable emission fee amount and applicable minimum fee (if necessary) are revised each calendar year to account for inflation, and they are available from AQP prior to the start of each calendar year.]*

- c. The permittee shall exclude the following emissions from the calculation of fees:
  - (i) The amount of actual emissions of any one fee pollutant that the source emits in excess of 4,000 tons per year
  - (ii) Any emissions that come from insignificant activities not required in a permit application pursuant to RAC § 2-106(4).

[RAC 1-103(2)(c)]

6. Annual fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official.

[RAC 2-105 and RAC 2-118(2)(c)]
7. Failure of the permittee to pay fees by the due date shall subject the permittee to assessment of penalties and interest in accordance with RAC § 2-118(6).

[RAC 2-118(6)]
8. When notified by the Tribe of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of an invoice from the Tribe.

[RAC 2-119(3)(b)]
9. A permittee who thinks a Tribe assessed fee is in error and who wishes to challenge such fee shall provide a written explanation of the alleged error to the Tribe along with full payment of the assessed fee.

[RAC 2-119(3)(c)]

#### **IV.B. Compliance Requirements**

1. Compliance with the Permit
  - a. The permittee must comply with all conditions of this Part 70 permit. Any permit noncompliance with federally enforceable or Commission-only permit conditions constitutes a violation of the RAC and Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.

[RAC 2-110(3)(a)]
  - b. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

[RAC 2-110(3)(b)]
  - c. All terms and conditions of this permit which are required under the Clean Air Act or under any of its applicable requirements, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Clean Air Act, except terms and conditions the permit specifically designates as not being federally enforceable under the Clean Air Act that are not required under the Clean Air Act or under any of its applicable requirements. Terms and conditions so designated are not

subject to the requirements of RAC §§ 2-108, 2-111, 2-112, other than those contained in this paragraph.

[RAC 2-110(3)(f)]

- d. This permit, or the filing or approval of a compliance plan, does not relieve any person from civil or criminal liability for failure to comply with the provisions of the RAC and the Clean Air Act, applicable regulations thereunder, and any other applicable law or regulation.

[RAC 2-110(3)(g)]

- 5. For the purpose of submitting compliance certifications in accordance with the Compliance Certifications condition below of this permit, or establishing whether or not a person has violated or is in violation of any requirement of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[Section 113(a) and 113(e)(1) of the Act, 40 CFR §§ 51.212, 52.12, 52.33, 60.11(g), and 61.12]

## 2. Compliance Certifications

The permittee shall submit to the Tribe and the Administrator an annual certification of compliance which shall certify the source's compliance status with all permit terms and conditions and all applicable requirements relevant to the source, including those related to emission limitations, standards, or work practices. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with RAC § 2-110(9)(a). The certification of compliance shall be submitted annually by April 1<sup>st</sup> and shall cover the preceding calendar year in which the certification of compliance is due, except that the first annual certification of compliance will cover the period from the issuance date of this permit through December 31<sup>st</sup> of the same year.

[RAC 2-110(9)(c)]

## 3. Compliance Schedule

- a. For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.

[RAC 2-106(4)(l)(ii)]

- b. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis.

[RAC 2-106(4)(l)(iii)]

**IV.C. Duty to Provide and Supplement Information** [RAC 2-110(7)(e), 2-106(5), and 2-124]

1. The permittee shall furnish to the Tribe, within the period specified by the Tribe, any information that the Tribe request in writing to determine whether cause exists for reopening and revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Tribe copies of records that are required to be kept by the permit, including information claimed to be confidential. Information claimed to be confidential must be accompanied by a claim of confidentiality according to the provisions of RAC 2-124.

[RAC 2-110(7)(e) and RAC 2-124]
2. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application or in a supplemental submittal, shall promptly submit such supplementary facts or corrected information. In addition, a permittee shall provide additional information as necessary to address any requirements that become applicable after the date a complete application is filed, but prior to release of a draft permit.

[RAC 2-106(5)]

**IV.D. Submissions** [RAC 2-105]

1. Any application, form, report, compliance certification, or other document submitted by the permittee under this permit shall contain a certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

*[Explanatory Note: The Tribe has developed a reporting form “CTAC” for certifying truth, accuracy and completeness of Part 70 submissions. The form may be found on the AQP’s website (<http://www.southernute-nsn.gov/environmental-programs/air-quality>).*

2. Except where otherwise noted, any documents required to be submitted under this permit, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted:

by United States Postal Service:  
Part 70 Program  
Environmental Programs Division  
Air Quality Program  
P.O. Box 737 MS #84  
Ignacio, Colorado 81137

or by Common Carrier:  
Part 70 Program  
Environmental Programs Division  
Air Quality Program  
398 Ouray Drive  
Ignacio, CO 81137

**IV.E. Severability Clause** [RAC 1-106 and RAC 2-110(1)(f)]

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any provision is held invalid, the remaining permit conditions shall remain valid and in force.

**IV.F. Permit Actions** [RAC 2-110(3)]

1. This permit may be modified, reopened and revised, revoked and reissued, or terminated for cause.

[RAC 2-110(3)(c)]

2. The filing by the permittee of a request for a permit revision, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance shall not stay any permit condition.

[RAC 2-110(3)(d)]

**IV.G. Administrative Permit Revision** [RAC 2-111(2)]

1. The permittee may submit an application for an administrative permit revision as defined in RAC § 1-103.

[RAC 2-111(2)(a)]

2. The permittee may implement an administrative permit revision immediately upon submittal of the request for the administrative revision.

[RAC 2-111(2)(c)]

*[Note to permittee: If the provisions allowing for an administrative permit revision do not apply, please contact the Air Quality Program for a determination of similarity prior to submitting your request for an administrative permit revision.]*

**IV.H. Minor Permit Revisions** [RAC 2-111(3)]

1. The permittee may submit an application for a minor permit revision as defined in RAC § 1-103.
2. An application requesting the use of minor permit revision procedures shall meet the requirements of RAC § 2-106(4) and shall include the following:
  - a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

- b. If changes are requested to the permit language, the permittee's suggested draft permit changes;
- c. Certification by a responsible official, consistent with RAC § 2-105, that the proposed revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used; and
- d. Completed forms for the Tribe to use to notify the Administrator and affected programs as required under RAC § 2-108
- e. If the requested permit revision would affect existing compliance plans or schedules, related progress reports, or certification of compliance requirements, and an outline of such effects.

[RAC 2-111(3)(a)]

- 3. The permittee shall not submit multiple minor permit revision applications that may conceal a larger revision that would not constitute a minor permit revision.

[RAC 2-111(3)(b)]

- 4. The permittee may make the change proposed in its minor permit revision application immediately after it files such application, provided, however, for sources that have previously utilized this provision during the term of the permit and, on two or more occasions have failed to file a complete application, may thereafter make the change only after the application is deemed complete. After the permittee makes the change and until the Tribe takes any of the actions specified in the following subsection, the permittee must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this period, the permittee need not comply with the existing permit terms and conditions it seeks to modify. If the permittee fails to comply with its proposed permit terms and conditions during this period, however, the existing permit terms and conditions it seeks to modify may be enforced against it.

[RAC 2-111(3)(e)]

- 5. The permit shield under RAC § 2-110(10) does not extend to minor permit revisions.

[RAC 2-110(10)(d)]

**IV.I. Significant Permit Revisions** [RAC 2-111(4)]

- 1. The permittee must request the use of significant permit revision procedures as defined in RAC § 1-103.

2. Significant permit revisions shall meet all requirements of the RAC for permit issuance and renewal, including those for applications, review by the Administrator and affected programs, and public participation.

[RAC 2-111(4), 2-109, and 2-106(3)]

#### **IV.J. Permit Reopenings, Revocations and Reissuances, and Terminations [RAC 2-112]**

1. The permit may be reopened and revised for any of the reasons listed in paragraphs (a) through (d) below. Alternatively, the permit may be revoked and reissued for the reasons listed in paragraphs (c) and (d) below:
  - a. Additional requirements under the Clean Air Act become applicable to a major source with a remaining permit term of 3 or more years, provided that the Tribe shall revise such permits to incorporate such additional requirements no later than 18 months after promulgation of such requirements, and no such reopening is required if the effective date of the requirement is later than the permit expiration date unless the original permit or any of its terms or conditions have been extended past the permit expiration date pursuant to RAC § 2-104(2)(b)(iii);
  - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;
  - c. The Tribe or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the terms or conditions of the permit;  
or
  - d. The Tribe or the Administrator determines that the permit must be revised or revoked and reissued to assure compliance with applicable requirements.
2. The permit may be terminated for any of the reasons in (a) through (g) below:
  - a. The permittee fails to meet the requirements of an approved compliance plan;
  - b. The permittee has been in significant or repetitious noncompliance with the operating permit terms or conditions;
  - c. The permittee has exhibited a history of willful disregard for environmental laws of any tribal or state authority, or of the United States;

- d. The permittee has knowingly misrepresented a material fact in any application, record, report, plan, or other document filed or required to be maintained under the permit;
- e. The permittee falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the permit;
- f. The permittee fails to pay fees required under RAC §§ 2-118 and 2-119; or
- g. The Administrator has found that cause exists to terminate the permit.

**IV.K. Property Rights** [RAC 2-110(3)(e)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

**IV.L. Inspection and Entry** [RAC 2-110(9)(b)]

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized representatives of the Tribe or other authorized representative to perform the following:

- 1. Enter upon the permittee's premises where a source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- 3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- 4. As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**IV.M. Emergency Situations** [RAC 2-117]

- 1. The permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency as defined in RAC § 1-103. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

- b. The permitted facility was at the time being properly operated;
- c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- d. The permittee reported the emergency to the Tribe in compliance with RAC § 2-110(7).

[RAC 2-117(1)]

- 2. In any enforcement preceding the permittee attempting to establish the occurrence of an emergency has the burden of proof.

[RAC 2-117(2)]

- 3. This emergency situation provision is in addition to any emergency or upset provision contained in any applicable requirement.

[RAC 2-117(3)]

#### **IV.N. Permit Transfers [RAC 2-113]**

This permit shall not be transferable, by operation of law or otherwise, from one location to another or from one source to another, except that a permit may be transferred from one location to another in the case of a portable source that has notified the Tribe in advance of the transfer, pursuant to the RAC. A permit for a source may be transferred from one person to another if the Tribe finds that the transferee is capable of operating the source in compliance with the permit. This transfer must be accomplished through an administrative permit revision in accordance with the Administrative Permit Revisions section of this permit.

#### **IV.O. Off-Permit Changes [RAC 2-116(2)]**

- 1. The permittee is allowed to make, without a permit revision, certain changes that are not addressed or prohibited by this permit provided that the following requirements are met:
  - a. Each such change meets all applicable requirements and shall not violate any existing permit term or condition;
  - b. Such changes are not subject to any requirements under Title IV of the Clean Air Act and are not modifications under Title I of the Clean Air Act;
  - c. Such changes are not subject to permit revision procedures under RAC § 2-111; and

d. The permittee provides contemporaneous written notice to the Tribe and the Administrator of each such change, except for changes that qualify as insignificant activities. Such notice shall state when the change occurred and shall describe the change, any resulting emissions change, pollutants emitted, and any applicable requirement that would apply as a result of the change.

[RAC 2-116(2)(a)]

2. The permit shield does not apply to changes made under this provision.

[RAC 2-110(10)(d)]

3. The permittee shall keep a record describing changes made at the source that result in emissions of any regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

[RAC 2-116(2)(b)]

4. The notice shall be kept at Transit Waste's Corporate Headquarters offices in Durango, Colorado, and made available to the Tribe and Administrator on request, in accordance with the general recordkeeping provision of this permit.

5. Submittal of the written notice required above shall not constitute a waiver, exemption, or shield from applicability of any applicable standard or PSD permitting requirements under 40 CFR 52.21 that would be triggered by the replacement of any one {emission unit type}, or by replacement of multiple {emission unit type}.

**IV.P. Permit Expiration and Renewal** [RAC §§ 2-104(3), 2-106(2)(b), 2-107(7)(a), 2-107(7)(b), 2-110(1)(a), and 2-106(3)]

1. This permit shall expire five years after the effective date of this permit.

[RAC 2-110(1)(a)]

2. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration of this permit.

[RAC 2-107(7)(b)]

3. If the permittee submits a timely and complete permit application for renewal, consistent with RAC § 2-106 but the Tribe has failed to issue or disapprove a renewal permit before the end of the permit term, then the permit shall not expire and all its terms and conditions shall remain in effect until the renewal permit has been issued or disapproved.

[RAC 2-104(2)(b)]

4. The ability to operate under this permit shall cease if (1) the Tribe takes final action to issue the permittee a renewal permit or deny the permittee a permit or (2) the permittee fails to submit by the deadline specified in writing by the Tribe any additional information identified as being needed to process the application.

[RAC 2-104(3)]
5. Renewal of this permit is subject to the same procedures, including those for public participation and affected program and EPA review, as those that apply to initial permit issuance.

[RAC 2-107(7)(a)]
6. The application for renewal shall include the current permit number, description of permit revisions and off permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

[RAC 2-106(4)(e)(ix)]

## V. Appendix

### V.A. Inspection Information

1. Driving Directions to the facility: From the EPD building in Ignacio, head south on CO-172 toward County Road 318/Indian Route 110, approximately 1.2 miles. Turn Right onto Co Rd 318/Indian Route 110 and proceed west approximately 7.5 miles to facility on the right.

2. Global Positioning System (GPS):

Latitude: N 37.055197

Longitude: W -107.862756

3. Safety Considerations:

Transit Waste, LLC, requires all visitors to check in with the office/gatehouse before entering landfill. All visitors must wear the following personnel protective equipment (PPE) while in the working area of the landfill:

- a. hard hat
- b. reflective vest
- c. hard sole lace boots (no open toe shoes)
- d. no children or pets allowed out of vehicles at any time

In addition, all non-customer visitors must check out with the office/gatehouse before leaving the landfill.