

COWLEY MANAGEMENT, LLC - FLORENCE

- 1. Introduction 3**
- 2. Listing of Federally Enforceable Applicable Requirements 3**
- 3. Compliance Certification 4**
 - A. Compliance Plan 4
 - B. Compliance Schedule 5
- 4. Authority to Construct 5**
- 5. Emission Limitations and Related Requirements 5**
 - A. Allowable Emissions 5
 - B. New Source Performance Standard - Municipal Solid Waste Landfills 5
 - 1. Standards for Air Emissions from Municipal Landfills 5
 - C. NESHAP - Municipal Solid Waste Landfills 6
 - D. NSPS Standards - Stationary Compression Ignition (CI) and Internal Combustion Engines 6
 - E. Asbestos NESHAP Emission Standards; Standard for Active Waste Disposal Sites 7
 - 1. Signage Requirement 7
 - 2. Records; Regulated Asbestos-containing Waste Area Definition 7
 - 3. Records; Regulated Asbestos-containing Waste Deposition Activity 7
 - a. Waste Shipment Records Required 8
 - b. Waste Shipment Receiving Requirements 8
 - c. Asbestos Waste Generator Return Notification Requirement 8
 - d. Daily Cover/Suppressant Application Requirement 8
 - 4. Asbestos Cell Re-opening Notification Requirement 8
 - F. Stratospheric Ozone and Climate Protection Emission Limitations 9
 - 1. Signed Written Statement 9
 - 2. Copy of Written Certification Required for Disposal of Other Appliances Not Covered Above 9
 - 3. Due Diligence Required 9
 - G. Particulate Emissions Limitations - Opacity Limits 9
 - 1. Opacity SIP Limitation 9
 - 2. Visibility Limiting Standard 9
 - H. Particulate Matter Reasonable Precautions 9
 - I. Surface Stabilization 10
 - J. Fuel Use Limitations 11
 - 1. Primary Fuel for the Emergency Generators, Subpart III 11
 - 2. Primary Fuel - Locally Enforceable 11
 - 3. Other Fuels 11
 - K. General Maintenance Obligation 11
 - L. Additional Applicable Limitations 11
 - 1. Open Burning Prohibition 11
 - 2. Asbestos NESHAP Compliance 11
 - 3. Stratospheric Ozone and Climate Protection 12
 - 4. Daily Cover Material Requirement 12
- 6. Compliance Demonstration 12**
 - A. Testing 12
 - 1. Test Methods and Procedures 12
 - 2. Fuel Use Monitoring 12

3.	Soil Moisture Content Determination; Emission Inventory Revision	13
B.	NESHAP Compliance Requirements	13
C.	Recordkeeping	13
1.	General NSPS-related Recordkeeping Requirements	13
2.	Monitoring-related Records	13
3.	Excess Emission Records	14
4.	Dust Suppression Activity Records	14
5.	General NESHAP-related Recordkeeping Requirements	14
6.	Stratospheric Ozone and Climate Protection	14
7.	Daily Cover Requirement	14
7.	Reporting Obligations	14
A.	NSPS-related Reporting Requirements	14
B.	Regular Compliance Reporting	17
C.	Regular Compliance/Compliance Progress Certification	18
D.	Annual Emissions Inventory	18
E.	Reporting Operational Changes	18
1.	Asbestos NESHAP Emission Standards; Standard for Active Waste Disposal Sites; Closure Notification.....	18
F.	NSPS Reporting	18
1.	Generally	18
2.	Landfill NSPS Annual Emission Estimate Reports	19
G.	Deviation Reporting Requirement	19
H.	Asbestos NESHAP Reporting Requirements	19
8.	Fee Payment	19
9.	General Conditions	19
A.	Term.....	19
B.	Basic Obligation	19
C.	Duty to Supplement Application	20
D.	Right to Enter	20
E.	Transfer of Ownership	20
F.	Posting of Permit	20
G.	Permit Revocation for Cause	21
H.	Certification of Truth, Accuracy, and Completeness	21
I.	Permit Expiration and Renewal	21
J.	Severability	21
K.	Permit Shield.....	21
L.	Permit Revisions	22
M.	Permit Re-opening	22
N.	Record Retention.....	22
O.	Scope of License Conferred	22
P.	Excess Emission Reports; Emergency Provision	22
10.	Additional provisions applicable to Title V Sources	24
11.	Equipment Schedule	24
A.	Equipment	24
B.	Insignificant Activities	24

1. Introduction

This permit pertains to a solid waste landfill facility, owned and operated by Cowley Management, LLC. The facility, commonly known as the Silver Bar Mine Regional Landfill is located on Parcel #201-09-00104, Florence, Arizona. The source lies in an area classified as attainment for all pollutants.

The principal business activity is landfilling of solid wastes. Examples of such wastes include municipal solid waste, construction debris, industrial non-hazardous waste, green waste and asbestos. Asbestos materials are thoroughly wetted prior to disposal, compacted and covered to limit fugitive emissions.

Landfill gas (LFG) generated from the natural decomposition of the waste in the landfill constitutes the primary source of emissions. LFG is composed primarily of methane and carbon dioxide with smaller quantities of nitrogen, oxygen and other compounds. The non-methane organic compounds (NMOC), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) in the LFG are regulated.

Traffic delivering waste materials generates particulate emissions (PM₁₀ and PM_{2.5}) or dust. In addition, the daily application of a cover layer of soil also produces PM₁₀ emissions, resulting from soil stockpiling, cover layer distribution, and wind erosion. Soil and tarps are typically used as a daily cover material.

This facility falls subject to a number of regulatory requirements; the four primary requirements include:

40 CFR Part 60, Subpart WWW (the Landfill NSPS) regulates emissions of LFG. This subpart requires each MSW landfill having a design capacity equal to or exceeding 2.5 million megagrams and 2.5 million cubic meters be subjected to Part 70 or 71 permitting requirements. The Landfill NSPS also requires that once calculated LFG emissions exceed a certain threshold, a capture-and-control system must be designed and installed. The Landfill NSPS defines a method for calculating emissions as a function of the amount of waste deposited in the facility, and other variables. Upon exceeding the emission threshold of 50 megagrams of NMOC, the permittee is obliged to begin the design process leading to installation of a capture-and-control system. As indicated by the application, NMOC annual emission rate has a potential to exceed 50 megagrams, therefore a gas collection and control system is required to be installed per Section §60.752.(b).(A) of Subpart WWW.

40 CFR Part 63, Subpart AAAA establishes national emission standards for hazardous air pollutants for existing and new municipal solid waste (MSW) landfills. This subpart requires all landfills described in §63.1935 to meet the requirements of 40 CFR Part 60, Subpart WWW. This subpart also requires such landfills to meet the startup, shutdown, malfunction (SSM) requirements of the general provisions of this part and requires additional reporting requirements.

A National Emission Standard for Hazardous Air Pollutants ("the Asbestos NESHAP") requires that asbestos-containing waste materials be properly identified, documented and handled.

The Stratospheric Ozone Protection Program established by Clean Air Act Title VI requires, with only limited exceptions, that refrigerants be properly removed from various appliances prior to disposal in a landfill facility. This facility allows final disposal of "white goods," including major consumer appliances and other similar equipment items.

A complete list of equipment from which emissions are allowed by this permit is given in Section 11 of this permit.

2. Listing of Federally Enforceable Applicable Requirements [Mandated by 40 CFR §70.5(c)(4)] (Code §§3-1-060.B.2.d, 3-1-081.A.2, 3-1-081.A.8.a)

- A. SIP-approved PGCAQCD Regulations. Those specific provisions of the Pinal-Gila Counties Air Quality Control District ("PGCAQCD") Regulations, as adopted by the Pinal County Board of Supervisors on March 31, 1975, and approved by the Administrator as elements of the Arizona State Implementation Plan ("SIP") at 43 FR 50531, 50532 (11/15/78), and specifically the following rules:

7-3-1.2	Emission Standards - Particulate Emissions - Fugitive Dust
7-3-1.3	Emission Standards - Particulates - Open Burning

- B. SIP-approved PGCAQCD Regulations. Those specific provisions of the Pinal-Gila Counties Air Quality Control District Regulations, as last amended by the Pinal County Board of Supervisors on June 16, 1980, and approved by the Administrator as elements of the Arizona SIP at 47 FR 15579 (4/12/82), specifically, the following rules:

7-3-1.1	Visible Emissions; General
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- C. SIP-approved PCAQCD Regulations. Those provisions of the Pinal County Air Quality Control District Code of Regulations, as last amended on 10/12/95, and approved by the Administrator as elements of the Arizona SIP at 61 FR 15717 (4/9/96), specifically, the following rules:

§2-8-300	Performance standard (generic opacity standard)
§3-1-010	Purpose (Permits and Permit Revisions)
§3-1-040	Applicability and classes of permits
§3-1-081	Permit terms

- D. The following specific elements of 40 CFR Part 60, Subpart WWW (as amended 1998) Standards of Performance for Municipal Solid Waste Landfills:

§60.750	Applicability, designation of affected facility, and delegation of authority
§60.751	Definitions
§60.752	Standards for air emissions from municipal solid waste landfills
§60.753	Operational standards for collection and control systems
§60.754	Test methods and procedures
§60.755	Compliance provisions
§60.756	Monitoring of operations
§60.757	Reporting requirements
§60.758	Recordkeeping requirements

- E. The following specific elements of 40 CFR Part 63, Subpart AAAA, NESHAP for Municipal Solid Waste Landfills:

§63.1935	Applicability
§ 63.1945	Compliance dates
§ 63.1955	Standard requirements
§63.1960	General and Continuing Compliance Requirements
§63.1980	Notifications, Records and Reports
§ 63.1990	Definitions

- F. The following specific elements of 40 CFR Part 60, Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines:

§60.4205.(c) Compliance

- G. CAA §608 (11/15/90); 40 CFR Part 82, Subpart F - Recycling and Emissions Reduction (9/7/95); regulations pertaining to use and handling of ozone-depleting substances.
- H. 40 CFR §61.154 (1/16/91) National Emission Standard for Asbestos, Standard for active waste disposal sites.

3. Compliance Certification

- A. Compliance Plan [*Mandated by 40 CFR §70.5(c)(8)*] (Code §§3-1-081.C, 3-1-083.A.7)

As the Permittee is currently in compliance, the compliance plan consists of continued adherence to the requirements of this permit and those requirements set forth in applicable regulations and statutes.

- B. Compliance Schedule [*Mandated by 40 CFR §§ 70.5(c)(8), 70.6(c)(3)*] (Code §§3-1-060.B.1, 3-1-083.A.7.c)

As the Permittee is currently in compliance, no schedule to attain compliance is required.

4. Authority to Construct [*Federally enforceable - Code §§3-1-010, 3-1-040 (as amended 10/12/95) approved as a SIP Element at 65 FR79741 (12/20/00)*]

Emissions from this facility, specifically the equipment described in "Equipment Schedule" section below, and the operating configuration more fully described in the application for permit, already fall subject to the independent Federally Enforceable Limitations identified elsewhere in this permit. Therefore, based on the regulations in effect upon the date of issuance of this permit and on a finding that allowable emissions from the equipment described in the Equipment Schedule will neither cause nor contribute to a violation of any ambient air quality standard even without any additional limitations, and a further finding that this does not constitute a major source within the meaning of Code §3-3-203, this permit constitutes authority to construct and operate such equipment.

5. Emission Limitations and Related Requirements [*Mandated by 40 CFR §70.6(a)(1)*] (Code §3-1-081.A.2)

- A. Allowable Emissions [*Federally enforceable pursuant to PCAQCD Code § 3-1-040 (10/12/95) approved as SIP Elements at 65 FR 79742 (12/20/00)*]

Permittee is authorized to discharge or cause to discharge into the atmosphere those emissions of air contaminants as set forth below. Unless exempted under Code §3-1-040.C., or authorized by a separate permit, by this permit or by a revision or operational change allowed under Chapter 3, Article 2 of the Code, Permittee shall not commence construction of, operate or make any modification to this source in a manner which will cause emissions of any regulated air pollutant in excess of the de minimis amount.

- B. New Source Performance Standard - Municipal Solid Waste Landfills [*Federally enforceable pursuant to 40 CFR Part 60, Subpart WWW*]

- 1. Standards for Air Emissions from Municipal Landfills [Section §60.752]

Each owner or operator of a MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, shall comply with the following:

- a. If the calculated NMOC rate is less than 50 megagrams per year, the owner or operator shall:
 - i. Submit an annual emission report to the Administrator; and
 - ii. Recalculate the NMOC emission rate annually using the procedures specified in Section §6.A of this permit until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, or the landfill is closed.
- b. If the NMOC emission rate, upon recalculation required in Section §5.B.1.a.ii above is equal to or greater than 50 megagrams per year, the owner or operator shall:
 - i. Submit a collection and control system design plan prepared by a professional engineer to the Administrator within 1 year.
 - ii. The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions proposed by the owner or operator.
 - iii. The collection and control system design plan shall either conform with specifications for active collection systems or include a demonstration to the Administrator's satisfaction for the sufficiency of the alternate provisions.
- c. Submit a collection and control system design plan to the Administrator. The Administrator shall review the information submitted for the collection and control system and either approve it, disapprove it, or request that additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be necessary. A wide variety of system designs are possible, such as vertical wells, combination horizontal and vertical collection systems, or horizontal trenches only, leachate collection components, and passive systems.
- d. Install a collection and control system that captures the gas generated within the landfill within 30 months after the first annual report in which the emission rate equals or exceeds 50 megagrams per year.

C. NESHAP - Municipal Solid Waste Landfills [*Federally Enforceable, pursuant to 40 CFR Part 63, Subpart AAAA*]

1. Standards for Air Emissions from Municipal Landfills [Section §63.1955]

Each owner or operator of a MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters and the NMOC emission rate is equal to or greater than 50 megagrams per year, the owner or operator shall:

- a. Comply with the requirements of 40 CFR Part 60, subpart WWW.
- b. Comply with the collection and control system requirements in §§63.1960 through 63.1985 and with the general provisions of the part specified in table 1 of the subpart.
- c. Follow the procedures in 40 CFR 60.752 (b).(2) for an approval of collection and control systems that include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions.

D. NSPS Standards - Stationary Compression Ignition (CI) and Internal Combustion Engines
[Federally Enforceable, pursuant to 40 CFR Part 60, Subpart IIII, Section §60.4205.(b)]

a. Emergency Engines

Owners and operators of 2007 model year and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the following emission standards:

Maximum Engine Power	Model Year(s)	NMHC+NO _x (g/kW-hr)	CO (g/kW-hr)	PM (g/kW-hr)
Spectrum Detroit Diesel (200 HP) 130≤kW<225	2007 or later	4.0	3.5	0.2
Olympian Generator (180 HP) 130≤kW<225	2007 or later	4.0	3.5	0.2
Columbia Corporation (130 HP) 130≤kW<225	2007 or later	4.0	3.5	0.2
Atlas Copco Air Compressor (49 HP) 37≤kW<75	2007 or later	4.7	5.0	0.4
Caterpillar Mobilight 515 MOLP (15 HP) 8≤kW<19	2007 or later	7.5	6.6	0.8
Ingersoll Rand Air Compressor (5 HP) kW<8	2007 and later	7.5	8.0	0.80

b. Fire Pump Engines

Owners and operators of fire pump engines with a displacement of less than 30 liters per cylinder must comply with the following emission standards:

Maximum Engine Power	Model Year(s)	NMHC+NOX g/kW-hr (g/HP-hr)	CO g/kW-hr (g/HP-hr)	PM g/kW-hr (g/HP-hr)
G11 Water Pump (55 HP) 37≤kW<56	2010 or earlier	10.5 (7.8)	5.0 (3.7)	0.8 (0.6)

E. Asbestos NESHAP Emission Standards; Standard for Active Waste Disposal Sites [*Currently federally enforceable; 40 CFR Part 61, Subpart M*] (Code §§7-1-030, 7-1-060)

1. Signage Requirement

Permittee shall post and maintain a prominent sign at or prior to the facility gatekeeper, indicating that "LOADS WITH ASBESTOS-CONTAINING MATERIALS MUST BE DECLARED TO THE GATEKEEPER."

2. Records; Regulated Asbestos-containing Waste Area Definition

Permittee shall maintain, until facility closure, records of the location, depth, area and quantity (in volume) of asbestos-containing waste material, as well as a map or diagram showing the disposal area.

3. Records; Regulated Asbestos-containing Waste Deposition Activity

Receipt, handling and disposal of asbestos containing waste received from sources covered by 40 CFR §61.150 (demolition, renovation, fabricating and manufacturing), or 40 CFR §61.155 (asbestos conversion operations) must meet the following standards:

a. Waste Shipment Records Required

Asbestos containing waste may only be accepted when the transporter presents a complete waste shipment record, identifying:

- i. the name, address and telephone number of the waste generator;
- ii. the name, address and telephone number of the transporter; and
- iii. the quantity of asbestos-containing waste material, expressed in cubic yards or cubic meters.

b. Waste Shipment Receiving Requirements

At the time of accepting asbestos containing waste for disposal, the Permittee shall:

- i. Record the date of receipt of the material.
- ii. Record the presence of improperly enclosed or uncovered waste, or any asbestos-containing waste material not sealed in leak-tight containers.

- iii. Inspect the materials, determine whether or not the quantity of asbestos containing waste material differs from the quantity indicated on the waste shipment record, and record any discrepancies. *Report discrepancies as outlined in Section §7 of this permit*
 - iv. Inspect the materials to determine the presence, and quantity, of improperly enclosed or uncovered asbestos-containing waste, or any asbestos-containing waste material not sealed in leak-tight containers. *Report discrepancies as outlined in Section §7 of this permit.*
 - c. Asbestos Waste Generator Return Notification Requirement

As soon as possible, and within 30 days after receipt of the asbestos containing waste, the Permittee shall send a copy of the signed waste shipment record to the waste generator.
 - d. Daily Cover/Suppressant Application Requirement

At the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, all nonfriable asbestos containing waste materials that have been deposited at the site during the operating day or previous 24-hour period shall be:

 - i. Thoroughly wetted, compacted, disposed and;
 - ii. Covered with at least 6 inches of earthen material or any other cover material as approved under facility's Solid Waste Facility Plan (SWFP) agreement with Arizona Department of Environmental
- 4. Asbestos Cell Re-opening Notification Requirement

At least 45 days before excavating or otherwise disturbing any asbestos-containing waste material that has been deposited and covered at the site, Permittee shall notify the Control Officer in writing. The notice shall include:

 - a. The scheduled starting and completion dates.
 - b. The reason for disturbing the waste.
 - c. The procedures to be used to control emissions during the excavation, storage, transport, and ultimate disposal of the excavated asbestos-containing waste material.
 - d. The location of any temporary storage site and the final disposal site.

If the excavation will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Control Officer at least 10 working days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification.

F. **Stratospheric Ozone and Climate Protection Emission Limitations** [*Currently federally enforceable; 40 CFR Part 82 Subpart F*] (Code §§1-3-140.15, 1-3-140.58.k)

1. Signed Written Statement [*Currently federally enforceable; 40 CFR §82.156(f)(2)*]

Permittee is allowed to accept appliances containing freon as long as the freon is removed by a certified landfill operator or a contractor before its disposal. A signed written statement and records of all the freon evacuations from the accepted appliances shall be kept and maintained.

2. Copy of Written Certification Required for Disposal of Other Appliances Not Covered Above. [*Currently federally enforceable; 40 CFR §82.154.e*]

Permittee shall only allow disposal of appliances (other than small appliances, MVACs and MVAC-like appliances allowed under the preceding subsection), including air conditioners, refrigerators, chillers or freezers, to customers which provide the Permittee with a signed written statement, affirming that a certification has previously been submitted to the Administrator, attesting to compliance with the refrigerant recycling/recovery requirements of 40 CFR §82 Subpart F.

3. Due Diligence Required

Permittee shall exercise reasonable efforts to observe and screen load contents to assure compliance with the stratospheric ozone related emission limitations and prohibitions set forth above.

G. Particulate Emissions Limitations – Opacity Limits

1. SIP Limitation [*Federally enforceable pursuant to PGAQCD Reg. 7-3-1.1 (6/16/80) approved as a SIP Element at 47 FR 15579 (4/12/82)*](§5-23-1010)

The opacity of any plume or effluent shall not be greater than 40 percent as determined by reference method 9 in the Arizona Testing Manual.

2. Visibility Limiting Standard [*Federally enforceable provision, pursuant to Code §2-8-300 (as amended 5/18/05) approved as a SIP element at 47 FR 15043 (3/27/06)*]

The opacity of any plume or effluent from any point source not subject to a New Source Performance Standard adopted under Chapter 6 of the Code, and not subject to an opacity standard in Chapter 5 of the Code, shall not be greater than 20% as determined by Method 9 in 40 CFR 60, Appendix A.

H. Particulate Matter Reasonable Precautions [*Currently federally enforceable pursuant to PCAQCD Reg. 4-2-040 (4/27/04) approved as a SIP element at 75 FR 17307*]

1. Permittee shall not cause, suffer, allow, or permit a building or its appurtenances, subdivision site, driveway, parking area, vacant lot or sales lot, or an urban or suburban open area to be constructed, used, altered, repaired, demolished, cleared, or leveled, or the earth to be moved or excavated, or fill dirt to be deposited, without taking reasonable precautions to effectively prevent fugitive dust from becoming airborne.

2. Permittee shall not cause, suffer, allow, or permit a vacant lot, or an urban or suburban open area, to be driven over or used by motor vehicles, such as but not limited to all-terrain vehicles, trucks, cars, cycles, bikes, or buggies, without taking reasonable precautions to effectively prevent fugitive dust from becoming airborne.

3. Permittee shall not disturb or remove soil or natural cover from any area without taking reasonable precautions to effectively prevent fugitive dust from becoming airborne.
4. Permittee shall not crush, screen, handle or convey materials or cause, suffer, allow or permit material to be stacked, piled or otherwise stored without taking reasonable precautions to effectively prevent fugitive dust from becoming airborne.
5. Stacking and reclaiming machinery utilized at storage piles shall be operated at all times with a minimum fall of material and in such a manner, or with the use of spray bars and wetting agents, as to prevent excessive amounts of particulate matter from becoming airborne. Other reasonable precautions shall be taken, as necessary, to effectively prevent fugitive dust from becoming airborne.
6. Permittee shall not cause, suffer, allow or permit transportation of materials likely to give rise to fugitive dust without taking reasonable precautions to prevent fugitive dust from becoming airborne. Earth and other material that is tracked out or transported by trucking and earth moving equipment on paved streets shall be removed by the party or person responsible for such deposits.

I. Surface Stabilization

[Federally enforceable pursuant to Code §4-1-030 (10/28/15) approved as a SIP element at 82 FR 20267 (5/1/17)]

1. Permittee shall not cause or allow visible fugitive dust emissions from open areas / vacant lots (areas not being utilized for an activity) to exceed 20% opacity based on EPA Method 9 or the continuous plume or intermittent plume methods listed in PCAQCD Code §4-9-340.
2. Permittee shall erect barriers or no trespassing signs upon evidence of trespass on open areas / vacant lots.
3. Permittee shall stabilize any open area / vacant lot greater than 1.0 acre that has 0.5 acre or more of disturbed surface and sign up for the Pinal County Dust Control forecast within 30 days of discovery. The open area / vacant lot shall be stabilized the day leading up to and the day that is forecast to be high risk for dust emissions.
4. Permittee shall not remove vegetation from open areas / vacant lots without applying dust suppressants before and during the weed abatement. Track out onto paved surfaces must be prevented or eliminated and dust suppressants must be applied following weed abatement to stabilize the entire surface.
5. Stabilization of open areas / vacant lots is determined by the drop ball, threshold friction velocity, flat vegetation or standing vegetation methods listed in PCAQCD Code 4-9-320.
6. Permittee shall not cause or allow visible fugitive dust emissions from unpaved lots (areas being utilized for an activity) greater than 5000 square feet to exceed 20% opacity based on EPA Method 9 or the continuous plume or intermittent plume methods listed in PCAQCD Code §4-9-340.
7. Permittee shall not allow silt loading equal to or greater than 0.33 oz/ft² or allow the silt content to exceed 8% on unpaved lots greater than 5000 square feet.

8. Permittee shall stabilize unpaved lots greater than 5000 square feet by paving, applying a dust suppressant or graveling.
9. Permittee shall clean up track out on a paved public roadway that exceeds 50 feet within 24 hours of discovery and limit opacity to 20% or less while using a rotary brush or broom.
10. Permittee shall make a record of the control measures applied.

J. Fuel Use Limitations

1. Primary Fuel for the Emergency Generators, Subpart IIII [40 CFR §60.4207(a)]
 - a. Owners and operators of CI and ICI with a displacement of less than 30 liters per cylinder that use diesel fuel must only use diesel fuel meeting the requirements of 40 CFR 80.510(b) which requires that diesel fuel shall:
 - i. Have a maximum sulfur content of 15 parts per million (ppm) and;
 - ii. Either a minimum cetane index of 40 or a maximum aromatic content of 35 volume percent.

2. Primary Fuel - Locally Enforceable [Code §5-23-1010.F]

Unless a more stringent limitation is specified elsewhere in this permit, the Permittee is allowed to burn diesel fuel or residual oil which contains less than 0.9 percent sulfur by weight as fuel for the generator.

3. Other Fuels

The Permittee shall not use used oil, used oil fuel, hazardous waste, and hazardous waste fuel as defined in Codes §§3-1-081.G, 5-23-1010.F without first obtaining a separate permit or an appropriate permit revision.

K. General Maintenance Obligation. [*Federally enforceable pursuant to Code §6-1-030.1 and 40 CFR §60.11(d)*]

At all times, including periods of start-up, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate the permitted facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

L. Additional Applicable Limitations

1. Open Burning Prohibition [*Federally enforceable - PGCAQCD Reg. 7-3-1.3 (3/31/75) approved as a SIP Element at 43 FR 50531 (11/15/78)*]

Unless authorized by a separate permit, open burning shall be prohibited.

2. Asbestos NESHAP Compliance [*Currently federally enforceable; 40 CFR Part 61, Subpart M*] (Code §§7-1-030, 7-1-060)

Permittee shall comply with Code §§7-1-030.A.13 and 7-1-060 and 40 CFR Part 61, Subpart M, when conducting any renovation or demolition activities at the facility.

3. **Stratospheric Ozone and Climate Protection** [*Currently federally enforceable; 40 CFR Part 82 Subpart F*]

When servicing any on-site heating or cooling equipment that uses a closed-cycle refrigeration system, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, Recycling and Emissions Reduction.

4. **Daily Cover Material Requirement** [*Apparently federally enforceable under PCAQCD Permit A20500 §B.I.E.3 (4/22/94), and authority derived from EPA SIP-approval of predecessor PGAQCD NSR-program; see 43 FR 50531 (11/15/78)*]

Permittee shall cover disposed solid waste with at least six inches of earthen material or any other cover material as approved under facility's Solid Waste Facility Plan (SWFP) agreement with Arizona Department of Environmental Quality (ADEQ).

6. **Compliance Demonstration** [*Mandated by 40 CFR §70.6(c)*] (*Code §§3-1-060.b.2.d, 3-1-081.A.2, 3-1-083*)

A. Testing

1. **Test Methods and Procedures** [*Federally enforceable pursuant to 40 CFR Part 60, Subpart WWW, Section §60.754*]

- a. The landfill owner or operator shall calculate the NMOC emission rate using the equation listed in Section §60.754.(a).(1).(i) if the actual year-to-year solid waste acceptance rate is known.
- b. The landfill owner or operator shall calculate the NMOC emission rate using the equation listed in Section §60.754.(a).(1).(ii) if the actual year-to-year solid waste acceptance rate is unknown.
- c. The values to be used in both equations are 0.05 per year for k, 170 cubic meters per megagram for Lo and 4,000 parts per million by volume as hexane for the CNMOC. For landfills located in geographical areas with a thirty year annual average precipitation of less than 2.5 inches, as measured at the nearest representative official meteorologic site, the k value to be used is 0.02 per year.
- d. The mass of non-degradable 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.
- e. If the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, then the landfill owner shall either comply with requirements specified in Section §5.B.1 of this permit, or determine a site-specific NMOC concentration and recalculate the NMOC emission rate using either the Tier 2 methodology as listed in Section §60.754.(a).(3) or Tier 3 methodology listed in Section §60.754.(a).(4).

f. The owner or operator may use other methods to determine the NMOC concentration or a site-specific k as an alternative to the methods required in Tier 2 and Tier 3 of this permit if the method has been approved by the Administrator.

2. Fuel Use Monitoring ***Mandated by 40 CFR §70.6(a)(3)*** (Code §3-1-083) (Code §5-23-1010.F)

a. Permittee shall demonstrate compliance with the fuel-sulfur limitation by maintaining fuel documentation which demonstrates diesel fuel delivered was ultra low sulfur diesel fuel.

3. Soil Moisture Content Determination; Emission Inventory Revision (Code §§3-1-103, 3-7-590.C.1)

To accurately quantify actual regulated emissions associated with the use of soil as daily cover, when the tipping rate exceeds 750 tons-per-day, as averaged over the preceding twelve months, Permittee shall commence a soil-moisture testing program. Permittee shall prepare and submit for the Control Officer's approval a testing program, which at a minimum shall employ ASTM or other recognized testing methods.

The soil obtained for testing shall be collected from the bottom cut of soil stockpiled for the purposes of application of daily cover, and shall be obtained prior to the application of water for dust control. The soil testing program shall proceed on a quarterly basis, for not less than one year in order to achieve a site-specific seasonally representative soil moisture content. Since the program is not meant to be a perpetual obligation, the program shall cease upon written notification by the Director that the intent and purpose of the program has been fulfilled. Subsequent emission inventory submittal shall use the test-determined average soil moisture content in calculating emissions under AP-42 Section 13.2.4-6 Eq. (1).

B. NESHAP Compliance Requirements [***Federally enforceable pursuant to 40 CFR Part 63, Subpart AAAA, Section §63.1960***]

Compliance is determined in the same way it is determined for 40 CFR Part 60, Subpart WWW, Section §60.755 including performance testing, monitoring of the collection system, continuous parameter monitoring, and other credible evidence. In addition, continuous parameter monitoring data, collected under 40 CFR §60.756(b)(1), (c)(1), and (d) of subpart WWW, are used to demonstrate compliance with the operating conditions for control systems. Finally, a written SSM plan shall be developed according to the provisions in 40 CFR §63.6(e)(3). A copy of the SSM plan must be maintained on site. Failure to write or maintain a copy of the SSM plan is a deviation from the requirements of this subpart. The requirement for the SSM Plan is effective upon installation of a collection and control system at the facility.

C. Recordkeeping [***Mandated by 40 CFR §70.6(a)(3)***] (Code §3-1-083.A.2)

1. General NSPS-related Recordkeeping Requirements [***Federally enforceable pursuant to 40 CFR Part 60, Subpart WWW, Section §60.758.(a)***]

Each owner or operator of an MSW landfill subject to the provisions in 40 CFR §60.752(b), shall keep for at least 5 years up-to-date, readily accessible, on-site records of the design capacity report which triggered the part 70 or 71 requirements, 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.

2. **Monitoring-related Records [*Federally enforceable pursuant to Code §6-1-030.1 and 40 CFR Part 60, Subpart A, namely 40 CFR §60.7(f)*]**

Permittee shall maintain, either at the source or a file of all measurements, including monitoring-system-, monitoring-device-, and performance-testing measurements; all monitoring system performance evaluations; all monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required pursuant to any federally enforceable provision of this permit, recorded in a permanent form suitable for inspection.

3. **Excess Emission Records [*Federally enforceable pursuant to Code §6-1-030.1 and 40 CFR §60.7(b)*]**

Permittee shall maintain records of the occurrence and duration of any start-up, shutdown, malfunction or period of excess emissions in the operation of the permitted facility or any air pollution control equipment.

4. **Dust Suppression Activity Records [*Federally enforceable - PGCAQCD Reg. 7-3-1.2 (3/31/75) approved as a SIP Element at 43 FR 50531 (11/15/78); Code §4-2-040., as limited by §1-1-105 (10/12/95), approved as SIP Elements at 61 FR 15717 (4/9/96)*]**

To provide a reasonable demonstration of effort with regard to applying water for purposes of dust suppression, Permittee shall maintain a daily log for each day the facility is open, and shall enter either:

- a. the quantity of water applied; or
- b. the reason why water was not applied (e.g. "it rained all day", "traffic was below the threshold that triggers a watering requirement," or "the haul roads were visibly damp.")

5. **General NESHAP-related Recordkeeping Requirements [*40 CFR Part 63, Subpart AAAAA, §63.1980.(a)*]**

- a. Permittee shall keep records as specified in 40 CFR Part 60, subpart WWW. The annual report described in 40 CFR 60.757(f) must be submitted every 6 months.
- b. Permittee shall also keep records and reports as specified in the general provisions of 40 CFR Part 63, Subpart AAAAA as shown in Table 1 of this subpart. Applicable records in the general provisions include items such as SSM plans and the SSM plan reports.

6. **Stratospheric Ozone and Climate Protection [*Currently federally enforceable; 40 CFR Part 82 Subpart F*]**

If Permittee elects to allow disposal of devices that once used refrigerants, Permittee shall retain records adequate to show continuing compliance, including as necessary:

- a. Copies of the signed written statements, affirming refrigerant removal from small appliances, motor vehicle air conditioners, or motor-vehicle-air-conditioner-like appliances, shall be kept on-site; and
 - b. Copies of the signed written statements from those disposing of appliances not covered under the preceding sub-paragraph, verifying customer-compliance with the certification requirements under 40 CFR §82.154.e; or
 - c. Copies of verifications from "qualified parties" into whose hands Permittee is disposing of such items, as outlined above.
7. Daily Cover Requirement Recordkeeping [*authority derived from EPA SIP-approval of predecessor PGAQCD NSR-program; see 43 FR 50531 (11/15/78)*]

Permittee shall maintain records showing that cover was applied on at least a daily basis during active days as required under Section §5.K.4 of this permit.

7. Reporting Obligations

- A. NSPS-related Reporting Requirements *Federally enforceable pursuant to 40 CFR Part 60, Subpart WWW, Section §§60.757.(c)-(g)*
 1. Each owner or operator subject to the requirements of this subpart shall submit an initial design capacity report to the Administrator ninety days after the date of commenced construction, modification, or reconstruction for landfills that commence construction, modification, or reconstruction on or after March 12, 1996.
 - a. The initial design capacity report shall contain the following information:
 - i. 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.
 - ii. 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 shall be calculated using good engineering practices. The calculations shall be provided, along with the relevant parameters as part of the report. The State, Tribal, local agency or Administrator may request other reasonable information as may be necessary to verify the maximum design capacity of the landfill.
 - b. Each owner or operator subject to the requirements of this subpart shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate.

- i. The NMOC emission rate report shall contain an annual or 5-year estimate of the NMOC emission rate calculated using the formula and procedures provided in Section §6.A of this permit, as applicable.
 - a. The initial NMOC emission rate report may be combined with the initial design capacity report required in Section §7.A.1 of this permit and shall be submitted no later than ninety days after the date of commenced construction, modification, or reconstruction for landfills that commence construction, modification, or reconstruction on or after March 12, 1996. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided in Section §7.A.1.b.ii of this permit and Section §7.A.c. of this permit.
- ii. If the estimated NMOC emission rate as reported in the annual report to the Administrator is less than 50 megagrams per year in each of the next 5 consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the 5 years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based shall be provided to the Administrator. This estimate shall be revised at least once every 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 shall be submitted to the Administrator. The revised estimate shall cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.
 - a. The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions.
- c. Each owner or operator subject to the requirements of this subpart is exempted from the requirements in Section §7.A.b of this permit, after the installation of a collection and control system in compliance with Section §5.B.1.b of this permit, during such time as the collection and control system is in operation and in compliance with §§60.753 and 60.755 of the Subpart WWW.
- d. Each owner or operator subject to the provisions of Section §5.B.1.b of this permit shall submit a collection and control system design plan to the Administrator within 1 year of the first report required under Section §7.A.1.b of this permit in which the emission rate equals or exceeds 50 megagrams per year, except as follows:
 - i. If the owner or operator elects to recalculate the NMOC emission rate after Tier 2 NMOC sampling and analysis as provided in §60.754(a)(3) and the resulting rate is less than 50 megagrams per year, annual periodic reporting shall be resumed, using the Tier 2 determined site-specific NMOC concentration, until the calculated emission rate is equal to or greater than 50 megagrams per year or the landfill is closed. The revised NMOC emission rate report, with the recalculated emission

rate based on NMOC sampling and analysis, shall be submitted within 180 days of the first calculated exceedance of 50 megagrams per year.

- ii. If the owner or operator elects to recalculate the NMOC emission rate after determining a site-specific methane generation rate constant (k), as provided in Tier 3 in §60.754(a)(4), and the resulting NMOC emission rate is less than 50 Mg/yr, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant (k) shall be used in the emission rate calculation until such time as the emissions rate calculation results in an exceedance. The revised NMOC emission rate report based on the provisions of §60.754(a)(4) and the resulting site-specific methane generation rate constant (k) shall be submitted to the Administrator within 1 year of the first calculated emission rate exceeding 50 megagrams per year.
2. Each owner or operator of a controlled landfill shall submit a closure report to the Administrator within 30 days of waste acceptance cessation. The Administrator may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 40 CFR 258.60. If a closure report has been submitted to the Administrator, no additional wastes may be placed into the landfill without filing a notification of modification as described under §60.7(a)(4).
3. Each owner or operator of a controlled landfill shall submit an equipment removal report to the Administrator 30 days prior to removal or cessation of operation of the control equipment.
 - a. The equipment removal report shall contain all of the following items:
 - i. A copy of the closure report submitted in accordance with paragraph 3 of this section;
 - ii. A copy of the initial performance test report demonstrating that the 15 year minimum control period has expired; and
 - iii. Dated copies of three successive NMOC emission rate reports demonstrating that the landfill is no longer producing 50 megagrams or greater of NMOC per year.
 - b. The Administrator may request such additional information as may be necessary to verify that all of the conditions for removal in §60.752(b)(2)(v) have been met.
4. Each owner or operator of a landfill seeking to comply with §60.752(b)(2) using an active collection system designed in accordance with §60.752(b)(2)(ii) shall submit to the Administrator annual reports of the recorded information in (f)(1) through (f)(6) of this paragraph. The initial annual report shall be submitted within 180 days of installation and start-up of the collection and control system, and shall include the initial performance test report required under §60.8. For enclosed combustion devices and flares, reportable exceedances are defined under §60.758(c).
 - a. Value and length of time for exceedance of applicable parameters monitored under §60.756(a), (b), (c), and (d).
 - b. Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under §60.756.

- c. Description and duration of all periods when the control device was not operating for a period exceeding 1 hour and length of time the control device was not operating.
 - d. All periods when the collection system was not operating in excess of 5 days.
 - e. The location of each exceedance of the 500 parts per million methane concentration as provided in §60.753(d) and the concentration recorded at each location for which an exceedance was recorded in the previous month.
 - f. The date of installation and the location of each well or collection system expansion added pursuant to paragraphs (a)(3), (b), and (c)(4) of §60.755
5. Each owner or operator seeking to comply with §60.752(b)(2)(iii) shall include the following information with the initial performance test report required under §60.8:
- a. A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;
 - b. The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;
 - c. The documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;
 - d. The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area; and
 - e. The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and
 - f. The provisions for the control of off-site migration.

B. Regular Compliance Reporting [*Mandated by 40 CFR §§70.6(a)(3)*] (Code §3-1-083.A.3.a)

Permittee shall submit a semi-annual report containing a summary of the information required to be recorded pursuant to this permit, which summary shall clearly show that Permittee has complied with the operational and emissions limitations under this permit. All instances of deviations from permit requirements shall be clearly identified in such reports. For brevity, such deviation reports may incorporate by reference any written supplemental upset reports filed by Permittee during the reporting period. The report shall be submitted to the District within 30 days after the end of each calendar half. Appendix A of this permit is a form which may be used for the report.

C. Regular Compliance/Compliance Progress Certification [*Mandated by 40 CFR §70.6(c)(5)*] (Code §3-1-083.A.4)

Permittee shall annually submit a certification of compliance with the provisions of this permit. The certification shall be separately submitted to both the District and to the Enforcement Office

(AIR 5), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901. The certification shall:

1. Be signed by a responsible official, as defined in Code §3-1-030.18;
2. Identify each term or condition of the permit that is the basis of the certification;
3. State the compliance status with respect to each such term or condition;
4. State whether compliance with respect to each such term or condition has been continuous or intermittent;
5. Identify the method(s) used for determining the compliance status of the source, currently and over the reporting period; and
6. Be postmarked within thirty (30) days of the start of each calendar year.

D. Annual Emissions Inventory [Code §§3-1-103, 3-7-590.C.1.]

Permittee shall complete and submit to the District an annual emissions inventory, disclosing actual emissions for the preceding calendar year. The submittal shall be made on a form provided by the District. The inventory is due by the latter of March 31st, or ninety (90) days after the form is furnished by the District.

E. Reporting Operational Changes

1. Asbestos NESHAP Emission Standards; Standard for Active Waste Disposal Sites; Closure Notification [*Currently federally enforceable; 40 CFR Part 61, Subpart M*] (Code §§7-1-030, 7-1-060)
 - a. Closure notification requirement
Upon facility closure, Permittee shall:
 - i. Submit to the Control Officer a copy of the asbestos waste disposal locations and quantities.
 - ii. Comply with all of the requirements of 40 CFR §61.151, including those pertaining to post-closure obligations.

F. NSPS Reporting [*Federally enforceable pursuant to Code §6-1-030.1 and 40 CFR §60.7(a)(4)*]

1. Generally
Permittee shall provide to the District and to the Regional EPA Office (Regional Administrator c/o Air Division Permits Office, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901) notification of any physical or operational change which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under 40 CFR § 60.14(e) or 40 CFR Part 60, Subpart WWW. The notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change.

2. Landfill NSPS Annual Emission Estimate Reports

See Section §7.B of this permit.

G. Deviation Reporting Requirement [*Mandated by 40 CFR §§70.6(a)(3)(iii)(B), 70.6(g)*] (Code §3-1-083.A.3.b.)

Permittee shall report any deviation from the requirements of this permit along with the probable cause for such deviation, and any corrective actions or preventative measures taken to the District within ten days of the earlier of date the Permittee learned, or should have learned, of the deviation unless earlier notification is required by the provisions of this permit.

H. Asbestos NESHAP Reporting Requirements [*Currently federally enforceable; 40 CFR Part 61, Subpart M*] (Code §§7-1-030, 7-1-060)

1. Receipt, handling and disposal of asbestos containing waste received from sources covered by 40 CFR §61.150 (demolition, renovation, fabricating and manufacturing), or 40 CFR §61.155 (asbestos conversion operations) must meet the following standards:

- a. If Permittee discovers improperly enclosed or uncovered asbestos-containing waste materials, or any asbestos-containing waste material not sealed in leak-tight containers, Permittee shall by the following working day report in writing to the Control Officer, as well as to any additional local, State, or EPA Regional Office responsible for administering the asbestos NESHAP program for the waste generator, reporting the incident and submitting a copy of the waste shipment record.
- b. If Permittee discovers a discrepancy between the quantity of waste designated on the waste shipment records and the quantity actually received, Permittee shall attempt to reconcile the discrepancy with the waste generator. If the discrepancy is not resolved within 15 days after receiving the waste, Permittee shall immediately report in writing to the Control Officer, as well as to any additional local, State, or EPA Regional Office responsible for administering the asbestos NESHAP program for the waste generator, describing the discrepancy, the attempts to reconcile the discrepancy, and submit an accompanying copy of the waste shipment record.

8. **Fee Payment** [*Mandated by 40 CFR §§70.6(a)(7), 70.9*] (Code §3-1-081.A.9)

As an essential term of this permit, an annual permit fee shall be assessed by the District and paid by Permittee in accord with the provisions of Code Chapter 3, Article 7 generally, and Code §3-1-081.A.9. specifically. The annual permit fee shall be due on or before the anniversary date of the issuance of an individual permit, or formal grant of approval to operate under a general permit. The District will notify the Permittee of the amount to be due, as well as the specific date on which the fee is due.

9. **General Conditions**

A. Term [*Mandated by 40 CFR §70.6(a)(2)*] (Code §3-1-089)

This permit shall have a term of five (5) years, measured from the date of issuance.

- B. Basic Obligation [*Mandated by 40 CFR §§70.4(b)(15), 70.6(a)(6)(i), 70.6(a)(6)(ii), 70.7.b*] (Code §3-1-081.)
1. The owner or operator ("Permittee") of the facilities shall operate them in compliance with all conditions of this permit, the Pinal County Air Quality Control District ("the District") Code of Regulations ("Code"), and consistent with all State and Federal laws, statutes, and codes relating to air quality that apply to these facilities. Any permit noncompliance is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application and may additionally constitute a violation of the Clean Air Act (1990).
 2. All equipment, facilities, and systems used to achieve compliance with the terms and conditions of this permit shall at all times be maintained and operated in good working order.
 3. 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.

- C. Duty to Supplement Application [*Mandated by 40 CFR §§70.5(b), 70.6(a)(6)(v)*] (Code §3-1-081.A.8.e.)

Permittee shall furnish to the District within a reasonable time, which shall not exceed thirty days unless the Control Officer fixes some other time period for response, any information that the Control Officer may request in writing to determine whether cause exists for revising, revoking, reissuing, or terminating this permit or to determine compliance with this permit. Upon request, the Permittee shall also furnish to the Control Officer copies of records required under this permit. For information claimed to be confidential, Permittee shall submit along with the requested information or records a showing as required under Code §3-1-120, and shall separately submit a full duplicate copy to the EPA Regional Office (Regional Administrator c/o Air Division Permits Office, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901).

- D. Right to Enter [*Mandated by 40 CFR §70.6(c)(2)*] (Code §§ 3-1-083.A.6, 3-1-132)

Authorized representatives of the District shall, upon presentation of proper credentials and while observing reasonable standard safety requirements as set forth by the owner or operator of the source, be allowed for purposes of ascertaining compliance with this permit and with other applicable requirements:

1. to enter upon the premises where the source is located, where emissions-related activity is conducted, or in which any records are required to be kept under the terms and conditions of this permit;
2. to inspect any equipment, operation, or method required in this permit; and
3. to sample or monitor emissions from the source, or other substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements;
4. to have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this permit; and
5. to record any inspection by use of written, electronic, magnetic and photographic media.

E. Transfer of Ownership [**Mandated by 40 CFR §70.7(d)(4)**] (Code §3-1-090)

This permit may be transferred under an administrative permit amendment from one person to another by notifying the District at least 30 days in advance of the transfer. The notice shall contain all the information and items required by Code § 3-1-090. The transfer may take place if not denied by the District within 10 days of the receipt of the transfer notification.

F. Posting of Permit (Code §3-1-100)

Permittee shall firmly affix the permit, an approved facsimile of the permit, or other approved identification bearing the permit number, upon such building, structure, facility or installation for which the permit was issued. In the event that such building, structure, facility or installation is so constructed or operated that the permit cannot be so placed, the permit shall be mounted so as to be clearly visible in an accessible place within a reasonable distance of the equipment or maintained readily available at all times on the operating premises.

G. Permit Revocation for Cause [**Mandated by 40 CFR §70.6(a)(6)(iii)**] (Code §3-1-140)

The Director of the District ("Director") may issue a notice of intent to revoke this permit for cause pursuant to Code §3-1-140, which cause shall include occurrence of any of the following:

1. The Director has reasonable cause to believe that the permit was obtained by fraud or material misrepresentation;
2. Permittee failed to disclose a material fact required by the permit application form or a regulation applicable to the permit;
3. The terms and conditions of the permit have been or are being violated.

H. Certification of Truth, Accuracy, and Completeness [**Mandated by 40 CFR §§70.5(a)(2), 70.6(a)(3)(iii)(B)**] [**Federally enforceable - Code §§3-1-083.A.5, 3-1-175 (as amended 10/12/95) approved as SIP Elements at 61 FR 15717 (4/9/96)**]

Any application form, report, or compliance certification submitted pursuant to the Code shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under Chapter 3 of the Code shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

I. Permit Expiration and Renewal [**Mandated by 40 CFR §§70.5(a)(1)(iii), 70.7(c)**] (Code §3-1-050.C.2)

Expiration of this permit will terminate the facility's right to operate unless either a timely application for renewal has been submitted in accordance with §§3-1-050, 3-1-055 and 3-1-060, or a substitute application for a general permit under §3-5-490. For Class I permit renewals, a timely application is one that is submitted at least 6 months, but not greater than 18 months prior to the date of the permit expiration. For Class II or Class III permit renewals, a timely application is one that is submitted at least 3 months, but not greater than 12 months prior to the date of permit expiration.

J. Severability [**Mandated by 40 CFR §70.6(a)(5)**] (Code §3-1-081.A.7)

Pursuant to Code § 3-1-081.A.7., the provisions of this permit are severable, and if any provision of this permit is held invalid the remainder of this permit shall not be affected thereby.

K. Permit Shield [*Mandated by 40 CFR §70.6(f)*] (Code § 3-1-102.)

Subject to the following schedule of exclusions, compliance with the terms of this permit shall be deemed compliance with any applicable requirement identified in this permit. The permit-shield exclusions include:

1. Pinal-Gila Counties Air Quality Control District ("PGCAQCD") Rule §7-1-2.6 Recordkeeping and Reporting (3/31/75);
2. PGCAQCD Rule §7-2-1.8 Anti-Degradation;
3. PGCAQCD Rule §7-3-1.3 Open Burning;
4. Any part of 40 CFR Part 60, Subpart WWW not expressly listed as an Applicable Requirement in Section §2 of this permit.

L. Permit Revisions [*Mandated by 40 CFR §70.7(d), 70.7(e)*] (Code Chapter 3, Article 2, specifically Code §3-1-081.A.8.c)

1. This permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
2. Permit amendments, permit revisions, and changes made without a permit revision shall conform to the requirements in Article 2, Chapter 3, of the Code.

M. Permit Re-opening [*Mandated by 40 CFR §§70.6(a)(6)(iii), 70.7(f), 70.7(g)*] (Code §3-1-087.)

1. This permit shall be reopened if either:
 - a. Additional applicable requirements under the Clean Air Act (1990) become applicable to this source, and on that date, this permit has a remaining term of three or more years. Provided, that no such reopening under this subparagraph is required if the effective date of the newly applicable requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to Code §3-1-089.C.
 - b. The Control Officer determines that it contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of it;
 - c. The Control Officer determines that it needs to be revised or revoked to assure compliance with the applicable requirements; or
 - d. The EPA Administrator finds that cause exists to terminate, modify, or revoke and reissue this permit.
2. If this permit must be reopened for cause, the District will notify the permittee in accord with Code §3-1-087.A.3.

N. Record Retention [*Mandated by 40 CFR §70.6(a)(3)(ii)(B)*] (Code §3-1-083.A.2.b)

Permittee shall retain for a period of five (5) years all documents required under this permit, including reports, monitoring data, support information, calibration and maintenance records, and all original recordings or physical records of required continuous monitoring instrumentation.

O. Scope of License Conferred [*Mandated by 40 CFR §70.6(a)(6)(iv)*] (Code §3-1-081.A.8.d)

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

P. Excess Emission Reports; Emergency Provision [*Mandated by 40 CFR §70.6(g)*] (Code §3-1-081.E, Code §8-1-030)

1. To the extent Permittee may wish to offer a showing in mitigation of any potential penalty, underlying upset events resulting in excess emissions shall reported as follows:

a. The permittee shall report to the Control Officer any emissions in excess of the limits established by this permit. Such report shall be in two parts:

i. Notifications by telephone or facsimile within 24 hours or the next business day, whichever is later, of the time when the owner or operator first learned of the occurrence of excess emissions, including all available information required under subparagraph b. below.

ii. Detailed written notification within 3 working days of the initial occurrence containing the information required under subparagraph b. below.

b. The excess emissions report shall contain the following information:

i. The identity of each stack or other emission point where the excess emissions occurred.

ii. The magnitude of the excess emissions expressed in the units of the applicable limitation.

iii. The time and duration or expected duration of the excess emissions.

iv. The identity of the equipment from which the excess emissions occurred.

v. The nature and cause of such emissions.

vi. If the excess emissions were the result of a malfunction, steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunctions.

vii. The steps that were or are being taken to limit the excess emissions. To the extent this permit defines procedures governing operations during periods of start-up or malfunction, the report shall contain a list of steps taken to comply with this permit.

- viii. To the extent excess emissions are continuous or recurring, the initial notification shall include an estimate of the time the excess emissions will continue. Continued excess emissions beyond the estimated date will require an additional notification.
- 2. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- 3. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of the following subparagraph are met.
- 4. The affirmative defense of emergency shall be demonstrated 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 emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. The permittee submitted notice of the emergency to the Control Officer by certified mail or hand delivery within 2 working days of the time when emissions limitations were exceeded due to emergency. The notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.

10. Additional provisions applicable to Title V Sources (Code §3-1-081.B.2)

Subject to the following specific exclusions, all terms and conditions of this permit are enforceable by the Administrator and citizens under the Clean Air Act. The exclusions include:

- A. Section 1. Introduction
- B. Section 9.F Posting of Permit

11. Equipment [Mandated by 40 CFR §70.5(c)] (Code §3-1-050)

- A. Equipment for which emissions are allowed by this permit are as follows:
 - 1. Landfill facility, consisting of 448 acres of landfill footprint:
 - 2. Diesel Engines

Unit	Manufacturer	Model	Year	Capacity (HP)
Spectrum Detroit Diesel	Spectrum	150OS60	TBD	200
Olympian Generator XQ125	Caterpillar	NM09	TBD	180
Columbia Corporation	Columbia	Tipper	TBD	130
G11 Water Pump	Deutz	31914	TBD	55
Atlas Copco Air Compressor	Atlas Copco	XAS97	TBD	49
Mobilight 515 MOLP	Caterpillar	083D	TBD	15
Air Compressor	Ingersoll Rand	2475	TBD	5

B. Insignificant Activities

1. Food preparation equipment (e.g. barbeques, gas stoves)
2. IC engine driven generators and water pumps that will be operated for emergency purposes, with emissions not to exceed 4,000 pounds of NO_x and CO per year with no more than 500 hours of operation per year.
3. Normal building maintenance activities including the use of architectural coatings.
4. Bathroom, toilet or septic tank emissions.
5. Combustion emissions from mobile sources.
6. Facility maintenance and upkeep activities.
7. Internal combustion engines less than 325 brake horsepower whose annual operating hours will not exceed 72 hours.
8. Hand-held or manually operated equipment used for aerosol can spray painting, buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding.
9. Natural-gas fired equipment with heat input capacity of 300,000 btu/hr or more, to the extent the total heat input of such equipment is less than 2,000,000 btu/hr, where the equipment is used for comfort heating or hot water heating.
10. Equipment or activities using one gallon per day or less of surface coating and solvent.
11. Piston-type IC engines having less than 50 HP.
12. Chemical storage tanks less than 250 gallon capacity.

13. An emission unit handling/storing less than 12,000 gallons with vapor pressure less than 1.5 pounds per square inch absolute (psia).
14. Any equipment used to store unheated organic material with boiler point of 150°C or (0.1 psia).
15. Any equipment with capacity less than 42,000 gallons used to store oil with specific gravity of 0.8762 or higher (30° American Petroleum Institute [API] or lower).
16. Any equipment used for storage of liquefied gases in unvented pressure vessels.
17. Brazing, soldering, welding, cutting torch equipment used for construction with aggregate potential to emit (PTE) of HAP less than 0.5 tpy.
18. Hand-held or manually operated equipment.
19. Any aerosol can puncturing or crushing operation that processes less than 500 cans per day, and using a closed loop recovery system.
20. Combustion emissions from mobile sources.
21. Portable IC engines used for grounds keeping, plant maintenance and landscaping purposes.
22. Ventilation units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process.
23. Consumer use of office equipment and products, not including printers or businesses primarily involved in photographic reproduction.
24. Tobacco smoking rooms and areas.
25. Consumer use of paper trimmers/binders.
26. Janitorial services and consumer use of janitorial products.
27. Plant maintenance and upkeep activities (e.g. grounds keeping, general repairs, cleaning, painting, welding, brazing, soldering, plumbing, re-tarring roofs, installing insulation, and paving/sealing parking lots) provided these activities are not the source's primary business activity (cleaning and painting activities qualify if they are not subject to VOC or HAP control requirements).
28. Repair or maintenance shop activities not related to the source's primary business activity (excluding emissions from surface coating or degreasing activities).
29. Housekeeping activities and associated products used for cleaning purposes, including collecting spilled and accumulated materials at the source, including operation of fixed vacuum cleaning systems specifically for such purposes.
30. Lubricating and hydraulic system reservoirs and vents.

31. Hand-head equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal or plastic.
32. Portable electric generators that can be moved by hand from one location to another.
33. Air compressors and pneumatically operated equipment including hand tools.
34. Fire suppression systems.
35. General vehicle maintenance activities at the source.
36. Batteries and battery charging stations.
37. Garbage handling including processing of recyclable materials, bailing and compacting.
38. Brazing, welding, soldering, cutting torch equipment used for equipment or structural repairs with aggregate potential to emit less than 0.5 ton/year of HAPs.
39. Diesel driven portable temporary drilling rigs for maintaining on-site monitoring wells.
40. Application of commercial insecticides, pesticides and rodenticides used in accordance with product manufacturer specifications.
41. Electrically powered recycling equipment used for baling of materials.
42. Bulk storage of recycling materials that may include paper, cardboard, glass, metals or appliances.

Appendix A

Semi-annual Report

Permit V20682.000

Abstract - This constitutes a semi-annual report, documenting emissions and emission-related activity during the subject reporting period.

Facility - Cowley Management, LLC
Silver Bar Mine Regional Landfill
Sections 7, 8, 17, and 18, Township 3 South, Range 11 East
Florence, Arizona

Reporting Period - January to June ___ Or July to December ___ Year ___

Material Report

Waste deposited _____ (This period)
Quantity Units

Diesel Engines Report

Total operational hours of the seven (7) diesel engines - _____ hours

Were the emission limits for the diesel engines met as required in Section §5.D of this permit? Yes_____ No_____

Monitoring Verification

Were the fuel requirement met as stated in Section§5.I of this permit? Yes_____ No_____

Were semi-annual opacity screens conducted in accordance with §6.A.4? Yes_____ No_____

(Attach results of any Method 9 testing conducted)

Record Generation Verification

Were the required records of each of the following maintained? Yes_____ No_____

Water sprayed for dust suppression? Yes_____ No_____

Asbestos cell size and location? Yes_____ No_____

Asbestos waste shipment records? Yes_____ No_____

Did this facility prohibit disposal of refrigerant-containing mechanical equipment? Yes_____ No_____

If on-site disposal was allowed, were written statements collected regarding refrigerant removal from

small appliances/MVACs? Yes_____ No_____

larger appliances? Yes_____ No_____

If collected equipment is disposed off-site, is written verification of contractor certification retained? Yes_____ No_____

Sulfur content in diesel fuel? Yes_____ No_____

Daily cover logs? Yes_____ No_____

Did this facility experience any excess emission incidents? Yes_____ No_____

If so, were excess emission reports timely filed? Yes_____ No_____

Certification by Responsible Official

I certify that, based on information and belief formed after reasonable inquiry, that the statements and information in this report are true, accurate and complete.

Signed_____

Print Name _____

Title_____

Date_____

Contact Phone Number_____

Mail to - Pinal County Air Quality Control District
P.O. Box 987
Florence, AZ 85132