

# Southern Ute Indian Tribe

## *Air Quality Program*



## **Title V Operating Permit**

**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.

*Danny J Powers*  
\_\_\_\_\_

Daniel Powers, Air Quality Program Manager  
Environmental Programs Division  
Southern Ute Indian Tribe

**AIR POLLUTION CONTROL  
TITLE V PERMIT TO OPERATE  
Transit Waste, LLC  
Bondad Recycling Center and Depository**

SUIT Account Identification Code: 2-034

Permit Number V-SUIT-0047-2019.01

[Replaces Permit No.: V-SUIT-0047-2019.00]

Issue Date: February 23, 2022

Effective Date: February 23, 2022

Expiration Date: August 12, 2024

The SUIT account identification code and permit number cited above should be referenced in future correspondence regarding this facility.

**Permit Issuance History**

<b>DATE</b>	<b>TYPE OF ACTION</b>	<b>DESCRIPTION OF ACTION</b>	<b>PERMIT NUMBER</b>
November 21, 2008	Permit Issued	Initial Part 71 Permit Issued	V-SU-0047-07.00
January 31, 2014	Permit Issued	Initial Part 70 Permit Issued Replaces EPA-Issued permit: V-SU-0047-07.00	V-SUIT-0047-2014.00
August 12, 2019	Permit Renewal	First Part 70 Permit Renewal	V-SUIT-0047-2019.00
February 23, 2022	Minor Modification	Remove 40 CFR 60 Subpart WWW and replace with 40 CFR Part 62, Subpart OOO	V-SUIT-0047-2019.01

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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
bbf	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  
US EPA  
VOC

Southern Ute Indian Tribe  
United States Environmental Protection Agency  
Volatile Organic Compounds

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## Section I – Source Information and Emission Unit Identification

### 1. Source Information

<b>Owner Name:</b>	Transit Waste, LLC
<b>Facility Name:</b>	Bondad Recycling Center and Depository
<b>Facility Location:</b>	Section 31, T33N R9W
Latitude:	37.055197° N
Longitude:	-107.862756° W
<b>State:</b>	Colorado
<b>County:</b>	La Plata
<b>Responsible Official:</b>	Region Engineering and Compliance
<b>SIC Code:</b>	4953
<b>ICIS Identification Number:</b>	110030748877
<b>EPA Facility Registry ID:</b>	08-067-U0022
<b>Other Clean Air Act Permits</b>	None

#### Process Description:

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 8:00a.m. to 4:30 a.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 CH<sub>4</sub> and CO<sub>2</sub> 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 trucks 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) 200-gallon diesel storage tank, four (4) 300-gallon storage tank, and five (5) 55-gallon storage tanks. These sources emit fugitive VOC and HAP emissions.

**2. Source Emission Points**

**Table 1 - Emission Units**

<b>Emission Unit ID</b>	<b>Description</b>	<b>Control Equipment</b>
E001	Landfill Gas Surface Emissions	None
E002	Construction Vehicles – Haul Roads / Landfill Surface	None

**Table 2 - Insignificant Emission Units**

<b>Emission Unit ID</b>	<b>Amount</b>	<b>Description</b>	<b>Size</b>	<b>Units</b>
IE0001	1	Diesel Storage Tank	2,000	Gallon
IE0002	4	Storage Tank (Storing Engine Lubrication Oil, Antifreeze, Hydraulic Fluid and /or Oil)	300	Gallon
IE0003	5	Storage Tanks (Storing Engine Lubrication Oil, Antifreeze, Hydraulic Fluid and / or Oil)	55	Gallon
FUG	Various	Unloading Cover Material / Wind Erosion of Cover Storage Piles	N/A	N/A

**Section II – General Requirements**

**1. Title V Administrative Requirements**

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

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

[RAC 2-118(2)]

1.1.2. The permittee shall pay the annual permit fee each year no later than April 1<sup>st</sup> for the preceding calendar year.

[RAC 2-118(2)]

1.1.3. 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)]

1.1.4. 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]

1.1.5. Basis for calculating annual fee:

1.1.5.1. 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)]

1.1.5.1.1. "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)]

1.1.5.1.2. Actual emissions shall be computed using compliance methods required by the permit.

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

1.1.5.1.3. 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)]

1.1.5.2. 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.]*

1.1.5.3. The permittee shall exclude the following emissions from the calculation of fees:

1.1.5.3.1. The amount of actual emissions of any one fee pollutant that the source emits in excess of 4,000 tons per year

1.1.5.3.2. Any emissions that come from insignificant activities not required in a permit application pursuant to RAC § 2-106(4).  
[RAC 1-103(2)(c)]

1.1.6. 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)]

1.1.7. 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)]

1.1.8. 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)]

1.1.9. 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)]

## **1.2. Compliance Requirements**

1.2.1. Compliance with the Permit

1.2.1.1. 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)]

1.2.1.2. 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)]

1.2.1.3. 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)]

1.2.1.4. 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)]

1.2.1.5. 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]

## 1.2.2. Compliance Certifications

1.2.2.1. 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)]

### 1.2.3. Compliance Schedule

1.2.3.1. 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)]

1.2.3.2. 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)]

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

1.3.1. 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]

1.3.2. 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)]

**1.4. Submissions** [RAC 2-105]

1.4.1. 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>).]*

1.4.2. 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 email at: [airquality@southernute-nsn.gov](mailto:airquality@southernute-nsn.gov)

or 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

**1.5. 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.

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

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

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

1.6.2. 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)]

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

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

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

1.7.2. 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.]*

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

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

1.8.2. An application requesting the use of minor permit revision procedures shall meet the requirements of RAC § 2-106(4) and shall include the following:

1.8.2.1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

1.8.2.2. If changes are requested to the permit language, the permittee's suggested draft permit changes;

1.8.2.3. 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

1.8.2.4. Completed forms for the Tribe to use to notify the Administrator and affected programs as required under RAC § 2-108

1.8.2.5. 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)]

1.8.3. 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)]

1.8.4. 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)]

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

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

### **1.9. Significant Permit Revisions** [RAC 2-111(4)]

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

1.9.2. 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)]

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

1.10.1. The permit may be reopened and revised for any of the reasons listed in the paragraphs below. Alternatively, the permit may be revoked and reissued for the reasons listed in the paragraphs below:

- 1.10.1.1. 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);
  - 1.10.1.2. 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;
  - 1.10.1.3. 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
  - 1.10.1.4. The Tribe or the Administrator determines that the permit must be revised or revoked and reissued to assure compliance with applicable requirements.
- 1.10.2. The permit may be terminated for any of the reasons listed below:
- 1.10.2.1. The permittee fails to meet the requirements of an approved compliance plan;
  - 1.10.2.2. The permittee has been in significant or repetitious noncompliance with the operating permit terms or conditions;
  - 1.10.2.3. The permittee has exhibited a history of willful disregard for environmental laws of any tribal or state authority, or of the United States;
  - 1.10.2.4. 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;
  - 1.10.2.5. The permittee falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the permit;
  - 1.10.2.6. The permittee fails to pay fees required under RAC §§ 2-118 and 2-119; or

1.10.2.7. The Administrator has found that cause exists to terminate the permit.

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

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

**1.12. 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:

- 1.12.1. 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;
- 1.12.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- 1.12.3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- 1.12.4. 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.

**1.13. Emergency Situations** [RAC 2-117]

1.13.1. 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:

- 1.13.1.1. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- 1.13.1.2. The permitted facility was at the time being properly operated;

1.13.1.3. 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

1.13.1.4. The permittee reported the emergency to the Tribe in compliance with RAC § 2-110(7).

[RAC 2-117(1)]

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

[RAC 2-117(2)]

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

[RAC 2-117(3)]

#### **1.14. Permit Transfers [RAC 2-113]**

1.14.1. 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.

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

1.15.1. 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:

1.15.1.1. Each such change meets all applicable requirements and shall not violate any existing permit term or condition;

1.15.1.2. 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;

1.15.1.3. Such changes are not subject to permit revision procedures under RAC § 2-111; and

1.15.1.4. 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)]

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

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

1.15.3. 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)]

1.15.4. A copy of each off-permit change notification shall be made available to the Tribe upon request.

[RAC 2-110(6)]

## **1.16. 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)]*

1.16.1. This permit shall expire five years from the issuance date of this permit.

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

1.16.2. 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)]

1.16.3. 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)]

1.16.4. 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)]

1.16.5. 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)]

1.16.6. 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)]

## **2. 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)]

### **2.1. General Recordkeeping Requirements [RAC 2-110(6)]**

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

2.1.1. 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, for a period of five years after the determination, or until the source changes its operations to become an affected source, whichever comes first. Each of these records shall be made available to the Tribe upon request. 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)]

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

## **2.2. General Reporting Requirements**

- 2.2.1. 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. 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)]

- 2.2.2. “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:

- 2.2.2.1. A situation where emissions exceed an emission limitation or standard;
- 2.2.2.2. A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met; or
- 2.2.2.3. 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.
- 2.2.2.4. A situation in which an exceedance or an excursion, as defined in 40 CFR Part 64 occurs.

[RAC 1-103(21)]

- 2.2.3. 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 deviation reports shall be submitted to the following email address: [airquality@southernute-nsn.gov](mailto:airquality@southernute-nsn.gov)

2.2.4. “Prompt” is defined as follows:

2.2.4.1. 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.

2.2.4.2. 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:

2.2.4.2.1. 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;

2.2.4.2.2. 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;

2.2.4.2.3. 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)]

**2.3. Alternative Operating Scenarios [RAC 2-110(8)]**

2.3.1. Replacement of an existing engine or turbine identified in this permit shall be allowed as an off-permit change pursuant to the Off Permit Changes provisions of this permit provided all of the following conditions are met:

- 2.3.1.1. The engine or turbine replacement is not subject to any requirements under Title IV of the Clean Air Act and is not a modification under Title I of the Clean Air Act;
- 2.3.1.2. The replacement engine or turbine is of the same make, model, horsepower rating, and configured to operate in the same manner as the engine or turbine being replaced.
- 2.3.1.3. The replacement engine or turbine meets all applicable requirements identified in this permit that apply to the existing engine or turbine being replaced.
- 2.3.1.4. All applicable requirements that apply to the replacement engine or turbine are already included in the permit. Replacement of an existing engine or turbine identified in this permit with a new, modified, or reconstructed engine must utilize a Minor Permit Revision as specified in RAC 2-111(3) or a Significant Permit Revision as specified in RAC 2-111(4) to incorporate any new applicable requirements. The applicable requirements include, but may not be limited to:
  - 2.3.1.4.1. Standards of Performance for Stationary Compression Ignition Internal Combustion at 40 CFR Part 60, Subpart IIII;
  - 2.3.1.4.2. Standards of Performance for Stationary Spark Ignition Internal Combustion Engines at 40 CFR Part 60, Subpart JJJJ;
  - 2.3.1.4.3. National Emission Standard for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines at 40 CFR Part 63, Subpart ZZZZ;
  - 2.3.1.4.4. Standards of Performance for Stationary Gas Turbines at 40 CFR Part 60, Subpart GG;
  - 2.3.1.4.5. Standards of Performance for Stationary Combustion Turbines at 40 CFR Part 60, Subpart KKKK;
  - 2.3.1.4.6. National Emission Standard for Hazardous Air Pollutants for Stationary Combustion Turbines at 40 CFR Part 63, Subpart YYYY;

- 2.3.1.4.7. Requirements established in a permit or permits issued pursuant to the Federal Minor New Source Review Program in Indian Country at 40 CFR Part 49;
  - 2.3.1.4.8. Requirements established in a permit or permits issued pursuant to the Prevention of Significant Deterioration of Air Quality Program at 40 CFR Part 52; or
  - 2.3.1.4.9. Requirements established in any promulgated Federal Implementation Plan that may apply to engines located on the Southern Ute Indian Reservation.
- 2.3.2. The permittee shall provide contemporaneous written notice to the Tribe and the Administrator of any replacement of an existing engine or turbine identified in this permit. Such notice shall state when the replacement occurred and shall describe the replacement and any applicable requirement that would apply as a result of the replacement.
- 2.3.3. The permittee shall keep a record of the engine or turbine replacement.
- 2.3.4. The use of a backup thermal oxidizer with equivalent capacity and emission destruction efficiency and configured to operate in the same manner as the primary thermal oxidizer shall be an allowed alternative operating scenario under this permit provided that the following conditions are met:
- 2.3.4.1. Any emission limits, requirements, testing or other provisions that apply to the primary thermal oxidizer shall also apply to the backup thermal oxidizer except that an annual performance test shall only be conducted on the backup thermal oxidizer if the unit operates for more than 500 hours in any calendar year.
  - 2.3.4.2. At no time shall the backup thermal oxidizer operate at the same time the primary thermal oxidizer is operating except periods of transition between the primary and backup thermal oxidizers. Transition events shall be documented, last no more than 30 minutes in duration, and will be reported as excess emission events.

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

Nothing in this permit shall alter or affect the following:

- 2.4.1. 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;
- 2.4.2. The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;
- 2.4.3. The applicable requirements of the acid rain program consistent with section 408(a) of the Act; or
- 2.4.4. 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.

#### **2.5. Stratospheric Ozone and Climate Protection [40 CFR Part 82]**

The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F:

- 2.5.1. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR §82.156.
- 2.5.2. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR §82.158.
- 2.5.3. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR §82.161.

### Section III – Site Specific Permit Terms

1. **Reserved - New Source Performance Standards (NSPS) and 40 CFR Part 60**
2. **Reserved - National Emission Standards for Hazardous Air Pollutants (NESHAP) and 40 CFR Part 63**
3. **Reserved – Tribal Minor New Source Review**
4. **Reserved – Prevention of Significant Deterioration Requirements**
5. **Reserved – Consent Decree Requirements**
6. **Reserved – Compliance Assurance Monitoring (CAM) Requirements**
7. **Enhanced Monitoring, Recordkeeping, and Reporting**

7.1. Any documents required to be submitted under this Title V operating permit, including but not limited to, reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to the Tribe:

by email at: [airquality@southernute-nsn.gov](mailto:airquality@southernute-nsn.gov)

or 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
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## **8. Approval and Promulgation of State Plans for Designated Facilities**

### **8.1. 40 CFR Part 62, Subpart A –General Provisions [40 CFR 62.01- 62.13]**

This source is subject to the requirements of 40 CFR Part 62, Subpart A – General Provisions. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 62, Subpart A.

#### **8.1.1. Introduction**

8.1.1.1. The part 60 subpart A of this chapter general provisions and appendices to part 60 apply to part 62, except as follows: 40 CFR 60.7(a)(1), 60.7(a)(3), and 60.8(a) and where special provisions set forth under the applicable subpart of this part shall apply instead of any conflicting provisions.

[40 CFR 62.02]

#### **8.1.2. Reporting Requirements**

8.1.2.1. All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate to the appropriate Regional Office of the U.S. Environmental Protection Agency to the attention of the Director of the Division indicated in the following list of EPA Regional Offices.

Director  
Air Program  
Office of Partnerships and Regulatory Assistance  
Mail Code 8P-AR  
1595 Wynkoop Street  
Denver, CO 80202-1129

[40 CFR 62.10]

#### **8.1.3. Federal Plans**

8.1.3.1. The Federal plans apply to owners and operators of affected facilities that are not covered by an EPA approved and currently effective State or Tribal plan. The substantive requirements of the municipal solid waste landfills Federal plan that implements 40 CFR part 60, subpart Cf, are contained in subpart OOO of this part. These requirements include emission limits, compliance schedules, testing, monitoring, and reporting and recordkeeping requirements.

[40 CFR 62.13]

**8.2. 40 CFR Part 62, Subpart OOO – Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014 [40 CFR 62.16710 – 62.16730]**

This facility is subject to the requirements of 40 CFR Part 62, Subpart OOO for municipal solid waste (MSW) landfills in Indian country which commenced construction, reconstruction, or modification on or before July 17, 2014 and has accepted waste at any time since November 8, 1987. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 62, Subpart OOO.

**8.2.1. Standards for Municipal Solid Waste Landfill Emissions**

8.2.1.1. *Emissions.* The owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must calculate an initial nonmethane organic compounds (NMOC) emission rate for the landfill using the procedures specified in § 62.16718(a). The NMOC emission rate must be recalculated annually, except as provided in § 62.16724(c)(3).

[40 CFR 62.16714(e)]

8.2.1.1.1. If the calculated NMOC emission rate is less than 34 megagrams per year, the owner or operator must:

[40 CFR 62.16714(e)(1)]

8.2.1.1.1.1. Submit an annual NMOC emission rate report according to § 62.16724(c), except as provided in § 62.16724(c)(3); and

[40 CFR 62.16714(e)(1)(i)]

8.2.1.1.1.2. Recalculate the NMOC emission rate annually using the procedures specified in § 62.16724(a) until such time as the calculated NMOC emission rate is equal to or greater than 34 megagrams per year, or the landfill is closed.

[40 CFR 62.16714(e)(1)(ii)]

8.2.1.1.1.2.1.1. If the calculated NMOC emission rate, upon initial calculation or annual recalculation required in § 62.16714 (e)(1)(ii), is equal to or greater than 34 megagrams per year, the owner or operator must either: Comply with § 62.16714 (b) and (c); calculate NMOC emissions using the next higher tier in §

62.16718; or conduct a surface emission monitoring demonstration using the procedures specified in § 62.16718(a)(6).

[40 CFR 62.16714(e)(1)(ii)(A)]

- 8.2.1.2. If the calculated NMOC emission rate is equal to or greater than 34 megagrams per year using Tier 1, 2, or 3 procedures, the owner or operator must either: Submit a collection and control system design plan prepared by a professional engineer to the Administrator within 1 year as specified in § 62.16724(d), except for exemptions allowed under § 62.16711(g)(3); calculate NMOC emissions using a higher tier in § 62.16718; or conduct a surface emission monitoring demonstration using the procedures specified in § 62.16718(a)(6).

[40 CFR 62.16714(e)(2)]

## 8.2.2. Test Methods and Procedures

- 8.2.2.1. Calculate the landfill NMOC emission rate and conduct a surface emission monitoring demonstration according to the provisions in this section.

- 8.2.2.2. **NMOC Emission rate.** The landfill owner or operator must calculate the NMOC emission rate using either equation provided in the paragraphs below of this section. Both Equation 1 and Equation 2 may be used if the actual year-to-year solid waste acceptance rate is known, as specified in paragraph §62.16718(a)(1)(i) of this section, for part of the life of the landfill and the actual year-to-year solid waste acceptance rate is unknown, as specified in paragraph §62.16718(a)(1)(ii) of this section, for part of the life of the landfill. The values to be used in both Equation 1 and Equation 2 are 0.05 per year for  $k$ , 170 cubic meters per megagram for  $L_0$ , and 4,000 parts per million by volume as hexane for the  $C_{NMOC}$ . For landfills located in geographical areas with a 30-year annual average precipitation of less than 25 inches, as measured at the nearest representative official meteorological site, the  $k$  value to be used is 0.02 per year.

[40 CFR 62.16718(a)(1)]

- 8.2.2.2.1. If the actual year-to-year solid waste acceptance rate is known the following equation shall be used

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

Where:

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

$k$  = Methane generation rate constant, year<sup>-1</sup>.

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

$M_i$  = Mass of solid waste in the  $i^{\text{th}}$  section, megagrams.

$t_i$  = Age of the  $i^{\text{th}}$  section, years,

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

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

[40 CFR 62.16718(a)(1)(i)(A)]

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

[40 CFR 62.16718(a)(1)(i)(B)]

8.2.2.2.3. If the actual year-to-year solid waste acceptance rate is known the following equation shall be used

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

Where

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

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

$R$  = Average annual acceptance rate, megagrams per year.

$k$  = Methane generation rate constant, year<sup>-1</sup>.

$t$  = Age of landfill, years.

$C_{\text{NMOC}}$  = Concentration of NMOC, parts per million by volume as hexane.

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

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

[40 CFR 62.16718(a)(1)(ii)(A)]

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

[40 CFR 62.16718(a)(1)(ii)(B)]

- 8.2.2.3. **Tier 2.** The landfill owner or operator must determine the site-specific NMOC concentration using the following sampling procedure. The landfill owner or operator must install at least two sample probes per hectare, evenly distributed over the landfill surface that has retained waste for at least 2 years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The probes should be evenly distributed across the sample area. The sample probes should be located to avoid known areas of nondegradable solid waste. The owner or operator must collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using EPA Method 25 or 25C of appendix A-7 of 40 CFR part 60. Taking composite samples from different probes into a single cylinder is allowed; however, equal sample volumes must be taken from each probe. For each composite, the sampling rate, collection times, beginning and ending cylinder vacuums, or alternative volume measurements must be recorded to verify that composite volumes are equal. Composite sample volumes should not be less than one liter unless evidence can be provided to substantiate the accuracy of smaller volumes. Terminate

compositing before the cylinder approaches ambient pressure where measurement accuracy diminishes. If more than the required number of samples is taken, all samples must be used in the analysis. The landfill owner or operator must divide the NMOC concentration from EPA Method 25 or 25C of appendix A-7 of 40 CFR part 60 by 6 to convert from  $C_{\text{NMOC}}$  as carbon to  $C_{\text{NMOC}}$  as hexane. If the landfill has an active or passive gas removal system in place, EPA Method 25 or 25C samples may be collected from these systems instead of surface probes provided the removal system can be shown to provide sampling as representative as the two sampling probes per hectare requirement. For active collection systems, samples may be collected from the common header pipe. The sample location on the common header pipe must be before any gas moving, condensate removal, or treatment system equipment. For active collection systems, a minimum of three samples must be collected from the header pipe.

[40 CFR 62.16718(a)(3)]

8.2.2.3.1. Within 60 days after the date of determining the NMOC concentration and corresponding NMOC emission rate, the owner or operator must submit the results according to § 62.16724(j)(2).

[40 CFR 62.16718(a)(3)(i)]

8.2.2.3.2. The landfill owner or operator must recalculate the NMOC mass emission rate using Equation 1 or Equation 2 provided in paragraph (a)(1)(i) or (ii) of this section using the average site-specific NMOC concentration from the collected samples instead of the default value provided in paragraph (a)(1) of this section.

[40 CFR 62.16718(a)(3)(ii)]

8.2.2.3.3. If the resulting NMOC mass emission rate is less than 34 megagrams per year, then the owner or operator must submit a periodic estimate of NMOC emissions in an NMOC emission rate report according to § 62.16724(c) and must recalculate the NMOC mass emission rate annually as required under § 62.16714(e). The site-specific NMOC concentration must be retested every 5 years using the methods specified in this section.

[40 CFR 62.16718(a)(3)(iii)]

8.2.2.3.4. If the NMOC mass emission rate as calculated using the Tier 2 site-specific NMOC concentration is equal to or greater than 34 megagrams per year, the owner or operator must either:

[40 CFR 62.16718(a)(3)(iv)]

8.2.2.3.4.1. Submit a gas collection and control system design plan within 1 year as specified in § 62.16724(d) and install and operate a gas collection and control system within 30 months according to § 62.16714(b) and (c);

[40 CFR 62.16718(a)(3)(iv)(A)]

8.2.2.3.4.2. Determine a site-specific methane generation rate constant and recalculate the NMOC emission rate using the Tier 3 procedures specified in § 62.16718 (a)(4); or

[40 CFR 62.16718(a)(3)(iv)(B)]

8.2.2.3.4.3. Conduct a surface emission monitoring demonstration using the Tier 4 procedures specified in paragraph § 62.16718(a)(6) of this section.

[40 CFR 62.16718(a)(3)(iv)(C)]

8.2.2.4. When calculating emissions for Prevention of Significant Deterioration purposes, the owner or operator of each MSW landfill subject to the provisions of this subpart must estimate the NMOC emission rate for comparison to the Prevention of Significant Deterioration major source and significance levels in 40 CFR 51.166 or 40 CFR 52.21 using Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources (AP-42) or other approved measurement procedures.

[40 CFR 62.16718(c)]

### 8.2.3. Reporting Guidelines

8.2.3.1. Follow the reporting provisions listed in this section, as applicable, except as provided under 40 CFR 60.24 and §§ 62.16711(g), (h), and 62.16724(d)(2).

8.2.3.1.1. ***Design capacity report.*** Submit the initial design capacity report no later than September 20, 2021. The initial design capacity report must contain the following information:

[40 CFR 62.16724(a)]

8.2.3.1.1.1. A map or plot of the landfill, providing the size and location of the landfill, and identifying all areas where solid waste may be landfilled according to the permit issued by the state, local, or tribal agency responsible for regulating the landfill.  
[40 CFR 62.16724(a)(1)]

8.2.3.1.1.2. The maximum design capacity of the landfill. Where the maximum design capacity is specified in the permit issued by the state, local, or tribal agency responsible for regulating the landfill, a copy of the permit specifying the maximum design capacity may be submitted as part of the report. If the maximum design capacity of the landfill is not specified in the permit, the maximum design capacity must be calculated using good engineering practices. The calculations must be provided, along with the relevant parameters as part of the report. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. If the owner or operator chooses to convert the design capacity from volume to mass or from mass to volume to demonstrate its design capacity is less than 2.5 million megagrams or 2.5 million cubic meters, the calculation must include a site-specific density, which must be recalculated annually. Any density conversions must be documented and submitted with the design capacity report. The state, local, or tribal agency or the Administrator may request other reasonable information as may be necessary to verify the maximum design capacity of the landfill.  
[40 CFR 62.16724(a)(2)]

8.2.3.1.2. ***Amended design capacity report.*** An amended design capacity report must be submitted providing notification of an increase in the design capacity of the landfill, within 90 days of an increase in the maximum design capacity of the landfill to meet or exceed 2.5 million megagrams and 2.5 million cubic meters. This increase in design capacity may result from an increase in the permitted volume of the landfill or an increase in the density as documented in the annual recalculation required in § 62.16726(f).  
[40 CFR 62.16724(b)]

8.2.3.1.3. *NMOC emission rate report.* For existing MSW landfills covered by this subpart with a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, the NMOC emission rate report must be submitted following the procedure specified in § 62.16724 (j)(2) no later than 90 days after the effective date of this subpart. The NMOC emission rate report must be submitted to the Administrator annually following the procedure specified in § 62.16726(j)(2), except as provided for in § 62.16726(c)(3). The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate.

[40 CFR 62.16724(c)]

8.2.3.1.3.1. The NMOC emission rate report must contain an annual or 5-year estimate of the NMOC emission rate calculated using the formula and procedures provided in § 62.16718(a) or (b), as applicable.

[40 CFR 62.16724(c)(1)]

8.2.3.1.3.2. The NMOC emission rate report must include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions.

[40 CFR 62.16724(c)(2)]

8.2.3.1.3.3. If the estimated NMOC emission rate as reported in the annual report to the Administrator is less than 34 megagrams per year in each of the next 5 consecutive years, the owner or operator may elect to submit, following the procedure specified in § 62.16726(j)(2), an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. This estimate must include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the 5 years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based must be provided to the Administrator. This estimate must be revised at least once every 5 years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate must be submitted to the Administrator. The revised estimate must cover the 5-year

period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

[40 CFR 62.16724(c)(3)]

8.2.3.1.3.4. Each owner or operator subject to the requirements of this subpart is exempted from the requirements to submit an NMOC emission rate report, after installing a collection and control system that complies with § 62.16714(b) and (c), during such time as the collection and control system is in operation and in compliance with §§ 62.16716 and 62.16720.

[40 CFR 62.16724(c)(4)]

8.2.3.1.4. **Annual report.** The initial annual report must be submitted within 180 days of installation and startup of the collection and control system except for legacy controlled landfills that have already submitted an initial report under 40 CFR part 60, subpart WWW; subpart GGG of this part; or a state plan implementing 40 CFR part 60, subpart Cc.

[40 CFR 62.16724(h)]

8.2.3.1.5. **Electronic reporting.** The owner or operator must submit reports electronically according to § 62.16724(2).

[40 CFR 62.16724(j)]

8.2.3.1.5.1. Each owner or operator required to submit reports following the procedure specified in this paragraph must submit reports to the EPA via the CEDRI (CEDRI can be accessed through the EPA's CDX). The owner or operator must use the appropriate electronic report in CEDRI for this subpart or an alternate electronic file format consistent with the XML schema listed on the CEDRI website (<https://www3.epa.gov/ttn/chief/cedri/index.html>). If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the owner or operator must submit the report to the Administrator at the appropriate address listed in 40 CFR 60.4. Once the form has been available in CEDRI for 90 calendar days, the owner or operator must begin submitting all subsequent reports via

CEDRI. The reports must be submitted by the deadlines specified in this subpart, regardless of the method in which the reports are submitted.

[40 CFR 62.16724(2)]

#### 8.2.4. Recordkeeping Guidelines

Follow the recordkeeping provisions in this section.

- 8.2.4.1. Except as provided in § 62.16724(d)(2), each owner or operator of an MSW landfill subject to the provisions of § 62.16714(e) must keep for at least 5 years up-to-date, readily accessible, on-site records of the design capacity report that triggered § 62.16714(e), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

[40 CFR 62.16726(a)]

- 8.2.4.2. Any records required to be maintained by this subpart that are submitted electronically via the EPA's CDX may be maintained in electronic format.

[40 CFR 62.16726(i)]

## Section IV – Appendix

### 1. Inspection Information

#### 1.1. Driving Directions:

From Ignacio, head south on CO-172 toward County Road 318 / Indian Route 110, approximately 1.2 miles. Turn right onto County Road 318 / Indian Route 110 and proceed west approximately 7.5 miles to facility on the right.

#### 1.2. Global Positioning System (GPS):

Latitude: 37.055197° N

Longitude: -107.862756° W

#### 1.3. 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)

No children or pets allowed out of the vehicle at any time. All non-customer visitors must check out with the office / gatehouse before leaving the landfill.