

# ADEQ

ARKANSAS  
Department of Environmental Quality

FEB - 7 2020

Joseph Vieceli, Senior Engineer  
Cherokee Sanitary Landfill Company  
300 Landfill Road  
Cherokee Village, AR 72529

Dear Mr. Vieceli:

The enclosed Permit No. 2069-AOP-R3 is your authority to construct, operate, and maintain the equipment and control apparatus as set forth in your application initially received on May 28, 2019.

After considering the facts and requirements of Arkansas Code Annotated § 8-4-101 *et seq.*, as referenced by § 8-4-304, and implementing regulations, I have determined that Permit No. 2069-AOP-R3 for the construction and operation of equipment at Cherokee Sanitary Landfill Company, shall be issued and effective on the date specified in the permit, unless a Commission review has been properly requested under Arkansas Pollution Control & Ecology Commission's Administrative Procedures, Regulation No. 8, within thirty (30) days after service of this decision.

The applicant or permittee and any other person submitting public comments on the record may request an adjudicatory hearing and Commission review of the final permitting decisions as provided under Chapter Six of Regulation No. 8. Such a request shall be in the form and manner required by Regulation 8.603, including filing a written Request for Hearing with the Commission secretary at 3800 Richards Rd, North Little Rock, Arkansas 72117. If you have any questions about filing the request, please call the Commission at 501-682-7890.

Sincerely,



William K. Montgomery  
Interim Associate Director  
DEQ, Office of Air Quality

Enclosure: Final Permit

# ADEQ OPERATING AIR PERMIT

Pursuant to the Regulations of the Arkansas Operating Air Permit Program, Regulation 26:

Permit No. : 2069-AOP-R3

IS ISSUED TO:

Cherokee Sanitary Landfill Company  
300 Landfill Road  
Cherokee Village, AR 72529  
Fulton County  
AFIN: 25-00028

THIS PERMIT AUTHORIZES THE ABOVE REFERENCED PERMITTEE TO INSTALL, OPERATE, AND MAINTAIN THE EQUIPMENT AND EMISSION UNITS DESCRIBED IN THE PERMIT APPLICATION AND ON THE FOLLOWING PAGES. THIS PERMIT IS VALID BETWEEN:

September 23, 2016 AND September 22, 2021

THE PERMITTEE IS SUBJECT TO ALL LIMITS AND CONDITIONS CONTAINED HEREIN.

Signed:



William K. Montgomery  
Interim Associate Director  
DEQ, Office of Air Quality

FEB - 7 2020

Date

Cherokee Sanitary Landfill Company  
Permit #: 2069-AOP-R3  
AFIN: 25-00028

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#### List of Acronyms and Abbreviations

Ark. Code Ann.	Arkansas Code Annotated
AFIN	ADEQ Facility Identification Number
C.F.R.	Code of Federal Regulations
CO	Carbon Monoxide
HAP	Hazardous Air Pollutant
lb/hr	Pound Per Hour
MVAC	Motor Vehicle Air Conditioner
No.	Number
NO <sub>x</sub>	Nitrogen Oxide
PM	Particulate Matter
PM <sub>10</sub>	Particulate Matter Smaller Than Ten Microns
SNAP	Significant New Alternatives Program (SNAP)
SO <sub>2</sub>	Sulfur Dioxide
SSM	Startup, Shutdown, and Malfunction Plan
Tpy	Tons Per Year
UTM	Universal Transverse Mercator
VOC	Volatile Organic Compound

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**SECTION I: FACILITY INFORMATION**

PERMITTEE: Cherokee Sanitary Landfill Company

AFIN: 25-00028

PERMIT NUMBER: 2069-AOP-R3

FACILITY ADDRESS: 300 Landfill Road  
Cherokee Village, AR 72529

MAILING ADDRESS: 300 Landfill Road  
Cherokee Village, AR 72529

COUNTY: Fulton County

CONTACT NAME: Joseph Vieceli

CONTACT POSITION: Senior Engineer

TELEPHONE NUMBER: (832) 442-2906

REVIEWING ENGINEER: Jeremy Antipolo

UTM North South (Y): Zone 15: 4016066.40 m

UTM East West (X): Zone 15: 622539.54 m

## **SECTION II: INTRODUCTION**

### **Summary of Permit Activity**

Cherokee Village Landfill (CVF) is currently owned and operated by Cherokee Sanitary Landfill Company (fka IESI – AR Landfill Corp). The Class I/Class IV Municipal Solid Waste Landfill (MSWLF) is located in Cherokee Village, Arkansas. The site consists of a Class I permitted area of approximately 126.78 acres and a Class IV permitted area of approximately 20 acres. In this Minor Modification, CVF is increasing the permitted design capacity from 8,578,341 cubic yards to 10,691,300 cubic yards, an approved capacity increase in Solid Waste Permit #0299-S1-R1. For clarity and consistency with similar facilities, current non criteria pollutant strategy was applied to how they are listed in permit. The change will result in the following emission rate increases: 2.7 tpy VOC, 2.35 tpy Total HAP and 0.62 Total Air Contaminants.

### **Process Description**

The CVF is operated for the disposal of Class 1 and Class 4 solid waste. CVF is currently permitted for the total acceptance of 10,691,300 cubic yards of total void space. CVF is a municipal solid waste (MSW) disposal facility that is permitted to receive household wastes, commercial solid waste, industrial solid waste, nonhazardous sludge, and inert solid waste. The decomposing refuse (SN-02) contained within the Class I landfill produces landfill gas (LFG) which is primarily composed of CH<sub>4</sub>, CO<sub>2</sub>, and other trace organic compounds. The LFG produced at this facility is collected and combusted in a Landfill Gas Collection and Control System (GCCS) (SN-01). CVF is also approved for solidification of liquid waste. The solidification of non-hazardous liquid waste will be accomplished by using available solidification agents; primarily saw dust and fly-ash. In addition, CVF also has on-site storage tanks and unpaved roads (SN-03).

The MSW is dumped into permitted and approved lined cells and compacted. Daily cover or intermediate cover, which consists of six or twelve inches of soil, respectively, is placed upon the waste at the end of the work day. The site is also allowed to use alternate daily cover materials such as tarps.

The application of daily and intermediate cover encapsulates the refuse from each day. The refuse will undergo the various phases of gas production, and dependent upon when the cell was created, various cells will undergo different quantities of gas production. Factors such as available nutrients, moisture content, and compaction will greatly affect the quantity of gas produced.

The facility may also use non-road engines that are exempt from stationary source regulation under the Clean Air Act definition of stationary source. These engines cannot stay in the same location for more than 12 months or will lose the exemption.

### **Regulations**

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The following table contains the regulations applicable to this permit.

Regulations
Arkansas Air Pollution Control Code, Regulation 18, effective March 14, 2016
Regulations of the Arkansas Plan of Implementation for Air Pollution Control, Regulation 19, effective March 14, 2016
Regulations of the Arkansas Operating Air Permit Program, Regulation 26, effective March 14, 2016
Arkansas Asbestos Abatement Regulation, Regulation 21, effective September 11, 2015
40 C.F.R. § 60 Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills

### Emission Summary

The following table is a summary of emissions from the facility. This table, in itself, is not an enforceable condition of the permit.

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
Total Allowable Emissions		PM	70.5	217
		PM <sub>10</sub>	20.1	62.8
		PM <sub>2.5</sub>	See Note*	
		SO <sub>2</sub>	1.3	4.7
		VOC	5.3	24.2
		CO	21.3	92.1
		NO <sub>x</sub>	4.8	20.5
		HAPs	Total HAPs	---
Air Contaminants		Total Air Contaminants***	---	5.60
		H <sub>2</sub> S		1.85
01	Open Flare	PM	1.1	4.5
		PM <sub>10</sub>	1.1	4.5
		SO <sub>2</sub>	1.0	4.1
		VOC	0.2	0.5
		CO	18.9	82.5
		NO <sub>x</sub>	4.2	18.1
		Total HAPs	---	2.36
		Total Air Contaminants***	---	0.11
		H <sub>2</sub> S***	---	0.04

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
02	Landfill Gas Surface Emissions	VOC	5.4	23.4
		Total HAPs	---	15.46
		Total Air Contaminants***	---	5.31
		H <sub>2</sub> S***	---	1.78
03	Traffic Emissions	PM	69.1	211.3
		PM <sub>10</sub>	18.7	57.1
04	Passive Vent Flare #1	PM	0.1	0.4
		PM <sub>10</sub>	0.1	0.4
		SO <sub>2</sub>	0.1	0.2
		VOC	0.1	0.1
		CO	0.8	3.2
		NO <sub>x</sub>	0.2	0.8
		Total HAPs	---	0.16
		Total Air Contaminants***	---	0.06
05	Passive Vent Flare #2	PM	0.1	0.4
		PM <sub>10</sub>	0.1	0.4
		SO <sub>2</sub>	0.1	0.2
		VOC	0.1	0.1
		CO	0.8	3.2
		NO <sub>x</sub>	0.2	0.8
		Total HAPs	---	0.16
		Total Air Contaminants***	---	0.06
06	Passive Vent Flare #3	PM	0.1	0.4
		PM <sub>10</sub>	0.1	0.4
		SO <sub>2</sub>	0.1	0.2
		VOC	0.1	0.1
		CO	0.8	3.2
		NO <sub>x</sub>	0.2	0.8
		Total HAPs	---	0.16
		Total Air Contaminants***	---	0.06
		H <sub>2</sub> S***	---	0.01

\*PM<sub>2.5</sub> limits are source specific, if required. Not all sources have PM<sub>2.5</sub> limits.

\*\*HAPs included in the VOC totals. Other HAPs are not included in any other totals unless specifically stated.

\*\*\*Air Contaminants such as ammonia, acetone, and certain halogenated solvents are not VOCs or HAPs. Total Air Contaminants for CVF include acetone, chlorodifluoromethane, dichlorodifluoromethane and hydrogen sulfide. H<sub>2</sub>S, included in Total Air Contaminants emission rate, is also listed separately.

\*\*\*\*If in the future, uncontrolled NMOC surface emissions are calculated to be equal to or greater than (≥) 50 Mg/yr, per the reporting requirements contained in 40 C.F.R. § 60.757(b),



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CVF shall comply with NSPS Subpart WWW requirements within the time frame contained in 40 C.F.R. § 60.752(b)(2).

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### **SECTION III: PERMIT HISTORY**

Permit #2069-A was issued on January 12, 2005 and was the initial air permit for the Cherokee Sanitary Landfill.

Permit #2069-AR-1 was issued on June 13, 2006 to adjust the emission limits to rates based upon the latest Tier II test performed under NSPS Subpart WWW. Emission limits for VOC dropped from 18.4 tons to 15 tons per year.

Permit #2069-AOP-R0 was issued on June 7, 2011. This facility was required by 40 C.F.R. § 60 Subpart WWW to obtain a Title V Operating Air Permit. There was no increase in the design capacity of the landfill with this permitting action. Permitted emission rates were: 34.5 tpy PM, 9.4 tpy PM<sub>10</sub>, 0.8 tpy SO<sub>2</sub>, 14.5 tpy VOC, 24.6 tpy CO, 4.6 tpy NO<sub>x</sub>, 0.39 tpy hydrogen chloride, numerous HAPs, and 1.02 tpy hydrogen sulfide.

Permit #2069-AOP-R1 was issued on September 23, 2016 with the following permitting actions: to renew the facility's Title V permit; to increase the size of the flare (SN-01) from 500 scfm to 2,000 scfm; to update the emission rate limits; and to update the insignificant activities list. Total annual permitted emission rate were increased by the following amounts: 181.3 tons per year (tpy) PM, 52.2 tpy PM<sub>10</sub>, 3.3 tpy SO<sub>2</sub>, 6.7 tpy VOC, 57.9 tpy CO, 13.5 tpy NO<sub>x</sub>, 1.78 tpy single HAP, 8.94 tpy total HAPs, and 3.78 tpy total other pollutants.

Permit #2069-AOP-R2 was issued June 18, 2017. The permit was modified by adding three (3) Passive Vent Flares (SN-04, SN-05, and SN-06). Each flare has a design capacity of 140 scfm (4.25 MMBtu/hr) resulting in a total LFG combustion capacity of 420 scfm (12.75 MMBTU/hr) for all three flares. This change resulted in the following emission rate increases: 1.2 tpy PM/PM<sub>10</sub>, 0.6 tpy SO<sub>2</sub>, 0.3 tpy VOC, 9.6 tpy CO, 2.4 tpy NO<sub>x</sub>, 0.48 tpy Total HAP and 0.18 Total Other Pollutants.

**SECTION IV: SPECIFIC CONDITIONS**

SN-01  
 Landfill Gas Open Flare Emissions

Source Description

SN-01 is the emissions from the landfill controlled with a candlestick flare. The flare is a non-assisted candlestick flare with a total capacity of 2,000 scfm utilized for control and combustion of the landfill gas (LFG) collected from the landfill mass. The flare will generate combustion by-product emissions. The GCCS will not be subject to 40 C.F.R. § 60 Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills until 30 months after the site-specific NMOC emission rate is reported to be  $\geq 50$  Mg per year. Therefore, use of the GCCS and flare are not required at this time.

One hundred percent (100%) of the landfill gas emissions arising from the surface of the landfill are designated as SN-02. When the GCCS is operating, LFG is routed to the flare (SN-01) and approximately 75% of the LFG will be collected and combusted. This reduces the VOC and HAP emissions at SN-02. The remaining 25% of the gas is considered fugitive and permitted as SN-02. This flare unit will be certified to meet the Best Demonstrated Technology (BDT) which mandates that the control device be capable of reducing (combusting) the NMOCs in the collected LFG by 98 weight percent.

Specific Conditions

1. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by compliance with Specific Conditions #3 through #8 and Plantwide Conditions #9, #10, and #14. [Reg.19.501 *et seq.* and 40 C.F.R. § 52 Subpart E]

SN	Description	Pollutant	lb/hr	tpy
01	Open Flare	PM <sub>10</sub>	1.1	4.5
		SO <sub>2</sub>	1.0	4.1
		VOC	0.2	0.5
		CO	18.9	82.5
		NO <sub>x</sub>	4.2	18.1

2. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by compliance with Specific Condition #3 through #8. [Reg.18.801 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

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SN	Description	Pollutant	lb/hr	tpy
01	Open Flare	PM	1.1	4.5
		Total HAP	---	2.36
		Total Air Contaminants*	---	0.11
		H <sub>2</sub> S*	---	0.04

\*Air Contaminants such as ammonia, acetone, and certain halogenated solvents are not VOCs or HAPs. H<sub>2</sub>S, also an air contaminant, is included in Total Air Contaminants emission rate.

3. Visible emissions may not exceed the limits specified in the following table of this permit as measured by EPA Reference Method 22 for the initial performance test. Subsequent to completion of the initial performance test, weekly observations shall be performed for five (5) minutes. Compliance with this condition shall be demonstrated through the use of landfill gas as the only fuel combusted and compliance with Specific Condition #4. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

SN	Limit	Regulatory Citation
01	0%	Reg.18.501 and 40 C.F.R. § 60.18(f)(1)

4. The flare SN-01 shall be designed for and operated with no visible emissions, except for periods not to exceed a total of five (5) minutes during any two (2) consecutive hours. Initial compliance with this condition will be demonstrated using EPA Reference Method 22 as part of an initial performance test of the flare conducted in accordance with the applicable requirements of 40 C.F.R. § 60.18. No additional Method 22 test will be required unless a new flare unit is installed or significant modifications are made to the flare. Subsequent to completion of the initial performance test, weekly observations of the opacity from SN-01 shall be conducted by someone familiar with the source's emissions. If any visible emissions are detected, the permittee shall immediately take action to identify the cause of the visible emissions, implement corrective action, and document that visible emissions were not present following the corrective action. The permittee shall maintain records which contain the following items in order to demonstrate compliance with this specific condition. These records shall be updated weekly, kept on site, and made available to Department personnel upon request.
  - a. The date and time of the observation.
  - b. If visible emissions were detected.
  - c. If visible emissions were detected, the cause of the exceedance of the opacity limit, the corrective action taken, and if the visible emissions were present after the corrective action was taken.
  - d. The name of the person conducting the opacity observations.

[Reg.18.1004 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

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5. The permittee must operate the flare (SN-01) pilot flame within the design limitations and manufacturer's specifications. The pilot flames may be lit by landfill gas, natural gas, or propane. [Reg.19.303 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
6. The flare (SN-01) must have a flame present at all times of operation or if no flame is present, the orifice of the unlit flare must be closed and the GCCS piping to the unlit flare shutdown to prevent passive venting of uncontrolled landfill gases. The presence of a flare pilot light shall be monitored continuously using a thermocouple, an ultraviolet sensor or any other equivalent device to detect the presence of a flame. In the event of a flame failure, the extraction system directed to the flare must automatically shut down to prevent passive venting of landfill gas. [Reg.19.303, Reg.19.304, § 60.18(b) through (f), and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
7. Flares shall be used only with the net heating value of the landfill gas being combusted being 200 BTU/scf (7.45 MJ/scm) or greater for non-assisted flares (SN-01). The net heating value of the gas being combusted shall be determined by the methods specified in 40 C.F.R. § 60.18(f)(3). A copy of the calculations shall be kept on site and made available to Department personnel upon request. [Reg.19.303, Reg.19.304, § 60.18(c)(3)(ii), and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
8. Non-assisted flares (SN-01) shall be designed for and operated with an exit velocity less than 60 ft/sec (18.3 m/sec). The maximum permitted velocity shall be calculated as specified in 40 C.F.R. § 60.18(f)(5). The actual exit velocity shall be determined as specified in 40 C.F.R. § 60.18(f)(4). A copy of the calculations shall be kept on site and made available to Department personnel upon request. [Reg.19.303, Reg.19.304, § 60.18(f)(4-5), and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

SN-02  
 Landfill Gas Surface Emissions

Source Description

Uncontrolled emissions arising from the surface of the landfill (without a gas gathering system operating) are designated as SN-02. One hundred percent (100%) of the generated LFG may escape as Uncontrolled LFG Surface Emissions (SN-02). CVF is not required to have an active landfill GCCS under 40 C.F.R. § 60 Subpart WWW until 30 months after the site-specific NMOC emission rate is reported to be equal to or greater than 50 Mg/yr (55.2 tpy).

Specific Conditions

9. The permittee shall not exceed the emission rates set forth in the following table. When the calculated uncontrolled surface emissions per the latest Tier 2 testing and LandGEM modeling are reported to exceed the 50 Mg NMOC per year (55.1 tpy) emission limit, the permittee shall comply with the requirements contained in 40 C.F.R. § 60.752(b)(2). The permittee shall demonstrate compliance with this condition by compliance with Plantwide Conditions #7 through #14. [Reg.19.501 *et seq.* and 40 C.F.R. § 52 Subpart E]

SN	Description	Pollutant	lb/hr	tpy
02	Landfill Gas Surface Emissions (Uncontrolled)	VOC	5.4	23.4

10. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by compliance with Plantwide Conditions #7 and #10. [Reg.18.801 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

SN	Description	Pollutant	lb/hr	tpy
02	Landfill Gas Surface Emissions (Uncontrolled)	Total HAP	---	15.46
		Total Air Contaminants*	---	5.31
		H <sub>2</sub> S*	---	1.78

\*Air Contaminants such as ammonia, acetone, and certain halogenated solvents are not VOCs or HAPs. H<sub>2</sub>S, also an air contaminant, is included in Total Air Contaminants emission rate.

SN-03  
 Traffic Emissions – Unpaved Roads

Source Description

Particulates (road emissions) are emitted from the operation of refuse vehicles and construction equipment over the unpaved roads. Dust controls may include water dispersion equipment or other techniques.

Specific Conditions

11. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by compliance with Specific Conditions #13 and #14. [Reg.19.501 *et seq.* and 40 C.F.R. § 52 Subpart E]

SN	Description	Pollutant	lb/hr	tpy
03	Traffic Emissions	PM <sub>10</sub>	18.7	57.1

12. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by compliance with Specific Conditions #13 and #14. [Reg.18.801 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

SN	Description	Pollutant	lb/hr	tpy
03	Traffic Emissions	PM	69.1	211.3

13. The permittee shall not operate in a manner such that fugitive emissions from the haul roads (SN-03) would cause a nuisance off-site or allow visible emissions from extending beyond the property boundary. Under normal conditions, off-site opacity less than or equal to 5% shall not be considered a nuisance. The permittee shall use water sprays or other techniques as necessary to control fugitive emissions that migrate off-site. [Reg.18.501 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

14. The permittee shall comply with the approved dust control plan (submitted on October 20, 2016). A copy of the approved plan and associated recordkeeping shall be kept on site and made available to Department personnel upon request. [Reg.19.705, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 70.6]

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15. Nothing in this permit shall be construed to authorize a violation of the Arkansas Water and Air Pollution Control Act or the federal National Pollutant Discharge Elimination System (NPDES). [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]



SN-04, SN-05, and SN-06  
 Passive Vent Flares

Source Description

Three (3) passive vent flares are direct mounted to the leachate system cleanout lines that mitigate foul odors. Flammable gases are combusted at low ambient pressure without the need for blowers or external power. Each flare is rated with a design capacity of 140 scfm (4.25 MMBtu/hr) resulting in a total LFG combustion capacity of 420 scfm (12.75 MMBtu/hr).

Specific Conditions

16. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by compliance with Specific Conditions #18, #19, and #20 and existing Plantwide Conditions #9, #10 and #14. [Reg.19.501 *et seq.* and 40 C.F.R. § 52 Subpart E]

SN	Description	Pollutant	lb/hr	tpy
04	Passive Vent Flare #1	PM <sub>10</sub>	0.1	0.4
		SO <sub>2</sub>	0.1	0.2
		VOC	0.1	0.1
		CO	0.8	3.2
		NO <sub>x</sub>	0.2	0.8
05	Passive Vent Flare #2	PM <sub>10</sub>	0.1	0.4
		SO <sub>2</sub>	0.1	0.2
		VOC	0.1	0.1
		CO	0.8	3.2
		NO <sub>x</sub>	0.2	0.8
06	Passive Vent Flare #3	PM <sub>10</sub>	0.1	0.4
		SO <sub>2</sub>	0.1	0.2
		VOC	0.1	0.1
		CO	0.8	3.2
		NO <sub>x</sub>	0.2	0.8

17. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by compliance with Specific Conditions #18, #19, and #20. [Reg.18.801 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

SN	Description	Pollutant	lb/hr	tpy
04	Passive Vent Flare #1	PM	0.1	0.4
		Total HAP	---	0.16
		Total Air Contaminants*	---	0.06
		H <sub>2</sub> S*	---	0.01
05	Passive Vent Flare #2	PM	0.1	0.4
		Total HAP	---	0.16
		Total Air Contaminants*	---	0.06
		H <sub>2</sub> S*	---	0.01
06	Passive Vent Flare #3	PM	0.1	0.4
		Total HAP	---	0.16
		Total Air Contaminants*	---	0.06
		H <sub>2</sub> S*	---	0.01

\*Air Contaminants such as ammonia, acetone, and certain halogenated solvents are not VOCs or HAPs. H<sub>2</sub>S, also an air contaminant, is included in Total Air Contaminants emission rate.

18. Visible emissions may not exceed the limits specified in the following table of this permit as measured by EPA Reference Method 9.

SN	Limit	Regulatory Citation
04, 05, 06	0%	[Reg.18.501 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

19. The Passive Vent Flares (SN-04, SN-05 and SN-06) shall be designed for and operated with no visible emissions, except for periods not to exceed a total of five (5) minutes during any two (2) consecutive hours. Initial compliance with this condition will be demonstrated using EPA Reference Method 22 on each flare. No additional Method 22 test will be required unless a new flare unit is installed or significant modifications are made to the flares. Subsequent to completion of the initial performance test, weekly observations of the opacity from SN-04, SN-05 and SN-06 shall be conducted by someone familiar with the source's emissions. If any visible emissions are detected, the permittee shall immediately take action to identify the cause of the visible emissions, implement corrective action, and document that visible emissions were not present following the corrective action. The permittee shall maintain records which contain the following items in order to demonstrate compliance with this specific condition. These records shall be updated weekly, kept on site, and made available to Department personnel upon request.
- a. The date and time of the observation.
  - b. If visible emissions were detected.

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- c. If visible emissions were detected, the cause of the exceedance of the opacity limit, the corrective action taken, and if the visible emissions were present after the corrective action was taken.
  - d. The name of the person conducting the opacity observations.  
[Reg.18.1004 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
- 20. The permittee must operate the flares' (SN-04, SN-05 and SN-06) pilot flame within the design limitations and manufacturer's specifications. The pilot flames may be lit by landfill gas, natural gas, or propane. [Reg.19.303 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

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## **SECTION V: COMPLIANCE PLAN AND SCHEDULE**

Cherokee Sanitary Landfill Company will continue to operate in compliance with those identified regulatory provisions. The facility will examine and analyze future regulations that may apply and determine their applicability with any necessary action taken on a timely basis.

## SECTION VI: PLANTWIDE CONDITIONS

1. The permittee shall notify the Director in writing within thirty (30) days after commencing construction, completing construction, first placing the equipment and/or facility in operation, and reaching the equipment and/or facility target production rate. [Reg.19.704, 40 C.F.R. § 52 Subpart E, and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
2. If the permittee fails to start construction within eighteen months or suspends construction for eighteen months or more, the Director may cancel all or part of this permit. [Reg.19.410(B) and 40 C.F.R. § 52 Subpart E]
3. The permittee must test any equipment scheduled for testing, unless otherwise stated in the Specific Conditions of this permit or by any federally regulated requirements, within the following time frames: (1) new equipment or newly modified equipment within sixty (60) days of achieving the maximum production rate, but no later than 180 days after initial start up of the permitted source or (2) operating equipment according to the time frames set forth by the Department or within 180 days of permit issuance if no date is specified. The permittee must notify the Department of the scheduled date of compliance testing at least fifteen (15) business days in advance of such test. The permittee shall submit the compliance test results to the Department within sixty (60) calendar days after completing the testing. [Reg.19.702 and/or Reg.18.1002 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
4. The permittee must provide:
  - a. Sampling ports adequate for applicable test methods;
  - b. Safe sampling platforms;
  - c. Safe access to sampling platforms; and
  - d. Utilities for sampling and testing equipment.

[Reg.19.702 and/or Reg.18.1002 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
5. The permittee must operate the equipment, control apparatus and emission monitoring equipment within the design limitations. The permittee shall maintain the equipment in good condition at all times. [Reg.19.303 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
6. This permit subsumes and incorporates all previously issued air permits for this facility. [Reg. 26 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
7. The facility's current Class I, Solid Waste Permit #0299-S1-R1, issued June 15, 2017, permitted a maximum design capacity of 10,691,300 cubic yards (CY). The permittee

shall calculate emissions from the landfill annually using LandGEM. The highest annual average LFG estimate will not exceed 2,114 scfm. The permittee shall update its air permit to reflect the new capacity in the event that a new Solid Waste Permit is issued that allows an increase in the total capacity of the landfill. [Reg.19.705, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 70.6]

8. The permittee shall maintain annual records which demonstrate compliance with Plantwide Condition #7. Records shall be updated by the 30th day of January. The records shall be kept on site and shall be made available to Department personnel upon request. [Reg.19.705 and 40 C.F.R. § 52 Subpart E]
9. The permittee shall be required to modify this permit before starting any modification, construction, or reconstruction at the facility not described in this permit. The permittee is allowed to install additional gas extraction wells and remove and/or replace existing gas extraction wells; any such modifications shall be documented and a record maintained on site and make available to Department personnel upon request. [Reg.19.705 and 40 C.F.R. § 52 Subpart E]

#### 40 C.F.R. § 60 Subpart WWW Conditions

10. The permittee is subject to and shall comply with 40 C.F.R. § 60 Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills, since it has a design capacity in excess of 2,500,000 Mg. The gas collection and control system will be subject to the monitoring requirements of 40 C.F.R. § 60, Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills, 30 months after the site specific NMOC emissions are reported to be equal to or greater than 50 Mg per year. [Reg.19.304 and 40 C.F.R. §§ 60.750(a), 60.752(b), and 60.754(a)(3)]
11. The permittee shall submit annually an SN-02 NMOC Emission Rate Report, which shall include a LandGem generated HAP list, to the Department, except as provided for in 40 C.F.R. § 60.757(b)(1)(ii) or (b)(3). The Department may request such additional information as may be necessary to verify the reported NMOC emission rate. 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 40 C.F.R. § 60.754(a) or (b), as applicable. If the estimated NMOC emission rate is included in the annual report to the Department is less than 50 megagrams per year in each of the next five (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 of the five (5) years for which an NMOC emission rate is estimated. All data and calculation upon which this estimate is based shall be provided to the Department. This estimate shall be revised at least once every five (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

Department. The revised estimate shall cover the 5-year period in which the actual waste acceptance rate exceeded the estimated acceptance rate. The report shall include all the data, calculations, sample reports and measurement used to estimate the annual or 5-year emissions. The permittee shall continue to recalculate the NMOC emission rate until such time as the calculated NMOC emission rate equals or exceeds 50 Mg/yr or the landfill is closed. [Reg.19.304 and 40 C.F.R. §§ 60.752(b) and 60.757(b)]

12. The permittee shall retest the SN-02 site-specific NMOC concentration every 5 years using the Tier 2 test methods and procedures described in 40 C.F.R. § 60.754(a) for as long as the calculated emissions are less than 50 Mg/yr. Using the sampling procedures provided in 40 C.F.R. § 60.754(a)(3) (Method A) and/or § 60.754(b) (Method B). The analysis of the landfill gas from the main landfill gas header or probe using Method A to determine the on-site NMOC concentration in parts per million (ppm) by volume (v) as hexane will require the implementation of Method 25 or 25C sampling procedure or other methods, if the method has been approved in advance by the Director. The analysis of the landfill gas using Method B can only be performed in areas that satisfy the following criteria:
  - a. An existing, operational landfill gas collection and control system is in place.
  - b. The average LFG flow rate calculated based on the total metered volume of landfill gas measured for the previous calendar year.
  - c. A negative pressure should be maintained at the wellheads without excess air infiltration and surface monitoring should show a methane concentration below 500 ppm.

The permittee shall notify the Department of the scheduled date of testing at least fifteen (15) days in advance of such test, according to Plantwide Condition #3. Test results shall be submitted to the Department within thirty (30) days after the completed testing at the address in General Provision #7, maintained on-site and made available to Department personnel upon request. [Reg.19.304 and 40 C.F.R. § 60.754]

13. The permittee shall keep for at least 5 years up-to-date, readily accessible, on-site records of the design capacity report which triggered 40 C.F.R. § 60.752(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable. [Reg.19.304 and 40 C.F.R. § 60.758(a)]
14. When the calculated Tier 2 NMOC emission rate is equal to or greater than the 50 Mg/yr threshold level as calculated in accordance with 40 C.F.R. § 60.754, the permittee shall: [Reg.19.304 and 40 C.F.R. §§ 60.752(b)(2), 60.758(d), 63.1935(b)(3), and 63.1945(f)]
  - a. Submit a collection and control system design plan prepared by a professional engineer to the Department within 1 year, as required by 40 C.F.R. § 60.752(b)(2) and
  - b. Install a gas collection and control system that captures the gas generated within the landfill as required by 40 C.F.R. § 60.752(b)(2)(ii)(A) or (B) and (b)(2)(iii)

- within 30 months after the first annual report in which the emission rate equals or exceeds 50 Mg/yr.
- c. Keep an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector; and
  - d. Keep a readily accessible record of the nature, date of deposition, amount, and location of asbestos-containing or non-degradable waste excluded from collection as provided in 40 C.F.R. § 60.759(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in 40 C.F.R. § 60.759(a)(3)(ii).
  - e. Apply for and obtain an air permit modification from the Department prior to the installation of such equipment. This application shall address all applicable provisions of 40 C.F.R. § 60 Subpart WWW and 40 C.F.R. § 63 Subpart AAAA.

Regulation 21 – Asbestos Abatement and 40 C.F.R. § 61 Subpart M Conditions

15. The permittee is subject to and shall comply with Regulation 21, Arkansas Asbestos Abatement Regulation, Reg.21.1104 Waste Disposal Sites. [Reg.21.1104]
16. The permittee shall sign and date the waste shipping paper upon its receipt and acceptance of the shipment. [Reg.21.1104(A)]
17. The permittee of an active waste disposal site that received asbestos-containing waste material from a source covered by Regulation 21 shall meet the following requirements: [Reg.21.1104(B) and 40 C.F.R. § 61.154(c)]
  - a. At least once every 24-hour period while the site is in continuous operation, the asbestos-containing waste material that has been deposited at the site during the operating day or previous 24-hour period shall:
    - i. Be covered with at least 6 inches of compacted nonasbestos-containing material; or
    - ii. Be covered with a resinous or petroleum-based dust suppression agent that effectively binds dust and controls wind erosion. Such an agent shall be used in the manner and frequency recommended for the particulate dust by the dust suppression agent manufacturers to achieve and maintain dust control. Other equally effective dust suppression agents may be used upon prior approval by the Director. For purposes of this paragraph, any used, spent, or other waste oil is not considered a dust suppression agent.
    - iii. Use an alternative emissions control method that has received prior written approval by the Director demonstrating the following criteria:
      - A. The alternative method will control asbestos emissions equivalent to currently required methods;
      - B. The suitability of the alternative method for the intended application;
      - C. The alternative method will not violate other laws or regulations; and



- D. The alternative method will not result in increased water pollution, land pollution, or occupational hazards.
18. For all asbestos-containing waste material received, the permittee shall: [Reg.21.1104(C) and 40 C.F.R. § 61.154(e)(1)]
    - a. Maintain a copy of the waste shipping papers as addressed in Reg.21.1102(A) using a form with the following information:
      - i. The name, address, and telephone number of the waste generator;
      - ii. The name, address, and telephone number of the transporter(s);
      - iii. The quantity of the asbestos-containing waste material in cubic meters (cubic yards); and
      - iv. The date of the receipt.
  19. The permittee shall as soon as possible and no longer than 30 calendar days after receipt of the asbestos-containing waste, send a copy of the signed waste shipment record to the waste generator. [Reg.21.1104(D) and 40 C.F.R. § 61.154(e)(2)]
  20. The permittee shall check the WSR that accompanies each asbestos-containing waste shipment that arrives at the waste disposal site for accuracy of the quantity of waste designated. Upon discovering a discrepancy between the quantity of waste designated on the waste shipment records and the quantity actually received, the permittee shall attempt to reconcile the discrepancy with the waste generator. If the discrepancy is not resolved within 15 calendar days after receiving the waste, the permittee shall immediately report in writing to the specific agency responsible for administering the asbestos NESHAP program for the waste generator and, if different, the specific agency responsible for administering the asbestos NESHAP program for the disposal site. The permittee shall describe the discrepancy and attempts to reconcile it, and submit a copy of the waste shipment record along with the report. [Reg.21.1104(E) and 40 C.F.R. § 61.154(e)(3)]
  21. The permittee shall report in writing to the Department official responsible for administering the Asbestos program for the waste generator (identified in the waste shipment record), and, if different, the specific agency responsible for administering the asbestos NESHAP program for the disposal site, by the following working day, the presence of a significant amount of improperly enclosed or uncovered waste. The permittee shall submit a copy of the waste shipment record along with the report. [Reg.21.1104(F) and 40 C.F.R. § 61.154(e)(1)(iv)]
  22. The permittee shall furnish upon request and make available during normal business hours for inspection by the Department all records required under Regulation 21 Chapter 11. [Reg.21.1104(G) and 40 C.F.R. § 61.154(i)]
  23. The permittee shall retain a copy of all records and reports required by Regulation 21 Chapter 11 on-site for at least 2 years from the date of disposal. [Reg.21.1104(H) and 40 C.F.R. § 61.154(e)(4)]

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24. The permittee shall maintain, until closure, records of the location, depth and area, and quantity in cubic meters (cubic yards) of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area. [Reg.21.1104(I) and 40 C.F.R. § 61.154(f)]
25. Upon closure of the facility, the permittee shall submit to the Department a copy of records of asbestos waste disposal locations and quantities. [Reg.21.1104(J) and 40 C.F.R. § 61.154(h)]
26. The permittee shall notify the Department in writing at least 45 calendar days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at the waste disposal site and is covered. 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 Department at least 10 working days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification. The following information shall be included in the notice: [Reg.21.1104(K) and 40 C.F.R. § 61.154(j)]
  - a. Scheduled start and completion dates;
  - b. Reason(s) for disturbing the waste;
  - c. Procedures to be used to control emissions during the excavation, storage, transport, and ultimate disposal of the excavated asbestos-containing waste material (if deemed necessary, the Department may require changes in the emission control procedures to be used); and
  - d. Location of any temporary storage site and the final disposal site.
27. Within 60 calendar days of a site becoming inactive, the permittee shall record a notation, in accordance with Arkansas State law, on the deed to the facility property and on any other instrument that would normally be examined during a title search. This notation will in perpetuity notify any potential purchaser of the property that: [Reg.21.1104(L)]
  - a. The land has been used for the disposal of asbestos-containing waste material; and
  - b. The survey plot and record of the location and quantity of asbestos-containing waste disposed of within the disposal site required in Regulation 21.1104(I) have been filed with the Department.

**SECTION VII: INSIGNIFICANT ACTIVITIES**

The Department deems the following types of activities or emissions as insignificant on the basis of size, emission rate, production rate, or activity in accordance with Group A of the Insignificant Activities list found in Regulation 18 and Regulation 19 Appendix A. Group B insignificant activities may be listed but are not required to be listed in permits. Insignificant activity emission determinations rely upon the information submitted by the permittee in an application dated November 12, 2015 and additional information received on May 22, 2016 and May 15, 2017. [Reg.26.304 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

Description	Category
500 Gallon Diesel Tank	A-13
3,000 Gallon Diesel Tank	A-13
5,000 Gallon Diesel Tank	A-13
150 Gallon Used Oil Tank	A-13
1,000 Gallon Used Oil Tank	A-13
2 - 125 Gallon Drive Train Oil Tanks	A-13
125 Gallon Engine Oil Tank	A-13
150 Gallon Engine Oil Tank	A-13
250 Gallon Engine Oil Tank	A-13
125 Gallon Hydraulic Oil Tank	A-13
150 Gallon Hydraulic Oil Tank	A-13
250 Gallon Hydraulic Oil Tank	A-13
120 Gallon Transmission Oil Tank	A-13
150 Gallon Gear Oil Tank	A-13
25,000 Gallon Leachate Tank	A-13
Solidification Emissions	A-13
100,000 Gallon Leachate Tank	A-13

## SECTION VIII: GENERAL PROVISIONS

1. Any terms or conditions included in this permit which specify and reference Arkansas Pollution Control & Ecology Commission Regulation 18 or the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*) as the sole origin of and authority for the terms or conditions are not required under the Clean Air Act or any of its applicable requirements, and are not federally enforceable under the Clean Air Act. Arkansas Pollution Control & Ecology Commission Regulation 18 was adopted pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*). Any terms or conditions included in this permit which specify and reference Arkansas Pollution Control & Ecology Commission Regulation 18 or the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*) as the origin of and authority for the terms or conditions are enforceable under this Arkansas statute. [40 C.F.R. § 70.6(b)(2)]
2. This permit shall be valid for a period of five (5) years beginning on the date this permit becomes effective and ending five (5) years later. [40 C.F.R. § 70.6(a)(2) and Reg.26.701(B)]
3. The permittee must submit a complete application for permit renewal at least six (6) months before permit expiration. Permit expiration terminates the permittee's right to operate unless the permittee submitted a complete renewal application at least six (6) months before permit expiration. If the permittee submits a complete application, the existing permit will remain in effect until the Department takes final action on the renewal application. The Department will not necessarily notify the permittee when the permit renewal application is due. [Reg.26.406]
4. Where an applicable requirement of the Clean Air Act, as amended, 42 U.S.C. 7401, *et seq.* (Act) is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, the permit incorporates both provisions into the permit, and the Director or the Administrator can enforce both provisions. [40 C.F.R. § 70.6(a)(1)(ii) and Reg.26.701(A)(2)]
5. The permittee must maintain the following records of monitoring information as required by this permit.
  - a. The date, place as defined in this permit, and time of sampling or measurements;
  - b. The date(s) analyses performed;
  - c. The company or entity performing the analyses;
  - d. The analytical techniques or methods used;
  - e. The results of such analyses; and
  - f. The operating conditions existing at the time of sampling or measurement.

[40 C.F.R. § 70.6(a)(3)(ii)(A) and Reg.26.701(C)(2)]

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6. The permittee must retain the records of all required monitoring data and support information for at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. [40 C.F.R. § 70.6(a)(3)(ii)(B) and Reg.26.701(C)(2)(b)]
7. The permittee must submit reports of all required monitoring every six (6) months. If the permit establishes no other reporting period, the reporting period shall end on the last day of the month six months after the issuance of the initial Title V permit and every six months thereafter. The report is due on the first day of the second month after the end of the reporting period. The first report due after issuance of the initial Title V permit shall contain six months of data and each report thereafter shall contain 12 months of data. The report shall contain data for all monitoring requirements in effect during the reporting period. If a monitoring requirement is not in effect for the entire reporting period, only those months of data in which the monitoring requirement was in effect are required to be reported. The report must clearly identify all instances of deviations from permit requirements. A responsible official as defined in Reg.26.2 must certify all required reports. The permittee will send the reports to the address below:

Arkansas Department of Environmental Quality  
Office of Air Quality  
ATTN: Compliance Inspector Supervisor  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

[40 C.F.R. § 70.6(a)(3)(iii)(A) and Reg.26.701(C)(3)(a)]

8. The permittee shall report to the Department all deviations from permit requirements, including those attributable to upset conditions as defined in the permit.
  - a. For all upset conditions (as defined in Reg.19.601), the permittee will make an initial report to the Department by the next business day after the discovery of the occurrence. The initial report may be made by telephone and shall include:
    - i. The facility name and location;
    - ii. The process unit or emission source deviating from the permit limit;
    - iii. The permit limit, including the identification of pollutants, from which deviation occurs;
    - iv. The date and time the deviation started;
    - v. The duration of the deviation;
    - vi. The emissions during the deviation;
    - vii. The probable cause of such deviations;
    - viii. Any corrective actions or preventive measures taken or being taken to prevent such deviations in the future; and

ix. The name of the person submitting the report.

The permittee shall make a full report in writing to the Department within five (5) business days of discovery of the occurrence. The report must include, in addition to the information required by the initial report, a schedule of actions taken or planned to eliminate future occurrences and/or to minimize the amount the permit's limits were exceeded and to reduce the length of time the limits were exceeded. The permittee may submit a full report in writing (by facsimile, overnight courier, or other means) by the next business day after discovery of the occurrence, and the report will serve as both the initial report and full report.

- b. For all deviations, the permittee shall report such events in semi-annual reporting and annual certifications required in this permit. This includes all upset conditions reported in 8a above. The semi-annual report must include all the information as required by the initial and full reports required in 8a.

[Reg.19.601, Reg.19.602, Reg.26.701(C)(3)(b), and 40 C.F.R. § 70.6(a)(3)(iii)(B)]

9. If any provision of the permit or the application thereof to any person or circumstance is held invalid, such invalidity will not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end, provisions of this Regulation are declared to be separable and severable. [40 C.F.R. § 70.6(a)(5), Reg.26.701(E), and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
10. The permittee must comply with all conditions of this Part 70 permit. Any permit noncompliance with applicable requirements as defined in Regulation 26 constitutes a violation of the Clean Air Act, as amended, 42 U.S.C. § 7401, *et seq.* and is grounds for enforcement action; for permit termination, revocation and reissuance, for permit modification; or for denial of a permit renewal application. [40 C.F.R. § 70.6(a)(6)(i) and Reg.26.701(F)(1)]
11. 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 to maintain compliance with the conditions of this permit. [40 C.F.R. § 70.6(a)(6)(ii) and Reg.26.701(F)(2)]
12. The Department may modify, revoke, reopen and reissue the permit or terminate the permit for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [40 C.F.R. § 70.6(a)(6)(iii) and Reg.26.701(F)(3)]
13. This permit does not convey any property rights of any sort, or any exclusive privilege. [40 C.F.R. § 70.6(a)(6)(iv) and Reg.26.701(F)(4)]

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14. The permittee must furnish to the Director, within the time specified by the Director, any information that the Director may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee must also furnish to the Director copies of records required by the permit. For information the permittee claims confidentiality, the Department may require the permittee to furnish such records directly to the Director along with a claim of confidentiality. [40 C.F.R. § 70.6(a)(6)(v) and Reg.26.701(F)(5)]
15. The permittee must pay all permit fees in accordance with the procedures established in Regulation 9. [40 C.F.R. § 70.6(a)(7) and Reg.26.701(G)]
16. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes provided for elsewhere in this permit. [40 C.F.R. § 70.6(a)(8) and Reg.26.701(H)]
17. If the permit allows different operating scenarios, the permittee shall, contemporaneously with making a change from one operating scenario to another, record in a log at the permitted facility a record of the operational scenario. [40 C.F.R. § 70.6(a)(9)(i) and Reg.26.701(I)(1)]
18. The Administrator and citizens may enforce under the Act all terms and conditions in this permit, including any provisions designed to limit a source's potential to emit, unless the Department specifically designates terms and conditions of the permit as being federally unenforceable under the Act or under any of its applicable requirements. [40 C.F.R. § 70.6(b) and Reg.26.702(A) and (B)]
19. Any document (including reports) required by this permit pursuant to 40 C.F.R. § 70 must contain a certification by a responsible official as defined in Reg.26.2. [40 C.F.R. § 70.6(c)(1) and Reg.26.703(A)]
20. The permittee must allow an authorized representative of the Department, upon presentation of credentials, to perform the following: [40 C.F.R. § 70.6(c)(2) and Reg.26.703(B)]
  - a. Enter upon the permittee's premises where the permitted source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
  - b. Have access to and copy, at reasonable times, any records required under the conditions of this permit;
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
  - d. As authorized by the Act, sample or monitor at reasonable times substances or parameters for assuring compliance with this permit or applicable requirements.

21. The permittee shall submit a compliance certification with the terms and conditions contained in the permit, including emission limitations, standards, or work practices. The permittee must submit the compliance certification annually. If the permit establishes no other reporting period, the reporting period shall end on the last day of the anniversary month of the initial Title V permit. The report is due on the first day of the second month after the end of the reporting period. The permittee must also submit the compliance certification to the Administrator as well as to the Department. All compliance certifications required by this permit must include the following: [40 C.F.R. § 70.6(c)(5) and Reg.26.703(E)(3)]
  - a. The identification of each term or condition of the permit that is the basis of the certification;
  - b. The compliance status;
  - c. Whether compliance was continuous or intermittent;
  - d. The method(s) used for determining the compliance status of the source, currently and over the reporting period established by the monitoring requirements of this permit; and
  - e. Such other facts as the Department may require elsewhere in this permit or by § 114(a)(3) and § 504(b) of the Act.
22. Nothing in this permit will alter or affect the following: [Reg.26.704(C)]
  - a. The provisions of Section 303 of the Act (emergency orders), including the authority of the Administrator under that section;
  - b. The liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance;
  - c. The applicable requirements of the acid rain program, consistent with § 408(a) of the Act; or
  - d. The ability of EPA to obtain information from a source pursuant to § 114 of the Act.
23. This permit authorizes only those pollutant emitting activities addressed in this permit. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
24. The permittee may request in writing and at least 15 days in advance of the deadline, an extension to any testing, compliance or other dates in this permit. No such extensions are authorized until the permittee receives written Department approval. The Department may grant such a request, at its discretion in the following circumstances:
  - a. Such an extension does not violate a federal requirement;
  - b. The permittee demonstrates the need for the extension; and
  - c. The permittee documents that all reasonable measures have been taken to meet the current deadline and documents reasons it cannot be met.



[Reg.18.314(A), Reg.19.416(A), Reg.26.1013(A), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

25. The permittee may request in writing and at least 30 days in advance, temporary emissions and/or testing that would otherwise exceed an emission rate, throughput requirement, or other limit in this permit. No such activities are authorized until the permittee receives written Department approval. Any such emissions shall be included in the facility's total emissions and reported as such. The Department may grant such a request, at its discretion under the following conditions:

- a. Such a request does not violate a federal requirement;
- b. Such a request is temporary in nature;
- c. Such a request will not result in a condition of air pollution;
- d. The request contains such information necessary for the Department to evaluate the request, including but not limited to, quantification of such emissions and the date/time such emission will occur;
- e. Such a request will result in increased emissions less than five tons of any individual criteria pollutant, one ton of any single HAP and 2.5 tons of total HAPs; and
- f. The permittee maintains records of the dates and results of such temporary emissions/testing.

[Reg.18.314(B), Reg.19.416(B), Reg.26.1013(B), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

26. The permittee may request in writing and at least 30 days in advance, an alternative to the specified monitoring in this permit. No such alternatives are authorized until the permittee receives written Department approval. The Department may grant such a request, at its discretion under the following conditions:

- a. The request does not violate a federal requirement;
- b. The request provides an equivalent or greater degree of actual monitoring to the current requirements; and
- c. Any such request, if approved, is incorporated in the next permit modification application by the permittee.

[Reg.18.314(C), Reg.19.416(C), Reg.26.1013(C), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

27. Any credible evidence based on sampling, monitoring, and reporting may be used to determine violations of applicable emission limitations. [Reg.18.1001, Reg.19.701, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

APPENDIX A

40 C.F.R. Part 60, Subpart WWW – *Standards of Performance for Municipal Solid Waste  
Landfills*

## Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills

SOURCE: 61 FR 9919, Mar. 12, 1996, unless otherwise noted.

### §60.750 Applicability, designation of affected facility, and delegation of authority.

(a) The provisions of this subpart apply to each municipal solid waste landfill that commenced construction, reconstruction or modification on or after May 30, 1991. Physical or operational changes made to an existing MSW landfill solely to comply with subpart Cc of this part are not considered construction, reconstruction, or modification for the purposes of this section.

(b) The following authorities shall be retained by the Administrator and not transferred to the State: §60.754(a)(5).

(c) Activities required by or conducted pursuant to a CERCLA, RCRA, or State remedial action are not considered construction, reconstruction, or modification for purposes of this subpart.

[61 FR 9919, Mar. 12, 1996, as amended at 63 FR 32750, June 16, 1998]

### §60.751 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in subpart A of this part.

*Active collection system* means a gas collection system that uses gas mover equipment.

*Active landfill* means a landfill in which solid waste is being placed or a landfill that is planned to accept waste in the future.

*Closed landfill* means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under §60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed.

*Closure* means that point in time when a landfill becomes a closed landfill.

*Commercial solid waste* means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.

*Controlled landfill* means any landfill at which collection and control systems are required under this subpart as a result of the nonmethane organic compounds emission rate. The landfill is considered controlled at the time a collection and control system design plan is submitted in compliance with §60.752(b)(2)(i).

*Design capacity* means the maximum amount of solid waste a landfill can accept, as indicated in terms of volume or mass in the most recent permit issued by the State, local, or Tribal agency responsible for regulating the landfill, plus any in-place waste not accounted for in the most recent permit. 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.

*Disposal facility* means all contiguous land and structures, other appurtenances, and improvements on the land used for the disposal of solid waste.

*Emission rate cutoff* means the threshold annual emission rate to which a landfill compares its estimated emission rate to determine if control under the regulation is required.

*Enclosed combustor* means an enclosed firebox which maintains a relatively constant limited peak temperature generally using a limited supply of combustion air. An enclosed flare is considered an enclosed combustor.

*Flare* means an open combustor without enclosure or shroud.

*Gas mover equipment* means the equipment (i.e., fan, blower, compressor) used to transport landfill gas through the header system.

*Household waste* means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including, but not limited to, single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

*Industrial solid waste* means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under Subtitle C of the Resource Conservation and Recovery Act, parts 264 and 265 of this title. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

*Interior well* means any well or similar collection component located inside the perimeter of the landfill waste. A perimeter well located outside the landfilled waste is not an interior well.

*Landfill* means an area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile as those terms are defined under §257.2 of this title.

*Lateral expansion* means a horizontal expansion of the waste boundaries of an existing MSW landfill. A lateral expansion is not a modification unless it results in an increase in the design capacity of the landfill.

*Modification* means an increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its permitted design capacity as of May 30, 1991. Modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion.

*Municipal solid waste landfill or MSW landfill* means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of RCRA Subtitle D wastes (§257.2 of this title) such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill

may be separated by access roads. An MSW landfill may be publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion.

*Municipal solid waste landfill emissions* or *MSW landfill emissions* means gas generated by the decomposition of organic waste deposited in an MSW landfill or derived from the evolution of organic compounds in the waste.

*NMOC* means nonmethane organic compounds, as measured according to the provisions of §60.754.

*Nondegradable waste* means any waste that does not decompose through chemical breakdown or microbiological activity. Examples are, but are not limited to, concrete, municipal waste combustor ash, and metals.

*Passive collection system* means a gas collection system that solely uses positive pressure within the landfill to move the gas rather than using gas mover equipment.

*Sludge* means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

*Solid waste* means any garbage, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under 33 U.S.C. 1342, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C 2011 *et seq.*).

*Sufficient density* means any number, spacing, and combination of collection system components, including vertical wells, horizontal collectors, and surface collectors, necessary to maintain emission and migration control as determined by measures of performance set forth in this part.

*Sufficient extraction rate* means a rate sufficient to maintain a negative pressure at all wellheads in the collection system without causing air infiltration, including any wellheads connected to the system as a result of expansion or excess surface emissions, for the life of the blower.

[61 FR 9919, Mar. 12, 1996, as amended at 63 FR 32750, June 16, 1998; 64 FR 9262, Feb. 24, 1999]

#### **§60.752 Standards for air emissions from municipal solid waste landfills.**

(a) Each owner or operator of an MSW landfill having a design capacity less than 2.5 million megagrams by mass or 2.5 million cubic meters by volume shall submit an initial design capacity report to the Administrator as provided in §60.757(a). The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. Any density conversions shall be documented and submitted with the report. Submittal of the initial design capacity report shall fulfill the requirements of this subpart except as provided for in paragraphs (a)(1) and (a)(2) of this section.

(1) The owner or operator shall submit to the Administrator an amended design capacity report, as provided for in §60.757(a)(3).

(2) When an increase in the maximum design capacity of a landfill exempted from the provisions of §§60.752(b) through 60.759 of this subpart on the basis of the design capacity exemption in paragraph (a) of this section results in a revised maximum design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, the owner or operator shall comply with the provision of paragraph (b) of this section.

(b) Each owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, shall either comply with paragraph (b)(2) of this section or calculate an NMOC emission rate for the landfill using the procedures specified in §60.754. The NMOC emission rate shall be recalculated annually, except as provided in §60.757(b)(1)(ii) of this subpart. The owner or operator of an MSW landfill subject to this subpart with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters is subject to part 70 or 71 permitting requirements.

(1) If the calculated NMOC emission rate is less than 50 megagrams per year, the owner or operator shall:

(i) Submit an annual emission report to the Administrator, except as provided for in §60.757(b)(1)(ii); and

(ii) Recalculate the NMOC emission rate annually using the procedures specified in §60.754(a)(1) until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, or the landfill is closed.

(A) If the NMOC emission rate, upon recalculation required in paragraph (b)(1)(ii) of this section, is equal to or greater than 50 megagrams per year, the owner or operator shall install a collection and control system in compliance with paragraph (b)(2) of this section.

(B) If the landfill is permanently closed, a closure notification shall be submitted to the Administrator as provided for in §60.757(d).

(2) If the calculated NMOC emission rate 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:

(A) The collection and control system as described in the plan shall meet the design requirements of paragraph (b)(2)(ii) of this section.

(B) 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 of §§60.753 through 60.758 proposed by the owner or operator.

(C) The collection and control system design plan shall either conform with specifications for active collection systems in §60.759 or include a demonstration to the Administrator's satisfaction of the sufficiency of the alternative provisions to §60.759.

(D) The Administrator shall review the information submitted under paragraphs (b)(2)(i) (A),(B) and (C) of this section 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.

(ii) Install a collection and control system that captures the gas generated within the landfill as required by paragraphs (b)(2)(ii)(A) or (B) and (b)(2)(iii) of this section within 30 months after the first annual report in which the emission rate equals or exceeds 50 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the emission rate is less than 50 megagrams per year, as specified in §60.757(c)(1) or (2).

(A) An active collection system shall:

(1) Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control or treatment system equipment;

(2) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of:

(i) 5 years or more if active; or

(ii) 2 years or more if closed or at final grade.

(3) Collect gas at a sufficient extraction rate;

(4) Be designed to minimize off-site migration of subsurface gas.

(B) A passive collection system shall:

(1) Comply with the provisions specified in paragraphs (b)(2)(ii)(A)(1), (2), and (2)(ii)(A)(4) of this section.

(2) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners shall be installed as required under §258.40.

(iii) Route all the collected gas to a control system that complies with the requirements in either paragraph (b)(2)(iii) (A), (B) or (C) of this section.

(A) An open flare designed and operated in accordance with §60.18 except as noted in §60.754(e);

(B) A control system designed and operated to reduce NMOC by 98 weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by 98 weight percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume, dry basis as hexane at 3 percent oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test to be completed no later than 180 days after the initial startup of the approved control system using the test methods specified in §60.754(d).

(1) If a boiler or process heater is used as the control device, the landfill gas stream shall be introduced into the flame zone.

(2) The control device shall be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in §60.756;

(C) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of paragraph (b)(2)(iii) (A) or (B) of this section.

(iv) Operate the collection and control device installed to comply with this subpart in accordance with the provisions of §§60.753, 60.755 and 60.756.

(v) The collection and control system may be capped or removed provided that all the conditions of paragraphs (b)(2)(v) (A), (B), and (C) of this section are met:

(A) The landfill shall be a closed landfill as defined in §60.751 of this subpart. A closure report shall be submitted to the Administrator as provided in §60.757(d);

(B) The collection and control system shall have been in operation a minimum of 15 years; and

(C) Following the procedures specified in §60.754(b) of this subpart, the calculated NMOC gas produced by the landfill shall be less than 50 megagrams per year on three successive test dates. The test dates shall be no less than 90 days apart, and no more than 180 days apart.

(c) For purposes of obtaining an operating permit under title V of the Act, the owner or operator of a MSW landfill subject to this subpart with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters is not subject to the requirement to obtain an operating permit for the landfill under part 70 or 71 of this chapter, unless the landfill is otherwise subject to either part 70 or 71. For purposes of submitting a timely application for an operating permit under part 70 or 71, the owner or operator of a MSW landfill subject to this subpart with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters, and not otherwise subject to either part 70 or 71, becomes subject to the requirements of §§70.5(a)(1)(i) or 71.5(a)(1)(i) of this chapter, regardless of when the design capacity report is actually submitted, no later than:

(1) June 10, 1996 for MSW landfills that commenced construction, modification, or reconstruction on or after May 30, 1991 but before March 12, 1996;

(2) Ninety days after the date of commenced construction, modification, or reconstruction for MSW landfills that commence construction, modification, or reconstruction on or after March 12, 1996.

(d) When a MSW landfill subject to this subpart is closed, the owner or operator is no longer subject to the requirement to maintain an operating permit under part 70 or 71 of this chapter for the landfill if the landfill is not otherwise subject to the requirements of either part 70 or 71 and if either of the following conditions are met:

(1) The landfill was never subject to the requirement for a control system under paragraph (b)(2) of this section; or

(2) The owner or operator meets the conditions for control system removal specified in paragraph (b)(2)(v) of this section.

[61 FR 9919, Mar. 12, 1996, as amended at 63 FR 32751, June 16, 1998; 65 FR 18908, Apr. 10, 2000; 71 FR 55127, Sept. 21, 2006]



**§60.753 Operational standards for collection and control systems.**

Each owner or operator of an MSW landfill with a gas collection and control system used to comply with the provisions of §60.752(b)(2)(ii) of this subpart shall:

(a) Operate the collection system such that gas is collected from each area, cell, or group of cells in the MSW landfill in which solid waste has been in place for:

- (1) 5 years or more if active; or
- (2) 2 years or more if closed or at final grade;

(b) Operate the collection system with negative pressure at each wellhead except under the following conditions:

(1) A fire or increased well temperature. The owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in §60.757(f)(1);

(2) Use of a geomembrane or synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan;

(3) A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes shall be approved by the Administrator;

(c) Operate each interior wellhead in the collection system with a landfill gas temperature less than 55 °C and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent. The owner or operator may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

(1) The nitrogen level shall be determined using Method 3C, unless an alternative test method is established as allowed by §60.752(b)(2)(i) of this subpart.

(2) Unless an alternative test method is established as allowed by §60.752(b)(2)(i) of this subpart, the oxygen shall be determined by an oxygen meter using Method 3A or 3C except that:

- (i) The span shall be set so that the regulatory limit is between 20 and 50 percent of the span;
- (ii) A data recorder is not required;
- (iii) Only two calibration gases are required, a zero and span, and ambient air may be used as the span;
- (iv) A calibration error check is not required;
- (v) The allowable sample bias, zero drift, and calibration drift are ±10 percent.

(d) Operate the collection system so that the methane concentration is less than 500 parts per million above background at the surface of the landfill. To determine if this level is exceeded, the owner or operator shall conduct surface testing around the perimeter of the collection area and along a pattern that traverses the

landfill at 30 meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. The owner or operator may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the 30 meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing.

(e) Operate the system such that all collected gases are vented to a control system designed and operated in compliance with §60.752(b)(2)(iii). In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within 1 hour; and

(f) Operate the control or treatment system at all times when the collected gas is routed to the system.

(g) If monitoring demonstrates that the operational requirements in paragraphs (b), (c), or (d) of this section are not met, corrective action shall be taken as specified in §60.755(a)(3) through (5) or §60.755(c) of this subpart. If corrective actions are taken as specified in §60.755, the monitored exceedance is not a violation of the operational requirements in this section.

[61 FR 9919, Mar. 12, 1996, as amended at 63 FR 32751, June 16, 1998; 65 FR 61778, Oct. 17, 2000]

#### §60.754 Test methods and procedures.

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

(i) The following equation shall be used if the actual year-to-year solid waste acceptance rate is known.

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

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

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

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

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

(ii) The following equation shall be used if the actual year-to-year solid waste acceptance rate is unknown.

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

Where:

$M_{\text{NMOC}}$  = 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 active landfill  $c = 0$  and  $e^{-kc} = 1$

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

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

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

(i) If the NMOC emission rate calculated in paragraph (a)(1) of this section is less than 50 megagrams per year, then the landfill owner shall submit an emission rate report as provided in §60.757(b)(1), and shall recalculate the NMOC mass emission rate annually as required under §60.752(b)(1).

(ii) If the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, then the landfill owner shall either comply with §60.752(b)(2), or determine a site-specific NMOC concentration and recalculate the NMOC emission rate using the procedures provided in paragraph (a)(3) of this section.

(3) *Tier 2.* The landfill owner or operator shall determine the NMOC concentration using the following sampling procedure. The landfill owner or operator shall install at least two sample probes per hectare of landfill surface that has retained waste for at least 2 years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The sample probes should be located to avoid known areas of nondegradable solid waste. The owner or operator shall collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using Method 25 or 25C of appendix A of this part. Method 18 of appendix A of this part may be used to analyze the samples collected by the Method 25 or 25C sampling procedure. Taking composite samples from different probes into a single cylinder is allowed; however, equal sample volumes

must be taken from each probe. For each composite, the sampling rate, collection times, beginning and ending cylinder vacuums, or alternative volume measurements must be recorded to verify that composite volumes are equal. Composite sample volumes should not be less than one liter unless evidence can be provided to substantiate the accuracy of smaller volumes. Terminate compositing before the cylinder approaches ambient pressure where measurement accuracy diminishes. If using Method 18, the owner or operator must identify all compounds in the sample and, as a minimum, test for those compounds published in the most recent Compilation of Air Pollutant Emission Factors (AP-42), minus carbon monoxide, hydrogen sulfide, and mercury. As a minimum, the instrument must be calibrated for each of the compounds on the list. Convert the concentration of each Method 18 compound to  $C_{\text{NMOC}}$  as hexane by multiplying by the ratio of its carbon atoms divided by six. If more than the required number of samples are taken, all samples must be used in the analysis. The landfill owner or operator must divide the NMOC concentration from Method 25 or 25C of appendix A of this part by six to convert from  $C_{\text{NMOC}}$  as carbon to  $C_{\text{NMOC}}$  as hexane. If the landfill has an active or passive gas removal system in place, Method 25 or 25C samples may be collected from these systems instead of surface probes provided the removal system can be shown to provide sampling as representative as the two sampling probe per hectare requirement. For active collection systems, samples may be collected from the common header pipe before the gas moving or condensate removal equipment. For these systems, a minimum of three samples must be collected from the header pipe.

(i) The landfill owner or operator shall recalculate the NMOC mass emission rate using the equations provided in paragraph (a)(1)(i) or (a)(1)(ii) of this section and using the average NMOC concentration from the collected samples instead of the default value in the equation provided in paragraph (a)(1) of this section.

(ii) If the resulting mass emission rate calculated using the site-specific NMOC concentration is equal to or greater than 50 megagrams per year, then the landfill owner or operator shall either comply with §60.752(b)(2), or determine the site-specific methane generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the procedure specified in paragraph (a)(4) of this section.

(iii) If the resulting NMOC mass emission rate is less than 50 megagrams per year, the owner or operator shall submit a periodic estimate of the emission rate report as provided in §60.757(b)(1) and retest the site-specific NMOC concentration every 5 years using the methods specified in this section.

(4) *Tier 3.* The site-specific methane generation rate constant shall be determined using the procedures provided in Method 2E of appendix A of this part. The landfill owner or operator shall estimate the NMOC mass emission rate using equations in paragraph (a)(1)(i) or (a)(1)(ii) of this section and using a site-specific methane generation rate constant  $k$ , and the site-specific NMOC concentration as determined in paragraph (a)(3) of this section instead of the default values provided in paragraph (a)(1) of this section. The landfill owner or operator shall compare the resulting NMOC mass emission rate to the standard of 50 megagrams per year.

(i) If the NMOC mass emission rate as calculated using the site-specific methane generation rate and concentration of NMOC is equal to or greater than 50 megagrams per year, the owner or operator shall comply with §60.752(b)(2).

(ii) If the NMOC mass emission rate is less than 50 megagrams per year, then the owner or operator shall submit a periodic emission rate report as provided in §60.757(b)(1) and shall recalculate the NMOC mass emission rate annually, as provided in §60.757(b)(1) using the equations in paragraph (a)(1) of this section and using the site-specific methane generation rate constant and NMOC concentration obtained in paragraph (a)(3) of this section. The calculation of the methane generation rate constant is performed only once, and the value obtained from this test shall be used in all subsequent annual NMOC emission rate calculations.

(5) The owner or operator may use other methods to determine the NMOC concentration or a site-specific  $k$  as an alternative to the methods required in paragraphs (a)(3) and (a)(4) of this section if the method has been approved by the Administrator.

(b) After the installation of a collection and control system in compliance with §60.755, the owner or operator shall calculate the NMOC emission rate for purposes of determining when the system can be removed as provided in §60.752(b)(2)(v), using the following equation:

$$M_{\text{NMOC}} = 1.89 \times 10^{-3} Q_{\text{LFG}} C_{\text{NMOC}}$$

where,

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

$Q_{\text{LFG}}$  = flow rate of landfill gas, cubic meters per minute

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

(1) The flow rate of landfill gas,  $Q_{\text{LFG}}$ , shall be determined by measuring the total landfill gas flow rate at the common header pipe that leads to the control device using a gas flow measuring device calibrated according to the provisions of section 4 of Method 2E of appendix A of this part.

(2) The average NMOC concentration,  $C_{\text{NMOC}}$ , shall be determined by collecting and analyzing landfill gas sampled from the common header pipe before the gas moving or condensate removal equipment using the procedures in Method 25C or Method 18 of appendix A of this part. If using Method 18 of appendix A of this part, the minimum list of compounds to be tested shall be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42). The sample location on the common header pipe shall be before any condensate removal or other gas refining units. The landfill owner or operator shall divide the NMOC concentration from Method 25C of appendix A of this part by six to convert from  $C_{\text{NMOC}}$  as carbon to  $C_{\text{NMOC}}$  as hexane.

(3) The owner or operator may use another method to determine landfill gas flow rate and NMOC concentration if the method has been approved by the Administrator.

(c) When calculating emissions for PSD purposes, the owner or operator of each MSW landfill subject to the provisions of this subpart shall estimate the NMOC emission rate for comparison to the PSD major source and significance levels in §§51.166 or 52.21 of this chapter using AP-42 or other approved measurement procedures.

(d) For the performance test required in §60.752(b)(2)(iii)(B), Method 25, 25C, or Method 18 of appendix A of this part must be used to determine compliance with the 98 weight-percent efficiency or the 20 ppmv outlet concentration level, unless another method to demonstrate compliance has been approved by the Administrator as provided by §60.752(b)(2)(i)(B). Method 3 or 3A shall be used to determine oxygen for correcting the NMOC concentration as hexane to 3 percent. In cases where the outlet concentration is less than 50 ppm NMOC as carbon (8 ppm NMOC as hexane), Method 25A should be used in place of Method 25. If using Method 18 of appendix A of this part, the minimum list of compounds to be tested shall be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42). The following equation shall be used to calculate efficiency:

$$\text{Control Efficiency} = (\text{NMOC}_{\text{in}} - \text{NMOC}_{\text{out}}) / (\text{NMOC}_{\text{in}})$$

where,

NMOC<sub>in</sub> = mass of NMOC entering control device

NMOC<sub>out</sub> = mass of NMOC exiting control device

(e) For the performance test required in §60.752(b)(2)(iii)(A), the net heating value of the combusted landfill gas as determined in §60.18(f)(3) is calculated from the concentration of methane in the landfill gas as measured by Method 3C. A minimum of three 30-minute Method 3C samples are determined. The measurement of other organic components, hydrogen, and carbon monoxide is not applicable. Method 3C may be used to determine the landfill gas molecular weight for calculating the flare gas exit velocity under §60.18(f)(4).

[61 FR 9919, Mar. 12, 1996, as amended at 63 FR 32751, June 16, 1998; 65 FR 18908, Apr. 10, 2000; 65 FR 61778, Oct. 17, 2000; 71 FR 55127, Sept. 21, 2006]

### §60.755 Compliance provisions.

(a) Except as provided in §60.752(b)(2)(i)(B), the specified methods in paragraphs (a)(1) through (a)(6) of this section shall be used to determine whether the gas collection system is in compliance with §60.752(b)(2)(ii).

(1) For the purposes of calculating the maximum expected gas generation flow rate from the landfill to determine compliance with §60.752(b)(2)(ii)(A)(1), one of the following equations shall be used. The k and L<sub>o</sub> kinetic factors should be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42) or other site specific values demonstrated to be appropriate and approved by the Administrator. If k has been determined as specified in §60.754(a)(4), the value of k determined from the test shall be used. A value of no more than 15 years shall be used for the intended use period of the gas mover equipment. The active life of the landfill is the age of the landfill plus the estimated number of years until closure.

(i) For sites with unknown year-to-year solid waste acceptance rate:

$$Q_m = 2L_o R (e^{-kc} - e^{-kt})$$

where,

Q<sub>m</sub> = maximum expected gas generation flow rate, cubic meters per year

L<sub>o</sub> = 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 the landfill at equipment installation plus the time the owner or operator intends to use the gas mover equipment or active life of the landfill, whichever is less. If the equipment is installed after closure, t is the age of the landfill at installation, years

c = time since closure, years (for an active landfill c = 0 and e<sup>-kc</sup> = 1)

(ii) For sites with known year-to-year solid waste acceptance rate:

$$Q_M = \sum_{i=1}^n 2 k L_o M_i (e^{-kt_i})$$

where,

$Q_M$  = maximum expected gas generation flow rate, cubic meters 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

(iii) If a collection and control system has been installed, actual flow data may be used to project the maximum expected gas generation flow rate instead of, or in conjunction with, the equations in paragraphs (a)(1) (i) and (ii) of this section. If the landfill is still accepting waste, the actual measured flow data will not equal the maximum expected gas generation rate, so calculations using the equations in paragraphs (a)(1) (i) or (ii) or other methods shall be used to predict the maximum expected gas generation rate over the intended period of use of the gas control system equipment.

(2) For the purposes of determining sufficient density of gas collectors for compliance with §60.752(b)(2)(ii)(A)(2), the owner or operator shall design a system of vertical wells, horizontal collectors, or other collection devices, satisfactory to the Administrator, capable of controlling and extracting gas from all portions of the landfill sufficient to meet all operational and performance standards.

(3) For the purpose of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with §60.752(b)(2)(ii)(A)(3), the owner or operator shall measure gauge pressure in the gas collection header at each individual well, monthly. If a positive pressure exists, action shall be initiated to correct the exceedance within 5 calendar days, except for the three conditions allowed under §60.753(b). If negative pressure cannot be achieved without excess air infiltration within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial measurement of positive pressure. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the Administrator for approval.

(4) Owners or operators are not required to expand the system as required in paragraph (a)(3) of this section during the first 180 days after gas collection system startup.

(5) For the purpose of identifying whether excess air infiltration into the landfill is occurring, the owner or operator shall monitor each well monthly for temperature and nitrogen or oxygen as provided in §60.753(c). If a well exceeds one of these operating parameters, action shall be initiated to correct the exceedance within 5 calendar days. If correction of the exceedance cannot be achieved within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial exceedance. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the Administrator for approval.

(6) An owner or operator seeking to demonstrate compliance with §60.752(b)(2)(ii)(A)(4) through the use of a collection system not conforming to the specifications provided in §60.759 shall provide information satisfactory to the Administrator as specified in §60.752(b)(2)(i)(C) demonstrating that off-site migration is being controlled.

(b) For purposes of compliance with §60.753(a), each owner or operator of a controlled landfill shall place each well or design component as specified in the approved design plan as provided in §60.752(b)(2)(i). Each well shall be installed no later than 60 days after the date on which the initial solid waste has been in place for a period of:

- (1) 5 years or more if active; or
- (2) 2 years or more if closed or at final grade.

(c) The following procedures shall be used for compliance with the surface methane operational standard as provided in §60.753(d).

(1) After installation of the collection system, the owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals (or a site-specific established spacing) for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in paragraph (d) of this section.

(2) The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells.

(3) Surface emission monitoring shall be performed in accordance with section 4.3.1 of Method 21 of appendix A of this part, except that the probe inlet shall be placed within 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions.

(4) Any reading of 500 parts per million or more above background at any location shall be recorded as a monitored exceedance and the actions specified in paragraphs (c)(4) (i) through (v) of this section shall be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements of §60.753(d).

(i) The location of each monitored exceedance shall be marked and the location recorded.

(ii) Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be re-monitored within 10 calendar days of detecting the exceedance.

(iii) If the re-monitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within 10 days of the second exceedance. If the re-monitoring shows a third exceedance for the same location, the action specified in paragraph (c)(4)(v) of this section shall be taken, and no further monitoring of that location is required until the action specified in paragraph (c)(4)(v) has been taken.

(iv) Any location that initially showed an exceedance but has a methane concentration less than 500 ppm methane above background at the 10-day re-monitoring specified in paragraph (c)(4) (ii) or (iii) of this section shall be re-monitored 1 month from the initial exceedance. If the 1-month re-monitoring shows a concentration less than 500 parts per million above background, no further monitoring of that location is required until the next quarterly monitoring period. If the 1-month re-monitoring shows an exceedance, the actions specified in paragraph (c)(4) (iii) or (v) shall be taken.

(v) For any location where monitored methane concentration equals or exceeds 500 parts per million above background three times within a quarterly period, a new well or other collection device shall be installed



within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the Administrator for approval.

(5) The owner or operator shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

(d) Each owner or operator seeking to comply with the provisions in paragraph (c) of this section shall comply with the following instrumentation specifications and procedures for surface emission monitoring devices:

(1) The portable analyzer shall meet the instrument specifications provided in section 3 of Method 21 of appendix A of this part, except that "methane" shall replace all references to VOC.

(2) The calibration gas shall be methane, diluted to a nominal concentration of 500 parts per million in air.

(3) To meet the performance evaluation requirements in section 3.1.3 of Method 21 of appendix A of this part, the instrument evaluation procedures of section 4.4 of Method 21 of appendix A of this part shall be used.

(4) The calibration procedures provided in section 4.2 of Method 21 of appendix A of this part shall be followed immediately before commencing a surface monitoring survey.

(e) The provisions of this subpart apply at all times, except during periods of start-up, shutdown, or malfunction, provided that the duration of start-up, shutdown, or malfunction shall not exceed 5 days for collection systems and shall not exceed 1 hour for treatment or control devices.

[61 FR 9919, Mar. 12, 1996, as amended at 63 FR 32752, June 16, 1998]

#### **§60.756 Monitoring of operations.**

Except as provided in §60.752(b)(2)(i)(B),

(a) Each owner or operator seeking to comply with §60.752(b)(2)(ii)(A) for an active gas collection system shall install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead and:

(1) Measure the gauge pressure in the gas collection header on a monthly basis as provided in §60.755(a)(3); and

(2) Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as provided in §60.755(a)(5); and

(3) Monitor temperature of the landfill gas on a monthly basis as provided in §60.755(a)(5).

(b) Each owner or operator seeking to comply with §60.752(b)(2)(iii) using an enclosed combustor shall calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment.

(1) A temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of  $\pm 1$  percent of the temperature being measured expressed in degrees Celsius or  $\pm 0.5$  degrees Celsius, whichever is greater. A temperature monitoring device is not required for boilers or process heaters with design heat input capacity equal to or greater than 44 megawatts.

(2) A device that records flow to or bypass of the control device. The owner or operator shall either:

(i) Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes; or

(ii) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

(c) Each owner or operator seeking to comply with §60.752(b)(2)(iii) using an open flare shall install, calibrate, maintain, and operate according to the manufacturer's specifications the following equipment:

(1) A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame.

(2) A device that records flow to or bypass of the flare. The owner or operator shall either:

(i) Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes; or

(ii) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

(d) Each owner or operator seeking to demonstrate compliance with §60.752(b)(2)(iii) using a device other than an open flare or an enclosed combustor shall provide information satisfactory to the Administrator as provided in §60.752(b)(2)(i)(B) describing the operation of the control device, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The Administrator shall review the information and either approve it, or request that additional information be submitted. The Administrator may specify additional appropriate monitoring procedures.

(e) Each owner or operator seeking to install a collection system that does not meet the specifications in §60.759 or seeking to monitor alternative parameters to those required by §§60.753 through 60.756 shall provide information satisfactory to the Administrator as provided in §60.752(b)(2)(i)(B) and (C) describing the design and operation of the collection system, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The Administrator may specify additional appropriate monitoring procedures.

(f) Each owner or operator seeking to demonstrate compliance with §60.755(c), shall monitor surface concentrations of methane according to the instrument specifications and procedures provided in §60.755(d). Any closed landfill that has no monitored exceedances of the operational standard in three consecutive quarterly monitoring periods may skip to annual monitoring. Any methane reading of 500 ppm or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring.

**§60.757 Reporting requirements.**

Except as provided in §60.752(b)(2)(i)(B),

(a) Each owner or operator subject to the requirements of this subpart shall submit an initial design capacity report to the Administrator.

(1) The initial design capacity report shall fulfill the requirements of the notification of the date construction is commenced as required by §60.7(a)(1) and shall be submitted no later than:

(i) June 10, 1996, for landfills that commenced construction, modification, or reconstruction on or after May 30, 1991 but before March 12, 1996 or

(ii) 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.

(2) 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.

(3) An amended design capacity report shall be submitted to the Administrator 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 or above 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 §60.758(f).

(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, except as provided for in paragraphs (b)(1)(ii) or (b)(3) of this section. The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate.

(1) 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 §60.754(a) or (b), as applicable.

(i) The initial NMOC emission rate report may be combined with the initial design capacity report required in paragraph (a) of this section and shall be submitted no later than indicated in paragraphs

(b)(1)(i)(A) and (B) of this section. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in paragraphs (b)(1)(ii) and (b)(3) of this section.

(A) June 10, 1996, for landfills that commenced construction, modification, or reconstruction on or after May 30, 1991, but before March 12, 1996, or

(B) Ninety days after the date of commenced construction, modification, or reconstruction for landfills that commence construction, modification, or reconstruction on or after March 12, 1996.

(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.

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

(3) Each owner or operator subject to the requirements of this subpart is exempted from the requirements of paragraphs (b)(1) and (2) of this section, after the installation of a collection and control system in compliance with §60.752(b)(2), during such time as the collection and control system is in operation and in compliance with §§60.753 and 60.755.

(c) Each owner or operator subject to the provisions of §60.752(b)(2)(i) shall submit a collection and control system design plan to the Administrator within 1 year of the first report required under paragraph (b) of this section in which the emission rate equals or exceeds 50 megagrams per year, except as follows:

(1) 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.

(2) 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.

(d) 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).

(e) 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.

(1) The equipment removal report shall contain all of the following items:

(i) A copy of the closure report submitted in accordance with paragraph (d) 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.

(2) 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.

(f) 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).

(1) Value and length of time for exceedance of applicable parameters monitored under §60.756(a), (b), (c), and (d).

(2) 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.

(3) 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.

(4) All periods when the collection system was not operating in excess of 5 days.

(5) 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.

(6) The date of installation and the location of each well or collection system expansion added pursuant to paragraphs (a)(3), (b), and (c)(4) of §60.755.

(g) 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:

(1) 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;

(2) 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;

(3) 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;

(4) 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

(5) 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

(6) The provisions for the control of off-site migration.

[61 FR 9919, Mar. 12, 1996, as amended at 63 FR 32752, June 16, 1998; 65 FR 18909, Apr. 10, 2000]

#### **§60.758 Recordkeeping requirements.**

(a) Except as provided in §60.752(b)(2)(i)(B), each owner or operator of an MSW landfill subject to the provisions of §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 §60.752(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

(b) Except as provided in §60.752(b)(2)(i)(B), each owner or operator of a controlled landfill shall keep up-to-date, readily accessible records for the life of the control equipment of the data listed in paragraphs (b)(1) through (b)(4) of this section as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of 5 years. Records of the control device vendor specifications shall be maintained until removal.

(1) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with §60.752(b)(2)(ii):

(i) The maximum expected gas generation flow rate as calculated in §60.755(a)(1). The owner or operator may use another method to determine the maximum gas generation flow rate, if the method has been approved by the Administrator.

(ii) The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in §60.759(a)(1).

(2) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with §60.752(b)(2)(iii) through use of an enclosed combustion device other than a boiler or process heater with a design heat input capacity equal to or greater than 44 megawatts:

(i) The average combustion temperature measured at least every 15 minutes and averaged over the same time period of the performance test.

(ii) The percent reduction of NMOC determined as specified in §60.752(b)(2)(iii)(B) achieved by the control device.

(3) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with §60.752(b)(2)(iii)(B)(I) through use of a boiler or process heater of any size: a description of the location at which the collected gas vent stream is introduced into the boiler or process heater over the same time period of the performance testing.

(4) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with §60.752(b)(2)(iii)(A) through use of an open flare, the flare type (i.e., steam-assisted, air-assisted, or nonassisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test as specified in §60.18; continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame of the flare flame is absent.

(c) Except as provided in §60.752(b)(2)(i)(B), each owner or operator of a controlled landfill subject to the provisions of this subpart shall keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in §60.756 as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

(1) The following constitute exceedances that shall be recorded and reported under §60.757(f):

(i) For enclosed combustors except for boilers and process heaters with design heat input capacity of 44 megawatts (150 million British thermal unit per hour) or greater, all 3-hour periods of operation during which the average combustion temperature was more than 28 °C below the average combustion temperature during the most recent performance test at which compliance with §60.752(b)(2)(iii) was determined.

(ii) For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone as required under paragraph (b)(3) of this section.

(2) Each owner or operator subject to the provisions of this subpart shall keep up-to-date, readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under §60.756.

(3) Each owner or operator subject to the provisions of this subpart who uses a boiler or process heater with a design heat input capacity of 44 megawatts or greater to comply with §60.752(b)(2)(iii) shall keep an up-to-date, readily accessible record of all periods of operation of the boiler or process heater. (Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other State, local, Tribal, or Federal regulatory requirements.)

(4) Each owner or operator seeking to comply with the provisions of this subpart by use of an open flare shall keep up-to-date, readily accessible continuous records of the flame or flare pilot flame monitoring specified under §60.756(c), and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.

(d) Except as provided in §60.752(b)(2)(i)(B), each owner or operator subject to the provisions of this subpart shall keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector.

(1) Each owner or operator subject to the provisions of this subpart shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under §60.755(b).

(2) Each owner or operator subject to the provisions of this subpart shall keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in §60.759(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in §60.759(a)(3)(ii).

(e) Except as provided in §60.752(b)(2)(i)(B), each owner or operator subject to the provisions of this subpart shall keep for at least 5 years up-to-date, readily accessible records of all collection and control system exceedances of the operational standards in §60.753, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.

(f) Landfill owners or operators who convert design capacity from volume to mass or mass to volume to demonstrate that landfill design capacity is less than 2.5 million megagrams or 2.5 million cubic meters, as provided in the definition of “design capacity”, shall keep readily accessible, on-site records of the annual recalculation of site-specific density, design capacity, and the supporting documentation. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

[61 FR 9919, Mar. 12, 1996, as amended at 63 FR 32752, June 16, 1998; 65 FR 18909, Apr. 10, 2000]

#### **§60.759 Specifications for active collection systems.**

(a) Each owner or operator seeking to comply with §60.752(b)(2)(i) shall site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures unless alternative procedures have been approved by the Administrator as provided in §60.752(b)(2)(i)(C) and (D):

(1) The collection devices within the interior and along the perimeter areas shall be certified to achieve comprehensive control of surface gas emissions by a professional engineer. The following issues shall be addressed in the design: depths of refuse, refuse gas generation rates and flow characteristics, cover properties, gas system expandibility, leachate and condensate management, accessibility, compatibility with filling operations, integration with closure end use, air intrusion control, corrosion resistance, fill settlement, and resistance to the refuse decomposition heat.

(2) The sufficient density of gas collection devices determined in paragraph (a)(1) of this section shall address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior.

(3) The placement of gas collection devices determined in paragraph (a)(1) of this section shall control all gas producing areas, except as provided by paragraphs (a)(3)(i) and (a)(3)(ii) of this section.

(i) Any segregated area of asbestos or nondegradable material may be excluded from collection if documented as provided under §60.758(d). The documentation shall provide the nature, date of deposition, location and amount of asbestos or nondegradable material deposited in the area, and shall be provided to the Administrator upon request.



(ii) Any nonproductive area of the landfill may be excluded from control, provided that the total of all excluded areas can be shown to contribute less than 1 percent of the total amount of NMOC emissions from the landfill. The amount, location, and age of the material shall be documented and provided to the Administrator upon request. A separate NMOC emissions estimate shall be made for each section proposed for exclusion, and the sum of all such sections shall be compared to the NMOC emissions estimate for the entire landfill. Emissions from each section shall be computed using the following equation:

$$Q_i = 2 k L_o M_i (e^{-kt} i) (C_{NMOC}) (3.6 \times 10^{-9})$$

where,

$Q_i$  = NMOC emission rate from the  $i^{\text{th}}$  section, 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 the degradable solid waste in the  $i^{\text{th}}$  section, megagram

$t_i$  = age of the solid waste in the  $i^{\text{th}}$  section, years

$C_{NMOC}$  = concentration of nonmethane organic compounds, parts per million by volume

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

(iii) The values for  $k$  and  $C_{NMOC}$  determined in field testing shall be used if field testing has been performed in determining the NMOC emission rate or the radii of influence (this distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero). If field testing has not been performed, the default values for  $k$ ,  $L_o$  and  $C_{NMOC}$  provided in §60.754(a)(1) or the alternative values from §60.754(a)(5) shall be used. The mass of nondegradable solid waste contained within the given section may be subtracted from the total mass of the section when estimating emissions provided the nature, location, age, and amount of the nondegradable material is documented as provided in paragraph (a)(3)(i) of this section.

(b) Each owner or operator seeking to comply with §60.752(b)(2)(i)(A) shall construct the gas collection devices using the following equipment or procedures:

(1) The landfill gas extraction components shall be constructed of polyvinyl chloride (PVC), high density polyethylene (HDPE) pipe, fiberglass, stainless steel, or other nonporous corrosion resistant material of suitable dimensions to: convey projected amounts of gases; withstand installation, static, and settlement forces; and withstand planned overburden or traffic loads. The collection system shall extend as necessary to comply with emission and migration standards. Collection devices such as wells and horizontal collectors shall be perforated to allow gas entry without head loss sufficient to impair performance across the intended extent of control. Perforations shall be situated with regard to the need to prevent excessive air infiltration.

(2) Vertical wells shall be placed so as not to endanger underlying liners and shall address the occurrence of water within the landfill. Holes and trenches constructed for piped wells and horizontal collectors shall be of sufficient cross-section so as to allow for their proper construction and completion including, for example, centering of pipes and placement of gravel backfill. Collection devices shall be designed so as not to allow indirect short circuiting of air into the cover or refuse into the collection system or gas into the air. Any gravel used around pipe perforations should be of a dimension so as not to penetrate or block perforations.

(3) Collection devices may be connected to the collection header pipes below or above the landfill surface. The connector assembly shall include a positive closing throttle valve, any necessary seals and

couplings, access couplings and at least one sampling port. The collection devices shall be constructed of PVC, HDPE, fiberglass, stainless steel, or other nonporous material of suitable thickness.

(c) Each owner or operator seeking to comply with §60.752(b)(2)(i)(A) shall convey the landfill gas to a control system in compliance with §60.752(b)(2)(iii) through the collection header pipe(s). The gas mover equipment shall be sized to handle the maximum gas generation flow rate expected over the intended use period of the gas moving equipment using the following procedures:

(1) For existing collection systems, the flow data shall be used to project the maximum flow rate. If no flow data exists, the procedures in paragraph (c)(2) of this section shall be used.

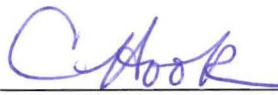
(2) For new collection systems, the maximum flow rate shall be in accordance with §60.755(a)(1).

[61 FR 9919, Mar. 12, 1996, as amended at 63 FR 32753, June 16, 1998; 64 FR 9262, Feb. 24, 1999; 65 FR 18909, Apr. 10, 2000]

**CERTIFICATE OF SERVICE**

I, Cynthia Hook, hereby certify that a copy of this permit has been mailed by first class mail to Cherokee Sanitary Landfill Company, 300 Landfill Road, Cherokee Village, AR, 72529, on this

7<sup>th</sup> day of February, 2020.



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Cynthia Hook, ASIII, Office of Air Quality