

## RESPONSE TO COMMENTS

Eco-Vista, LLC  
2210 Waste Management Drive  
Springdale, Arkansas 72762  
Permit No.: 1884-AOP-R2  
AFIN: 72-00144

On November 20, 2009 the Director of the Arkansas Department of Environmental Quality (ADEQ) gave notice of a draft permitting decision for the above referenced facility. During the comment period, the facility submitted written comments, data, views, or arguments on the draft permitting decision. The Department's response to these issues is as follows:

*Comments were received via email on December 16 and 18, 2009 from Debbie Morrison, Sage Environmental Consulting, L.P., Consultant, and received via mail on December 17, 2010 from Lisa Rotenberry, Waste Management (WM) Environmental Protection Manager. A conference call was held on January 14, 2010 with Debbie Morrison, Lisa Rotenberry, and Dave Thorley, WM Environmental Manager. Revisions to the original facility comments were received via email on March 5 and 15, 2010 from Debbie Morrison.*

### Comment #1

Section I: Facility Information: Update the mailing address (a revised page (1) of the General Information Sheet form is attached) to: 100 Two Pine Drive North Little Rock, AR 72117.

### Response #1

The administrative change requested was accepted.

### Comment #2a & b

- a. Section II: Introduction: Summary of Permit Activity: WM would like to add the highlighted [**bold**] language [to item #3] to clarify that the site is an area source:
  3. Install five (5) new . . . as Landfill-Gas-To-Energy (LFGTE) Facility. The engines . . . , Subpart ZZZZ, **as an area source;**
- b. Specific Conditions #25, #26, #27, #28, #29 and #30 – EVLF is an area source of HAPs as defined in §63.6585(c). WM requests these conditions, which apply to a major HAP source, to be stricken in their entirety.

### Response #2a & b

- a. The requirement for an area source is one with an individual HAP less than 10.0 tpy and all combined HAPs less than 25.0 tpy. Permit #1884-AOP-R2, being processed currently, lists 9.93 tpy Toluene (no or unknown Co-disposal emission factor) and 21.92 tpy combined HAPs for SN-01 and 5.82 tpy HCl (a HAP) for SN-02A and SN-02B.

These HAPs together would equal 27.77 tpy. However, when SN-02A/B are operating the HAPs in SN-01 are reduced approximately 75%. The SN-01 and SN-02A/B worst case scenarios happen in reverse of each other. Based on this EVLF is an area source. A testing requirement, Method 320, has been added to PWC #12 to include HAPs when reporting the SN-01 NMOC Emission Rate Report Tier 2 test every five years. The initial test requirement is to be performed within 180 days of permit issuance.

- b. Request partially agreed. EVLF is an area source of HAPs as defined in §63.6585(c). Draft SC #25, #26, #27, #28, #29 and #30 are removed. After research, we believe that there is the potential for the engines to emit formaldehyde in significant enough quantities to affect this statement and conditions. Our research found two (2) Waste Management landfills with identical engines are permitted for formaldehyde
  1. Waste Management (WM) of Colorado at Denver-Arapahoe Disposal Site (DADS) in Permit #06AR1264 has four Caterpillar 3516 landfill gas fueled reciprocating internal combustion engines, 4-stroke, lean burn. One DADS engine was tested on December 2-4, 2008 and test report issued February 20, 2009. The tests were run at Low Load and High Load, 3 1-hour runs each. Formaldehyde permitted at 0.1 lbs/hr, PTE 1.8 tpy.
  2. Waste Management of Nebraska at Douglas County Recycling Landfill (DCRL) in draft CP09-017 dated February 9, 2010 has four Caterpillar 3516 landfill gas fueled reciprocating internal combustion engines, 4-stroke, lean burn. Formaldehyde emissions were calculated using stack test data for a similar engine at a landfill operated by WM. Formaldehyde permitted at PTE 3.55 tpy.

As such, a NEW Specific Condition #21, as follows, has been added to the permit.

21. The permittee must conduct an initial performance test on one engine (SN-04 through SN-08) for formaldehyde as specified under Plantwide Condition #3. The formaldehyde test results shall be sent to the Department at the address in General Provision #7, shall be maintained on site and made available to Department personnel upon request. If any formaldehyde is detected, the facility must file an appropriate permit modification. This condition does not in any way approve any such emissions that exceed HAP values permitted within this permit. [Regulation 18, §18.1004 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Comment #3a & b

- a. Section II: Introduction: Summary of Permit Activity: WM would like to add [**new #5**] the following suggested language to clarify the two separate scenarios for possible HAP emissions.
  5. **Bubble the annual HAP emissions for SN-01. HAP emissions are emitted from the landfill by two separate scenarios (surface fugitive and GCCS operation). The SN-01 HAP emissions are reduced when the GCCS and LFGTE Facility is operating. The worst case scenarios are independent of each other as follows:**
    - a. **Gas plant operating with HAP emissions from the combustion of the landfill gas (SN-02A/B and/or SN-04 through SN-08) because the gas collection system is operating; or**

b. **Fugitive HAP emissions (SN-01) are occurring because the gas system is not operating and therefore it cannot be fueling the gas plant that combusts the gas.**

b. Specific Condition #2 and Table: WM suggested text revision [to Table below and add footnote] to clarify annual HAP emission limits.

SN	Description	Pollutant	lb/hr	tpy	tpy
01	Landfill Gas Surface Emissions	1,1-Dichloroethane	0.08	<del>0.32</del>	<b>9.9. Individual /24.5 Combined HAPs<sup>t</sup></b>
		1,1-Dichloroethylene	0.01	<del>0.04</del>	
		Dichlorobenzene	0.21	<del>0.91</del>	
		Ethyl benzene	0.70	<del>3.06</del>	
		Toluene	2.27	<del>9.93</del>	
		Vinyl Chloride	0.05	<del>0.19</del>	
		Xylenes	1.71	<del>7.47</del>	

<sup>t</sup> **All HAPs are non-point source emissions (SN-01). The facility will not exceed the Total Annual HAPs in this table.**

Response #3a & b

- a. Requests partially agreed. Uncontrolled landfill HAP emissions (SN-01) are based on Waste Industry Air Coalition (WIAC) emission factors, not AP-42 emission factors, and 2007 information. SN-01 uncontrolled surface emissions are constantly emitted. The following sentence has been added to the Source Description of SN-02A and SN-02B Flares and SN-04 through SN-08 Engines: “ When the GCCS is in operation, the collected landfill gas is combusted in the flares and/or in the engines, reducing the SN-01 uncontrolled surface emissions, including HAPs.”
- b. The permit contains no annual compliance mechanism and no means of evaluating uncontrolled surface emissions to the 9.9 tpy individual and 24.5 combined HAP limits. Therefore, HAPs will not be bubbled. Additionally, “**All HAPs are non-point source emissions (SN-01).**” has been added as footnote 1.

SN	Description	Pollutant	lb/hr	tpy
01	Landfill Gas Surface Emissions	1,1-Dichloroethane <sup>1</sup>	0.08	<b>0.32</b>
		1,1-Dichloroethylene <sup>1</sup>	0.01	<b>0.04</b>
		Dichlorobenzene <sup>1</sup>	0.21	<b>0.91</b>
		Ethyl benzene <sup>1</sup>	0.70	<b>3.06</b>
		Toluene <sup>1</sup>	2.27	<b>9.93</b>
		Vinyl Chloride <sup>1</sup>	0.05	<b>0.19</b>
		Xylenes <sup>1</sup>	1.71	<b>7.47</b>

<sup>1</sup> All HAPs are non-point source emissions (SN-01).

Comment #4

Section II: Introduction: Summary of Permit Activity: Renumber list and add the suggested language:

11. Update the SN-01 . . . results, PWC #10; however, there is no limit of NMOC content of the landfill gas.

Response #4

Request denied. The NMOC (VOC) is limited to 54.1 tpy (50 Mg/yr) in this permit and EVLF has assumed that all VOC surface emissions (SN-01) are NMOCs.

Comment #5a & b

- a. Section II: Introduction: Summary of Permit Activity: The facility [EVLF] is governed by, and complies with, all requirements of the Federal NPDES rules and the ADEQ Water Division. This reference and regulatory citation is not governed by this Air Permit activity. Therefore, WM requests this item [SC #26] be stricken in its entirety. ~~Add a dust suppression activities condition for SN-03 that may require obtaining a NPDES permit, SC #36.~~
- b. Specific Condition #26 (formerly SC #36) – The facility is governed by and complies with all requirements of the Federal NPDES rules and the ADEQ Water Division. This reference and regulatory citation is not governed by this Air Permit activity. Therefore, WM requests this condition be stricken in its entirety.  
~~36. — Dust suppression activities must be conducted in a manner and at a rate of application that will not cause runoff from the area being applied. Best Management Practices (40 CFR §122.44(k)) should be used around streams and waterbodies to prevent the dust suppression agent from entering Waters of the State. Except for potable water, no agent shall be applied within 100 feet of wetlands, lakes, ponds, springs, streams, or sinkholes. Failure to meet this condition may require the permittee to obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Department’s Water Division, in accordance with 40 CFR §122.1(b). [A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]~~

Response #5a & b

Requests denied. Title V facilities with road/traffic emissions shall contain the “Dust Suppression” condition as a *standard* specific condition of its’ air permit. It is within the Director’s authority to integrate various media environmental rules and regulations.

Comment #6

Section II: Introduction: Process Description: Landfill Gas Surface Emissions

(Uncontrolled) – SN-01 WM would like to add this suggested language to clarify the GCCS and LFGTE facility impacts on the landfill surface HAP emissions.

... **When the GCCS and associated combustion devices are operating, the total uncontrolled NMOC and HAP emissions from the landfill surface are reduced. It is the intent of the landfill to operate the gas system as much as possible.**

Response #6

Request partially agreed. First suggested sentence will be added. Second suggested sentence is denied. ~~It is the intent of the landfill to operate the gas system as much as possible.~~ The air permit can not attest to EVLF's "intent".

Comment #7

Section II: Introduction: Process Description: Gas Collection and Control System (GCCS):

WM would like to [remove] "... ~~The GCCS is designed to accommodate collection of >75% LFG flows throughout the permitting period.~~" and add the suggested language to clarify the GCCS and LFGTE facility impacts on the landfill surface HAP emissions.

**Based on AP-42 estimates, the GCCS may collect an estimated 75% of the LFG when operating. EVLF is not required to have an active landfill GCCS under 40 CFR 60 Subpart WWW until NMOC is equal to or greater than 50 Mg/yr. When the GCCS and Flare and/or LFGTE Facility are operating, the total uncontrolled NMOC and HAP emissions from the landfill surface are reduced. It is the intent of the landfill to operate the gas system as much as possible.**

Response #7

Request partially agreed. The suggested language will be modified except for: ~~When the GCCS and Flare and/or LFGTE Facility are operating, the total uncontrolled NMOC and HAP emissions from the landfill surface are reduced.~~ This sentence is redundant to the one added in Comment #6. ~~It is the intent of the landfill to operate the gas system as much as possible.~~ The air permit can not attest to EVLF's "intent".

Based on AP-42 estimates, the GCCS may collect 65-85% of the LFG. **When the GCCS and Flare and/or LFGTE Facility are operating, the total uncontrolled NMOC and HAP emissions from the landfill surface are reduced by 75%.** The remaining 25% is considered uncontrolled at all times. EVLF is not required to have an active landfill GCCS under 40 CFR 60, Subpart WWW until NMOC is equal to or greater than 50 Mg/year.

Comment #8

Section II: Introduction: Process Description: Flares (SN-02A and SN-02B): WM would like to add the word “**NMOC**” for clarification. “. . . flare design **NMOC** combustion. . .”

Response #8

Request agreed. The suggested language has been added.

Comment #9

Section II: Introduction: Process Description: Landfill-Gas-To-Energy (LFGTE) Facility – Five Engines (SN-04 through SN-08): WM would like to remove the ADEQ sentence “~~**The engines will be housed in an acoustical building, which will reduce outside sound to 55 dBA**~~” and the word “~~**fabrie**~~” from the filter description. And, add the [following] suggested language: “. . . At the LFGTE Facility, the LFG will be passed through a treatment system that **removes some moisture** and includes a ~~**fabrie**~~ filter . . . and 40 CFR 63, Subpart ZZZZ – Stationary Reciprocating Internal Combustion Engines as an area source which states **that the engines have to be operated in compliance with NSPS JJJJ.**”

Response #9

Request agreed. The language of this section has been modified as requested.

Comment #10a, b & c

- a. Section II: Introduction: Process Description: Asbestos [a]: WM request that the following additional regulatory requirement be added. “. . . Asbestos waste is accepted and handled in accordance with Regulation 21, Arkansas Asbestos Abatement Regulation **and the Asbestos NESHAP, 40 CFR, Part 61, Subpart M**”;
- b. Regulation Table [b]: Add to the Regulation Table – **40 CFR Part 61 Subpart M – National Emission Standards for Hazardous Air Pollutants – National Emission Standard for Asbestos**; and
- c. WM is subject to and will comply with the Asbestos NESHAP rule – Plantwide Conditions #16, #17, #18, #19, and #20 – Add the citation 40 CFR §61.154, Subpart M.

Response #10a, b & c

Requests denied. The relevant asbestos conditions from 40 CFR 61, Subpart M – *Asbestos* have been incorporated into Regulation 21, *Arkansas Asbestos Abatement Regulation*. This statement has been added to the Process Description.

Comment #11

Section IV: SPECIFIC CONDITIONS: SN-01 Landfill Gas Surface Emissions (Uncontrolled): Source Description: Suggested text revision for continuity. “Uncontrolled emissions . . . (without the gas **gathering collection** system operating) . . .”

Response #11

Request agreed. The language has been modified as requested.

Comment #12

Specific Condition #1: Suggested text revision for continuity and remove (54.1 tpy) from text.

1. “When the calculated **surface uncontrolled** emissions . . . to exceed the 50 Mg/yr (**54.1 tpy**) NMOC emission limit . . .”

Response #12

Request partially agreed. The revised sentence will state:

1. “When the calculated **uncontrolled surface** emissions . . . to exceed the 50 Mg/yr (54.1 tpy) NMOC emission limit . . . “

The regulated threshold to trigger full compliance with NSPS Subpart WWW is 50 Mg/yr NMOC. 50 Mg/yr NMOC is both a permitted limit (math equivalency to 54.1 tpy VOC) and a Subpart WWW regulation trigger.

Comment #13

Specific Condition #2: Add suggested language [note].

2. The permittee shall . . . [Regulation 18, §18.801 . . . §8-4-311] **Note, these emissions assume that the gas collection system is not in operation.**

Response #13

The following sentence will be added to Specific Condition #2: **“Both hourly and annual uncontrolled surface emissions (SN-01) are worst case scenario when the GCCS is not in operation.”**

Comment #14

SN-02A and SN-02B Flares and SN-04 through SN-08 Engines: Source Description: Typographical error and suggested text revisions for clarity: EVLF’s GCCS will not be subject to 40 CFR Part 60, Subpart WWW – *Standards of Performance for Municipal Solid Waste Landfills* until site specific NMOC **uncontrolled** surface emissions are determined to be **greater than** ( $\geq$ )  $\leq$ 50 Mg per year. At the time of issuance of this permit, the last site-

specific Tier 2 testing was conducted on March 30, 2009 and calculated to be 239 <sup>CNMOC-V</sup> Hexane, equivalent to 33.2 Mg/yr for 2009. However, EVLF does have an **unmonitored** active landfill GCCS in-place, for gas migration **and** odor control, **green house gas reductions and to supply fuel to engines**. The **flare combustion of landfill gas** generates combustion by-product emissions, mainly CO, NO<sub>x</sub> and hydrogen chloride (HCl). **When the GCCS is in operation, the collected landfill gas is combusted in the control system, reducing the NMOC emissions, including HAPs.**

Response #14

Request partially agreed. The Source Description has been modified as follows: EVLF's GCCS will not be subject to 40 CFR Part 60, Subpart WWW– *Standards of Performance for Municipal Solid Waste Landfills* until the site specific NMOC uncontrolled surface emissions are determined to be equal to or greater than ( $\geq$ ) 50 Mg/yr. The last site-specific Tier 2 testing was conducted in February and March, 2009 and calculated as 239 <sup>CNMOC-V</sup> of hexane (33.2 Mg/yr for 2009). EVLF does have an active landfill GCCS in-place, for gas migration, odor control and to supply fuel to the flares and engines. The combustion of LF gas generates combustion by-product emissions, mainly CO, NO<sub>x</sub> and hydrogen chloride (HCl). When the GCCS is in operation, the collected LF gas is combusted in the flares and/or the engines, reducing the SN-01 uncontrolled surface emissions, including HAPs.

Comment #15a & b

Specific Conditions #3 & #4 – Tables

- a. Change Heading – Operating Scenario #1 – 2 Flares (Dual) Only (No engines)
- b. Correct PM to **10.0** tpy in Specific Condition #4 to be the same as PM<sub>10</sub> emissions of Specific Condition #3 [for SN-02A and SN-02B.]

Response #15a & b

- a. Request agreed. “(Dual)” has been added to the Operating Scenario #1 Table Headings
- b. PM emissions are corrected for SN-02A and SN-02B. No changes were necessary to the Plantwide emission summary.

Comment #16

Specific Condition #5 – WM requests the removal of all references to **Dept Guidance**. ADEQ Guidance documents are not considered underlying applicable requirements for the purposes of this permit. WM requests the removal of 0% for the opacity limit. §60.18 (c)(1) states “Flares shall be designed for and operated with no visible emissions as determined by the methods specified in paragraph (f), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours”. During a conference call, 01/14/2010, the other opacity conditions SC #6 and #7 were discussed in conjunction with SC #5.



SN	Limit	Regulatory Citation
02A & 02B	<b>0% no visible emissions except for periods not to exceed a total of 5 minutes during any 2 consecutive hours</b>	§18.501, §60.18(f)(1) & <b>Dept Guidance</b>
04, 05, 06, 07 & 08	5%	§18.501 & <b>Dept Guidance</b>

Response #16

Request partially agreed. Department Guidance will be removed. Opacity Specific Conditions #5, #6 and #7 were combined and modified, see below:

- Visible emissions may not exceed the limits specified in the table below, except as noted in this condition. The Flares (SN-02A/B) 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**. EPA Reference Method 22 shall be used to determine compliance with the visible emission provisions. Visible emissions from the engines (SN-04 through SN-08) shall be demonstrated through the use of landfill gas as the only fuel combusted. [40 CFR §60.18(c)(1), §60.18(f), A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Limit	Regulatory Citation
02A & 02B	0%	§18.501, §60.18(f)(1) & A.C.A.
04, 05, 06, 07 & 08	5%	§18.501 and A.C.A.

Comment #17

Specific Condition #8 (formerly #10) – WM would like to revise the language to reflect the current permit SC #8 [Permit #1884-AOP-R1]. “. . . In the event of a flame failure, ~~the extraction system directed to that flares must automatically~~ **the permittee shall shut down the GCCS to prevent passive venting of landfill gas.**”

Response #17

Request agreed. The language has been modified as requested.

Comment #18

The language in Specific Condition #11 requires performance tests for CO emissions for flares. Open flares can not be tested in this manner. SC #11 appears to be related to 40 CFR 63, Subpart ZZZZ that does not apply to flares. WM requests this condition be stricken in its entirety.

~~11. The permittee must conduct performance tests for CO emissions for operations of the flares (SN-02A and SN-02B), since the combined total CO emissions is the limiting requirement. Subsequent performance testing must be conducted every 8,760 hours or 3 years, whichever comes first thereafter to demonstrate compliance. EPA Reference Method 10 for CO shall be used as test method. Each performance test must be conducted according to Plantwide Condition #3 and as specified in the following procedures. [Regulation 19, §19.702 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]~~

Response #18

Request agreed. Emission factors for CO and NO<sub>x</sub> are based on a standard flare manufacturer's guarantee. The testing condition has been removed as requested.

Comment #19

Specific Condition #12 (formerly #15) - WM would like to add text to clarify the requirement.

12. The permittee shall maintain records . . . flares and **total gas flow to engines** in . . .

Response #19

Request agreed. The language, total gas flow, has been added as requested.

Comment #20

Specific Condition #15 (formerly #17) - Table - WM requests that footnotes be added for clarity..

Source No.	Description	Pollutant	Emission Factor (grams/bhp-hr)
04 through 08	Caterpillar G3516 LE, 1,148 bhp, LF gas-fired, stationary IC Engine (4SLB, turbocharged with after cooler, 313 scfm)	VOC <sup>1</sup>	1.0
		CO <sup>2</sup>	2.70
		NO <sub>x</sub> <sup>2</sup>	1.50

<sup>1</sup> The VOC emission factor is limited by 40 CFR Part 60, Subpart JJJJ.

<sup>2</sup> NO<sub>x</sub> and CO emission factors are provided by the applicant, and are more stringent than 40 CFR 60, Subpart JJJJ.

Response #20

NO<sub>x</sub>, CO and VOC emission factors vary between those that correlate to permitted emission limits (more stringent) and those required by NSPS Subpart JJJJ. Specific Condition #16 (formerly #17, SIP Emission Limits) has been revised and new Specific Condition #17 (NSPS Subpart JJJJ Emission Limits) has been added in order to distinguish between the two emission factors.

16. The permittee must comply with applicable emission limitations and standards used to permit hourly and annual rates for SN-04 through SN-8, specified for NO<sub>x</sub>, CO and VOC emissions. The following table summarizes the not-to-exceed emission limits permitted for these sources. Compliance with these emission limits is deemed to be compliance with the emission limits in Specific Condition #17. [Regulation 19, §19.501 et seq., and 40 CFR Part 52, Subpart E, 40 CFR 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Source No.	Description	Pollutant	SIP Emission Limits (grams/bhp-hr)
04 through 08	Caterpillar G3516 LE, 1,148 bhp, LF gas-fired, stationary IC Engine (4SLB, turbocharged with after cooler)	NO <sub>x</sub>	1.50
		CO	2.70
		VOC	1.0

17. The permittee must comply with applicable NSPS Subpart JJJJ emission limitations and standards for SN-04 through SN-08 specified for NO<sub>x</sub>, CO and VOC emissions in the table below, based on an engine manufacture date either after January 1, 2008 and/or after July 1, 2010. [Regulation 19, §19.501 et seq., and 40 CFR Part 52, Subpart E, §60.4230(a)(4)(i), Table 1 of 40 CFR 60, Subpart JJJJ]

SN	Description	Pollutant	NSPS Subpart JJJJ Emission Limits for Engine Manuf. Date after 01/01/2008 (grams/bhp-hr)	NSPS Subpart JJJJ Emission Limits for Engine Manuf. Date after 07/01/2010 (grams/bhp-hr)
04 through 08	Caterpillar G3516 LE, 1,148 bhp, LF gas-fired, stationary IC Engine (4SLB, turbocharged w/aftercooler)	NO <sub>x</sub>	3.0	2.0
		CO	5.0	5.0
		VOC	1.0	1.0

Comment #21

Specific Condition #18a (formerly #19a) – The gas flow rate (SCFM) does not contribute to the load rating. WM requests the language be revised for accuracy and renumber list. Remove peak ~~(313 scfm)~~.

Response #21

Request agreed. The peak scfm has been removed as requested.

Comment #22

Specific Condition #13 (formerly #20) – WM requests the language and subpart JJJJ citation be revised for regulatory accuracy. §60.4243(b)(2)(ii) does not require the use of a non-resettable hour meter.

~~20. Each engine, SN-04 through SN-08, must be equipped with a non-resettable hour meter. [Regulation 19, §19.304 and Subpart JJJJ, §60.4243(b)(2)(ii)]~~

13. **If the engines (SN-04 through SN-08) are manufactured on or after July 1, 2010, the facility must keep records of the hours of operation of the engines recorded through the non-resettable hour meter. [Regulation 19, §19.304 and Subpart JJJJ, §60.4245(4)(b)]**

Response #22

Request denied. Engine operating hours are necessary to fulfill the performance testing schedule requirements. The following is the revised SC #13 and revised citation.

13. Each engine, SN-04 through SN-08, must be equipped with a non-resettable hour meter. **The facility must keep records of the hours of operation of the engines recorded through the non-resettable hour meter and submit in accordance to Plantwide Condition #3, at the address in General Provision #7, maintain a copy on-site and make available to Department personnel upon request. [Regulation 19, §19.705 and 40 CFR Part 52]**

Comment #23

Specific Condition #20 (formerly #21) – This requirement is outlined in the Plant Wide Conditions #3 and is considered redundant. WM requests this condition be stricken in its entirety.

~~21. The permittee must submit to the Department a copy of the initial and subsequent performance tests as specific in Specific Condition #19 semi-annually at the address in General Provision #7, maintain a copy on-site and make available to Department personnel upon request. [Regulation 19, §19.304 and 40 CFR 60.4245 (d)]~~

Response #23

Request denied. This condition requires testing to be submitted within 60 days of the completion of a test rather than the 30 days specified under Plantwide Condition #3.

20. The permittee must submit to the Department a copy of the initial and subsequent performance tests as specific in Specific Condition #19, except submitted within 60 days of the completion of the tests rather than the 30 days as specified under Plantwide Condition #3, semi-annually at the address in General Provision #7, maintain a copy on-site and make available to Department personnel upon request. [Regulation 19, §19.304 and 40 CFR 60.4245(d)]

Comment #24

NESHAP Subpart ZZZZ Conditions for SN-04 through SN-08: Specific Condition #24 – EVLF is an area source of HAPs as defined in §63.6585(c). Therefore, the facility is only subject to the requirements of §63.6590(c). WM requests text revisions to reflect the accurate applicable regulatory compliance citation.

24. SN-04 through SN-08 . . . , ~~a major an area~~ source of HAP emissions . . . Compliance with applicable emission limitations and operating limitations of 40 CFR 63, Subpart ZZZZ **occurs when the engines are operated in compliance with the NSPS JJJJ. must occur upon startup, except as exempted in Specific Condition #25.** [Regulation 19, §19.304 and 40 CFR Part §63.6580, Subpart ZZZZ, ~~§63.6590(a)(2)(i) and §63.6595(a)(3) §63.6590(c)~~]

Response #24

Request agreed. The condition has been modified to reflect an area source of HAP for NESHAP ZZZZ compliance purposes.

Comment #25

Specific Condition #28 (formerly #36) – Regulation 18, §18.501 does not provide opacity limits or recordkeeping requirements for landfills. In addition §18.501(D)(3) & (4) specially exclude visible emissions typical of landfill operations. WM requests this condition be stricken.

36. ~~The permittee shall conduct weekly observations of the opacity from traffic emissions SN-03 and keep a record of these observations. If the permittee detects visible emissions, the permittee must immediately take action to identify and correct the cause of the visible emissions. After implementing the corrective action, the permittee must document that the source complies with the visible emissions requirements. The permittee shall maintain records of the cause of any visible emissions and the corrective action taken. The permittee must keep these records onsite and make them available to Department personnel upon request. [Regulation 18, §18.501 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]~~

Response #25

Request agreed. Weekly opacity observations and recordkeeping of SN-03 Traffic Emissions are removed.

Comment #26

Section VI: Plantwide Conditions: Plantwide Condition #7 – Update this condition with language similar to another recently authorized AR landfill permit.

~~7. The facility's current Class I, Solid Waste Permit #0290-S1-R2, issued July 21, 2006, permitted a maximum design capacity of 11,086,000 cubic yards (CY). The permittee shall weigh every incoming load of waste accepted by the facility on its truck scale. 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. [Regulation 19, §19.705, 40 CFR §70.6 and/or A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]~~

7. The permittee will be in compliance with ADEQ Solid Waste Permit #0290-S1-R2 and the corresponding approved plans. The permittee will calculate the emissions from the landfill annually using LandGEM. [Regulation 19, §19.705, 40 CFR §70.6 and/or A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Response #26

Request denied. Plantwide Condition #7 includes 1) weighing every load and 2) updating the air permit when the landfill capacity increases. The suggested PWC #7 does not. These are necessary conditions to comply with the air permit.

Comment #27

Plantwide Condition #9 – WM does not believe that site-specific NMOC emissions are projected to be above 50 Mg per year in the next five year period. WM requests this opinion to be stricken from the permit. “. . . ~~EVLFF's site-specific NMOC emissions are projected to be above 50 Mg per year sometime in the next five year period ending February 17, 2014. . .~~”

Response #27

Request agreed. The sentence has been removed as requested.

Comment #28

Plantwide Condition #10 – WM would like to add the word “currently” to clarify the requirement. “. . . Calculations shall use the latest Tier 2 site-specific NMOC concentration

[currently 239 ppmv-hexane] per §60.754(a)(3) and the actual annual solid waste acceptance data. . .”

Response #28

Request agreed, except the actual date [**February and March, 2009**] will be used instead of the word “currently” for clarification.

Comment #29

Plantwide Condition #11 - WM would like to add text to clarify the requirement.  
“. . . and analyzing the landfill gas **from the main landfill gas header or each** probe to determine the on-site NMOC concentration. . .”

Response #29

Request agreed. The language has been changed as requested.

Comment #30

Plantwide Condition #12 – This is a new testing requirement incorporated by the ADEQ after the comment period has ended. WM is willing to accept this requirement, but would like to change the required testing method from EPA Method 320 to “Method TO-15, or other methods, if the method has been approved in advance by the Department”. This request is based on conversations with WM’s testing company, Test America. This request is based on the facts that (1) TO-15 should provided lower detection limits than 320, (2) CO<sub>2</sub> and H<sub>2</sub>O are huge IR absorbers making spectroscopic analysis more difficult and less certain, and (3) analysis by TO-15 is done in a laboratory under carefully controlled conditions. Analysis by FTIR is done in the field under highly variable conditions.

12. The permittee shall test the SN-01 site-specific individual HAP emissions using EPA Method 320 sampling procedure or other methods, if the method has been approved in advance by the Department. An initial test shall be performed within 180 days of permit issuance and after the initial test, retests shall coincide with the Tier 2 test in Plantwide Condition #11. 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 make available to Department personnel upon request.  
[Regulation 18, §18.1002 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Response #30

Request denied because PWC #12 already allows the facility to request use of other test methods. ADEQ suggests that EVLF make such a request with full data and explanation.

Comment #31

Plantwide Condition #13 - WM would like to add text to clarify the requirement

**“...When the permittee is required to have an NSPS WWW compliant gas collection and control system, the permittee shall maintain records of the following on-site and make available to Department personnel upon request:**

- a. 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
- b. 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 §60.759(a)(3)(i).

[Regulation 19, §19.705 and 40 CFR Part 52, Subpart E and 40 CFR §60.758]

Response #31

Request denied. An up-to-date plot plan with the gas collection and control system is an integral component for EVLF to successfully operate the permitted combustion sources at an approximate 75% collection rate. Additionally, locating asbestos waste is helpful to Department personnel inspecting the site. Plot plans are readily available; this would not constitute new or additional work for WM to provide this information. This condition remains with new citation, [Regulation 19, §19.705, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 and 40 CFR Part 52, Subpart E]

Comment #32

WM believes Plantwide Condition #21 is a duplicate to Plantwide Condition #16 (formerly #15). WM requests this [duplicate] condition be stricken in its entirety.

Response #32

Request agreed. PWC #21 was a duplicate of PWC #16 and has been removed.

Comment #33

Several items of the IA Table are either missing or incorrect from the original application. A current detailed IA source list, emission calculations, backup documentation and ADEQ forms were submitted to ADEQ on August 4, 2009.

Response #33

Request agreed. The following IA items were added:

Description	Category
<b>Subaru Pump 18 Hp</b>	<b>A-1</b>



Description	Category
<b>John Deere Pump 84 Hp</b>	<b>A-1</b>
<b>Deutzag Pump 32 Hp</b>	<b>A-1</b>
<b>Honda Pump 5.5 Hp</b>	<b>A-1</b>
<b>Honda Pump 11.0 Hp</b>	<b>A-1</b>
<b>Subaru Emergency Generator 11.0 Hp</b>	<b>A-1</b>
<b>Two (2) 350 Gallon Hydraulic Oil Tanks (300 gallons/month)</b>	<b>A-3</b>
550 Gallon Diesel Fuel Truck Tank (2,200 gallons/week)	A-3
2,000 Gallon Diesel Fuel Tank (2,200 Gallons/Week)	A-3
550 Gallon Gasoline Fuel Tank (55 gallons/week)	A-13

Comment #34

WM would like the following typographical or grammatical errors corrected:

1. Page 3, List of Acronyms and Abbreviations -  $\geq$  should replace  $\leq$
2. Page 6, Process Description - . . . EVLF is ~~10,490,000~~ **11,086,000** CY . . .
3. Page 12, Permit History - **2,500,000** should replace ~~2,550,000~~, two locations.
4. Page 7, Section II, Process Description, LFGTE - 40 CFR **63**, Subpart ZZZZ to replace 40 CFR ~~60~~, Subpart ZZZZ
5. Page 7, Section II, Process Description, Operating Scenarios - **LFG** to replace ~~LGF~~
6. Description "**guaranteed by the engine manufacturer**" has been removed.

Response #34

Request agreed. Typographical errors have been corrected. Additionally, Summary of Activity items have been updated and renumbered and specific conditions have been renumbered, as appropriate.

PC  
03/23/2010



# ADEQ

ARKANSAS  
Department of Environmental Quality

March 24, 2010

Lisa Rotenberry  
Environmental Protection Manager  
Eco-Vista, LLC  
100 Two Pine Drive  
North Little Rock, AR 72117


Dear Ms. Rotenberry:

The enclosed Permit No. 1884-AOP-R2 is issued pursuant to the Arkansas Operating Permit Program, Regulation # 26.

After considering the facts and requirements of A.C.A. §8-4-101 et seq., and implementing regulations, I have determined that Permit No. 1884-AOP-R2 for the construction, operation and maintenance of an air pollution control system for Eco-Vista, LLC to be issued and effective on the date specified in the permit, unless a Commission review has been properly requested under Arkansas Department of Pollution Control & Ecology Commission's Administrative Procedures, Regulation 8.603, within thirty (30) days after service of this decision.

All persons submitting written comments during the thirty (30) day, and all other persons entitled to do so, may request an adjudicatory hearing and Commission review on whether the decision of the Director should be reversed or modified. Such a request shall be in the form and manner required by Regulation 8.603, including filing a written Request for Hearing with the APC&E Commission Secretary at 101 E. Capitol Ave., Suite 205, Little Rock, Arkansas 72201. If you have any questions about filing the request, please call the Commission at 501-682-7890.

Sincerely,



Mike Bates  
Chief, Air Division



# ADEQ OPERATING AIR PERMIT

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

Permit No.: 1884-AOP-R2  
Renewal #1

IS ISSUED TO:

Eco-Vista, LLC  
2210 Waste Management Drive  
Springdale, AR 72762  
Washington County  
AFIN: 72-00144

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:

December 29, 2008 AND December 28, 2013

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

Signed:



Mike Bates  
Chief, Air Division

March 24, 2010

Date

Eco-Vista, LLC  
Permit #: 1884-AOP-R2  
AFIN: 72-00144

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Eco-Vista, LLC  
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### List of Acronyms and Abbreviations

A.C.A.	Arkansas Code Annotated
AFIN	ADEQ Facility Identification Number
CO	Carbon Monoxide
CFR	Code of Federal Regulations
C <sub>NMOC</sub>	Concentration of NMOC
CY	Cubic Yards
GCCS	Gas Control and Collection
HAP	Hazardous Air Pollutant
hp	horsepower
ICE	Internal Combustion Engine
lb/hr	Pound Per Hour
LF	Landfill
LFG	Landfill Gas
LFGTE	Landfill-Gas-To-Energy
LandGEM	Landfill Gas Emissions Estimation [computer] Model
Mg	megagrams
MSW	Municipal Solid Waste
MVAC	Motor Vehicle Air Conditioner
NESHAPS	National Emission Standards for Hazardous Air Pollutants
NMOC	Nonmethane Organic Compounds
No.	Number
NO <sub>x</sub>	Nitrogen Oxide
NSPS	New Standards of Performance for Stationary Sources
PM	Particulate Matter
PM <sub>10</sub>	Particulate Matter Smaller Than Ten Microns
ppmv	parts per million by volume
PCS	Petroleum Contaminated Soil
RCRA	Resource Conservation and Recovery Act
scfm	standard cubic feet per minute
SN	Source Number
SNAP	Significant New Alternatives Program (SNAP)
SO <sub>2</sub>	Sulfur Dioxide
SSM	Startup, Shutdown, and Malfunction Plan
tpy	Tons Per Year
TRS	Total Reduced Sulfur
UTM	Universal Transverse Mercator
VOC	Volatile Organic Compound
WM	Waste Management of Arkansas
WSR	[Asbestos-containing] Waste Shipment Record
4SLB	four-stroke lean burn
≥	Symbol meaning equal to or greater than

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**SECTION I: FACILITY INFORMATION**

PERMITTEE: Eco-Vista, LLC

AFIN: 72-00144

PERMIT NUMBER: 1884-AOP-R2

FACILITY ADDRESS: 2210 Waste Management Drive  
Springdale, AR 72762

MAILING ADDRESS: 100 Two Pine Drive  
North Little Rock, AR 72117

COUNTY: Washington County

CONTACT NAME: Lisa Rotenberry

CONTACT POSITION: Environmental Protection Manager

TELEPHONE NUMBER: 501-982-7336

REVIEWING ENGINEER: Patty Campbell, PE

UTM North South (Y): Zone 15: 3999591.23 m

UTM East West (X): Zone 15: 387049.24 m



## SECTION II: INTRODUCTION

### Summary of Permit Activity

Waste Management of Arkansas, Inc. (WM) owns and operates a municipal solid waste landfill (NAICS 562212), Eco-Vista, LLC, (AFIN: 72-00144), located at 2210 Waste Management Drive, Springdale, Washington County, Arkansas 72762. This permitting action is necessary to:

1. Update SN-01 site-specific NMOC concentration, as 239 ppmv as hexane, equivalent to 33.16 Mg/yr NMOC (VOC), based on the most recent, February and March 2009, site-specific Tier 2 sampling results, Plantwide Condition (PWC) #10;
2. Add a reporting requirement to include SN-01 uncontrolled HAP calculations with the annual Tier 2 report, PWC #10;
3. Revise SN-01 uncontrolled HAP emissions by rounding up to the hundredth decimal place, Specific Condition (SC) #2;
4. Add a requirement to test the SN-01 site-specific individual HAP emissions using Method 320 or other methods, if the method has been approved in advance by the Department. An initial test to be performed within 180 days of permit issuance and thereafter to coincide with the SN-01 Tier 2 NMOC test, PWC #12;
5. Revise the dual Flares from a single emission source (SN-02) to two emission sources (SN-02A and SN-02B);
6. Visible labels shall be posted at Flare SN-02A and at Flare SN-02B that identifies each Flare as a distinct and separate emission source, SC #7;
7. Install five (5) new non-certified, landfill gas-fired, stationary spark ignition (SI) reciprocating internal combustion engines (RICE) (SN-04 through SN-08) to power electric generators, to be known as Landfill-Gas-To-Energy (LFGTE) Facility. The engines shall be subject to and comply with 40 CFR 60, Subpart JJJJ and 40 CFR 63, Subpart ZZZZ, as an area source of HAPs, SC #15 through #24. The engine manufacture date has not been established as of the issue date of this permit;
8. Permit six (6) Operating Scenarios (OS) of SN-02A, 02B (Flares) and SN-04 through SN-08 (engines) with each scenario limited to a maximum scfm, SC #12;
9. Add condition for each engine, SN-04 through SN-08, to be equipped with a non-resettable hour meter, SC #14;
10. Permit the stationary RICE (SN-04 through SN-08) SIP emission limits for NO<sub>x</sub>, CO and VOC at 1.50, 2.70 and 1.0 grams/bhp-hr, respectively, SC #16, and require performance tests to confirm, SC #19;
11. Permit the stationary RICE (SN-04 through SN-08) NSPS Subpart JJJJ emission limits for NO<sub>x</sub>, CO and VOC at 2.0, 5.0 and 1.0 grams/bhp-hr for engines manufactured after 01/01/2008 and at 2.0, 5.0 and 1.0 grams/bhp-hr for engines manufactured after 07/01/2010, respectively, SC #17, and require performance tests to confirm, SC #19;
12. Update the Flares' (SN-02A and SN-02B) emission factors for SO<sub>2</sub>, VOC and HCl to 400 ppmv sulfur, 595 ppmv NMOC (VOC), and 53.52 ppmv chlorine (Cl) concentrations, respectively. The calculations show an increase in SO<sub>2</sub>, VOC and HCl at EVLF but these emission increases are due to updates in emission factors and calculation methods, not physical or operational changes at EVLF;

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13. Revise and permit the Flares and engines LFG methane concentration levels for PM, CO and NO<sub>x</sub> to 50% annual average and 55% maximum hourly emissions; however, the permit does not list the methane content as a limiting factor, but instead limits the total emissions of CO to 240.4 tpy;
14. Add a requirement to perform and report results of an initial test on one engine for formaldehyde emissions, SC #21;
15. Eliminate weekly SN-03 Traffic Emissions opacity observations and recordkeeping of same (formerly SC #14);
16. Add a dust suppression activities condition for SN-03, SC #28;
17. Add the following seven (7) new Insignificant Activities (IA): Subaru Pump 18 Hp, John Deere Pump 84 Hp; Deutzag Pump 32 Hp; Honda Pump 5.5 Hp; Honda Pump 11.0 Hp; Subaru Emergency Generator 11.0 Hp; and 350 Gallon Hydraulic Oil Tank #2 (300 gal/mo);
18. Revise the monthly usage of these four (4) existing IAs: 350 Gallon Hydraulic Oil Tank #1 (300 gal/mo); 550 Gallon Diesel Fuel Truck Tank (2,200 gal/week); 2,000 Gallon Diesel Fuel Tank (2,200 gal/wk); and 550 Gallon Gasoline Fuel Tank (55 gal/wk); and
19. Revise the capacity of this existing IA: 500 Gallon Used Oil Tank (600 gal/mo).

Total permitted annual emission increases associated with these modifications are: 4.3 tpy PM/PM<sub>10</sub>, 59.1 tpy SO<sub>2</sub>, 16.6 tpy VOC, 19.0 tpy CO, 59.6 tpy NO<sub>x</sub>, 4.929 tpy HCl, 0.009 tpy 1,1-Dichloroethane, 0.002 tpy 1,1-Dichloroethylene, 0.007 tpy Dichlorobenzene, 0.004 tpy Ethyl benzene and 0.006 tpy Vinyl Chloride.

### Process Description

Eco-Vista, LLC landfill (EVLf) is a solid waste disposal facility and consists of approximately 542 acres with 112 acres permitted as Class 1 landfill area, Class 4 landfill area, composting area, scale house, administrative facilities, and other ancillary facilities. EVLF, formerly Tontitown Landfill, began its "active life" of receiving solid waste in 1980. Current permitted, Class 1 waste design fill capacity of EVLF is 11,086,000 cubic yards (CY) (waste and daily/intermediate cover), per ADEQ Solid Waste Permit #0290-S1-R2, issued on July 21, 2006.

EVLf is permitted for disposal of household, industrial, and commercial solid wastes, as described by ADEQ Regulation 22. Solid waste is received for disposal from numerous Arkansas cities and counties including but not limited to the following: Cities of Springdale, Fayetteville, Rogers, Lowell, Lincoln, Cave Springs, Elm Springs, Siloam Springs, Farmington, and Prairie Grove and from rural areas in Benton, Carroll, Madison, and Washington Counties. MSW is also received from Delaware and Adair Counties, Oklahoma and McDonald County, Missouri. Daily cover or intermediate cover (soil or approved alternative cover) is placed upon the active portion of MSW at the end of each workday.

The current disposal footprint consists of two closed pre-Resource Conservation and Recovery Act (RCRA) Subtitle D areas with leachate removal systems on the east and west sides, with Subtitle D areas located in the middle. Subtitle D waste disposal areas and a lateral expansion area to the east of the main waste mass are permitted and operated in accordance with the US-

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EPA Regulation 40 CFR Part 258, as incorporated in Arkansas Regulation 22, *Solid Waste Management Rules*. Current filling operations are occurring in the Subtitle D waste area on a composite liner with a leachate collection and removal system.

Landfill Gas Surface Emissions (Uncontrolled) – SN-01 – Uncontrolled LFG emissions will be emitted as non-point source emissions (SN-01) over the surface of the landfill. When the GCCS and Flares and/or LFGTE Facility are operating, the total uncontrolled NMOC and HAP emissions emitted from the landfill surface are reduced. The remaining 25% is considered uncontrolled at all times. Additionally, petroleum contaminated soil (PCS) is accepted at EVLF. VOC emissions generated from PCS are released into the atmosphere and are included in SN-01 surface emissions.

Gas Collection and Control System (GCCS) – The active gas collection and control system (GCCS) consists of a network of valves, piping and wellheads that collect and deliver LFG to the Flares (SN-02A and SN-02B) and/or the Landfill-gas-To-Energy (LFGTE) facility. Based on AP-42 estimates, the GCCS may collect 65-85% of the LFG when operating. When the GCCS and Flare and/or LFGTE Facility are operating, the total uncontrolled NMOC and HAP emissions from the landfill surface are reduced by 75%. The remaining 25% is considered uncontrolled at all times. EVLF is not required to have an active landfill GCCS under 40 CFR 60, Subpart WWW until NMOC is equal to or greater than 50 Mg/year.

Flares (SN-02A and SN-02B) – Two independent Panel, 12 inch diameter, open candlestick Flares (SN-02A and SN-02B) with separate blowers combust LFG. Each open Flare has an operating range of 250 to 2,250 scfm capacity. Panel Flares are designed to reduce NMOC by 98 weight-percent by combustion destruction, per the manufacturer's specification.

Landfill-gas-To-Energy (LFGTE) Facility – Five Engines (SN-04 through SN-08) – A new LFGTE Facility will have five (5) new landfill (LF) gas-fired, stationary internal combustion engines (ICE) (SN-04 through SN-08) to power electric generators. The LFGTE Facility consists of five Caterpillar Model G3516 stationary ICE, and electric generator and auxiliary systems. The engines are four-stroke lean-burn (4SLB), turbocharged, after cooled units, each rated 1,148 b-hp. GCCS will convey the LFG to both the Flares and the LFGTE Facility. At the LFGTE Facility, the LFG will be passed through a treatment system that removes some moisture includes a filter to remove particulates (greater than PM<sub>10</sub>) entrained in the gas stream. The gas will then be compressed and used as fuel in the engines to drive the electric generator. The RICEs shall be subject to 40 CFR 60, Subpart JJJJ - *Stationary Spark Ignition Internal Combustion Engines* and 40 CFR 63, Subpart ZZZZ - *Stationary Reciprocating Internal Combustion Engines*, as an area source of HAPs, which states that the engines have to be operated in compliance with NSPS JJJJ.

Operating Scenarios – Flares and Engines – The LFG will be routed to both the Flares and the engines in six operating scenarios (OS). Annual emissions of the Flares (SN-02A and SN-02B) and the RICEs (SN-04 through SN-08) will be bubbled. Maximum hourly emissions will remain separate for each emission source. The worst case OS is with 240.4 tpy CO.

Eco-Vista, LLC  
 Permit #: 1884-AOP-R2  
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Traffic Emissions – SN-03 – Fugitive dust emissions (SN-03) arise from vehicle traffic on the paved and unpaved roadways and across the working surface of the landfill. Several activities are present at the landfill and contribute non-point source emissions of particulate matter: aggregate handling and wind erosion of cover soil stockpiles. Dust controls may include water dispersion equipment, sweeping, speed limits, fencing and other techniques.

Asbestos – Eco-Vista Landfill accepts asbestos containing waste, mainly from demolition of buildings. The relevant asbestos conditions from 40 CFR 61, Subpart M – *Asbestos* have been incorporated into Regulation 21, *Arkansas Asbestos Abatement Regulation*.

### Regulations

The following table contains the regulations applicable to this permit.

SN	Regulations
Facility	<i>Arkansas Air Pollution Control Code</i> , Regulation 18, effective January 25, 2009
Facility	<i>Regulations of the Arkansas Plan of Implementation for Air Pollution Control</i> , Regulation 19, effective July 18, 2009
Facility	<i>Regulations of the Arkansas Operating Air Permit Program</i> , Regulation 26, effective January 25, 2009
Facility	<i>Arkansas Asbestos Abatement Regulation</i> , Regulation 21, effective July 15, 1997
Facility	40 CFR Part 60 Subpart WWW – <i>Standards of Performance (NSPS) for Municipal Solid Waste Landfills</i> (Appendix A)
04 through 08	40 CFR Part 60, Subpart JJJJ– <i>Stationary Spark Ignition Internal Combustion Engines</i> (Appendix B)
04 through 08	40 CFR Part 63, Subpart ZZZZ – <i>Stationary Reciprocating Internal Combustion Engines</i> (Appendix C) (as an area source of HAPs)

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	133.5 <sup>2</sup>	275.3 <sup>2</sup>
		PM <sub>10</sub>	32.5 <sup>2</sup>	71.5 <sup>2</sup>
		SO <sub>2</sub>	18.0 <sup>1</sup>	78.8 <sup>1</sup>
		VOC	16.4 <sup>2</sup>	70.9 <sup>2</sup>
		CO	57.3 <sup>2</sup>	240.4 <sup>2</sup>
		NO <sub>x</sub>	23.2 <sup>2</sup>	100.3 <sup>2</sup>
HAPs		HCl <sup>3</sup>	1.34 <sup>1</sup>	5.82 <sup>1</sup>
		1,1-Dichloroethane*	0.08	0.32
		1,1-Dichloroethylene*	0.01	0.04
		Dichlorobenzene*	0.21	0.91
		Ethyl benzene*	0.70	3.06
		Toluene*	2.27	9.93
		Vinyl Chloride*	0.05	0.19
		Xylenes*	1.71	7.47
Air Contaminants **		N/A	N/A	N/A
01	Landfill Gas Surface Emissions (Uncontrolled)	VOC (NMOC)	12.6	54.1 (≤50 Mg/yr)
		1,1-Dichloroethane*	0.08	0.32
		1,1-Dichloroethylene*	0.01	0.04
		Dichlorobenzene*	0.21	0.91
		Ethyl benzene*	0.70	3.06
		Toluene*	2.27	9.93
		Vinyl Chloride*	0.05	0.19
		Xylenes*	1.71	7.47

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
02A, 02B, 04, 05, 06, 07 & 08	Summary Flares & LFGTE Worst Case Scenarios Emissions (OS #1 and OS #2)	PM	3.7 <sup>2</sup>	14.2 <sup>2</sup>
		PM <sub>10</sub>	3.7 <sup>2</sup>	14.2 <sup>2</sup>
		SO <sub>2</sub>	18.0 <sup>1</sup>	78.8 <sup>1</sup>
		VOC (NMOC)	3.8 <sup>2</sup>	16.8 <sup>2</sup>
		CO	57.3 <sup>2</sup>	240.4 <sup>2</sup>
		NO <sub>x</sub>	23.2 <sup>2</sup>	100.3 <sup>2</sup>
		HCl <sup>3</sup>	1.34 <sup>1</sup>	5.82 <sup>1</sup>
03	Traffic Emissions (Uncontrolled)	PM	129.8	261.1
		PM <sub>10</sub>	28.8	57.3

\*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.

\*\*\* If in the future, uncontrolled NMOC (VOC) surface emissions are calculated to be equal to or greater than ( $\geq$ ) 50 Mg/yr, per the reporting requirements contained in 40 CFR 60.757(b), EVLF shall comply with NSPS Subpart WWW requirements within the time frame contained in 40 CFR 60.752(b)(2). EVLF has assumed that all VOC surface emissions (SN-01) are NMOCs.

<sup>1</sup> OS #1 – Worst-case emissions for SO<sub>2</sub> and HCl for SN-02A, 02B, 04, 05, 06, 07 & 08.

<sup>2</sup> OS #2 – Worst-case emissions for PM/PM<sub>10</sub>, VOC, CO and NO<sub>x</sub> for SN-02A, 02B, 04, 05, 06, 07 & 08.

<sup>3</sup> Hydrochloric Acid (HCl) is not a VOC; it is a HAP. HCl emissions occur from operation of the combustion devices (SN-02A/B and SN-04 through SN-08). All other HAP emissions occur from non-point source emissions of SN-01.

Eco-Vista, LLC  
Permit #: 1884-AOP-R2  
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### SECTION III: PERMIT HISTORY

Permit No. 1884-A was issued to Waste Management - Tontitown Sanitary Landfill on June 29, 2000. Fugitive emissions from the decomposition of the enclosed MSW were the only source listed. The facility was listed as subject to 40 CFR 60, Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills since it has a design capacity greater than 2,500,000 MG and has been modified after May 30 1991. Emission limits for the permit were: VOC 0.8 tpy, Toluene - 7.53 tpy, Perchloroethylene - 1.29 tpy, Ethylbenzene - 1.02 tpy, 1,1,2,2-Tetrachlorethylene - 0.03 tpy, Acrylonitrile - 1.27 tpy, Vinyl Chloride - 0.96 tpy, Dichloroethane - 2.53 tpy, 1,1-Dichloroethane - 0.49 tpy, Xylene - 2.67 tpy 1,2-Dichloroethane - 0.09 tpy, Hexane - 1.18 tpy, Mercury - 0.047 tpy, and Methyl Ethyl Ketone - 1.06 tpy.

Permit No. 1884-AR-1 was issued to Waste Management Tontitown Landfill, LLC on October 5, 2001. The permit modification was issued to allow the installation of a landfill gas gathering system and flare(s). The facility was listed as subject to 40 CFR 60, Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills since it has a design capacity greater than 2,500,000 MG and has been modified after May 30, 1991. The flare was not listed as a requirement of 40 CFR 60, Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills since the maximum NMOC emissions from the landfill are less than 50 Mg/yr. Emission limits for the permit were: PM/PM<sub>10</sub> - 2.2 tpy, SO<sub>2</sub> - 0.1 tpy, VOC - 10.7 tpy, CO - 46.7 tpy, NO<sub>x</sub> - 9.0 tpy, Toluene - 3.64 tpy, Xylene 1.86 tpy, and Hydrogen Chloride - 1.05 tpy.

Permit No. 1884-AR-2 was issued to Waste Management Tontitown Landfill, LLC on January 30, 2003. This permit modification was issued to change the emission limits from being based on an empirical model to being based on actual volumes of LFG measured through the flare(s). Emission limits for the permit were: PM/PM<sub>10</sub> - 4.4 tpy, SO<sub>2</sub> - 0.1 tpy, VOC - 18.4 tpy, CO - 97.3 tpy, NO<sub>x</sub> - 17.9 tpy, 1,1-Dichloroethane - 0.1335 tpy, Benzene - 1.4751 tpy, Ethylbenzene - 1.3117 tpy, Methyl Ethyl Ketone - 1.6660 tpy, Toluene - 6.2806 tpy, Vinyl Chloride - 0.1225 tpy, Xylene 2.2039 tpy, and Hydrogen Chloride - 2.0894 tpy.

Permit No. 1884-AOP-R0, the initial Title V permit for Waste Management Tontitown Landfill LLC, was issued on December 19, 2003. There was no change in operating processes at the facility, however with the issuance of a Title V permit, non-point source emissions are now included in the permit. Permit No. 1884-AOP-R0 permitted about 2.874 million tons lifetime capacity. Potential emissions were permitted at: 11.5 tpy PM/PM<sub>10</sub>, 4.2 tpy SO<sub>2</sub>, 18.3 tpy VOC, 97.3 tpy CO, 17.9 tpy NO<sub>x</sub>, 0.1335 tpy 1,1-Dichloroethane, 1.4751 tpy Benzene, 1.3117 tpy Ethylbenzene, 1.6660 tpy Methyl Ethyl Ketone (MEK), 6.2806 tpy Toluene, 0.1225 tpy Vinyl Chloride, 3.2039 tpy Xylene, and 2.0894 tpy Hydrogen Chloride (HCl). Solid Waste Permit No. 0290-S1-R2 was issued on July 14, 2006. Permitted disposal volume (Waste and Daily/Intermediate Cover) was permitted at a total design capacity of 11,086,000 cubic yards (CY) and an annual disposal rate of 243,286 tons.

Permit No. 1884-AOP-R0 permitted a total design capacity of 2,874,000 tons for Tontitown Landfill (TTLF). ADEQ approved a minor modification of Permit No. 1884-AOP-R0 on October 16, 2007. The GCCS maximum flow rate to the flare was increased from 2,000 to 2,400 scfm, a 20% increase. With this modification the combustion emissions increased proportional to the increase in flow to the Landfill Gas Open Flare (SN-02). Potential emission increases due

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to this modification were: 0.9 tpy PM/PM<sub>10</sub>, 0.7 tpy SO<sub>2</sub>, 19.4 tpy CO, 3.6 tpy NO<sub>x</sub>, and 0.42 tpy HCl. This modification was never finalized; a major modification and renewal application was received in December 2007, which negated the need to complete the minor modification.

Permit No. 1884-AOP-R1 was issued on December 29, 2008 as Renewal #1 with modification. This modification allowed EVLF to replace the existing single flare with two flares (SN-02). EVLF is subject to and shall comply with applicable provisions of 40 CFR Part 60, Subpart WWW – *Standards of Performance for Municipal Solid Waste Landfills*. EVLF has a design fill capacity of 11,086,000 cubic yards. Annual emissions are permitted at: 271.0 tpy PM, 67.2 tpy PM<sub>10</sub>, 19.7 tpy SO<sub>2</sub>, 54.3 tpy VOC (NMOC), 221.4 tpy CO, 40.7 tpy NO<sub>x</sub>, 0.311 tpy 1,1-Dichloroethane, 0.038 tpy 1,1-Dichloroethylene, 0.903 tpy Dichlorobenzene, 3.056 tpy Ethyl Benzene, 9.93 tpy Toluene, 0.184 tpy Vinyl Chloride, 7.465 tpy Xylenes, and 0.891 tpy Hydrogen Chloride.



**SECTION IV: SPECIFIC CONDITIONS**

**SN-01 – Landfill Gas Surface Emissions (Uncontrolled)**

Source Description

One hundred percent (100%) landfill gas (LFG) emissions arising from the surface of the landfill are designated as SN-01. When the GCCS is operating, LFG is routed to the flares (SN-02A/B) and/or the LFGTE facility (SN-04 through SN-08). Approximately 75% of the LFG will be collected and combusted. The most recent site specific Tier 2 testing was conducted during February and March 2009. The Tier 2 result was 239 C<sub>NMOC-V</sub> parts per million (ppm) as hexane, equivalent to 33.16 Mg/year NMOC (VOC) for the year 2009. EVLF is not required to have an active landfill GCCS under 60 Subpart WWW until NMOC is equal to or greater than 50 Mg/yr.

Specific Conditions

- When the calculated uncontrolled surface emissions per the latest Tier 2 testing and LandGem modeling are reported to exceed the 50 Mg/yr NMOC (54.1 tpy) emission limit set forth in the following table, the permittee shall comply with the requirements contained in §60.752(b)(2). The permittee shall demonstrate compliance with this condition by compliance with Plantwide Conditions #7, #9, #10 and #11. [Regulation 19, §19.501 et seq., 40 CFR Part 60 Subpart WWW, and 40 CFR Part 52, Subpart E]

SN	Description	Pollutant	lb/hr	tpy
01	Landfill Gas Surface Emissions	VOC (NMOC)*	12.6	54.1 (≤50 Mg/yr)

\* EVLF has assumed that all VOC surface emissions are NMOCs.

- The permittee shall not exceed the emission rates set forth in the following table. Both hourly and annual uncontrolled surface emissions (SN-01) are worst case scenario when the GCCS is not in operation. The permittee shall demonstrate compliance with this condition by compliance with Plantwide Condition #7, #9 and #12. [Regulation 18, §18.801, and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Description	Pollutant	lb/hr	tpy
01	Landfill Gas Surface Emissions (Uncontrolled)	1,1-Dichloroethane <sup>1</sup>	0.08	0.32
		1,1-Dichloroethylene <sup>1</sup>	0.01	0.04
		Dichlorobenzene <sup>1</sup>	0.21	0.91
		Ethyl benzene <sup>1</sup>	0.70	3.06
		Toluene <sup>1</sup>	2.27	9.93
		Vinyl Chloride <sup>1</sup>	0.05	0.19
		Xylenes <sup>1</sup>	1.71	7.47

<sup>1</sup>All HAPs are non-point source emissions (SN-01).

SN-02A and SN-02B Flares and SN-04 through SN-08 Engines

Source Description

The LFG will be routed to the flares (SN-02A/B) for combustion and/or the stationary internal combustion engines (ICE) for electricity generation in six operating scenarios (OS). Annual emissions of the flares (SN-02A/02B) and the ICEs (SN-04 through SN-08) will be bubbled.

The five (5) new landfill (LF) gas-fired, stationary internal combustion engines (ICE) (SN-04 through SN-08) power electric generators and be known as a new LFGTE Facility.

EVLf's GCCS will not be subject to 40 CFR Part 60, Subpart WWW— *Standards of Performance for Municipal Solid Waste Landfills* until the site specific NMOC uncontrolled surface emissions are determined to be equal to or greater than ( $\geq$ ) 50 Mg/yr. The last site-specific Tier 2 testing was conducted in February and March, 2009 and calculated as 239  $\text{CNMOC-v}$  of hexane (33.2 Mg/yr for 2009). EVLF does have an active landfill GCCS in-place, for gas migration, odor control and to supply fuel to the flares and engines. The combustion of LF gas generates combustion by-product emissions, mainly CO, NO<sub>x</sub> and hydrogen chloride (HCl). When the GCCS is in operation, the collected landfill gas is combusted in the flares and/or in the engines, reducing the SN-01 uncontrolled surface emissions, including HAPs.

Specific Conditions

- 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 #12, #16 and #17, which bubbles hourly and annual emissions, using the worst-case scenarios appropriate for each individual criteria pollutant. Operating Scenario #1 is worst-case for one criteria pollutant, SO<sub>2</sub>. Operating Scenario #2 is worst-case for four criteria pollutants PM<sub>10</sub>, VOC (NMOC), CO and NO<sub>x</sub>. [Regulation 19, §19.501 et seq., and 40 CFR Part 52, Subpart E]

SN	Description	Pollutant	lb/hr	tpy
<u>Operating Scenario #1 – 2 Flares (Dual) Only (No engines)</u>				
02A	Parnel, 12-inch diameter, open candlestick Flare (2250 scfm) (98% efficient) (installed 2009)	PM <sub>10</sub>	1.3	10.0 78.8 <sup>1</sup> 3.2 221.6 40.8
		SO <sub>2</sub>	9.0 <sup>1</sup>	
		VOC (NMOC)	0.4	
		CO	27.8	
		NO <sub>x</sub>	5.2	
02B	Parnel, 12-inch diameter, open candlestick Flare (2250 scfm) (98% efficient) (installed 2009)	PM <sub>10</sub>	1.3	
		SO <sub>2</sub>	9.0 <sup>1</sup>	
		VOC (NMOC)	0.4	
		CO	27.8	
		NO <sub>x</sub>	5.2	

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SN	Description	Pollutant	lb/hr	tpy
Lbs/Hr Summary Operating Scenario #1		PM <sub>10</sub>	2.6	
		SO <sub>2</sub>	18.0 <sup>1</sup>	
		VOC (NMOC)	0.8	
		CO	55.6	
		NO <sub>x</sub>	10.4	
<u>Operating Scenario #2 – 1 Flare (only) + 5 Engines</u>				
02A or 02B	One Parnel, 12-inch diameter, open candlestick Flare (max 1,837 scfm) (98% efficient) (installed 2009)	PM <sub>10</sub>	1.2	14.2 <sup>2</sup> 56.7 16.8 <sup>2</sup> 240.4 <sup>2</sup> 100.3 <sup>2</sup>
		SO <sub>2</sub>	7.4	
		VOC (NMOC)	0.3	
		CO	22.8	
		NO <sub>x</sub>	4.2	
04	Caterpillar G3516 LE, 1,148 bhp, LF gas-fired, stationary IC Engine #1 (4SLB, turbocharged with after cooler, 313 scfm) (future installation)	PM <sub>10</sub>	0.5	
		SO <sub>2</sub>	1.3	
		VOC (NMOC)	0.7	
		CO	6.9	
		NO <sub>x</sub>	3.8	
05	Caterpillar G3516 LE, 1,148 bhp, LF gas-fired, stationary IC Engine #2 (4SLB, turbocharged with after cooler, 313 scfm) (future installation)	PM <sub>10</sub>	0.5	
		SO <sub>2</sub>	1.3	
		VOC (NMOC)	0.7	
		CO	6.9	
		NO <sub>x</sub>	3.8	
06	Caterpillar G3516 LE, 1,148 bhp, LF gas-fired, stationary IC Engine #3 (4SLB, turbocharged with after cooler, 313 scfm) (future installation)	PM <sub>10</sub>	0.5	
		SO <sub>2</sub>	1.3	
		VOC (NMOC)	0.7	
		CO	6.9	
		NO <sub>x</sub>	3.8	
07	Caterpillar G3516 LE, 1,148 bhp, LF gas-fired, stationary IC Engine #4 (4SLB, turbocharged with after cooler, 313 scfm) (future installation)	PM <sub>10</sub>	0.5	
		SO <sub>2</sub>	1.3	
		VOC (NMOC)	0.7	
		CO	6.9	
		NO <sub>x</sub>	3.8	
08	Caterpillar G3516 LE, 1,148 bhp, LF gas-fired, stationary IC Engine #5 (4SLB, turbocharged with after cooler, 313 scfm) (future installation)	PM <sub>10</sub>	0.5	
		SO <sub>2</sub>	1.3	
		VOC (NMOC)	0.7	
		CO	6.9	
		NO <sub>x</sub>	3.8	

SN	Description	Pollutant	lb/hr	tpy
	Lbs/Hr Summary Operating Scenario #2	PM <sub>10</sub> SO <sub>2</sub> VOC (NMOC) CO NO <sub>x</sub>	3.7 <sup>2</sup> 13.9 3.8 <sup>2</sup> 57.3 <sup>2</sup> 23.2 <sup>2</sup>	

<sup>1</sup> Operating Scenario #1 is worst-case for one criteria pollutant, SO<sub>2</sub>.

<sup>2</sup> Operating Scenario #2 is worst-case for four criteria pollutants, PM<sub>10</sub>, VOC, CO & NO<sub>x</sub>.

4. 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 #12. Hourly emissions are based on highest possible standard cubic feet per minute (scfm) per emission source and highest methane concentration of 55% LFG. Annual emissions (tpy) are bubbled for Flares (SN-02A/B) and Engines (SN-04 through 08) using the appropriate worst-case operating scenarios for the criteria pollutant. Operating Scenario #1 is worst-case for one criteria pollutant, SO<sub>2</sub>. Operating Scenario #2 is worst-case for four criteria pollutants: PM<sub>10</sub>, VOC, CO and NO<sub>x</sub>. [Regulation 18, §18.801, and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Description	Pollutant	lb/hr	tpy
<u>Operating Scenario #1 – 2 Flares (Dual) Only (No engines)</u>				
02A	Parnel, 12-inch diameter, open candlestick Flare (2250 scfm) (98% efficient) (installed 2009)	PM HCl <sup>3</sup>	1.3 0.67 <sup>1</sup>	10.0 5.82 <sup>1</sup>
02B	Parnel, 12-inch diameter, open candlestick Flare (2250 scfm) (98% efficient) (installed 2009)	PM HCl <sup>3</sup>	1.3 0.67 <sup>1</sup>	
	Lbs/Hr Summary Operating Scenario #1	PM HCl <sup>3</sup>	2.6 1.34 <sup>1</sup>	
<u>Operating Scenario #2 – 1 Flare (only) + 5 Engines</u>				
02A or 02B	One Parnel, 12-inch diameter, open candlestick Flare (max 1,837 scfm) (98% efficient) (installed 2009)	PM HCl <sup>3</sup>	1.2 0.56	14.2 <sup>2</sup> 4.38
04	Caterpillar G3516 LE, 1,148 bhp, LF gas-fired, stationary IC Engine #1 (4SLB, turbocharged with after cooler, 313 scfm) (future installation)	PM HCl <sup>3</sup>	0.5 0.09	

SN	Description	Pollutant	lb/hr	tpy
05	Caterpillar G3516 LE, 1,148 bhp, LF gas-fired, stationary IC Engine #2 (4SLB, turbocharged with after cooler, 313 scfm) (future installation)	PM HCl <sup>3</sup>	0.5 0.09	
06	Caterpillar G3516 LE, 1,148 bhp, LF gas-fired, stationary IC Engine #3 (4SLB, turbocharged with after cooler, 313 scfm) (future installation)	PM HCl <sup>3</sup>	0.5 0.09	
07	Caterpillar G3516 LE, 1,148 bhp, LF gas-fired, stationary IC Engine #4 (4SLB, turbocharged with after cooler, 313 scfm) (future installation)	PM HCl <sup>3</sup>	0.5 0.09	
08	Caterpillar G3516 LE, 1,148 bhp, LF gas-fired, stationary IC Engine #5 (4SLB, turbocharged with after cooler, 313 scfm)(future installation)	PM HCl <sup>3</sup>	0.5 0.09	
Lbs/Hr Summary Operating Scenario #2		PM HCl <sup>3</sup>	3.7 <sup>2</sup> 1.01	

<sup>1</sup> Operating Scenario #1 is worst-case for one non-criteria pollutant, HCl.

<sup>2</sup> Operating Scenario #2 is worst-case for PM.

<sup>3</sup> Hydrochloric Acid (HCl) is not a VOC; it is a HAP.

5. Visible emissions may not exceed the limits specified in the table below, except as noted in this condition. The Flares (SN-02A/B) 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. EPA Reference Method 22 shall be used to determine compliance with the visible emission provisions. Visible emissions from the engines (SN-04 through SN-08) shall be demonstrated through the use of landfill gas as the only fuel combusted. [Regulation 18, §18.501, 40 CFR §60.18(c)(1) and (f) and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311].

SN	Limit	Regulatory Citation
02A & 02B	0%	§18.501, §60.18(f)(1) and A.C.A.
04, 05, 06, 07 & 08	5%	§18.501 and A.C.A.

6. The permittee shall conduct weekly observations of the opacity of SN-02A, SN-02B, and SN-04 through SN-08 and keep a record of these observations. The flares (SN-02A & 02B) shall be designated 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. EPA Reference Methods 22 and 9 shall be used to determine compliance with the visible emission provisions of the flares and the engines, respectively. If the permittee detects visible emissions in excess of their permitted limit, the permittee must immediately take action to identify and correct the cause of the visible emissions. After implementing the corrective action, the permittee must document that the source complies with the visible emissions requirements. The permittee shall maintain records of the cause of the visible emissions and the corrective action taken. The permittee must keep these records onsite and make them available to Department personnel upon request. [Regulation 18, §18.501, §18.1004 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]
7. The permittee shall post and maintain clearly visible labels at flares SN-02A and SN-02B that identifies each flare as a distinct and separate emission source. [Regulation 19, §19.304 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]
  8. The permittee must operate each flare (SN-02A and 02B) pilot flame within the design limitations and manufacturer's specifications. The pilot flames may be lit by landfill gas, natural gas, or propane. [Regulation 19, §19.303 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]
  9. Each flare (SN-02A and 02B) 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 for each flare 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 permittee shall shut down the GCCS to prevent passive venting of landfill gas. [Regulation 19, §19.303, §19.304, §60.18(b) through (f), and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]
  10. 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-02A and 02B). The net heating value of the gas being combusted shall be determined by the methods specified in 40 CFR §60.18(f)(3). A copy of the calculations shall be kept on site and made available to Department personnel upon request. [Regulation 19, §19.303, §19.304, §60.18(c)(3)(ii), and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]
  11. Non-assisted flares (SN-02A and 02B) 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 CFR §60.18(f)(5). The actual exit velocity shall be determined as specified in 40 CFR §60.18(f)(4). A copy of the calculations shall be kept on site and made available to Department personnel upon request. [Regulation 19, §19.303, §19.304, 40 CFR §60.18(f)(4-5), and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]
  12. The permittee may operate only under one of the six Operating Scenarios (OS), a combination of flares (SN-02A and/or SN-02B) and engines (SN-04 through SN-08), as listed in the table below. In addition EVLF may only combust LFG to one flare (SN-02A

or SN-02B, 1837 scfm) when five engines are operating simultaneously (OS #2). EVLF must maintain operational gas flow limits on the flares to limit flaring to the levels associated with operating between zero and five engines in order to maintain the permitted emission levels in Specific Conditions #3 and #4. [Regulation 19, §19.705 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Operating Scenarios (OS) Combined Maximum Limit	(Dual) Flares SN-02A/B (scfm)	Engines SN-04 through SN-08 (LFGTE) (313 scfm ea.)	Combined Maximum Limit Flares & Engines Bubbled (scfm)
OS #1 – 2 Flares Only (No engines)	4,500	0	4,500
OS #2 – 1 Flare (only) + 5 Engines	1,837	1,565	3,401
OS #3 – 2 Flares + 4 Engines	2,444	1,252	3,695
OS #4 – 2 Flares + 3 Engines	3,052	939	3,991
OS #5 – 2 Flares + 2 Engines	3,662	626	4,288
OS #6 – 2 Flares + 1 Engine	4,187	313	4,500

13. The permittee shall maintain records to demonstrate compliance with Specific Condition #12. These records shall include the number of engines operating and the simultaneous gas flow to the flares and engines in standard cubic feet per minute (scfm). The permittee shall monitor the gas flow to the flares and total gas flow to the number of operating engines simultaneously and continuously. The gas flow to the flares shall be recorded once every 15 minutes. Electronic or paper hourly records shall be maintained of the number of engines operating and the flow rate to the flares. The permittee shall update these records by the fifteenth day of the month following the month to which the records pertain, shall be maintained on site and made available to Department personnel upon request. [Regulation 18, §18.1004, Regulation 19, §19.705, 40 CFR Part 52, Subpart E and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]
14. Each engine, SN-04 through SN-08, must be equipped with a non-resettable hour meter. The facility must keep records of the hours of operation of the engines recorded through the non-resettable hour meter and submit in accordance to Plantwide Condition #3, at the address in General Provision #7, maintain a copy on-site and make available to Department personnel upon request. [Regulation 19, §19.705 and 40 CFR Part 52]

NSPS Subpart JJJJ Conditions for SN-04 through SN-08

15. SN-04 through SN-08, non-certified stationary spark ignition (SI) reciprocating internal combustion engines (RICEs), were ordered after January 1, 2008. These engines, SN-04 through SN-08, are subject to and shall comply with 40 CFR Part 60, Subpart JJJJ -

*Standards of Performance for Stationary Spark Ignition Internal Combustion Engines* (Appendix B). [§19.304 of Regulation 19 and 40 CFR Part §60.4230(a)(4)(ii), Subpart JJJJ]

16. The permittee must comply with applicable emission limitations and standards used to permit hourly and annual rates for SN-04 through SN-8, specified for NO<sub>x</sub>, CO and VOC emissions. The following table summarizes the not-to-exceed emission limits permitted for these sources. Compliance with these emission limits is deemed to be compliance with the emission limits of Specific Condition 17. [Regulation 19, §19.501 et seq., 40 CFR Part 52, Subpart E, 40 CFR 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Description	Pollutant	SIP Emission Limits (grams/bhp-hr)
04 through 08	Caterpillar G3516 LE, 1,148 bhp, LF gas-fired, stationary IC Engine (4SLB, turbocharged with after cooler)	NO <sub>x</sub>	1.50
		CO	2.70
		VOC	1.0

17. The permittee must comply with applicable NSPS Subpart JJJJ emission limitations and standards for SN-04 through SN-08 specified for NO<sub>x</sub>, CO and VOC emissions in the table below, based on an engine manufacture date after July 1, 2007 and/or after July 1, 2010. [Regulation 19, §19.304, §60.4230(a)(4)(i), Table 1 of 40 CFR 60, Subpart JJJJ]

SN	Description	Pollutant	NSPS Subpart JJJJ Emission Limits for Engine Manuf. Date after 01/01/2008 (grams/bhp-hr)	NSPS Subpart JJJJ Emission Limits for Engine Manuf. Date after 07/01/2010 (grams/bhp-hr)
04 through 08	Caterpillar G3516 LE, 1,148 bhp, LF gas-fired, stationary IC Engine (4SLB, turbocharged with after cooler)	NO <sub>x</sub>	3.0	2.0
		CO	5.0	5.0
		VOC	1.0	1.0

18. The permittee must operate and maintain all stationary SI RICE (SN-04 through SN-08) subject to 40 CFR Part 60 Subpart JJJJ in compliance with Specific Condition #17 over the entire life of the engine. [Regulation 19, §19.304 and 40 CFR Part 60, Subpart JJJJ, §60.4234]
19. The permittee must conduct an initial performance test on each engine subject to testing under 60 Subpart JJJJ (SN-04 through SN-08) to demonstrate compliance with the



applicable pollutant emission standards of Specific Conditions #16 and #17. Subsequent performance testing must be conducted every 8,760 hours or 3 years per engine, whichever comes first thereafter to demonstrate compliance. Each performance test must be conducted according to Plantwide Condition #3, Specific Condition #20 and as specified in the following procedures: [Regulation 19, §19.304, §19.701-2 and 40 CFR Part 60, Subpart A, §60.8(a), 40 CFR Part 60, Subpart JJJJ, §60.4243(b)(2)(ii) and §60.4244(a-f)]

- a. Each performance test must be conducted within 10 % of 100 % peak (or the highest achievable) load and must comply with the testing requirements listed in 40 CFR §60.8 and under the specific conditions that are specified by Table 2 of Subpart JJJJ of Part 60 - Requirements for Performance Tests;
  - b. Performance tests may not be conducted during periods of startup, shutdown, or malfunction, as specified in 40 CFR §60.8(c). If the engine is non-operational when a performance test is due, the engine does not need to be started up just to test it, but will need to be tested immediately upon startup;
  - c. Three separate test runs must be conducted for each engine performance test as specified by §60.8(f). Each test run must be conducted within 10 % of 100 % peak (or the highest achievable) load and be at least 1 hour in duration;
  - d. To determine compliance with the NO<sub>x</sub>, CO and VOC mass per unit output emission limitations, the measured concentrations must be converted using the Equations 1, 2, and 3 or 4, respectively, outlined in §60.4244 of Subpart JJJJ; and
  - e. EPA Reference Method 10 shall be used to show compliance with the CO emission rate and EPA Reference Method 7E shall be used to show compliance with the NO<sub>x</sub> emission rate.
20. The permittee must submit to the Department a copy of the initial and subsequent performance tests as specific in Specific Condition #19, except submitted within 60 days of the completion of the tests rather than the 30 days as specified under Plantwide Condition #3, semi-annually at the address in General Provision #7, maintain a copy on-site and make available to Department personnel upon request. [Regulation 19, §19.304 and 40 CFR 60.4245(d)]
21. The permittee must conduct an initial performance test on one engine (SN-04 through SN-08) for formaldehyde as specified under Plantwide Condition #3. The formaldehyde test results shall be sent to the Department at the address in General Provision #7, shall be maintained on site and made available to Department personnel upon request. If any formaldehyde is detected, the facility must file an appropriate permit modification. This condition does not in any way approve any such emissions that exceed HAP values permitted within this permit. [Regulation 18, §18.1004 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]
22. For all non-certified stationary SI RICEs subject to Subpart JJJJ greater than or equal to 500 hp (SN-04 through SN-08), the permittee must keep a maintenance plan and records for each engine of conducted maintenance and must, to the extent practicable, maintain and operate each engine and control device in a manner consistent with good air pollution

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control practice for minimizing emissions.. [Regulation 19, §19.304 and 40 CFR Part 60, Subpart JJJJ, §60.4243(b)(2)(ii)]

23. Within 60 days of completion of construction of the LFGTE facility, the permittee must meet the following notification, reporting and recordkeeping requirements for all engines (SN-04 through SN-08) subject to 40 CFR Part 60 Subpart JJJJ. In addition, the permittee shall submit to the Department, maintain on-site and make available to Department personnel upon request, a comprehensive report showing compliance of each engine with NSPS Subpart JJJJ within 60 days of the completion of the tests rather than the 30 days as specified under Plantwide Condition #3. The report shall be submitted to the Department at the address listed in General Provision #7. The notification must include the following information:
- a. All notifications submitted to comply with 40 CFR Part 60 Subpart JJJJ and all documentation supporting any notification;
  - b. Maintenance conducted on each engine;
  - c. Documentation that each engine meets the emission standard, as listed in Specific Condition #17;
  - d. Name and address of the permittee;
  - e. The address of each affected source;
  - f. Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;
  - g. Emission control equipment; and
  - h. Fuel used..

[Regulation 19, §19.304 and 40 CFR 60.4245(a)(1,2,4), (c)(1-5) and (d)]

NESHAP Subpart ZZZZ Conditions for SN-04 through SN-08

24. SN-04 through SN-08 are new 4SLB, stationary reciprocating internal combustion (RICE) engines located at Eco-Vista, LLC landfill, an area source of HAP emissions. The engines combust landfill or digester gas equivalent to 10% or more of the gross heat input on an annual basis. These engines are subject to and shall comply with the provisions of 40 CFR Part 63, Subpart ZZZZ - *National Emission Standard for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE)* (Appendix C) by meeting the requirements of 40 CFR part 60 subpart JJJJ, for spark ignition engines. No further requirements apply for SN-04 through SN-08 under 40 CFR Part 63, Subpart ZZZZ. [Regulation 19, §19.304 and 40 CFR Part §63.6580, Subpart ZZZZ, §63.6590(c)]

SN-03 – Traffic Emissions (Uncontrolled)  
 (Paved and Unpaved Roads and Aggregate Handling)

Source Description

Particulates are emitted from the operation of vehicles and equipment over the paved and unpaved roads, aggregate handling, and wind erosion of storage piles and from the placing of soil cover material on the landfill surface. These activities are collectively referred to as Traffic Emissions (SN-03). Dust controls may include water dispersion equipment, sweeping, and other techniques.

Specific Conditions

25. 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 #27 and #28. [Regulation 19, §19.501 et seq., and 40 CFR Part 52, Subpart E]

SN	Pollutant	lb/hr	tpy
03	PM <sub>10</sub>	28.8	57.3

26. 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 #27 and #28. [Regulation 18, §18.801 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Pollutant	lb/hr	tpy
03	PM	129.8	261.1

27. The permittee shall not operate in a manner such that fugitive emissions from the storage piles, aggregate handling, and 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, sweeping, or other techniques as necessary to control fugitive emissions that migrate off-site. [Regulation 18, §18.501 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]
28. Dust suppression activities must be conducted in a manner and at a rate of application that will not cause runoff from the area being applied. Best Management Practices (40 CFR §122.44(k)) should be used around streams and waterbodies to prevent the dust suppression agent from entering Waters of the State. Except for potable water, no agent shall be applied within 100 feet of wetlands, lakes, ponds, springs, streams, or sinkholes. Failure to meet this condition may require the permittee to obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Department's Water Division, in accordance with 40 CFR §122.1(b). [A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

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

Eco-Vista, LLC 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. [Regulation 19, §19.704, 40 CFR Part 52, Subpart E, and A.C.A. §8-4-203 as referenced by A.C.A. §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. [Regulation 19, §19.410(B) and 40 CFR Part 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) days in advance of such test. The permittee shall submit the compliance test results to the Department within thirty (30) days after completing the testing. [Regulation 19, §19.702 and/or Regulation 18 §18.1002 and A.C.A. §8-4-203 as referenced by A.C.A. §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.[Regulation 19, §19.702 and/or Regulation 18, §18.1002 and A.C.A. §8-4-203 as referenced by A.C.A. §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. [Regulation 19, §19.303 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]
6. This permit subsumes and incorporates all previously issued air permits for this facility. [Regulation 26 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]
7. The facility's current Class I, Solid Waste Permit #0290-S1-R2, issued July 21, 2006, permitted a maximum design capacity of 11,086,000 cubic yards (CY). The permittee shall weigh every incoming load of waste accepted by the facility on its truck scale. 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. [Regulation 19, §19.705, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 and 40 CFR §70.6]

8. The permittee shall maintain monthly records to demonstrate compliance with Plantwide Condition #7. The permittee shall update the records by the fifteenth day of the month following the month to which the records pertain to. The permittee shall maintain a lifetime in-place total, a twelve month rolling total, and each individual month's waste acceptance data on site, made available to the Department upon request and submitted semi-annually in accordance with General Provision #7 of this permit. Any density conversions shall be documented and maintained with these records. These records shall be retained at least 5 years. [Regulation 19, §19.705 and 40 CFR Part 52 Subpart E and/or Regulation 18, §18.1004, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311, and 40 CFR §60.758]

NSPS Subpart WWW Conditions

9. The permittee is subject to and shall comply with 40 CFR Part 60 Subpart WWW - *Standards of Performance for Municipal Solid Waste Landfills* (Appendix A), since it has a design fill capacity in excess of 2,500,000 Mg and the facility was modified after May 30, 1991. Analysis of Tier 2 sampling conducted February 9, 2009 and March 30, 2009 calculated a 239 ppmv-hexane at Eco-Vista Landfill. The gas collection and control system will be subject to the monitoring requirements of 40 CFR 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. [Regulation 19, §19.304, 40 CFR §60.752, Subpart WWW, and §60.754(3)]
10. The permittee shall submit an SN-01 NMOC Emission Rate Report, which shall include a LandGEM generated HAP list, annually to the Department, except as provided for in §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 annual NMOC Emission Rate Report shall contain annual, 5-year and remaining site life (in years) estimates of the NMOC emission rate calculated using the formula and procedures provided in §60.754(a) or (b), as applicable until the calculated NMOC emission rate equals or exceeds 50 Mg/yr or the landfill is closed. Calculations shall use the latest Tier 2 site-specific NMOC concentration [February and March, 2009, 239 ppmv-hexane] per §60.754(a)(3) and the actual annual solid waste acceptance data. Any density conversions shall be documented and submitted with the report. When calculated, uncontrolled NMOC (VOC) surface emissions (SN-01) exceed 50 Mg/yr, per the reporting requirements contained in 40 CFR §60.757(b), EVLF shall comply with NSPS Subpart WWW requirements contained in 40 CFR §60.752(b)(2). [Regulation 19, §19.304 and/or Regulation 18, §18.1002 and 40 CFR §60.757(b)]
11. The permittee shall retest the SN-01 site-specific NMOC concentration every 5 years using the Tier 2 test methods and procedures described in 40 CFR §60.754(a) for as long as the calculated emissions are less than 50 Mg/yr. The next site-specific Tier 2 testing must be conducted prior to February 17, 2014, using the sampling procedures provided in §60.754(a)(3) and analyzing the landfill gas from the main landfill gas header or probe to determine the on-site NMOC concentration in parts per million (ppm) by volume (v) as hexane using Method 25 or 25C sampling procedure or other methods, if the method has been approved in advance by the Director. 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 make available to Department personnel upon request. [Regulation 19, §19.702, §19.304 and 40 CFR 60, Subpart WWW]

12. The permittee shall test the SN-01 site-specific individual HAP emissions using EPA Method 320 sampling procedure or other methods, if the method has been approved in advance by the Department. An initial test shall be performed within 180 days of permit issuance and after the initial test, retests shall coincide with the Tier 2 test in Plantwide Condition #11. 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 make available to Department personnel upon request. [Regulation 18, §18.1002 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]
13. 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. [Regulation 19, §19.304 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]
14. The permittee shall maintain records of the following on-site and make available to Department personnel upon request:
  - a. 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
  - b. A readily accessible record of the nature, date of deposition, amount and location of asbestos-containing or non-degradable waste excluded from collection. [Regulation 19, §19.705, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 and 40 CFR Part 52, Subpart E]
15. When the calculated Tier 2 NMOC emission rate is equal to or greater than the 50 Mg/yr threshold level, the permittee shall:
  - a. Submit a collection and control system design plan prepared by a professional engineer to the Department within 1 year, as required by 40 CFR §60.752(b)(2) and
  - b. Install a collection and control system that captures the gas generated within the landfill areas required paragraphs by 40 CFR §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. [40 CFR §60.752(b)]

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16. Once estimated uncontrolled NMOC emissions equal or exceed 50 Mg/yr as calculated in accordance with 40 CFR 60.754, the permittee becomes subject to and shall comply with 40 CFR Part 63 Subpart AAAA – *National Emission Standards for Hazardous Air Pollutants – Municipal Solid Waste Landfills*. [Regulation 19, §19.304 and 40 CFR §63.1935]

#### Regulation 21 – Asbestos Abatement

17. The permittee is subject to and shall comply with Regulation 21, *Arkansas Asbestos Abatement Regulation*, §11.2 Standards for Waste Disposal Sites. [Regulation 21, §11.2(A-D), and 40 CFR §60.752]
18. 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: [Regulation 21, §11.2(A)(i-ii)]
  - a. At the end of each operating day, or 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.
  - b. Use an alternative emissions control method that has received prior written approval by the Director demonstrating the following criteria:
    - i. The alternative method will control asbestos emissions equivalent to currently required methods;
    - ii. The suitability of the alternative method for the intended application;
    - iii. The alternative method will not violate other regulations; and
    - iv. The alternative method will not result in increased water pollution, land pollution, or occupational hazards.
19. The permittee shall maintain waste shipment records (WSR) of all asbestos-containing waste material received: [Regulation 19, §19.705 and Regulation 21, §11.2(B)(i-vii)]
  - a. Maintain waste shipment records (WSR), 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 tons;
    - iv. The presence of improperly enclosed or uncovered waste, or any asbestos-containing waste material not sealed in leak-tight containers. Report in



writing to the Department Official responsible for administering the Asbestos program for the waste generator (identified in the WSR, and, if different the local, State, or EPA regional office 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. Submit a copy of the WSR along with the report; and

- v. The date of the receipt.
  - b. The permittee shall as soon as possible and no longer than 30 days after receipt of the asbestos-containing waste, send a copy of the signed WSR to the waste generator. [Regulation 21, §11.2(B)(ii)]
  - c. 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 and attempt to reconcile any discrepancy with the waste generator. If the discrepancy is not resolved within 15 days after receiving the waste, the permittee will immediately report in writing to the specific agency responsible for administering the NESHAP program for the waste generator. Describe the discrepancy and attempts to reconcile it, and submit a copy of the WSR along with the report. [Regulation 19, §19.705 and Regulation 21, §11.2(B)(iii)]
  - d. Furnish upon request and make available during normal business hours for inspection by the Department, all records required under Regulation 21, §11.2. [Regulation 21, §21.11.2(B)(iv)]
  - e. The permittee shall maintain a copy of all records and reports required by Regulation 21, §11.2 on-site for at least 2 years. [Regulation 21, §11.2(B)(v)]
  - f. Maintain until landfill closure, records of the location, depth and area, and quantity in tons of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area. [Regulation 21, §11.2(B)(vi)]
  - g. Submit to the Director, upon closure of the facility, a copy of records of asbestos waste disposal locations and quantities. [Regulation 21, §11.2(B)(vii)]
20. The permittee shall notify the Department in writing at least 45 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: [Regulation 21, §11.2(C)(i-iv)]
- a. Schedule starting and completion dates;
  - b. Reason 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.

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21. Within 60 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: [Regulation 21, §11.2(D)(i-ii)]
  - 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, §11.2(B)(vi) have been filed with the Department.

#### Title VI Provisions

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

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24. If the permittee manufactures, transforms, destroys, imports, or exports a class I or class II substance, the permittee is subject to all requirements as specified in 40 CFR Part 82, Subpart A, Production and Consumption Controls.
25. If the permittee performs a service on motor (fleet) vehicles when this service involves ozone depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

The term “motor vehicle” as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term “MVAC” as used in Subpart B does not include the air tight sealed refrigeration system used as refrigerated cargo, or the system used on passenger buses using HCFC 22 refrigerant.

26. The permittee can switch from any ozone depleting substance to any alternative listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G.

**SECTION VII: INSIGNIFICANT ACTIVITIES**

The following sources are insignificant activities. Any activity that has a state or federal applicable requirement shall be considered a significant activity even if this activity meets the criteria of §26.304 of Regulation 26 or listed in the table below. Insignificant activity determinations rely upon the information submitted by the permittee in applications dated June 16, July 20 and 27, August 4 and 26, September 24 and October 16 and 21, 2009.

Description	Category
Ingersoll-Rand 30 HP, 185 Diesel Powered Air Compressor	A-1
Kubota 18 HP, D905-E Diesel Light Plant	A-1
Honda 5.5 HP Gasoline Motor for Odor Control Sprayer (truck mounted)	A-1
Two (2) Diesel Powered Shop Heaters	A-1
34 HP, 220 V Diesel Generator	A-1
Subaru Pump 18 Hp	A-1
John Deere Pump 84 Hp	A-1
Deutzag Pump 32 Hp	A-1
Honda Pump 5.5 Hp	A-1
Honda Pump 11.0 Hp	A-1
Subaru Emergency Generator 11.0 Hp	A-1
500 Gallon Used Oil Tank (600 gallons/month)	A-3
350 Gallon Engine Oil Tank (300 gallons/month)	A-3
350 Gallon Transmission Oil Tank (100 gallons/month)	A-3
Two (2) 350 Gallon Hydraulic Oil Tanks (300 gallons/month)	A-3
550 Gallon Diesel Fuel Truck Tank (2,200 gallons/week)	A-3
2,000 Gallon Diesel Fuel Tank (2,200 gallons/week)	A-3
550 Gallon Gasoline Fuel Tank (55 gallons/week)	A-13
Leachate Collection System	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 (A.C.A. §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 (A.C.A. §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 (A.C.A. §8-4-101 et seq.) as the origin of and authority for the terms or conditions are enforceable under this Arkansas statute. [40 CFR 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 CFR 70.6(a)(2) and §26.701(B) of the Regulations of the Arkansas Operating Air Permit Program (Regulation 26)]
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. [Regulation 26, §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 CFR 70.6(a)(1)(ii) and Regulation 26, §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 CFR 70.6(a)(3)(ii)(A) and Regulation 26, §26.701(C)(2)]
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 CFR 70.6(a)(3)(ii)(B) and Regulation 26, §26.701(C)(2)(b)]

7. The permittee must submit reports of all required monitoring every six (6) months. If 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 within thirty (30) days of the end of the reporting period. Although the reports are due every six months, each report shall contain a full year of data. The report must clearly identify all instances of deviations from permit requirements. A responsible official as defined in Regulation No. 26, §26.2 must certify all required reports. The permittee will send the reports to the address below:

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

[40 C.F.R. 70.6(a)(3)(iii)(A) and Regulation 26, §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 Regulation 19, § 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 average 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.

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- 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.

[Regulation 19, §19.601 and §19.602, Regulation 26, §26.701(C)(3)(b), and 40 CFR 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 CFR 70.6(a)(5), Regulation 26, §26.701(E), and A.C.A. §8-4-203 as referenced by A.C.A. §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 CFR 70.6(a)(6)(i) and Regulation 26, §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 CFR 70.6(a)(6)(ii) and Regulation 26, §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 CFR 70.6(a)(6)(iii) and Regulation 26, §26.701(F)(3)]
13. This permit does not convey any property rights of any sort, or any exclusive privilege. [40 CFR 70.6(a)(6)(iv) and Regulation 26, §26.701(F)(4)]
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 CFR 70.6(a)(6)(v) and Regulation 26, §26.701(F)(5)]
15. The permittee must pay all permit fees in accordance with the procedures established in Regulation 9. [40 CFR 70.6(a)(7) and Regulation 26, §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 CFR 70.6(a)(8) and Regulation 26, §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 CFR 70.6(a)(9)(i) and Regulation 26, §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 CFR 70.6(b) and Regulation 26, §26.702(A) and (B)]
  19. Any document (including reports) required by this permit must contain a certification by a responsible official as defined in Regulation 26, §26.2. [40 CFR 70.6(c)(1) and Regulation 26, §26.703(A)]
  20. The permittee must allow an authorized representative of the Department, upon presentation of credentials, to perform the following: [40 CFR 70.6(c)(2) and Regulation 26, §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 within 30 days following the last day of the anniversary month of the initial Title V permit. 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 CFR 70.6(c)(5) and Regulation 26, §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: [Regulation 26, §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. [A.C.A. §8-4-203 as referenced by A.C.A. §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.
- [Regulation 18, §18.314(A), Regulation 19, §19.416(A), Regulation 26, §26.1013(A), A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311, and 40 CFR Part 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.

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[Regulation 18, §18.314(B), Regulation 19, §19.416(B), Regulation 26, §26.1013(B), A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311, and 40 CFR Part 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.

[Regulation 18, §18.314(C), Regulation 19, §19.416(C), Regulation 26, §26.1013(C), A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311, and 40 CFR Part 52, Subpart E]

**APPENDIX A**  
40 CFR 60, Subpart WWW



Electronic Code of Federal Regulations

e-CFR<sup>TM</sup>

e-CFR Data is current as of October 28, 2009

**Title 40: Protection of Environment**

**PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES**

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**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

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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:

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(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



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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  $L_0$ , 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.

$$M_{NMOC} = \sum_{i=1}^n 2 k L_0 M_i (e^{-k_i}) (C_{NMOC}) (3.6 \times 10^{-9})$$

where,

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$M_{\text{NMOC}}$  = 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,

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$M_{\text{NMOC}}$  = 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,

$\text{NMOC}_{\text{in}}$  = mass of NMOC entering control device

$\text{NMOC}_{\text{out}}$  = 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  $L_0$  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,

$Q_m$  = maximum expected gas generation flow rate, cubic meters 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 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  $e^{-kc} = 1$ )

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

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

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.

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(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

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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.

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

#### **§ 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:

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- (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)(1) 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 expandability, 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  $i^{th}$  section, megagrams per year

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

$L_0$  = 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

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

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

(iii) The values for  $k$  and  $C_{\text{NMOC}}$  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  $k$ ,  $L_0$  and  $C_{\text{NMOC}}$  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]

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**APPENDIX B**

40 CFR Part 60, Subpart JJJ



Electronic Code of Federal Regulations



e-CFR Data is current as of October 28, 2009

**Title 40: Protection of Environment**

**PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES**

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**Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines**

**Source:** 73 FR 3591, Jan. 18, 2008, unless otherwise noted.

**What This Subpart Covers**

**§ 60.4230 Am I subject to this subpart?**

(a) The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary spark ignition (SI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (5) of this section. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.

(1) Manufacturers of stationary SI ICE with a maximum engine power less than or equal to 19 kilowatt (KW) (25 horsepower (HP)) that are manufactured on or after July 1, 2008.

(2) Manufacturers of stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) that are gasoline fueled or that are rich burn engines fueled by liquefied petroleum gas (LPG), where the date of manufacture is:

(i) On or after July 1, 2008; or

(ii) On or after January 1, 2009, for emergency engines.

(3) Manufacturers of stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) that are not gasoline fueled and are not rich burn engines fueled by LPG, where the manufacturer participates in the voluntary manufacturer certification program described in this subpart and where the date of manufacture is:

(i) On or after July 1, 2007, for engines with a maximum engine power greater than or equal to 500 HP (except lean burn engines with a maximum engine power greater than or equal to 500 HP and less than 1,350 HP);

(ii) On or after January 1, 2008, for lean burn engines with a maximum engine power greater than or equal to 500 HP and less than 1,350 HP;

(iii) On or after July 1, 2008, for engines with a maximum engine power less than 500 HP; or

(iv) On or after January 1, 2009, for emergency engines.

(4) Owners and operators of stationary SI ICE that commence construction after June 12, 2006, where the stationary SI ICE are manufactured:

(i) On or after July 1, 2007, for engines with a maximum engine power greater than or equal to 500 HP (except lean burn engines with a maximum engine power greater than or equal to 500 HP and less than 1,350 HP);

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(ii) on or after January 1, 2008, for lean burn engines with a maximum engine power greater than or equal to 500 HP and less than 1,350 HP;

(iii) on or after July 1, 2008, for engines with a maximum engine power less than 500 HP; or

(iv) on or after January 1, 2009, for emergency engines with a maximum engine power greater than 19 KW (25 HP).

(5) Owners and operators of stationary SI ICE that commence modification or reconstruction after June 12, 2006.

(b) The provisions of this subpart are not applicable to stationary SI ICE being tested at an engine test cell/stand.

(c) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart as applicable.

(d) For the purposes of this subpart, stationary SI ICE using alcohol-based fuels are considered gasoline engines.

(e) Stationary SI ICE may be eligible for exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C (or the exemptions described in 40 CFR parts 90 and 1048, for engines that would need to be certified to standards in those parts), except that owners and operators, as well as manufacturers, may be eligible to request an exemption for national security.

(f) Owners and operators of facilities with internal combustion engines that are acting as temporary replacement units and that are located at a stationary source for less than 1 year and that have been properly certified as meeting the standards that would be applicable to such engine under the appropriate nonroad engine provisions, are not required to meet any other provisions under this subpart with regard to such engines.

### Emission Standards for Manufacturers

#### § 60.4231 What emission standards must I meet if I am a manufacturer of stationary SI internal combustion engines or equipment containing such engines?

(a) Stationary SI internal combustion engine manufacturers must certify their stationary SI ICE with a maximum engine power less than or equal to 19 KW (25 HP) manufactured on or after July 1, 2008 to the certification emission standards and other requirements for new nonroad SI engines in 40 CFR part 90 or 1054, as follows:

If engine replacement is . . .	and manufacturing dates are . . .	the engine must meet emission standards and related requirements for nonhandheld engines under . . .
(1) below 225 cc	July 1, 2008 to December 31, 2011	40 CFR part 90.
(2) below 225 cc	January 1, 2012 or later	40 CFR part 1054.
(3) at or above 225 cc	July 1, 2008 to December 31, 2010	40 CFR part 90.
(4) at or above 225 cc	January 1, 2011 or later	40 CFR part 1054.

(b) Stationary SI internal combustion engine manufacturers must certify their stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) (except emergency stationary ICE with a maximum engine power greater than 25 HP and less than 130 HP) that use gasoline and that are manufactured on or after the applicable date in §60.4230(a)(2), or manufactured on or after the applicable date in §60.4230(a)(4) for emergency stationary ICE with a maximum engine power greater than or equal to 130 HP, to the certification emission standards and other requirements for new nonroad SI engines in 40 CFR part 1048. Stationary SI internal combustion engine manufacturers must certify their emergency stationary SI ICE with a maximum engine power greater than 25 HP and less than 130 HP that are

manufactured on or after the applicable date in §60.4230(a)(4) to the Phase 1 emission standards in 40 CFR 90.103, applicable to class II engines, and other requirements for new nonroad SI engines in 40 CFR part 90. Stationary SI internal combustion engine manufacturers may certify their stationary SI ICE with a maximum engine power less than or equal to 30 KW (40 HP) with a total displacement less than or equal to 1,000 cubic centimeters (cc) to the certification emission standards and other requirements for new nonroad SI engines in 40 CFR part 90 or 1054, as appropriate.

(c) Stationary SI internal combustion engine manufacturers must certify their stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) (except emergency stationary ICE with a maximum engine power greater than 25 HP and less than 130 HP) that are rich burn engines that use LPG and that are manufactured on or after the applicable date in §60.4230(a)(2), or manufactured on or after the applicable date in §60.4230(a)(4) for emergency stationary ICE with a maximum engine power greater than or equal to 130 HP, to the certification emission standards and other requirements for new nonroad SI engines in 40 CFR part 1048. Stationary SI internal combustion engine manufacturers must certify their emergency stationary SI ICE with a maximum engine power greater than 25 HP and less than 130 HP that are manufactured on or after the applicable date in §60.4230(a)(4) to the Phase 1 emission standards in 40 CFR 90.103, applicable to class II engines, and other requirements for new nonroad SI engines in 40 CFR part 90. Stationary SI internal combustion engine manufacturers may certify their stationary SI ICE with a maximum engine power less than or equal to 30 KW (40 HP) with a total displacement less than or equal to 1,000 cc to the certification emission standards and other requirements for new nonroad SI engines in 40 CFR part 90 or 1054, as appropriate.

(d) Stationary SI internal combustion engine manufacturers who choose to certify their stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) and less than 75 KW (100 HP) (except gasoline and rich burn engines that use LPG and emergency stationary ICE with a maximum engine power greater than 25 HP and less than 130 HP) under the voluntary manufacturer certification program described in this subpart must certify those engines to the certification emission standards for new nonroad SI engines in 40 CFR part 1048. Stationary SI internal combustion engine manufacturers who choose to certify their emergency stationary SI ICE greater than 25 HP and less than 130 HP, must certify those engines to the Phase 1 emission standards in 40 CFR 90.103, applicable to class II engines, for new nonroad SI engines in 40 CFR part 90. Stationary SI internal combustion engine manufacturers may certify their stationary SI ICE with a maximum engine power less than or equal to 30 KW (40 HP) with a total displacement less than or equal to 1,000 cc to the certification emission standards for new nonroad SI engines in 40 CFR part 90 or 1054, as appropriate. For stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) and less than 75 KW (100 HP) (except gasoline and rich burn engines that use LPG and emergency stationary ICE with a maximum engine power greater than 25 HP and less than 130 HP) manufactured prior to January 1, 2011, manufacturers may choose to certify these engines to the standards in Table 1 to this subpart applicable to engines with a maximum engine power greater than or equal to 100 HP and less than 500 HP.

(e) Stationary SI internal combustion engine manufacturers who choose to certify their stationary SI ICE with a maximum engine power greater than or equal to 75 KW (100 HP) (except gasoline and rich burn engines that use LPG) under the voluntary manufacturer certification program described in this subpart must certify those engines to the emission standards in Table 1 to this subpart. Stationary SI internal combustion engine manufacturers may certify their stationary SI ICE with a maximum engine power greater than or equal to 75 KW (100 HP) that are lean burn engines that use LPG to the certification emission standards for new nonroad SI engines in 40 CFR part 1048. For stationary SI ICE with a maximum engine power greater than or equal to 100 HP (75 KW) and less than 500 HP (373 KW) manufactured prior to January 1, 2011, and for stationary SI ICE with a maximum engine power greater than or equal to 500 HP (373 KW) manufactured prior to July 1, 2010, manufacturers may choose to certify these engines to the certification emission standards for new nonroad SI engines in 40 CFR part 1048 applicable to engines that are not severe duty engines.

(f) Manufacturers of equipment containing stationary SI internal combustion engines meeting the provisions of 40 CFR part 1054 must meet the provisions of 40 CFR part 1060, to the extent they apply to equipment manufacturers.

[73 FR 3591, Jan. 18, 2008, as amended by 73 FR 59175, Oct. 8, 2008]

**§ 60.4232 How long must my engines meet the emission standards if I am a manufacturer of stationary SI internal combustion engines?**

Engines manufactured by stationary SI internal combustion engine manufacturers must meet the emission standards as required in §60.4231 during the certified emissions life of the engines.

**Emission Standards for Owners and Operators**

**§ 60.4233 What emission standards must I meet if I am an owner or operator of a stationary SI internal combustion engine?**

(a) Owners and operators of stationary SI ICE with a maximum engine power less than or equal to 19 KW (25 HP) manufactured on or after July 1, 2008, must comply with the emission standards in

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§60.4231(a) for their stationary SI ICE.

(b) Owners and operators of stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) manufactured on or after the applicable date in §60.4230(a)(4) that use gasoline must comply with the emission standards in §60.4231(b) for their stationary SI ICE.

(c) Owners and operators of stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) manufactured on or after the applicable date in §60.4230(a)(4) that are rich burn engines that use LPG must comply with the emission standards in §60.4231(c) for their stationary SI ICE.

(d) Owners and operators of stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) and less than 75 KW (100 HP) (except gasoline and rich burn engines that use LPG) must comply with the emission standards for field testing in 40 CFR 1048.101(c) for their non-emergency stationary SI ICE and with the emission standards in Table 1 to this subpart for their emergency stationary SI ICE. Owners and operators of stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) and less than 75 KW (100 HP) manufactured prior to January 1, 2011, that were certified to the standards in Table 1 to this subpart applicable to engines with a maximum engine power greater than or equal to 100 HP and less than 500 HP, may optionally choose to meet those standards.

(e) Owners and operators of stationary SI ICE with a maximum engine power greater than or equal to 75 KW (100 HP) (except gasoline and rich burn engines that use LPG) must comply with the emission standards in Table 1 to this subpart for their stationary SI ICE. For owners and operators of stationary SI ICE with a maximum engine power greater than or equal to 100 HP (except gasoline and rich burn engines that use LPG) manufactured prior to January 1, 2011 that were certified to the certification emission standards in 40 CFR part 1048 applicable to engines that are not severe duty engines, if such stationary SI ICE was certified to a carbon monoxide (CO) standard above the standard in Table 1 to this subpart, then the owners and operators may meet the CO certification (not field testing) standard for which the engine was certified.

(f) Owners and operators of any modified or reconstructed stationary SI ICE subject to this subpart must meet the requirements as specified in paragraphs (f)(1) through (5) of this section.

(1) Owners and operators of stationary SI ICE with a maximum engine power less than or equal to 19 KW (25 HP), that are modified or reconstructed after June 12, 2006, must comply with the same emission standards as those specified in paragraph (a) of this section.

(2) Owners and operators of stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) that use gasoline engines, that are modified or reconstructed after June 12, 2006, must comply with the same emission standards as those specified in paragraph (b) of this section.

(3) Owners and operators of stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) that are rich burn engines that use LPG, that are modified or reconstructed after June 12, 2006, must comply with the same emission standards as those specified in paragraph (c) of this section.

(4) Owners and operators of stationary SI natural gas and lean burn LPG engines with a maximum engine power greater than 19 KW (25 HP), that are modified or reconstructed after June 12, 2006, must comply with the same emission standards as those specified in paragraph (d) or (e) of this section, except that such owners and operators of non-emergency engines and emergency engines greater than or equal to 130 HP must meet a nitrogen oxides (NO<sub>x</sub>) emission standard of 3.0 grams per HP-hour (g/HP-hr), a CO emission standard of 4.0 g/HP-hr (5.0 g/HP-hr for non-emergency engines less than 100 HP), and a volatile organic compounds (VOC) emission standard of 1.0 g/HP-hr, or a NO<sub>x</sub> emission standard of 250 ppmvd at 15 percent oxygen (O<sub>2</sub>), a CO emission standard 540 ppmvd at 15 percent O<sub>2</sub> (675 ppmvd at 15 percent O<sub>2</sub> for non-emergency engines less than 100 HP), and a VOC emission standard of 86 ppmvd at 15 percent O<sub>2</sub>, where the date of manufacture of the engine is:

(i) Prior to July 1, 2007, for non-emergency engines with a maximum engine power greater than or equal to 500 HP;

(ii) Prior to July 1, 2008, for non-emergency engines with a maximum engine power less than 500 HP;

(iii) Prior to January 1, 2009, for emergency engines.

(5) Owners and operators of stationary SI landfill/digester gas ICE engines with a maximum engine power greater than 19 KW (25 HP), that are modified or reconstructed after June 12, 2006, must comply with the same emission standards as those specified in paragraph (e) of this section for stationary landfill/digester gas engines.

(g) Owners and operators of stationary SI wellhead gas ICE engines may petition the Administrator for approval on a case-by-case basis to meet emission standards no less stringent than the emission

standards that apply to stationary emergency SI engines greater than 25 HP and less than 130 HP due to the presence of high sulfur levels in the fuel, as specified in Table 1 to this subpart. The request must, at a minimum, demonstrate that the fuel has high sulfur levels that prevent the use of aftertreatment controls and also that the owner has reasonably made all attempts possible to obtain an engine that will meet the standards without the use of aftertreatment controls. The petition must request the most stringent standards reasonably applicable to the engine using the fuel.

(h) Owners and operators of stationary SI ICE that are required to meet standards that reference 40 CFR 1048.101 must, if testing their engines in use, meet the standards in that section applicable to field testing, except as indicated in paragraph (e) of this section.

**§ 60.4234 How long must I meet the emission standards if I am an owner or operator of a stationary SI internal combustion engine?**

Owners and operators of stationary SI ICE must operate and maintain stationary SI ICE that achieve the emission standards as required in §60.4233 over the entire life of the engine.

**Other Requirements for Owners and Operators**

**§ 60.4235 What fuel requirements must I meet if I am an owner or operator of a stationary SI gasoline fired internal combustion engine subject to this subpart?**

Owners and operators of stationary SI ICE subject to this subpart that use gasoline must use gasoline that meets the per gallon sulfur limit in 40 CFR 80.195.

**§ 60.4236 What is the deadline for importing or installing stationary SI ICE produced in the previous model year?**

(a) After July 1, 2010, owners and operators may not install stationary SI ICE with a maximum engine power of less than 500 HP that do not meet the applicable requirements in §60.4233.

(b) After July 1, 2009, owners and operators may not install stationary SI ICE with a maximum engine power of greater than or equal to 500 HP that do not meet the applicable requirements in §60.4233, except that lean burn engines with a maximum engine power greater than or equal to 500 HP and less than 1,350 HP that do not meet the applicable requirements in §60.4233 may not be installed after January 1, 2010.

(c) For emergency stationary SI ICE with a maximum engine power of greater than 19 KW (25 HP), owners and operators may not install engines that do not meet the applicable requirements in §60.4233 after January 1, 2011.

(d) In addition to the requirements specified in §§60.4231 and 60.4233, it is prohibited to import stationary SI ICE less than or equal to 19 KW (25 HP), stationary rich burn LPG SI ICE, and stationary gasoline SI ICE that do not meet the applicable requirements specified in paragraphs (a), (b), and (c) of this section, after the date specified in paragraph (a), (b), and (c) of this section.

(e) The requirements of this section do not apply to owners and operators of stationary SI ICE that have been modified or reconstructed, and they do not apply to engines that were removed from one existing location and reinstalled at a new location.

**§ 60.4237 What are the monitoring requirements if I am an owner or operator of an emergency stationary SI internal combustion engine?**

(a) Starting on July 1, 2010, if the emergency stationary SI internal combustion engine that is greater than or equal to 500 HP that was built on or after July 1, 2010, does not meet the standards applicable to non-emergency engines, the owner or operator must install a non-resettable hour meter.

(b) Starting on January 1, 2011, if the emergency stationary SI internal combustion engine that is greater than or equal to 130 HP and less than 500 HP that was built on or after January 1, 2011, does not meet the standards applicable to non-emergency engines, the owner or operator must install a non-resettable hour meter.

(c) If you are an owner or operator of an emergency stationary SI internal combustion engine that is less than 130 HP, was built on or after July 1, 2008, and does not meet the standards applicable to non-emergency engines, you must install a non-resettable hour meter upon startup of your emergency engine.

**Compliance Requirements for Manufacturers**

**§ 60.4238 What are my compliance requirements if I am a manufacturer of stationary SI internal combustion engines ≤19 KW (25 HP) or a manufacturer of equipment containing such engines?**

Stationary SI internal combustion engine manufacturers who are subject to the emission standards specified in §60.4231(a) must certify their stationary SI ICE using the certification procedures required in 40 CFR part 90, subpart B, or 40 CFR part 1054, subpart C, as applicable, and must test their engines as specified in those parts. Manufacturers of equipment containing stationary SI internal combustion engines meeting the provisions of 40 CFR part 1054 must meet the provisions of 40 CFR part 1060, subpart C, to the extent they apply to equipment manufacturers.

[73 FR 59176, Oct. 8, 2008]

**§ 60.4239 What are my compliance requirements if I am a manufacturer of stationary SI internal combustion engines >19 KW (25 HP) that use gasoline or a manufacturer of equipment containing such engines?**

Stationary SI internal combustion engine manufacturers who are subject to the emission standards specified in §60.4231(b) must certify their stationary SI ICE using the certification procedures required in 40 CFR part 1048, subpart C, and must test their engines as specified in that part. Stationary SI internal combustion engine manufacturers who certify their stationary SI ICE with a maximum engine power less than or equal to 30 KW (40 HP) with a total displacement less than or equal to 1,000 cc to the certification emission standards and other requirements for new nonroad SI engines in 40 CFR part 90 or 40 CFR part 1054, and manufacturers of stationary SI emergency engines that are greater than 25 HP and less than 130 HP who meet the Phase 1 emission standards in 40 CFR 90.103, applicable to class II engines, must certify their stationary SI ICE using the certification procedures required in 40 CFR part 90, subpart B, or 40 CFR part 1054, subpart C, as applicable, and must test their engines as specified in those parts. Manufacturers of equipment containing stationary SI internal combustion engines meeting the provisions of 40 CFR part 1054 must meet the provisions of 40 CFR part 1060, subpart C, to the extent they apply to equipment manufacturers.

[73 FR 59176, Oct. 8, 2008]

**§ 60.4240 What are my compliance requirements if I am a manufacturer of stationary SI internal combustion engines >19 KW (25 HP) that are rich burn engines that use LPG or a manufacturer of equipment containing such engines?**

Stationary SI internal combustion engine manufacturers who are subject to the emission standards specified in §60.4231(c) must certify their stationary SI ICE using the certification procedures required in 40 CFR part 1048, subpart C, and must test their engines as specified in that part. Stationary SI internal combustion engine manufacturers who certify their stationary SI ICE with a maximum engine power less than or equal to 30 KW (40 HP) with a total displacement less than or equal to 1,000 cc to the certification emission standards and other requirements for new nonroad SI engines in 40 CFR part 90 or 40 CFR part 1054, and manufacturers of stationary SI emergency engines that are greater than 25 HP and less than 130 HP who meet the Phase 1 emission standards in 40 CFR 90.103, applicable to class II engines, must certify their stationary SI ICE using the certification procedures required in 40 CFR part 90, subpart B, or 40 CFR part 1054, subpart C, as applicable, and must test their engines as specified in those parts. Manufacturers of equipment containing stationary SI internal combustion engines meeting the provisions of 40 CFR part 1054 must meet the provisions of 40 CFR part 1060, subpart C, to the extent they apply to equipment manufacturers.

[73 FR 59176, Oct. 8, 2008]

**§ 60.4241 What are my compliance requirements if I am a manufacturer of stationary SI internal combustion engines participating in the voluntary certification program or a manufacturer of equipment containing such engines?**

(a) Manufacturers of stationary SI internal combustion engines with a maximum engine power greater than 19 KW (25 HP) that do not use gasoline and are not rich burn engines that use LPG can choose to certify their engines to the emission standards in §60.4231(d) or (e), as applicable, under the voluntary certification program described in this subpart. Manufacturers who certify their engines under the voluntary certification program must meet the requirements as specified in paragraphs (b) through (g) of this section. In addition, manufacturers of stationary SI internal combustion engines who choose to certify their engines under the voluntary certification program, must also meet the requirements as specified in §60.4247.

(b) Manufacturers of engines other than those certified to standards in 40 CFR part 90 or 40 CFR part 1054 must certify their stationary SI ICE using the certification procedures required in 40 CFR part 1048, subpart C, and must follow the same test procedures that apply to large SI nonroad engines under 40 CFR part 1048, but must use the D-1 cycle of International Organization of Standardization 8178-4:



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1996(E) (incorporated by reference, see 40 CFR 60.17) or the test cycle requirements specified in Table 5 to 40 CFR 1048.505, except that Table 5 of 40 CFR 1048.505 applies to high load engines only. Stationary SI internal combustion engine manufacturers who certify their stationary SI ICE with a maximum engine power less than or equal to 30 KW (40 HP) with a total displacement less than or equal to 1,000 cc to the certification emission standards and other requirements for new nonroad SI engines in 40 CFR part 90 or 40 CFR part 1054, and manufacturers of emergency engines that are greater than 25 HP and less than 130 HP who meet the Phase 1 standards in 40 CFR 90.103, applicable to class II engines, must certify their stationary SI ICE using the certification procedures required in 40 CFR part 90, subpart B, or 40 CFR part 1054, subpart C, as applicable, and must test their engines as specified in those parts. Manufacturers of equipment containing stationary SI internal combustion engines meeting the provisions of 40 CFR part 1054 must meet the provisions of 40 CFR part 1060, subpart C, to the extent they apply to equipment manufacturers.

(c) Certification of stationary SI ICE to the emission standards specified in §60.4231(d) or (e), as applicable, is voluntary, but manufacturers who decide to certify are subject to all of the requirements indicated in this subpart with regard to the engines included in their certification. Manufacturers must clearly label their stationary SI engines as certified or non-certified engines.

(d) Manufacturers of natural gas fired stationary SI ICE who conduct voluntary certification of stationary SI ICE to the emission standards specified in §60.4231(d) or (e), as applicable, must certify their engines for operation using fuel that meets the definition of pipeline-quality natural gas. The fuel used for certifying stationary SI natural gas engines must meet the definition of pipeline-quality natural gas as described in §60.4248. In addition, the manufacturer must provide information to the owner and operator of the certified stationary SI engine including the specifications of the pipeline-quality natural gas to which the engine is certified and what adjustments the owner or operator must make to the engine when installed in the field to ensure compliance with the emission standards.

(e) Manufacturers of stationary SI ICE that are lean burn engines fueled by LPG who conduct voluntary certification of stationary SI ICE to the emission standards specified in §60.4231(d) or (e), as applicable, must certify their engines for operation using fuel that meets the specifications in 40 CFR 1065.720.

(f) Manufacturers may certify their engines for operation using gaseous fuels in addition to pipeline-quality natural gas; however, the manufacturer must specify the properties of that fuel and provide testing information showing that the engine will meet the emission standards specified in §60.4231(d) or (e), as applicable, when operating on that fuel. The manufacturer must also provide instructions for configuring the stationary engine to meet the emission standards on fuels that do not meet the pipeline-quality natural gas definition. The manufacturer must also provide information to the owner and operator of the certified stationary SI engine regarding the configuration that is most conducive to reduced emissions where the engine will be operated on gaseous fuels with different quality than the fuel that it was certified to.

(g) A stationary SI engine manufacturer may certify an engine family solely to the standards applicable to landfill/digester gas engines as specified in §60.4231(d) or (e), as applicable, but must certify their engines for operation using landfill/digester gas and must add a permanent label stating that the engine is for use only in landfill/digester gas applications. The label must be added according to the labeling requirements specified in 40 CFR 1048.135(b).

(h) For purposes of this subpart, when calculating emissions of volatile organic compounds, emissions of formaldehyde should not be included.

(i) For engines being certified to the voluntary certification standards in Table 1 of this subpart, the VOC measurement shall be made by following the procedures in 40 CFR 1065.260 and 1065.265 in order to determine the total NMHC emissions by using a flame-ionization detector and non-methane cutter. As an alternative to the nonmethane cutter, manufacturers may use a gas chromatograph as allowed under 40 CFR 1065.267 and may measure ethane, as well as methane, for excluding such levels from the total VOC measurement.

[73 FR 3591, Jan. 18, 2008, as amended by 73 FR 59176, Oct. 8, 2008]

### **§ 60.4242 What other requirements must I meet if I am a manufacturer of stationary SI internal combustion engines or equipment containing stationary SI internal combustion engines or a manufacturer of equipment containing such engines?**

(a) Stationary SI internal combustion engine manufacturers must meet the provisions of 40 CFR part 90, 40 CFR part 1048, or 40 CFR part 1054, as applicable, as well as 40 CFR part 1068 for engines that are certified to the emission standards in 40 CFR part 1048 or 1054, except that engines certified pursuant to the voluntary certification procedures in §60.4241 are subject only to the provisions indicated in §60.4247 and are permitted to provide instructions to owners and operators allowing for deviations from certified configurations, if such deviations are consistent with the provisions of paragraphs §60.4241(c) through (f). Manufacturers of equipment containing stationary SI internal combustion engines meeting the provisions of 40 CFR part 1054 must meet the provisions of 40 CFR part 1060, as applicable. Labels on engines certified to 40 CFR part 1048 must refer to stationary engines, rather than or in addition to

nonroad engines, as appropriate.

(b) An engine manufacturer certifying an engine family or families to standards under this subpart that are identical to standards applicable under 40 CFR part 90, 40 CFR part 1048, or 40 CFR part 1054 for that model year may certify any such family that contains both nonroad and stationary engines as a single engine family and/or may include any such family containing stationary engines in the averaging, banking and trading provisions applicable for such engines under those parts. This provision also applies to equipment or component manufacturers certifying to standards under 40 CFR part 1060.

(c) Manufacturers of engine families certified to 40 CFR part 1048 may meet the labeling requirements referred to in paragraph (a) of this section for stationary SI ICE by either adding a separate label containing the information required in paragraph (a) of this section or by adding the words "and stationary" after the word "nonroad" to the label.

(d) For all engines manufactured on or after January 1, 2011, and for all engines with a maximum engine power greater than 25 HP and less than 130 HP manufactured on or after July 1, 2008, a stationary SI engine manufacturer that certifies an engine family solely to the standards applicable to emergency engines must add a permanent label stating that the engines in that family are for emergency use only. The label must be added according to the labeling requirements specified in 40 CFR 1048.135(b).

(e) All stationary SI engines subject to mandatory certification that do not meet the requirements of this subpart must be labeled according to 40 CFR 1068.230 and must be exported under the provisions of 40 CFR 1068.230. Stationary SI engines subject to standards in 40 CFR part 90 may use the provisions in 40 CFR 90.909. Manufacturers of stationary engines with a maximum engine power greater than 25 HP that are not certified to standards and other requirements under 40 CFR part 1048 are subject to the labeling provisions of 40 CFR 1048.20 pertaining to excluded stationary engines.

(f) For manufacturers of gaseous-fueled stationary engines required to meet the warranty provisions in 40 CFR 90.1103 or 1054.120, we may establish an hour-based warranty period equal to at least the certified emissions life of the engines (in engine operating hours) if we determine that these engines are likely to operate for a number of hours greater than the applicable useful life within 24 months. We will not approve an alternate warranty under this paragraph (f) for nonroad engines. An alternate warranty period approved under this paragraph (f) will be the specified number of engine operating hours or two years, whichever comes first. The engine manufacturer shall request this alternate warranty period in its application for certification or in an earlier submission. We may approve an alternate warranty period for an engine family subject to the following conditions:

- (1) The engines must be equipped with non-resettable hour meters.
- (2) The engines must be designed to operate for a number of hours substantially greater than the applicable certified emissions life.
- (3) The emission-related warranty for the engines may not be shorter than any published warranty offered by the manufacturer without charge for the engines. Similarly, the emission-related warranty for any component shall not be shorter than any published warranty offered by the manufacturer without charge for that component.

[73 FR 3591, Jan. 18, 2008, as amended by 73 FR 59177, Oct. 8, 2008]

#### **Compliance Requirements for Owners and Operators**

##### **§ 60.4243 What are my compliance requirements if I am an owner or operator of a stationary SI internal combustion engine?**

(a) If you are an owner or operator of a stationary SI internal combustion engine that is manufactured after July 1, 2008, and must comply with the emission standards specified in §60.4233(a) through (c), you must comply by purchasing an engine certified to the emission standards in §60.4231(a) through (c), as applicable, for the same engine class and maximum engine power. You must also meet the requirements as specified in 40 CFR part 1068, subparts A through D, as they apply to you. If you adjust engine settings according to and consistent with the manufacturer's instructions, your stationary SI internal combustion engine will not be considered out of compliance. In addition, you must meet one of the requirements specified in (a)(1) and (2) of this section.

(1) If you operate and maintain the certified stationary SI internal combustion engine and control device according to the manufacturer's emission-related written instructions, you must keep records of conducted maintenance to demonstrate compliance, but no performance testing is required if you are an owner or operator.

(2) If you do not operate and maintain the certified stationary SI internal combustion engine and control device according to the manufacturer's emission-related written instructions, your engine will be

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considered a non-certified engine, and you must demonstrate compliance according to (a)(2)(i) through (iii) of this section, as appropriate.

(i) If you are an owner or operator of a stationary SI internal combustion engine less than 100 HP, you must keep a maintenance plan and records of conducted maintenance to demonstrate compliance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions, but no performance testing is required if you are an owner or operator.

(ii) If you are an owner or operator of a stationary SI internal combustion engine greater than or equal to 100 HP and less than or equal to 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test within 1 year of engine startup to demonstrate compliance.

(iii) If you are an owner or operator of a stationary SI internal combustion engine greater than 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test within 1 year of engine startup and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.

(b) If you are an owner or operator of a stationary SI internal combustion engine and must comply with the emission standards specified in §60.4233(d) or (e), you must demonstrate compliance according to one of the methods specified in paragraphs (b)(1) and (2) of this section.

(1) Purchasing an engine certified according to procedures specified in this subpart, for the same model year and demonstrating compliance according to one of the methods specified in paragraph (a) of this section.

(2) Purchasing a non-certified engine and demonstrating compliance with the emission standards specified in §60.4233(d) or (e) and according to the requirements specified in §60.4244, as applicable, and according to paragraphs (b)(2)(i) and (ii) of this section.

(i) If you are an owner or operator of a stationary SI internal combustion engine greater than 25 HP and less than or equal to 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test to demonstrate compliance.

(ii) If you are an owner or operator of a stationary SI internal combustion engine greater than 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.

(c) If you are an owner or operator of a stationary SI internal combustion engine that must comply with the emission standards specified in §60.4233(f), you must demonstrate compliance according paragraph (b)(2)(i) or (ii) of this section, except that if you comply according to paragraph (b)(2)(i) of this section, you demonstrate that your non-certified engine complies with the emission standards specified in §60.4233(f).

(d) Emergency stationary ICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. Emergency stationary ICE may operate up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity. For owners and operators of emergency engines, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as permitted in this section, is prohibited.

(e) Owners and operators of stationary SI natural gas fired engines may operate their engines using propane for a maximum of 100 hours per year as an alternative fuel solely during emergency operations, but must keep records of such use. If propane is used for more than 100 hours per year in an engine

that is not certified to the emission standards when using propane, the owners and operators are required to conduct a performance test to demonstrate compliance with the emission standards of §60.4233.

(f) If you are an owner or operator of a stationary SI internal combustion engine that is less than or equal to 500 HP and you purchase a non-certified engine or you do not operate and maintain your certified stationary SI internal combustion engine and control device according to the manufacturer's written emission-related instructions, you are required to perform initial performance testing as indicated in this section, but you are not required to conduct subsequent performance testing unless the stationary engine is rebuilt or undergoes major repair or maintenance. A rebuilt stationary SI ICE means an engine that has been rebuilt as that term is defined in 40 CFR 94.11(a).

(g) It is expected that air-to-fuel ratio controllers will be used with the operation of three-way catalysts/non-selective catalytic reduction. The AFR controller must be maintained and operated appropriately in order to ensure proper operation of the engine and control device to minimize emissions at all times.

(h) If you are an owner/operator of a stationary SI internal combustion engine with maximum engine power greater than or equal to 500 HP that is manufactured after July 1, 2007 and before July 1, 2008, and must comply with the emission standards specified in sections 60.4233(b) or (c), you must comply by one of the methods specified in paragraphs (h)(1) through (h)(4) of this section.

(1) Purchasing an engine certified according to 40 CFR part 1048. The engine must be installed and configured according to the manufacturer's specifications.

(2) Keeping records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the same methods specified in this subpart and these methods must have been followed correctly.

(3) Keeping records of engine manufacturer data indicating compliance with the standards.

(4) Keeping records of control device vendor data indicating compliance with the standards.

#### Testing Requirements for Owners and Operators

#### § 60.4244 What test methods and other procedures must I use if I am an owner or operator of a stationary SI internal combustion engine?

Owners and operators of stationary SI ICE who conduct performance tests must follow the procedures in paragraphs (a) through (f) of this section.

(a) Each performance test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and according to the requirements in §60.8 and under the specific conditions that are specified by Table 2 to this subpart.

(b) You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in §60.8(c). If your stationary SI internal combustion engine is non-operational, you do not need to startup the engine solely to conduct a performance test; however, you must conduct the performance test immediately upon startup of the engine.

(c) You must conduct three separate test runs for each performance test required in this section, as specified in §60.8(f). Each test run must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and last at least 1 hour.

(d) To determine compliance with the  $\text{NO}_x$  mass per unit output emission limitation, convert the concentration of  $\text{NO}_x$  in the engine exhaust using Equation 1 of this section:

$$ER = \frac{C_d \times 1.912 \times 10^{-3} \times Q \times T}{HP \cdot hr} \quad (\text{Eq. 1})$$

Where:

ER = Emission rate of  $\text{NO}_x$  in g/HP-hr.

$C_d$  = Measured  $\text{NO}_x$  concentration in parts per million by volume (ppmv).

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$1.912 \times 10^{-3}$  = Conversion constant for ppm  $\text{NO}_x$  to grams per standard cubic meter at 20 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour, dry basis.

T = Time of test run, in hours.

HP-hr = Brake work of the engine, horsepower-hour (HP-hr).

(e) To determine compliance with the CO mass per unit output emission limitation, convert the concentration of CO in the engine exhaust using Equation 2 of this section:

$$ER = \frac{C_d \times 1.164 \times 10^{-3} \times Q \times T}{HP - hr} \quad (\text{Eq. 2})$$

Where:

ER = Emission rate of CO in g/HP-hr.

$C_d$  = Measured CO concentration in ppmv.

$1.164 \times 10^{-3}$  = Conversion constant for ppm CO to grams per standard cubic meter at 20 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meters per hour, dry basis.

T = Time of test run, in hours.

HP-hr = Brake work of the engine, in HP-hr.

(f) For purposes of this subpart, when calculating emissions of VOC, emissions of formaldehyde should not be included. To determine compliance with the VOC mass per unit output emission limitation, convert the concentration of VOC in the engine exhaust using Equation 3 of this section:

$$ER = \frac{C_d \times 1.833 \times 10^{-3} \times Q \times T}{HP - hr} \quad (\text{Eq. 3})$$

Where:

ER = Emission rate of VOC in g/HP-hr.

$C_d$  = VOC concentration measured as propane in ppmv.

$1.833 \times 10^{-3}$  = Conversion constant for ppm VOC measured as propane, to grams per standard cubic meter at 20 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meters per hour, dry basis.

T = Time of test run, in hours.

HP-hr = Brake work of the engine, in HP-hr.

(g) If the owner/operator chooses to measure VOC emissions using either Method 18 of 40 CFR part 60, appendix A, or Method 320 of 40 CFR part 63, appendix A, then it has the option of correcting the measured VOC emissions to account for the potential differences in measured values between these methods and Method 25A. The results from Method 18 and Method 320 can be corrected for response factor differences using Equations 4 and 5 of this section. The corrected VOC concentration can then be placed on a propane basis using Equation 6 of this section.

$$RF_i = \frac{C_m}{C_{A1}} \quad (\text{Eq. 4})$$

Where:

RF<sub>i</sub>= Response factor of compound i when measured with EPA Method 25A.

C<sub>Mi</sub>= Measured concentration of compound i in ppmv as carbon.

C<sub>Ai</sub>= True concentration of compound i in ppmv as carbon.

$$C_{i_{\text{corr}}} = RF_i \times C_{i_{\text{meas}}} \quad (\text{Eq. 5})$$

Where:

C<sub>i<sub>corr</sub></sub>= Concentration of compound i corrected to the value that would have been measured by EPA Method 25A, ppmv as carbon.

C<sub>i<sub>meas</sub></sub>= Concentration of compound i measured by EPA Method 320, ppmv as carbon.

$$C_{\text{Peq}} = 0.6098 \times C_{i_{\text{meas}}} \quad (\text{Eq. 6})$$

Where:

C<sub>Peq</sub>= Concentration of compound i in mg of propane equivalent per DSCM.

#### Notification, Reports, and Records for Owners and Operators

##### **§ 60.4245 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary SI internal combustion engine?**

Owners or operators of stationary SI ICE must meet the following notification, reporting and recordkeeping requirements.

(a) Owners and operators of all stationary SI ICE must keep records of the information in paragraphs (a) (1) through (4) of this section.

(1) All notifications submitted to comply with this subpart and all documentation supporting any notification.

(2) Maintenance conducted on the engine.

(3) If the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR parts 90, 1048, 1054, and 1060, as applicable.

(4) If the stationary SI internal combustion engine is not a certified engine or is a certified engine operating in a non-certified manner and subject to §60.4243(a)(2), documentation that the engine meets the emission standards.

(b) For all stationary SI emergency ICE greater than or equal to 500 HP manufactured on or after July 1, 2010, that do not meet the standards applicable to non-emergency engines, the owner or operator of must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. For all stationary SI emergency ICE greater than or equal to 130 HP and less than 500 HP manufactured on or after July 1, 2011 that do not meet the standards applicable to non-emergency engines, the owner or operator of must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. For all stationary SI emergency ICE greater than 25 HP and less than 130 HP manufactured on or after July 1, 2008, that do not meet the standards applicable to non-emergency engines, the owner or operator of must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation.

(c) Owners and operators of stationary SI ICE greater than or equal to 500 HP that have not been certified by an engine manufacturer to meet the emission standards in §60.4231 must submit an initial notification as required in §60.7(a)(1). The notification must include the information in paragraphs (c)(1)

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through (5) of this section.

(1) Name and address of the owner or operator;

(2) The address of the affected source;

(3) Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;

(4) Emission control equipment; and

(5) Fuel used.

(d) Owners and operators of stationary SI ICE that are subject to performance testing must submit a copy of each performance test as conducted in §60.4244 within 60 days after the test has been completed.

[73 FR 3591, Jan. 18, 2008, as amended by 73 FR 59177, Oct. 8, 2008]

### General Provisions

#### § 60.4246 What parts of the General Provisions apply to me?

Table 3 to this subpart shows which parts of the General Provisions in §§60.1 through 60.19 apply to you.

### Mobile Source Provisions

#### § 60.4247 What parts of the mobile source provisions apply to me if I am a manufacturer of stationary SI internal combustion engines or a manufacturer of equipment containing such engines?

(a) Manufacturers certifying to emission standards in 40 CFR part 90, including manufacturers certifying emergency engines below 130 HP, must meet the provisions of 40 CFR part 90. Manufacturers certifying to emission standards in 40 CFR part 1054 must meet the provisions of 40 CFR part 1054. Manufacturers of equipment containing stationary SI internal combustion engines meeting the provisions of 40 CFR part 1054 must meet the provisions of 40 CFR part 1060 to the extent they apply to equipment manufacturers.

(b) Manufacturers required to certify to emission standards in 40 CFR part 1048 must meet the provisions of 40 CFR part 1048. Manufacturers certifying to emission standards in 40 CFR part 1048 pursuant to the voluntary certification program must meet the requirements in Table 4 to this subpart as well as the standards in 40 CFR 1048.101.

(c) For manufacturers of stationary SI internal combustion engines participating in the voluntary certification program and certifying engines to Table 1 to this subpart, Table 4 to this subpart shows which parts of the mobile source provisions in 40 CFR parts 1048, 1065, and 1068 apply to you. Compliance with the deterioration factor provisions under 40 CFR 1048.205(n) and 1048.240 will be required for engines built new on and after January 1, 2010. Prior to January 1, 2010, manufacturers of stationary internal combustion engines participating in the voluntary certification program have the option to develop their own deterioration factors based on an engineering analysis.

[73 FR 3591, Jan. 18, 2008, as amended by 73 FR 59177, Oct. 8, 2008]

### Definitions

#### § 60.4248 What definitions apply to this subpart?

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

*Certified emissions life* means the period during which the engine is designed to properly function in terms of reliability and fuel consumption, without being remanufactured, specified as a number of hours of operation or calendar years, whichever comes first. The values for certified emissions life for stationary SI ICE with a maximum engine power less than or equal to 19 KW (25 HP) are given in 40 CFR 90.105, 40 CFR 1054.107, and 40 CFR 1060.101, as appropriate. The values for certified emissions life for stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) certified

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to 40 CFR part 1048 are given in 40 CFR 1048.101(g). The certified emissions life for stationary SI ICE with a maximum engine power greater than 75 KW (100 HP) certified under the voluntary manufacturer certification program of this subpart is 5,000 hours or 7 years, whichever comes first.

*Certified stationary internal combustion engine* means an engine that belongs to an engine family that has a certificate of conformity that complies with the emission standards and requirements in this part, or of 40 CFR part 90, 40 CFR part 1048, or 40 CFR part 1054, as appropriate.

*Combustion turbine* means all equipment, including but not limited to the turbine, the fuel, air, lubrication and exhaust gas systems, control systems (except emissions control equipment), and any ancillary components and sub-components comprising any simple cycle combustion turbine, any regenerative/recuperative cycle combustion turbine, the combustion turbine portion of any cogeneration cycle combustion system, or the combustion turbine portion of any combined cycle steam/electric generating system.

*Compression ignition* means relating to a type of stationary internal combustion engine that is not a spark ignition engine.

*Diesel fuel* means any liquid obtained from the distillation of petroleum with a boiling point of approximately 150 to 360 degrees Celsius. One commonly used form is number 2 distillate oil.

*Digester gas* means any gaseous by-product of wastewater treatment typically formed through the anaerobic decomposition of organic waste materials and composed principally of methane and carbon dioxide (CO<sub>2</sub>).

*Emergency stationary internal combustion engine* means any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance. Examples include stationary ICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary ICE used to pump water in the case of fire or flood, etc. Stationary SI ICE used for peak shaving are not considered emergency stationary ICE. Stationary ICE used to supply power to an electric grid or that supply power as part of a financial arrangement with another entity are not considered to be emergency engines.

*Engine manufacturer* means the manufacturer of the engine. See the definition of "manufacturer" in this section.

*Four-stroke engine* means any type of engine which completes the power cycle in two crankshaft revolutions, with intake and compression strokes in the first revolution and power and exhaust strokes in the second revolution.

*Gasoline* means any fuel sold in any State for use in motor vehicles and motor vehicle engines, or nonroad or stationary engines, and commonly or commercially known or sold as gasoline.

*Landfill gas* means a gaseous by-product of the land application of municipal refuse typically formed through the anaerobic decomposition of waste materials and composed principally of methane and CO<sub>2</sub>.

*Lean burn engine* means any two-stroke or four-stroke spark ignited engine that does not meet the definition of a rich burn engine.

*Liquefied petroleum gas* means any liquefied hydrocarbon gas obtained as a by-product in petroleum refining of natural gas production.

*Manufacturer* has the meaning given in section 216(1) of the Clean Air Act. In general, this term includes any person who manufactures a stationary engine for sale in the United States or otherwise introduces a new stationary engine into commerce in the United States. This includes importers who import stationary engines for resale.

*Maximum engine power* means maximum engine power as defined in 40 CFR 1048.801.

*Model year* means either: The calendar year in which the engine was originally produced, or the annual new model production period of the engine manufacturer if it is different than the calendar year. This must include January 1 of the calendar year for which the model year is named. It may not begin before January 2 of the previous calendar year, and it must end by December 31 of the named calendar year. For an engine that is converted to a stationary engine after being placed into service as a nonroad or other non-stationary engine, model year means the calendar year or new model production period in which the engine was originally produced.

*Natural gas* means a naturally occurring mixture of hydrocarbon and non-hydrocarbon gases found in



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geologic formations beneath the Earth's surface, of which the principal constituent is methane. Natural gas may be field or pipeline quality.

*Other internal combustion engine* means any internal combustion engine, except combustion turbines, which is not a reciprocating internal combustion engine or rotary internal combustion engine.

*Pipeline-quality natural gas* means a naturally occurring fluid mixture of hydrocarbons (e.g., methane, ethane, or propane) produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperature and pressure under ordinary conditions, and which is provided by a supplier through a pipeline. Pipeline-quality natural gas must either be composed of at least 70 percent methane by volume or have a gross calorific value between 950 and 1,100 British thermal units per standard cubic foot.

*Rich burn engine* means any four-stroke spark ignited engine where the manufacturer's recommended operating air/fuel ratio divided by the stoichiometric air/fuel ratio at full load conditions is less than or equal to 1.1. Engines originally manufactured as rich burn engines, but modified prior to June 12, 2006, with passive emission control technology for NO<sub>x</sub> (such as pre-combustion chambers) will be considered lean burn engines. Also, existing engines where there are no manufacturer's recommendations regarding air/fuel ratio will be considered a rich burn engine if the excess oxygen content of the exhaust at full load conditions is less than or equal to 2 percent.

*Rotary internal combustion engine* means any internal combustion engine which uses rotary motion to convert heat energy into mechanical work.

*Spark ignition* means relating to either: a gasoline-fueled engine; or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for compression ignition and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are spark ignition engines.

*Stationary internal combustion engine* means any internal combustion engine, except combustion turbines, that converts heat energy into mechanical work and is not mobile. Stationary ICE differ from mobile ICE in that a stationary internal combustion engine is not a nonroad engine as defined at 40 CFR 1068.30 (excluding paragraph (2)(ii) of that definition), and is not used to propel a motor vehicle or a vehicle used solely for competition. Stationary ICE include reciprocating ICE, rotary ICE, and other ICE, except combustion turbines.

*Stationary internal combustion engine test cell/stand* means an engine test cell/stand, as defined in subpart PPPPP of this part, that test stationary ICE.

*Stoichiometric* means the theoretical air-to-fuel ratio required for complete combustion.

*Subpart* means 40 CFR part 60, subpart JJJJ.

*Two-stroke engine* means a type of engine which completes the power cycle in single crankshaft revolution by combining the intake and compression operations into one stroke and the power and exhaust operations into a second stroke. This system requires auxiliary scavenging and inherently runs lean of stoichiometric.

*Volatile organic compounds* means volatile organic compounds as defined in 40 CFR 51.100(s).

*Voluntary certification program* means an optional engine certification program that manufacturers of stationary SI internal combustion engines with a maximum engine power greater than 19 KW (25 HP) that do not use gasoline and are not rich burn engines that use LPG can choose to participate in to certify their engines to the emission standards in §60.4231(d) or (e), as applicable.

[73 FR 3591, Jan. 18, 2008, as amended by 73 FR 59177, Oct. 8, 2008]

**Table 1 to Subpart JJJJ of Part 60—NO<sub>x</sub>, CO, and VOC Emission Standards for Stationary Non-Emergency SI Engines ≥100 HP (Except Gasoline and Rich Burn LPG), Stationary SI Landfill/Digester Gas Engines, and Stationary Emergency Engines >25 HP**

		Emission standards <sup>a</sup>	
		g/HP-hr	ppmvd at 15% O <sub>2</sub>

Engine type and fuel	Maximum engine power	Manufacture date	NO <sub>x</sub>	CO	VOC <sup>d</sup>	NO <sub>x</sub>	CO	VOC <sup>d</sup>
Non-Emergency SI Natural Gas <sup>b</sup> and Non-Emergency SI Lean Burn LPG <sup>b</sup>	100≤HP<500	7/1/2008	2.0	4.0	1.0	160	540	86
		1/1/2011	1.0	2.0	0.7	82	270	60
Non-Emergency SI Lean Burn Natural Gas and LPG	500≥HP<1,350	1/1/2008	2.0	4.0	1.0	160	540	86
		7/1/2010	1.0	2.0	0.7	82	270	60
Non-Emergency SI Natural Gas and Non-Emergency SI Lean Burn LPG (except lean burn 500=≥HP<1,350)	HP≥500	7/1/2007	2.0	4.0	1.0	160	540	86
		7/1/2010	1.0	2.0	0.7	82	270	60
Landfill/Digester Gas (except lean burn 500≥HP<1,350)	HP<500	7/1/2008	3.0	5.0	1.0	220	610	80
		1/1/2011	2.0	5.0	1.0	150	610	80
	HP≥500	7/1/2007	3.0	5.0	1.0	220	610	80
		7/1/2010	2.0	5.0	1.0	150	610	80
Landfill/Digester Gas Lean Burn	500≥HP<1,350	1/1/2008	3.0	5.0	1.0	220	610	80
		7/1/2010	2.0	5.0	1.0	150	610	80
Emergency	25>HP<130	1/1/2009	<sup>c</sup> 10	387	N/A	N/A	N/A	N/A
			2.0	4.0	1.0	160	540	86
	HP≥130							

<sup>a</sup>Owners and operators of stationary non-certified SI engines may choose to comply with the emission standards in units of either g/HP-hr or ppmvd at 15 percent O<sub>2</sub>.

<sup>b</sup>Owners and operators of new or reconstructed non-emergency lean burn SI stationary engines with a site rating of greater than or equal to 250 brake HP located at a major source that are meeting the requirements of 40 CFR part 63, subpart ZZZZ, Table 2A do not have to comply with the CO emission standards of Table 1 of this subpart.

<sup>c</sup>The emission standards applicable to emergency engines between 25 HP and 130 HP are in terms of NO<sub>x</sub>+HC.

<sup>d</sup>For purposes of this subpart, when calculating emissions of volatile organic compounds, emissions of formaldehyde should not be included.

**Table 2 to Subpart JJJJ of Part 60—Requirements for Performance Tests**

[As stated in §60.4244, you must comply with the following requirements for performance tests within 10 percent of 100 percent peak (or the highest achievable) load]

For each	Complying with the requirement to	You must	Using	According to the following requirements
1. Stationary SI internal	a. limit the concentration of	i. Select the sampling	(1) Method 1 or 1A of 40 CFR part 60,	(a) If using a control

combustion engine demonstrating compliance according to §60.4244.	NO <sub>x</sub> in the stationary SI internal combustion engine exhaust.	port location and the number of traverse points;	appendix A or ASTM Method D6522-00(2005) <sup>a</sup> .	device, the sampling site must be located at the outlet of the control device.
	ii. Determine the O <sub>2</sub> concentration of the stationary internal combustion engine exhaust at the sampling port location;	(2) Method 3, 3A, or 3B <sup>b</sup> of 40 CFR part 60, appendix A or ASTM Method D6522-00 (2005) <sup>a</sup> .	(b) Measurements to determine O <sub>2</sub> concentration must be made at the same time as the measurements for NO <sub>x</sub> concentration.	
	iii. Determine the exhaust flowrate of the stationary internal combustion engine exhaust;	(3) Method 2 or 19 of 40 CFR part 60.		
	iv. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and	(4) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D6348-03 (incorporated by reference, see §60.17).	(c) Measurements to determine moisture must be made at the same time as the measurement for NO <sub>x</sub> concentration.	
	v. Measure NO <sub>x</sub> at the exhaust of the stationary internal combustion engine.	(5) Method 7E of 40 CFR part 60, appendix A, Method D6522-00 (2005) <sup>a</sup> , Method 320 of 40 CFR part 63, appendix A, or ASTM D6348-03 (incorporated by reference, see §60.17).	(d) Results of this test consist of the average of the three 1-hour or longer runs.	
	b. limit the concentration of CO in the	i. Select the sampling port location	(1) Method 1 or 1A of 40 CFR part 60, appendix A.	(a) If using a control device, the

	stationary SI internal combustion engine exhaust.	and the number of traverse points;		sampling site must be located at the outlet of the control device.
	ii. Determine the O <sub>2</sub> concentration of the stationary internal combustion engine exhaust at the sampling port location;	(2) Method 3, 3A, or 3Bb of 40 CFR part 60, appendix A or ASTM Method D6522-00 (2005) <sup>a</sup> .	(b) Measurements to determine O <sub>2</sub> concentration must be made at the same time as the measurements for CO concentration.	
	iii. Determine the exhaust flowrate of the stationary internal combustion engine exhaust;	(3) Method 2 or 19 of 40 CFR part 60.		
	iv. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and	(4) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D6348-03 (incorporated by reference, see §60.17).	(c) Measurements to determine moisture must be made at the same time as the measurement for CO concentration.	
	v. Measure CO at the exhaust of the stationary internal combustion engine.	(5) Method 10 of 40 CFR part 60, appendix A, ASTM Method D6522-00 (2005) <sup>a</sup> , Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348-03 (incorporated by reference, see §60.17).	(d) Results of this test consist of the average of the three 1-hour or longer runs.	
	c. limit the concentration of VOC in the	i. Select the sampling port location	(1) Method 1 or 1A of 40 CFR part 60, appendix A.	(a) If using a control device, the

	stationary SI internal combustion engine exhaust.	and the number of traverse points;		sampling site must be located at the outlet of the control device.
	ii. Determine the O <sub>2</sub> concentration of the stationary internal combustion engine exhaust at the sampling port location;	(2) Method 3, 3A, or 3B <sup>b</sup> of 40 CFR part 60, appendix A or ASTM Method D6522-00 (2005) <sup>a</sup> .	(b) Measurements to determine O <sub>2</sub> concentration must be made at the same time as the measurements for VOC concentration.	
	iii. Determine the exhaust flowrate of the stationary internal combustion engine exhaust;	(3) Method 2 or 19 of 40 CFR part 60.		
	iv. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and	(4) Method 4 of 40 CFR part 60, appendix A; Method 320 of 40 CFR part 63, appendix A, or ASTM D6348-03 (incorporated by reference, see §60.17).	(c) Measurements to determine moisture must be made at the same time as the measurement for VOC concentration.	
	v. Measure VOC at the exhaust of the stationary internal combustion engine.	(5) Methods 25A and 18 of 40 CFR part 60, appendix A, Method 25A with the use of a methane cutter as described in 40 CFR 1065.265, Method 18 or 40 CFR part 60, appendix A, <sup>cd</sup> Method 320 of 40 CFR part 63, appendix A, or ASTM	(d) Results of this test consist of the average of the three 1-hour or longer runs.	

		D6348-03 (incorporated by reference, see §60.17).		
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<sup>a</sup>ASTM D6522-00 is incorporated by reference; see 40 CFR 60.17. Also, you may petition the Administrator for approval to use alternative methods for portable analyzer.

<sup>b</sup>You may use ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses, for measuring the O<sub>2</sub> content of the exhaust gas as an alternative to EPA Method 3B.

<sup>c</sup>You may use EPA Method 18 of 40 CFR part 60, appendix A, provided that you conduct an adequate presurvey test prior to the emissions test, such as the one described in OTM 11 on EPA's Web site (<http://www.epa.gov/ttn/emc/prelim/otm11.pdf>).

<sup>d</sup>You may use ASTM D6420-99 (2004), Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography/Mass Spectrometry as an alternative to EPA Method 18 for measuring total nonmethane organic.

**Table 3 to Subpart JJJJ of Part 60—Applicability of General Provisions to Subpart JJJJ**

[As stated in §60.4246, you must comply with the following applicable General Provisions]

General provisions citation	Subject of citation	Applies to subpart	Explanation
§60.1	General applicability of the General Provisions	Yes	
§60.2	Definitions	Yes	Additional terms defined in §60.4248.
§60.3	Units and abbreviations	Yes	
§60.4	Address	Yes	
§60.5	Determination of construction or modification	Yes	
§60.6	Review of plans	Yes	
§60.7	Notification and Recordkeeping	Yes	Except that §60.7 only applies as specified in §60.4245.
§60.8	Performance tests	Yes	Except that §60.8 only applies to owners and operators who are subject to performance testing in subpart JJJJ.
§60.9	Availability of information	Yes	
§60.10	State Authority	Yes	
§60.11	Compliance with standards and maintenance requirements	Yes	Requirements are specified in subpart JJJJ.
§60.12	Circumvention	Yes	
§60.13	Monitoring	No	

	requirements		
§60.14	Modification	Yes	
§60.15	Reconstruction	Yes	
§60.16	Priority list	Yes	
§60.17	Incorporations by reference	Yes	
§60.18	General control device requirements	No	
§60.19	General notification and reporting requirements	Yes	

**Table 4 to Subpart JJJJ of Part 60—Applicability of Mobile Source Provisions for Manufacturers Participating in the Voluntary Certification Program and Certifying Stationary SI ICE to Emission Standards in Table 1 of Subpart JJJJ**

[As stated in §60.4247, you must comply with the following applicable mobile source provisions if you are a manufacturer participating in the voluntary certification program and certifying stationary SI ICE to emission standards in Table 1 of subpart JJJJ]

Mobile source provisions citation	Subject of citation	Applies to subpart	Explanation
1048 subpart A	Overview and Applicability	Yes	
1048 subpart B	Emission Standards and Related Requirements	Yes	Except for the specific sections below.
1048.101	Exhaust Emission Standards	No	
1048.105	Evaporative Emission Standards	No	
1048.110	Diagnosing Malfunctions	No	
1048.140	Certifying Blue Sky Series Engines	No	
1048.145	Interim Provisions	No	
1048 subpart C	Certifying Engine Families	Yes	Except for the specific sections below.
1048.205(b)	AECD reporting	Yes	
1048.205(c)	OBD Requirements	No	
1048.205(n)	Deterioration Factors	Yes	Except as indicated in 60.4247(c).
1048.205(p)(1)	Deterioration Factor Discussion	Yes	
1048.205(p)(2)	Liquid Fuels as they require	No	
1048.240(b)(c)(d)	Deterioration Factors	Yes	
1048 subpart D	Testing Production-Line Engines	Yes	
1048 subpart E	Testing In-Use Engines	No	
1048 subpart F	Test Procedures	Yes	
1065.5(a)(4)	Raw sampling (refers reader	Yes	

	back to the specific emissions regulation for guidance)		
1048 subpart G	Compliance Provisions	Yes	
1048 subpart H	Reserved		
1048 subpart I	Definitions and Other Reference Information	Yes	
1048 appendix I and II	Yes		
1065 (all subparts)	Engine Testing Procedures	Yes	Except for the specific section below.
1065.715	Test Fuel Specifications for Natural Gas	No	
1068 (all subparts)	General Compliance Provisions for Nonroad Programs	Yes	Except for the specific sections below.
1068.245	Hardship Provisions for Unusual Circumstances	No	
1068.250	Hardship Provisions for Small-Volume Manufacturers	No	
1068.255	Hardship Provisions for Equipment Manufacturers and Secondary Engine Manufacturers	No	

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**APPENDIX C**  
40 CFR Part 63, Subpart *ZZZZ*





**e-CFR Data is current as of October 28, 2009**

**Title 40: Protection of Environment**

**PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES**

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**Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines**

**Source:** 69 FR 33506, June 15, 2004, unless otherwise noted.

**What This Subpart Covers**

**§ 63.6580 What is the purpose of subpart ZZZZ?**

Subpart ZZZZ establishes national emission limitations and operating limitations for hazardous air pollutants (HAP) emitted from stationary reciprocating internal combustion engines (RICE) located at major and area sources of HAP emissions. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations and operating limitations.

[73 FR 3603, Jan. 18, 2008]

**§ 63.6585 Am I subject to this subpart?**

You are subject to this subpart if you own or operate a stationary RICE at a major or area source of HAP emissions, except if the stationary RICE is being tested at a stationary RICE test cell/stand.

(a) A stationary RICE is any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. Stationary RICE differ from mobile RICE in that a stationary RICE is not a non-road engine as defined at 40 CFR 1068.30, and is not used to propel a motor vehicle or a vehicle used solely for competition.

(b) A major source of HAP emissions is a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons (9.07 megagrams) or more per year or any combination of HAP at a rate of 25 tons (22.68 megagrams) or more per year, except that for oil and gas production facilities, a major source of HAP emissions is determined for each surface site.

(c) An area source of HAP emissions is a source that is not a major source.

(d) If you are an owner or operator of an area source subject to this subpart, your status as an entity subject to a standard or other requirements under this subpart does not subject you to the obligation to obtain a permit under 40 CFR part 70 or 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart as applicable.

(e) If you are an owner or operator of a stationary RICE used for national security purposes, you may be eligible to request an exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3603, Jan. 18, 2008]

**§ 63.6590 What parts of my plant does this subpart cover?**

## 40 CFR 63, Subpart ZZZZ

This subpart applies to each affected source.

(a) *Affected source.* An affected source is any existing, new, or reconstructed stationary RICE located at a major or area source of HAP emissions, excluding stationary RICE being tested at a stationary RICE test cell/stand.

(1) *Existing stationary RICE.*

(i) For stationary RICE with a site rating of more than 500 brake horsepower (HP) located at a major source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before December 19, 2002.

(ii) For stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before June 12, 2006.

(iii) For stationary RICE located at an area source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before June 12, 2006.

(iv) A change in ownership of an existing stationary RICE does not make that stationary RICE a new or reconstructed stationary RICE.

(2) *New stationary RICE.* (i) A stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions is new if you commenced construction of the stationary RICE on or after December 19, 2002.

(ii) A stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions is new if you commenced construction of the stationary RICE on or after June 12, 2006.

(iii) A stationary RICE located at an area source of HAP emissions is new if you commenced construction of the stationary RICE on or after June 12, 2006.

(3) *Reconstructed stationary RICE.* (i) A stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions is reconstructed if you meet the definition of reconstruction in §63.2 and reconstruction is commenced on or after December 19, 2002.

(ii) A stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions is reconstructed if you meet the definition of reconstruction in §63.2 and reconstruction is commenced on or after June 12, 2006.

(iii) A stationary RICE located at an area source of HAP emissions is reconstructed if you meet the definition of reconstruction in §63.2 and reconstruction is commenced on or after June 12, 2006.

(b) *Stationary RICE subject to limited requirements.* (1) An affected source which meets either of the criteria in paragraph (b)(1)(i) through (ii) of this section does not have to meet the requirements of this subpart and of subpart A of this part except for the initial notification requirements of §63.6645(h).

(i) The stationary RICE is a new or reconstructed emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions; or

(ii) The stationary RICE is a new or reconstructed limited use stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

(2) A new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis must meet the initial notification requirements of §63.6645(h) and the requirements of §§63.6625(c), 63.6650(g), and 63.6655(c). These stationary RICE do not have to meet the emission limitations and operating limitations of this subpart.

(3) A stationary RICE which is an existing spark ignition 4 stroke rich burn (4SRB) stationary RICE located at an area source, an existing spark ignition 4SRB stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source, an existing spark ignition 2 stroke lean burn (2SLB) stationary RICE, an existing spark ignition 4 stroke lean burn (4SLB) stationary RICE, an existing compression ignition (CI) stationary RICE, an existing emergency stationary RICE, an existing limited use stationary RICE, or an existing stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, does not have to meet the requirements of this subpart and of subpart A of this part. No initial notification is necessary.

(c) *Stationary RICE subject to Regulations under 40 CFR Part 60.* An affected source that is a new or

reconstructed stationary RICE located at an area source, or is a new or reconstructed stationary RICE located at a major source of HAP emissions and is a spark ignition 2 stroke lean burn (2SLB) stationary RICE with a site rating of less than 500 brake HP, a spark ignition 4 stroke lean burn (4SLB) stationary RICE with a site rating of less than 250 brake HP, or a 4 stroke rich burn (4SRB) stationary RICE with a site rating of less than or equal to 500 brake HP, a stationary RICE with a site rating of less than or equal to 500 brake HP which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, an emergency or limited use stationary RICE with a site rating of less than or equal to 500 brake HP, or a compression ignition (CI) stationary RICE with a site rating of less than or equal to 500 brake HP, must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart IIII, for compression ignition engines or 40 CFR part 60 subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under this part.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3604, Jan. 18, 2008]

**§ 63.6595 When do I have to comply with this subpart?**

(a) *Affected Sources.* (1) If you have an existing stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the applicable emission limitations and operating limitations no later than June 15, 2007.

(2) If you start up your new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions before August 16, 2004, you must comply with the applicable emission limitations and operating limitations in this subpart no later than August 16, 2004.

(3) If you start up your new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions after August 16, 2004, you must comply with the applicable emission limitations and operating limitations in this subpart upon startup of your affected source.

(4) If you start up your new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions before January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart no later than January 18, 2008.

(5) If you start up your new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions after January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart upon startup of your affected source.

(6) If you start up your new or reconstructed stationary RICE located at an area source of HAP emissions before January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart no later than January 18, 2008.

(7) If you start up your new or reconstructed stationary RICE located at an area source of HAP emissions after January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart upon startup of your affected source.

(b) *Area sources that become major sources.* If you have an area source that increases its emissions or its potential to emit such that it becomes a major source of HAP, the compliance dates in paragraphs (b) (1) and (2) of this section apply to you.

(1) Any stationary RICE for which construction or reconstruction is commenced after the date when your area source becomes a major source of HAP must be in compliance with this subpart upon startup of your affected source.

(2) Any stationary RICE for which construction or reconstruction is commenced before your area source becomes a major source of HAP must be in compliance with the provisions of this subpart that are applicable to RICE located at major sources within 3 years after your area source becomes a major source of HAP.

(c) If you own or operate an affected source, you must meet the applicable notification requirements in §63.6645 and in 40 CFR part 63, subpart A.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3604, Jan. 18, 2008]

**Emission and Operating Limitations**

**§ 63.6600 What emission limitations and operating limitations must I meet if I own or operate a stationary RICE with a site rating of more than 500 brake HP located at a**

**major source of HAP emissions?**

(a) If you own or operate an existing, new, or reconstructed spark ignition 4SRB stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 1a to this subpart and the operating limitations in Table 1b to this subpart which apply to you.

(b) If you own or operate a new or reconstructed 2SLB stationary RICE with a site rating of more than 500 brake HP located at major source of HAP emissions, a new or reconstructed 4SLB stationary RICE with a site rating of more than 500 brake HP located at major source of HAP emissions, or a new or reconstructed CI stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 2a to this subpart and the operating limitations in Table 2b to this subpart which apply to you.

(c) If you own or operate any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the emission limitations in Tables 1a and 2a to this subpart or operating limitations in Tables 1b and 2b to this subpart: an existing 2SLB stationary RICE, an existing 4SLB stationary RICE, or an existing CI stationary RICE; a stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis; an emergency stationary RICE; or a limited use stationary RICE.

[73 FR 3605, Jan. 18, 2008]

**§ 63.6601 What emission limitations must I meet if I own or operate a 4SLB stationary RICE with a site rating of greater than or equal to 250 brake HP and less than 500 brake HP located at a major source of HAP emissions?**

If you own or operate a new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at major source of HAP emissions manufactured on or after January 1, 2008, you must comply with the emission limitations in Table 2a to this subpart and the operating limitations in Table 2b to this subpart which apply to you.

[73 FR 3605, Jan. 18, 2008]

**General Compliance Requirements**

**§ 63.6605 What are my general requirements for complying with this subpart?**

(a) You must be in compliance with the emission limitations and operating limitations in this subpart that apply to you at all times, except during periods of startup, shutdown, and malfunction.

(b) If you must comply with emission limitations and operating limitations, you must operate and maintain your stationary RICE, including air pollution control and monitoring equipment, in a manner consistent with good air pollution control practices for minimizing emissions at all times, including during startup, shutdown, and malfunction.

**Testing and Initial Compliance Requirements**

**§ 63.6610 By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions?**

If you own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions you are subject to the requirements of this section.

(a) You must conduct the initial performance test or other initial compliance demonstrations in Table 4 to this subpart that apply to you within 180 days after the compliance date that is specified for your stationary RICE in §63.6595 and according to the provisions in §63.7(a)(2).

(b) If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004 and own or operate stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must demonstrate initial compliance with either the proposed emission limitations or the promulgated emission limitations no later than February 10, 2005 or no later than 180 days after startup of the source, whichever is later, according to §63.7(a)(2)(ix).

(c) If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004 and own or operate stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, and you chose to comply with the proposed emission limitations when

demonstrating initial compliance, you must conduct a second performance test to demonstrate compliance with the promulgated emission limitations by December 13, 2007 or after startup of the source, whichever is later, according to §63.7(a)(2)(ix).

(d) An owner or operator is not required to conduct an initial performance test on units for which a performance test has been previously conducted, but the test must meet all of the conditions described in paragraphs (d)(1) through (5) of this section.

(1) The test must have been conducted using the same methods specified in this subpart, and these methods must have been followed correctly.

(2) The test must not be older than 2 years.

(3) The test must be reviewed and accepted by the Administrator.

(4) Either no process or equipment changes must have been made since the test was performed, or the owner or operator must be able to demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process or equipment changes.

(5) The test must be conducted at any load condition within plus or minus 10 percent of 100 percent load.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3605, Jan. 18, 2008]

**§ 63.6611 By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate a 4SLB SI stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions?**

If you own or operate a new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions, you must conduct an initial performance test within 240 days after the compliance date that is specified for your stationary RICE in §63.6595 and according to the provisions specified in Table 4 to this subpart, as appropriate.

[73 FR 3605, Jan. 18, 2008]

**§ 63.6615 When must I conduct subsequent performance tests?**

If you must comply with the emission limitations and operating limitations, you must conduct subsequent performance tests as specified in Table 3 of this subpart.

**§ 63.6620 What performance tests and other procedures must I use?**

(a) You must conduct each performance test in Tables 3 and 4 of this subpart that applies to you.

(b) Each performance test must be conducted according to the requirements in §63.7(e)(1) and under the specific conditions that this subpart specifies in Table 4. The test must be conducted at any load condition within plus or minus 10 percent of 100 percent load.

(c) You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in §63.7(e)(1).

(d) You must conduct three separate test runs for each performance test required in this section, as specified in §63.7(e)(3). Each test run must last at least 1 hour.

(e)(1) You must use Equation 1 of this section to determine compliance with the percent reduction requirement:

$$\frac{C_i - C_e}{C_i} \times 100 = R \quad (\text{Eq. 1})$$

Where:

$C_i$  = concentration of CO or formaldehyde at the control device inlet,

$C_o$  = concentration of CO or formaldehyde at the control device outlet, and

R = percent reduction of CO or formaldehyde emissions.

(2) You must normalize the carbon monoxide (CO) or formaldehyde concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen, or an equivalent percent carbon dioxide (CO<sub>2</sub>). If pollutant concentrations are to be corrected to 15 percent oxygen and CO<sub>2</sub> concentration is measured in lieu of oxygen concentration measurement, a CO<sub>2</sub> correction factor is needed. Calculate the CO<sub>2</sub> correction factor as described in paragraphs (e)(2)(i) through (iii) of this section.

(i) Calculate the fuel-specific  $F_o$  value for the fuel burned during the test using values obtained from Method 19, section 5.2, and the following equation:

$$F_o = \frac{0.209 F_d}{F_c} \quad (\text{Eq. 2})$$

Where:

$F_o$  = Fuel factor based on the ratio of oxygen volume to the ultimate CO<sub>2</sub> volume produced by the fuel at zero percent excess air.

0.209 = Fraction of air that is oxygen, percent/100.

$F_d$  = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, dsm<sup>3</sup> / J (dscf/10<sup>6</sup> Btu).

$F_c$  = Ratio of the volume of CO<sub>2</sub> produced to the gross calorific value of the fuel from Method 19, dsm<sup>3</sup> / J (dscf/10<sup>6</sup> Btu).

(ii) Calculate the CO<sub>2</sub> correction factor for correcting measurement data to 15 percent oxygen, as follows:

$$X_{co_2} = \frac{5.9}{F_o} \quad (\text{Eq. 3})$$

Where:

$X_{co_2}$  = CO<sub>2</sub> correction factor, percent.

5.9 = 20.9 percent O<sub>2</sub> - 15 percent O<sub>2</sub>, the defined O<sub>2</sub> correction value, percent.

(iii) Calculate the NO<sub>x</sub> and SO<sub>2</sub> gas concentrations adjusted to 15 percent O<sub>2</sub> using CO<sub>2</sub> as follows:

$$C_{adj} = C_d \frac{X_{co_2}}{\%CO_2} \quad (\text{Eq. 4})$$

Where:

%CO<sub>2</sub> = Measured CO<sub>2</sub> concentration measured, dry basis, percent.

(f) If you comply with the emission limitation to reduce CO and you are not using an oxidation catalyst, if you comply with the emission limitation to reduce formaldehyde and you are not using NSCR, or if you comply with the emission limitation to limit the concentration of formaldehyde in the stationary RICE exhaust and you are not using an oxidation catalyst or NSCR, you must petition the Administrator for operating limitations to be established during the initial performance test and continuously monitored thereafter; or for approval of no operating limitations. You must not conduct the initial performance test until after the petition has been approved by the Administrator.

(g) If you petition the Administrator for approval of operating limitations, your petition must include the



information described in paragraphs (g)(1) through (5) of this section.

(1) Identification of the specific parameters you propose to use as operating limitations;

(2) A discussion of the relationship between these parameters and HAP emissions, identifying how HAP emissions change with changes in these parameters, and how limitations on these parameters will serve to limit HAP emissions;

(3) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the limits on these parameters in the operating limitations;

(4) A discussion identifying the methods you will use to measure and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and

(5) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

(h) If you petition the Administrator for approval of no operating limitations, your petition must include the information described in paragraphs (h)(1) through (7) of this section.

(1) Identification of the parameters associated with operation of the stationary RICE and any emission control device which could change intentionally ( e.g., operator adjustment, automatic controller adjustment, etc.) or unintentionally ( e.g., wear and tear, error, etc.) on a routine basis or over time;

(2) A discussion of the relationship, if any, between changes in the parameters and changes in HAP emissions;

(3) For the parameters which could change in such a way as to increase HAP emissions, a discussion of whether establishing limitations on the parameters would serve to limit HAP emissions;

(4) For the parameters which could change in such a way as to increase HAP emissions, a discussion of how you could establish upper and/or lower values for the parameters which would establish limits on the parameters in operating limitations;

(5) For the parameters, a discussion identifying the methods you could use to measure them and the instruments you could use to monitor them, as well as the relative accuracy and precision of the methods and instruments;

(6) For the parameters, a discussion identifying the frequency and methods for recalibrating the instruments you could use to monitor them; and

(7) A discussion of why, from your point of view, it is infeasible or unreasonable to adopt the parameters as operating limitations.

(i) The engine percent load during a performance test must be determined by documenting the calculations, assumptions, and measurement devices used to measure or estimate the percent load in a specific application. A written report of the average percent load determination must be included in the notification of compliance status. The following information must be included in the written report: the engine model number, the engine manufacturer, the year of purchase, the manufacturer's site-rated brake horsepower, the ambient temperature, pressure, and humidity during the performance test, and all assumptions that were made to estimate or calculate percent load during the performance test must be clearly explained. If measurement devices such as flow meters, kilowatt meters, beta analyzers, stain gauges, etc. are used, the model number of the measurement device, and an estimate of its accurate in percentage of true value must be provided.

**§ 63.6625 What are my monitoring, installation, operation, and maintenance requirements?**

(a) If you elect to install a CEMS as specified in Table 5 of this subpart, you must install, operate, and maintain a CEMS to monitor CO and either oxygen or CO<sub>2</sub> at both the inlet and the outlet of the control device according to the requirements in paragraphs (a)(1) through (4) of this section.

(1) Each CEMS must be installed, operated, and maintained according to the applicable performance specifications of 40 CFR part 60, appendix B.

(2) You must conduct an initial performance evaluation and an annual relative accuracy test audit (RATA) of each CEMS according to the requirements in §63.8 and according to the applicable

performance specifications of 40 CFR part 60, appendix B as well as daily and periodic data quality checks in accordance with 40 CFR part 60, appendix F, procedure 1.

(3) As specified in §63.8(c)(4)(ii), each CEMS must complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. You must have at least two data points, with each representing a different 15-minute period, to have a valid hour of data.

(4) The CEMS data must be reduced as specified in §63.8(g)(2) and recorded in parts per million or parts per billion (as appropriate for the applicable limitation) at 15 percent oxygen or the equivalent CO<sub>2</sub> concentration.

(b) If you are required to install a continuous parameter monitoring system (CPMS) as specified in Table 5 of this subpart, you must install, operate, and maintain each CPMS according to the requirements in §63.8.

(c) If you are operating a new or reconstructed stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, you must monitor and record your fuel usage daily with separate fuel meters to measure the volumetric flow rate of each fuel. In addition, you must operate your stationary RICE in a manner which reasonably minimizes HAP emissions.

(d) If you are operating a new or reconstructed emergency 4SLB stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions, you must install a non-resettable hour meter prior to the startup of the engine.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3606, Jan. 18, 2008]

**§ 63.6630 How do I demonstrate initial compliance with the emission limitations and operating limitations?**

(a) You must demonstrate initial compliance with each emission and operating limitation that applies to you according to Table 5 of this subpart.

(b) During the initial performance test, you must establish each operating limitation in Tables 1b and 2b of this subpart that applies to you.

(c) You must submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in §63.6645.

**Continuous Compliance Requirements**

**§ 63.6635 How do I monitor and collect data to demonstrate continuous compliance?**

(a) If you must comply with emission and operating limitations, you must monitor and collect data according to this section.

(b) Except for monitor malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), you must monitor continuously at all times that the stationary RICE is operating.

(c) You may not use data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities in data averages and calculations used to report emission or operating levels. You must, however, use all the valid data collected during all other periods.

**§ 63.6640 How do I demonstrate continuous compliance with the emission limitations and operating limitations?**

(a) You must demonstrate continuous compliance with each emission limitation and operating limitation in Tables 1a and 1b and Tables 2a and 2b of this subpart that apply to you according to methods specified in Table 6 of this subpart.

(b) You must report each instance in which you did not meet each emission limitation or operating limitation in Tables 1a and 1b and Tables 2a and 2b of this subpart that apply to you. These instances are deviations from the emission and operating limitations in this subpart. These deviations must be reported according to the requirements in §63.6650. If you change your catalyst, you must reestablish the values of the operating parameters measured during the initial performance test. When you reestablish the values of your operating parameters, you must also conduct a performance test to demonstrate that you are meeting the required emission limitation applicable to your stationary RICE.

(c) [Reserved]

(d) Consistent with §§63.6(e) and 63.7(e)(1), deviations from the emission or operating limitations that occur during a period of startup, shutdown, or malfunction are not violations if you demonstrate to the Administrator's satisfaction that you were operating in accordance with §63.6(e)(1). For new, reconstructed, and rebuilt stationary RICE, deviations from the emission or operating limitations that occur during the first 200 hours of operation from engine startup (engine burn-in period) are not violations.

Rebuilt stationary RICE means a stationary RICE that has been rebuilt as that term is defined in 40 CFR §94.11(a).

(e) You must also report each instance in which you did not meet the requirements in Table 8 to this subpart that apply to you. If you own or operate any stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions (except new or reconstructed 4SLB engines greater than or equal to 250 and less than or equal to 500 brake HP), a stationary RICE located at an area source of HAP emissions, or any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in Table 8 to this subpart: An existing 2SLB stationary RICE, an existing 4SLB stationary RICE, an existing CI stationary RICE, an existing emergency stationary RICE, an existing limited use emergency stationary RICE, or an existing stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis. If you own or operate any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in Table 8 to this subpart, except for the initial notification requirements: a new or reconstructed stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, a new or reconstructed emergency stationary RICE, or a new or reconstructed limited use stationary RICE.

[69 FR 33506, June 15, 2004, as amended at 71 FR 20467, Apr. 20, 2006; 73 FR 3606, Jan. 18, 2008]

#### Notifications, Reports, and Records

##### § 63.6645 What notifications must I submit and when?

(a) If you own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions or a new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 HP located at a major source of HAP emissions, you must submit all of the notifications in §§63.7(b) and (c), 63.8(e), (f)(4) and (f)(6), 63.9(b) through (e), and (g) and (h) that apply to you by the dates specified.

(b) As specified in §63.9(b)(2), if you start up your stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions before the effective date of this subpart, you must submit an Initial Notification not later than December 13, 2004.

(c) If you start up your new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions on or after August 16, 2004, you must submit an Initial Notification not later than 120 days after you become subject to this subpart.

(d) As specified in §63.9(b)(2), if you start up your stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions before the effective date of this subpart and you are required to submit an initial notification, you must submit an Initial Notification not later than July 16, 2008.

(e) If you start up your new or reconstructed stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions on or after March 18, 2008 and you are required to submit an initial notification, you must submit an Initial Notification not later than 120 days after you become subject to this subpart.

(f) If you are required to submit an Initial Notification but are otherwise not affected by the requirements of this subpart, in accordance with §63.6590(b), your notification should include the information in §63.9(b)(2)(i) through (v), and a statement that your stationary RICE has no additional requirements and explain the basis of the exclusion (for example, that it operates exclusively as an emergency stationary RICE if it has a site rating of more than 500 brake HP located at a major source of HAP emissions).

(g) If you are required to conduct a performance test, you must submit a Notification of Intent to conduct a performance test at least 60 days before the performance test is scheduled to begin as required in §63.7(b)(1).

(h) If you are required to conduct a performance test or other initial compliance demonstration as specified in Tables 4 and 5 to this subpart, you must submit a Notification of Compliance Status

according to §63.9(h)(2)(ii).

(1) For each initial compliance demonstration required in Table 5 to this subpart that does not include a performance test, you must submit the Notification of Compliance Status before the close of business on the 30th day following the completion of the initial compliance demonstration.

(2) For each initial compliance demonstration required in Table 5 to this subpart that includes a performance test conducted according to the requirements in Table 3 to this subpart, you must submit the Notification of Compliance Status, including the performance test results, before the close of business on the 60th day following the completion of the performance test according to §63.10(d)(2).

[73 FR 3606, Jan. 18, 2008]

**§ 63.6650 What reports must I submit and when?**

(a) You must submit each report in Table 7 of this subpart that applies to you.

(b) Unless the Administrator has approved a different schedule for submission of reports under §63.10 (a), you must submit each report by the date in Table 7 of this subpart and according to the requirements in paragraphs (b)(1) through (5) of this section.

(1) The first Compliance report must cover the period beginning on the compliance date that is specified for your affected source in §63.6595 and ending on June 30 or December 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for your source in §63.6595.

(2) The first Compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date follows the end of the first calendar half after the compliance date that is specified for your affected source in §63.6595.

(3) Each subsequent Compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(4) Each subsequent Compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.

(5) For each stationary RICE that is subject to permitting regulations pursuant to 40 CFR part 70 or 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6 (a)(3)(iii)(A) or 40 CFR 71.6 (a)(3)(iii)(A), you may submit the first and subsequent Compliance reports according to the dates the permitting authority has established instead of according to the dates in paragraphs (b)(1) through (4) of this section.

(c) The Compliance report must contain the information in paragraphs (c)(1) through (6) of this section.

(1) Company name and address.

(2) Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.

(3) Date of report and beginning and ending dates of the reporting period.

(4) If you had a startup, shutdown, or malfunction during the reporting period, the compliance report must include the information in §63.10(d)(5)(i).

(5) If there are no deviations from any emission or operating limitations that apply to you, a statement that there were no deviations from the emission or operating limitations during the reporting period.

(6) If there were no periods during which the continuous monitoring system (CMS), including CEMS and CPMS, was out-of-control, as specified in §63.8(c)(7), a statement that there were no periods during which the CMS was out-of-control during the reporting period.

(d) For each deviation from an emission or operating limitation that occurs for a stationary RICE where you are not using a CMS to comply with the emission or operating limitations in this subpart, the Compliance report must contain the information in paragraphs (c)(1) through (4) of this section and the information in paragraphs (d)(1) and (2) of this section.

(1) The total operating time of the stationary RICE at which the deviation occurred during the reporting period.

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- (2) Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.
- (e) For each deviation from an emission or operating limitation occurring for a stationary RICE where you are using a CMS to comply with the emission and operating limitations in this subpart, you must include information in paragraphs (c)(1) through (4) and (e)(1) through (12) of this section.
- (1) The date and time that each malfunction started and stopped.
  - (2) The date, time, and duration that each CMS was inoperative, except for zero (low-level) and high-level checks.
  - (3) The date, time, and duration that each CMS was out-of-control, including the information in §63.8(c)(8).
  - (4) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction or during another period.
  - (5) A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.
  - (6) A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.
  - (7) A summary of the total duration of CMS downtime during the reporting period, and the total duration of CMS downtime as a percent of the total operating time of the stationary RICE at which the CMS downtime occurred during that reporting period.
  - (8) An identification of each parameter and pollutant (CO or formaldehyde) that was monitored at the stationary RICE.
  - (9) A brief description of the stationary RICE.
  - (10) A brief description of the CMS.
  - (11) The date of the latest CMS certification or audit.
  - (12) A description of any changes in CMS, processes, or controls since the last reporting period.
- (f) Each affected source that has obtained a title V operating permit pursuant to 40 CFR part 70 or 71 must report all deviations as defined in this subpart in the semiannual monitoring report required by 40 CFR 70.6 (a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A). If an affected source submits a Compliance report pursuant to Table 7 of this subpart along with, or as part of, the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), and the Compliance report includes all required information concerning deviations from any emission or operating limitation in this subpart, submission of the Compliance report shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report. However, submission of a Compliance report shall not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the permit authority.
- (g) If you are operating as a new or reconstructed stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, you must submit an annual report according to Table 7 of this subpart by the date specified unless the Administrator has approved a different schedule, according to the information described in paragraphs (b)(1) through (b)(5) of this section. You must report the data specified in (g)(1) through (g)(3) of this section.
- (1) Fuel flow rate of each fuel and the heating values that were used in your calculations. You must also demonstrate that the percentage of heat input provided by landfill gas or digester gas is equivalent to 10 percent or more of the total fuel consumption on an annual basis.
  - (2) The operating limits provided in your federally enforceable permit, and any deviations from these limits.
  - (3) Any problems or errors suspected with the meters.

### § 63.6655 What records must I keep?

- (a) If you must comply with the emission and operating limitations, you must keep the records described

in paragraphs (a)(1) through (a)(3), (b)(1) through (b)(3) and (c) of this section.

(1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in §63.10(b)(2)(xiv).

(2) The records in §63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction.

(3) Records of performance tests and performance evaluations as required in §63.10(b)(2)(viii).

(b) For each CEMS or CPMS, you must keep the records listed in paragraphs (b)(1) through (3) of this section.

(1) Records described in §63.10(b)(2)(vi) through (xi).

(2) Previous ( *i.e.*, superseded) versions of the performance evaluation plan as required in §63.8(d)(3).

(3) Requests for alternatives to the relative accuracy test for CEMS or CPMS as required in §63.8(f)(6) (i), if applicable.

(c) If you are operating a new or reconstructed stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, you must keep the records of your daily fuel usage monitors.

(d) You must keep the records required in Table 6 of this subpart to show continuous compliance with each emission or operating limitation that applies to you.

#### **§ 63.6660 In what form and how long must I keep my records?**

(a) Your records must be in a form suitable and readily available for expeditious review according to §63.10(b)(1).

(b) As specified in §63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record readily accessible in hard copy or electronic form on-site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1). You can keep the records off-site for the remaining 3 years.

#### **Other Requirements and Information**

#### **§ 63.6665 What parts of the General Provisions apply to me?**

Table 8 to this subpart shows which parts of the General Provisions in §§63.1 through 63.15 apply to you. If you own or operate any stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions (except new or reconstructed 4SLB engines greater than or equal to 250 and less than or equal to 500 brake HP), a stationary RICE located at an area source of HAP emissions, or any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with any of the requirements of the General Provisions: An existing 2SLB RICE, an existing 4SLB stationary RICE, an existing CI stationary RICE, an existing stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, an existing emergency stationary RICE, or an existing limited use stationary RICE. If you own or operate any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in the General Provisions except for the initial notification requirements: A new stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, a new emergency stationary RICE, or a new limited use stationary RICE.

[73 FR 3606, Jan. 18, 2008]

#### **§ 63.6670 Who implements and enforces this subpart?**

(a) This subpart is implemented and enforced by the U.S. EPA, or a delegated authority such as your State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to your State, local, or tribal agency, then that agency (as well as the U.S. EPA) has the authority to implement and enforce this subpart. You should contact your U.S. EPA Regional Office to find out whether this subpart is delegated to your State, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under 40 CFR part 63, subpart E, the authorities contained in paragraph (c) of this section are retained by the Administrator of the U.S. EPA and are not transferred to the State, local, or tribal agency.

(c) The authorities that will not be delegated to State, local, or tribal agencies are:

(1) Approval of alternatives to the non-opacity emission limitations and operating limitations in §63.6600 under §63.6(g).

(2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f) and as defined in §63.90.

(3) Approval of major alternatives to monitoring under §63.8(f) and as defined in §63.90.

(4) Approval of major alternatives to recordkeeping and reporting under §63.10(f) and as defined in §63.90.

(5) Approval of a performance test which was conducted prior to the effective date of the rule, as specified in §63.6610(b).

#### § 63.6675 What definitions apply to this subpart?

Terms used in this subpart are defined in the Clean Air Act (CAA); in 40 CFR 63.2, the General Provisions of this part; and in this section as follows:

*Area source* means any stationary source of HAP that is not a major source as defined in part 63.

*Associated equipment* as used in this subpart and as referred to in section 112(n)(4) of the CAA, means equipment associated with an oil or natural gas exploration or production well, and includes all equipment from the well bore to the point of custody transfer, except glycol dehydration units, storage vessels with potential for flash emissions, combustion turbines, and stationary RICE.

CAA means the Clean Air Act (42 U.S.C. 7401 *et seq.*, as amended by Public Law 101-549, 104 Stat. 2399).

*Compression ignition* means relating to a type of stationary internal combustion engine that is not a spark ignition engine.

*Custody transfer* means the transfer of hydrocarbon liquids or natural gas: After processing and/or treatment in the producing operations, or from storage vessels or automatic transfer facilities or other such equipment, including product loading racks, to pipelines or any other forms of transportation. For the purposes of this subpart, the point at which such liquids or natural gas enters a natural gas processing plant is a point of custody transfer.

*Deviation* means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including but not limited to any emission limitation or operating limitation;

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Fails to meet any emission limitation or operating limitation in this subpart during malfunction, regardless of whether or not such failure is permitted by this subpart.

(4) Fails to satisfy the general duty to minimize emissions established by §63.6(e)(1)(i).

*Diesel engine* means any stationary RICE in which a high boiling point liquid fuel injected into the combustion chamber ignites when the air charge has been compressed to a temperature sufficiently high for auto-ignition. This process is also known as compression ignition.

*Diesel fuel* means any liquid obtained from the distillation of petroleum with a boiling point of approximately 150 to 360 degrees Celsius. One commonly used form is fuel oil number 2.

*Digester gas* means any gaseous by-product of wastewater treatment typically formed through the anaerobic decomposition of organic waste materials and composed principally of methane and CO<sub>2</sub>.

*Dual-fuel engine* means any stationary RICE in which a liquid fuel (typically diesel fuel) is used for compression ignition and gaseous fuel (typically natural gas) is used as the primary fuel.

*Emergency stationary RICE* means any stationary RICE whose operation is limited to emergency situations and required testing and maintenance. Examples include stationary RICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary RICE used to pump water in the case of fire or flood, etc. Stationary RICE used for peak shaving are not considered emergency stationary RICE. Stationary ICE used to supply power to an electric grid or that supply power as part of a financial arrangement with another entity are not considered to be emergency engines. Emergency stationary RICE with a site-rating of more than 500 brake HP located at a major source of HAP emissions that were installed prior to June 12, 2006, may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by the manufacturer, the vendor, or the insurance company associated with the engine. Required testing of such units should be minimized, but there is no time limit on the use of emergency stationary RICE in emergency situations and for routine testing and maintenance. Emergency stationary RICE with a site-rating of more than 500 brake HP located at a major source of HAP emissions that were installed prior to June 12, 2006, may also operate an additional 50 hours per year in non-emergency situations. Emergency stationary RICE with a site-rating of more than 500 brake HP located at a major source of HAP emissions that were installed on or after June 12, 2006, must comply with requirements specified in 40 CFR 60.4243(d).

*Four-stroke engine* means any type of engine which completes the power cycle in two crankshaft revolutions, with intake and compression strokes in the first revolution and power and exhaust strokes in the second revolution.

*Gaseous fuel* means a material used for combustion which is in the gaseous state at standard atmospheric temperature and pressure conditions.

*Gasoline* means any fuel sold in any State for use in motor vehicles and motor vehicle engines, or nonroad or stationary engines, and commonly or commercially known or sold as gasoline.

*Glycol dehydration unit* means a device in which a liquid glycol (including, but not limited to, ethylene glycol, diethylene glycol, or triethylene glycol) absorbent directly contacts a natural gas stream and absorbs water in a contact tower or absorption column (absorber). The glycol contacts and absorbs water vapor and other gas stream constituents from the natural gas and becomes "rich" glycol. This glycol is then regenerated in the glycol dehydration unit reboiler. The "lean" glycol is then recycled.

*Hazardous air pollutants (HAP)* means any air pollutants listed in or pursuant to section 112(b) of the CAA.

*ISO standard day conditions* means 288 degrees Kelvin (15 degrees Celsius), 60 percent relative humidity and 101.3 kilopascals pressure.

*Landfill gas* means a gaseous by-product of the land application of municipal refuse typically formed through the anaerobic decomposition of waste materials and composed principally of methane and CO<sub>2</sub>.

*Lean burn engine* means any two-stroke or four-stroke spark ignited engine that does not meet the definition of a rich burn engine.

*Limited use stationary RICE* means any stationary RICE that operates less than 100 hours per year.

*Liquefied petroleum gas* means any liquefied hydrocarbon gas obtained as a by-product in petroleum refining of natural gas production.

*Liquid fuel* means any fuel in liquid form at standard temperature and pressure, including but not limited to diesel, residual/crude oil, kerosene/naphtha (jet fuel), and gasoline.

*Major Source*, as used in this subpart, shall have the same meaning as in §63.2, except that:

(1) Emissions from any oil or gas exploration or production well (with its associated equipment (as defined in this section)) and emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other similar units, to determine whether such emission points or stations are major sources, even when emission points are in a contiguous area or under common control;

(2) For oil and gas production facilities, emissions from processes, operations, or equipment that are not part of the same oil and gas production facility, as defined in §63.1271 of subpart HHH of this part, shall not be aggregated;



(3) For production field facilities, only HAP emissions from glycol dehydration units, storage vessel with the potential for flash emissions, combustion turbines and reciprocating internal combustion engines shall be aggregated for a major source determination; and

(4) Emissions from processes, operations, and equipment that are not part of the same natural gas transmission and storage facility, as defined in §63.1271 of subpart HHH of this part, shall not be aggregated.

*Malfunction* means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

*Natural gas* means a naturally occurring mixture of hydrocarbon and non-hydrocarbon gases found in geologic formations beneath the Earth's surface, of which the principal constituent is methane. Natural gas may be field or pipeline quality.

*Non-selective catalytic reduction (NSCR)* means an add-on catalytic nitrogen oxides (NO<sub>x</sub>) control device for rich burn engines that, in a two-step reaction, promotes the conversion of excess oxygen, NO<sub>x</sub>, CO, and volatile organic compounds (VOC) into CO<sub>2</sub>, nitrogen, and water.

*Oil and gas production facility* as used in this subpart means any grouping of equipment where hydrocarbon liquids are processed, upgraded (i.e., remove impurities or other constituents to meet contract specifications), or stored prior to the point of custody transfer, or where natural gas is processed, upgraded, or stored prior to entering the natural gas transmission and storage source category. For purposes of a major source determination, facility (including a building, structure, or installation) means oil and natural gas production and processing equipment that is located within the boundaries of an individual surface site as defined in this section. Equipment that is part of a facility will typically be located within close proximity to other equipment located at the same facility. Pieces of production equipment or groupings of equipment located on different oil and gas leases, mineral fee tracts, lease tracts, subsurface or surface unit areas, surface fee tracts, surface lease tracts, or separate surface sites, whether or not connected by a road, waterway, power line or pipeline, shall not be considered part of the same facility. Examples of facilities in the oil and natural gas production source category include, but are not limited to, well sites, satellite tank batteries, central tank batteries, a compressor station that transports natural gas to a natural gas processing plant, and natural gas processing plants.

*Oxidation catalyst* means an add-on catalytic control device that controls CO and VOC by oxidation.

*Peaking unit or engine* means any standby engine intended for use during periods of high demand that are not emergencies.

*Percent load* means the fractional power of an engine compared to its maximum manufacturer's design capacity at engine site conditions. Percent load may range between 0 percent to above 100 percent.

*Potential to emit* means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. For oil and natural gas production facilities subject to subpart HH of this part, the potential to emit provisions in §63.760(a) may be used. For natural gas transmission and storage facilities subject to subpart HHH of this part, the maximum annual facility gas throughput for storage facilities may be determined according to §63.1270(a)(1) and the maximum annual throughput for transmission facilities may be determined according to §63.1270(a)(2).

*Production field facility* means those oil and gas production facilities located prior to the point of custody transfer.

*Production well* means any hole drilled in the earth from which crude oil, condensate, or field natural gas is extracted.

*Propane* means a colorless gas derived from petroleum and natural gas, with the molecular structure C<sub>3</sub>H<sub>8</sub>.

*Responsible official* means responsible official as defined in 40 CFR 70.2.

*Rich burn engine* means any four-stroke spark ignited engine where the manufacturer's recommended operating air/fuel ratio divided by the stoichiometric air/fuel ratio at full load conditions is less than or equal to 1.1. Engines originally manufactured as rich burn engines, but modified prior to December 19,

2002 with passive emission control technology for NO<sub>x</sub> (such as pre-combustion chambers) will be considered lean burn engines. Also, existing engines where there are no manufacturer's recommendations regarding air/fuel ratio will be considered a rich burn engine if the excess oxygen content of the exhaust at full load conditions is less than or equal to 2 percent.

*Site-rated HP* means the maximum manufacturer's design capacity at engine site conditions.

*Spark ignition* means relating to either: A gasoline-fueled engine; or any other type of engine a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for CI and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are spark ignition engines.

*Stationary reciprocating internal combustion engine (RICE)* means any reciprocating internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. Stationary RICE differ from mobile RICE in that a stationary RICE is not a non-road engine as defined at 40 CFR 1068.30, and is not used to propel a motor vehicle or a vehicle used solely for competition.

*Stationary RICE test cell/stand* means an engine test cell/stand, as defined in subpart PTTTT of this part, that tests stationary RICE.

*Stoichiometric* means the theoretical air-to-fuel ratio required for complete combustion.

*Storage vessel with the potential for flash emissions* means any storage vessel that contains a hydrocarbon liquid with a stock tank gas-to-oil ratio equal to or greater than 0.31 cubic meters per liter and an American Petroleum Institute gravity equal to or greater than 40 degrees and an actual annual average hydrocarbon liquid throughput equal to or greater than 79,500 liters per day. Flash emissions occur when dissolved hydrocarbons in the fluid evolve from solution when the fluid pressure is reduced.

*Subpart* means 40 CFR part 63, subpart ZZZZ.

*Surface site* means any combination of one or more graded pad sites, gravel pad sites, foundations, platforms, or the immediate physical location upon which equipment is physically affixed.

*Two-stroke engine* means a type of engine which completes the power cycle in single crankshaft revolution by combining the intake and compression operations into one stroke and the power and exhaust operations into a second stroke. This system requires auxiliary scavenging and inherently runs lean of stoichiometric.

[69 FR 33506, June 15, 2004, as amended at 71 FR 20467, Apr. 20, 2006; 73 FR 3607, Jan. 18, 2008]

**Table 1ato Subpart ZZZZ of Part 63—Emission Limitations for Existing, New, and Reconstructed Spark Ignition, 4SRB Stationary RICE >500 HP Located at a Major Source of HAP Emissions**

[As stated in §63.6600, you must comply with the following emission limitations for existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions at 100 percent load plus or minus 10 percent]

For each...	You must meet the following emission limitations...
1. 4SRB stationary RICE	a. reduce formaldehyde emissions by 76 percent or more. If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004, you may reduce formaldehyde emissions by 75 percent or more until June 15, 2007;
	or
	b. limit the concentration of formaldehyde in the stationary RICE exhaust 350 ppbv or less at 15 percent O <sub>2</sub> .

[73 FR 3607, Jan. 18, 2008]

**Table 1bto Subpart ZZZZ of Part 63—Operating Limitations for Existing, New, and**

**Reconstructed Spark Ignition, 4SRB Stationary RICE >500 HP Located at a Major Source of HAP Emissions**

[As stated in §§63.6600, 63.6630 and 63.6640, you must comply with the following operating emission limitations for existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions]

For each...	You must meet the following operating limitation...
1. 4SRB stationary RICE complying with the requirement to reduce formaldehyde emissions by 76 percent or more (or by 75 percent or more, if applicable) and using NSCR; or	a. maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst measured during the initial performance test; and
4SRB stationary RICE complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent O <sub>2</sub> and using NSCR.	b. maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 750 °F and less than or equal to 1250 °F.
2. 4SRB stationary RICE complying with the requirement to reduce formaldehyde emissions by 76 percent or more (or by 75 percent or more, if applicable) and not using NSCR; or	Comply with any operating limitations approved by the Administrator.
4SRB stationary RICE complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent O <sub>2</sub> and not using NSCR.	

[73 FR 3607, Jan. 18, 2008]

**Table 2a to Subpart ZZZZ of Part 63—Emission Limitations for New and Reconstructed 2SLB and Compression Ignition Stationary RICE >500 HP and 4SLB Stationary RICE ≥250 HP Located at a Major Source of HAP Emissions**

[As stated in §§63.6600 and 63.6601, you must comply with the following emission limitations for new and reconstructed lean burn and new and reconstructed compression ignition stationary RICE at 100 percent load plus or minus 10 percent]

For each...	You must meet the following emission limitation...
1. 2SLB stationary RICE	a. reduce CO emissions by 58 percent or more;
	or
	b. limit concentration of formaldehyde in the stationary RICE exhaust to 12 ppmvd or less at 15 percent O <sub>2</sub> . If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004, you may limit concentration of formaldehyde to 17 ppmvd or less at 15 percent O <sub>2</sub> until June

	15, 2007.
2. 4SLB stationary RICE	a. reduce CO emissions by 93 percent or more;
	or
	b. limit concentration of formaldehyde in the stationary RICE exhaust to 14 ppmvd or less at 15 percent O <sub>2</sub> .
3. CI stationary RICE	a. reduce CO emissions by 70 percent or more;
	or
	b. limit concentration of formaldehyde in the stationary RICE exhaust to 580 ppbvd or less at 15 percent O <sub>2</sub> .

[73 FR 3608, Jan. 18, 2008]

**Table 2bto Subpart ZZZZ of Part 63—Operating Limitations for New and Reconstructed 2SLB and Compression Ignition Stationary RICE >500 HP and 4SLB Burn Stationary RICE ≥250 HP Located at a Major Source of HAP Emissions**

[As stated in §§63.6600, 63.6601, 63.6630, and 63.6640, you must comply with the following operating limitations for new and reconstructed lean burn and new and reconstructed compression ignition stationary]

For each...	You must meet the following operating limitation...
1. 2SLB and 4SLB stationary RICE and CI stationary RICE complying with the requirement to reduce CO emissions and using an oxidation catalyst; or 2SLB and 4SLB stationary RICE and CI stationary RICE complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust and using an oxidation catalyst	a. maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst that was measured during the initial performance test; and b. maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350 °F.
2. 2SLB and 4SLB stationary RICE and CI stationary RICE complying with the requirement to reduce CO emissions and not using an oxidation catalyst; or 2SLB and 4SLB stationary RICE and CI stationary RICE complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust and not using an oxidation catalyst	Comply with any operating limitations approved by the Administrator.

[73 FR 3608, Jan. 18, 2008]

**Table 3 to Subpart ZZZZ of Part 63—Subsequent Performance Tests**

[As stated in §§63.6615 and 63.6620, you must comply with the following subsequent performance test requirements]

For each . . .	Complying with the requirement to . . .	You must . . .
1. 2SLB and 4SLB stationary RICE and CI stationary RICE	Reduce CO emissions and not using a CEMS	Conduct subsequent performance tests semiannually. <sup>1</sup>
2. 4SRB stationary RICE with a brake horsepower ≥5,000	Reduce formaldehyde emissions	Conduct subsequent performance tests semiannually. <sup>1</sup>
3. Stationary RICE (all stationary RICE subcategories and all brake horsepower ratings)	Limit the concentration of formaldehyde in the stationary RICE exhaust	Conduct subsequent performance tests semiannually. <sup>1</sup>

<sup>1</sup>After you have demonstrated compliance for two consecutive tests, you may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent annual performance test indicate the stationary RICE is not in compliance with the CO or formaldehyde emission limitation, or you deviate from any of your operating limitations, you must resume semiannual performance tests.

**Table 4 to Subpart ZZZZ of Part 63—Requirements for Performance Tests**

[As stated in §§63.6610, 63.6611, 63.6620, and 63.6640, you must comply with the following requirements for performance tests for stationary RICE]

For each . . .	Complying with the requirement to . . .	You must . . .	Using . . .	According to the following requirements . . .
1. 2SLB, 4SLB, and CI stationary RICE	a. Reduce CO emissions	i. Measure the O <sub>2</sub> at the inlet and outlet of the control device; and	(1) Portable CO and O <sub>2</sub> analyzer	(a) Using ASTM D6522–00 (2005) <sup>a</sup> (incorporated by reference, see §63.14). Measurements to determine O <sub>2</sub> must be made at the same time as the measurements for CO concentration.
		ii. Measure the CO at the inlet and the outlet of the control device		(a) Using ASTM D6522–00 (2005) <sup>a</sup> (incorporated by reference, see §63.14) or Method 10 of 40 CFR, appendix A. The CO concentration must be at 15 percent O <sub>2</sub> , dry basis.
2. 4SRB stationary RICE	a. Reduce formaldehyde emissions	i. Select the sampling port location and	(1) Method 1 or 1A of 40 CFR part 60,	(a) Sampling sites must be located at the inlet and outlet

		the number of traverse points; and	appendix A §63.7(d)(1)(i)	of the control device.
		ii. Measure O <sub>2</sub> at the inlet and outlet of the control device; and	(1) Method 3 or 3A or 3B of 40 CFR part 60, appendix A, or ASTM Method D6522-00 (2005).	(a) Measurements to determine O <sub>2</sub> concentration must be made at the same time as the measurements for formaldehyde concentration.
		iii. Measure moisture content at the inlet and outlet of the control device; and	(1) Method 4 of 40 CFR part 60, appendix A, or Test Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348-03	(a) Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde concentration.
		iv. Measure formaldehyde at the inlet and the outlet of the control device	(1) Method 320 or 323 of 40 CFR part 63, appendix A; or ASTM D6348-03 <sup>b</sup> , provided in ASTM D6348-03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130	(a) Formaldehyde concentration must be at 15 percent O <sub>2</sub> , dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
3. Stationary RICE	a. Limit the concentration of formaldehyde in the stationary RICE exhaust	i. Select the sampling port location and the number of traverse points; and	(1) Method 1 or 1A of 40 CFR part 60, appendix A §63.7(d)(1)(i)	(a) If using a control device, the sampling site must be located at the outlet of the control device.
		ii. Determine the O <sub>2</sub> concentration of the stationary RICE exhaust at the sampling port location; and	(1) Method 3 or 3A or 3B of 40 CFR part 60, appendix A, or ASTM Method D6522-00 (2005)	(a) Measurements to determine O <sub>2</sub> concentration must be made at the same time and location as the measurements for formaldehyde concentration.
		iii. Measure	(1) Method 4 of	(a) Measurements

		moisture content of the stationary RICE exhaust at the sampling port location; and	40 CFR part 60, appendix A, or Test Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348-03	to determine moisture content must be made at the same time and location as the measurements for formaldehyde concentration.
		iv. Measure formaldehyde at the exhaust of the stationary RICE	(1) Method 320 or 323 of 40 CFR part 63, appendix A; or ASTM D6348-03 <sup>b</sup> , provided in ASTM D6348-03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130	(a) Formaldehyde concentration must be at 15 percent O <sub>2</sub> , dry basis. Results of this test consist of the average of the three 1-hour or longer runs.

<sup>a</sup>You may also use Methods 3A and 10 as options to ASTM-D6522-00 (2005). You may obtain a copy of ASTM-D6522-00 (2005) from at least one of the following addresses: American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106.

<sup>b</sup>You may obtain a copy of ASTM-D6348-03 from at least one of the following addresses: American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106.

[73 FR 3609, Jan. 18, 2008]

**Table 5 to Subpart ZZZZ of Part 63—Initial Compliance With Emission Limitations and Operating Limitations**

[As stated in §§63.6625 and 63.6630, you must initially comply with the emission and operating limitations as required by the following]

For each . . .	Complying with the requirement to . . .	You have demonstrated initial compliance if . . .
1. 2SLB and 4SLB stationary RICE and CI stationary RICE	a. Reduce CO emissions and using oxidation catalyst, and using a CPMS	i. the average reduction of emissions of CO determined from the initial performance test achieves the required CO percent reduction; and
		ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b); and
		iii. You have recorded the catalyst pressure drop and catalyst inlet

		temperature during the initial performance test.
2. 2SLB and 4SLB stationary RICE and CI stationary RICE	a. Reduce CO emissions and not using oxidation catalyst	i. The average reduction of emissions of CO determined from the initial performance test achieves the required CO percent reduction; and
		ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in §63.6625(b); and
		iii. You have recorded the approved operating parameters (if any) during the initial performance test.
3. 2SLB and 4SLB stationary RICE and CI stationary RICE	a. Reduce CO emissions, and using a CEMS	i. You have installed a CEMS to continuously monitor CO and either O <sub>2</sub> or CO <sub>2</sub> at both the inlet and outlet of the oxidation catalyst according to the requirements in §63.6625(a); and
		ii. You have conducted a performance evaluation of your CEMS using PS 3 and 4A of 40 CFR part 60, appendix B; and
		iii. The average reduction of CO calculated using §63.6620 equals or exceeds the required percent reduction. The initial test comprises the first 4-hour period after successful validation of the CEMS. Compliance is based on the average percent reduction achieved during the 4-hour period.
4. 4SRB stationary RICE	a. Reduce formaldehyde emissions and using NSCR	i. The average reduction of emissions of formaldehyde determined from the initial performance test is equal to or greater than the required formaldehyde percent reduction; and
		ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b); and
		iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
5. 4SRB stationary RICE	a. Reduce formaldehyde emissions and not using NSCR	i. The average reduction of emissions of formaldehyde determined from the initial performance test is equal to or greater than the required formaldehyde percent reduction; and
		ii. You have installed a CPMS to



		continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in §63.6625(b); and
		iii. You have recorded the approved operating parameters (if any) during the initial performance test.
6. Stationary RICE	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and using oxidation catalyst or NSCR	i. The average formaldehyde concentration, corrected to 15 percent O <sub>2</sub> , dry basis, from the three test runs is less than or equal to the formaldehyde emission limitation; and
		ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b); and
		iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
7. Stationary RICE	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and not using oxidation catalyst or NSCR	i. The average formaldehyde concentration, corrected to 15 percent O <sub>2</sub> , dry basis, from the three test runs is less than or equal to the formaldehyde emission limitation; and
		ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in §63.6625(b); and
		iii. You have recorded the approved operating parameters (if any) during the initial performance test.

**Table 6 to Subpart ZZZZ of Part 63—Continuous Compliance With Emission Limitations and Operating Limitations**

[As stated in §63.6640, you must continuously comply with the emissions and operating limitations as required by the following]

For each . . .	Complying with the requirement to . . .	You must demonstrate continuous compliance by . . .
1. 2SLB and 4SLB stationary RICE and CI stationary RICE	a. Reduce CO emissions and using an oxidation catalyst, and using a CPMS	i. Conducting semiannual performance tests for CO to demonstrate that the required CO percent reduction is achieved <sup>1</sup> ; and
		ii. Collecting the catalyst inlet temperature data according to §63.6625(b); and
		iii. Reducing these data to 4-hour

		rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
		v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
2. 2SLB and 4SLB stationary RICE and CI stationary RICE	a. Reduce CO emissions and not using an oxidation catalyst, and using a CPMS	i. Conducting semiannual performance tests for CO to demonstrate that the required CO percent reduction is achieved <sup>1</sup> ; and
		ii. Collecting the approved operating parameter (if any) data according to §63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
3. 2SLB and 4SLB stationary RICE and CI stationary RICE	a. Reduce CO emissions and using a CEMS	i. Collecting the monitoring data according to §63.6625(a), reducing the measurements to 1-hour averages, calculating the percent reduction of CO emissions according to §63.6620; and
		ii. Demonstrating that the catalyst achieves the required percent reduction of CO emissions over the 4-hour averaging period; and
		iii. Conducting an annual RATA of your CEMS using PS 3 and 4A of 40 CFR part 60, appendix B, as well as daily and periodic data quality checks in accordance with 40 CFR part 60, appendix F, procedure 1.
4. 4SRB stationary RICE	a. Reduce formaldehyde emissions and using NSCR	i. Collecting the catalyst inlet temperature data according to §63.6625(b); and
		ii. Reducing these data to 4-hour rolling averages; and
		iii. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and

		iv. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
5. 4SRB stationary RICE	a. Reduce formaldehyde emissions and not using NSCR	i. Collecting the approved operating parameter (if any) data according to §63.6625(b); and
		ii. reducing these data to 4-hour rolling averages;
		iii. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
6. 4SRB stationary RICE with a brake horsepower $\geq 5,000$	Reduce formaldehyde emissions	Conducting semiannual performance tests for formaldehyde to demonstrate that the required formaldehyde percent reduction is achieved <sup>1</sup> .
7. Stationary RICE	Limit the concentration of formaldehyde in the stationary RICE exhaust and using oxidation catalyst or NSCR	i. Conducting semiannual performance tests for formaldehyde to demonstrate that your emissions remain at or below the formaldehyde concentration limit <sup>1</sup> ; and
		ii. Collecting the catalyst inlet temperature data according to §63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
		v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
8. Stationary RICE	Limit the concentration of formaldehyde in the stationary RICE exhaust and not using oxidation catalyst or NSCR	i. Conducting semiannual performance tests for formaldehyde to demonstrate that your emissions remain at or below the formaldehyde concentration limit <sup>1</sup> ; and
		ii. Collecting the approved operating parameter (if any) data according to §63.6625(b); and

		ii. Reducing these data to 4-hour rolling averages; and
		iii. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.

<sup>1</sup>After you have demonstrated compliance for two consecutive tests, you may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent annual performance test indicate the stationary RICE is not in compliance with the CO or formaldehyde emission limitation, or you deviate from any of your operating limitations, you must resume semiannual performance tests.

**Table 7 to Subpart ZZZZ of Part 63—Requirements for Reports**

[As stated in §63.6650, you must comply with the following requirements for reports]

You must submit a (n)	The report must contain . . .	You must submit the report . . .
1. Compliance report	a. If there are no deviations from any emission limitations or operating limitations that apply to you, a statement that there were no deviations from the emission limitations or operating limitations during the reporting period. If there were no periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in §63.8(c)(7), a statement that there were not periods during which the CMS was out-of-control during the reporting period; or	i. Semiannually according to the requirements in §63.6650(b).
	b. If you had a deviation from any emission limitation or operating limitation during the reporting period, the information in §63.6650(d). If there were periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in §63.8(c)(7), the information in §63.6650(e); or	i. Semiannually according to the requirements in §63.6650(b).
	c. If you had a startup, shutdown or malfunction during the reporting period, the information in §63.10(d)(5)(i)	i. Semiannually according to the requirements in §63.6650(b).
2. An immediate startup, shutdown, and malfunction report if actions addressing the startup, shutdown, or malfunction were inconsistent with	a. Actions taken for the event; and	i. By fax or telephone within 2 working days after starting actions inconsistent with the plan.

your startup, shutdown, or malfunction plan during the reporting period		
	b. The information in §63.10(d)(5)(ii).	i. By letter within 7 working days after the end of the event unless you have made alternative arrangements with the permitting authorities. (§63.10(d)(5)(ii))
3. Report	a. The fuel flow rate of each fuel and the heating values that were used in your calculations, and you must demonstrate that the percentage of heat input provided by landfill gas or digester gas, is equivalent to 10 percent or more of the gross heat input on an annual basis; and	i. Annually, according to the requirements in §63.6650.
	b. The operating limits provided in your federally enforceable permit, and any deviations from these limits; and	i. See item 3.a.i.
	c. Any problems or errors suspected with the meters	i. See item 3.a.i.

**Table 8 to Subpart ZZZZ of Part 63—Applicability of General Provisions to Subpart ZZZZ**

[As stated in §63.6665, you must comply with the following applicable general provisions]

General provisions citation	Subject of citation	Applies to subpart	Explanation
§63.1	General applicability of the General Provisions	Yes	
§63.2	Definitions	Yes	Additional terms defined in §63.6675.
§63.3	Units and abbreviations	Yes	
§63.4	Prohibited activities and circumvention	Yes	
§63.5	Construction and reconstruction	Yes	
§63.6(a)	Applicability	Yes	
§63.6(b)(1)–(4)	Compliance dates for new and reconstructed sources	Yes	
§63.6(b)(5)	Notification	Yes	
§63.6(b)(6)	[Reserved]		
§63.6(b)(7)	Compliance dates for new and reconstructed area	Yes	

	sources that become major sources		
§63.6(c)(1)-(2)	Compliance dates for existing sources	Yes	
§63.6(c)(3)-(4)	[Reserved]		
§63.6(c)(5)	Compliance dates for existing area sources that become major sources	Yes	
§63.6(d)	[Reserved]		
§63.6(e)(1)	Operation and maintenance	Yes	
§63.6(e)(2)	[Reserved]		
§63.6(e)(3)	Startup, shutdown, and malfunction plan	Yes	
§63.6(f)(1)	Applicability of standards except during startup shutdown malfunction (SSM)	Yes	
§63.6(f)(2)	Methods for determining compliance	Yes	
§63.6(f)(3)	Finding of compliance	Yes	
§63.6(g)(1)-(3)	Use of alternate standard	Yes	
§63.6(h)	Opacity and visible emission standards	No	Subpart ZZZZ does not contain opacity or visible emission standards.
§63.6(i)	Compliance extension procedures and criteria	Yes	
§63.6(j)	Presidential compliance exemption	Yes	
§63.7(a)(1)-(2)	Performance test dates	Yes	Subpart ZZZZ contains performance test dates at §§63.6610 and 63.6611.
§63.7(a)(3)	CAA section 114 authority	Yes	
§63.7(b)(1)	Notification of performance test	Yes	
§63.7(b)(2)	Notification of rescheduling	Yes	
§63.7(c)	Quality assurance/test plan	Yes	
§63.7(d)	Testing facilities	Yes	
§63.7(e)(1)	Conditions for conducting performance tests	Yes	
§63.7(e)(2)	Conduct of performance tests and reduction of data	Yes	Subpart ZZZZ specifies test methods at §63.6620.
§63.7(e)(3)	Test run duration	Yes	
§63.7(e)(4)	Administrator may require other testing under section 114 of the CAA	Yes	
§63.7(f)	Alternative test method provisions	Yes	
§63.7(g)	Performance test data	Yes	

	analysis, recordkeeping, and reporting		
§63.7(h)	Waiver of tests	Yes	
§63.8(a)(1)	Applicability of monitoring requirements	Yes	Subpart ZZZZ contains specific requirements for monitoring at §63.6625.
§63.8(a)(2)	Performance specifications	Yes	
§63.8(a)(3)	[Reserved]		
§63.8(a)(4)	Monitoring for control devices	No	
§63.8(b)(1)	Monitoring	Yes	
§63.8(b)(2)-(3)	Multiple effluents and multiple monitoring systems	Yes	
§63.8(c)(1)	Monitoring system operation and maintenance	Yes	
§63.8(c)(1)(i)	Routine and predictable SSM	Yes	
§63.8(c)(1)(ii)	SSM not in Startup Shutdown Malfunction Plan	Yes	
§63.8(c)(1)(iii)	Compliance with operation and maintenance requirements	Yes	
§63.8(c)(2)-(3)	Monitoring system installation	Yes	
§63.8(c)(4)	Continuous monitoring system (CMS) requirements	Yes	Except that subpart ZZZZ does not require Continuous Opacity Monitoring System (COMS).
§63.8(c)(5)	COMS minimum procedures	No	Subpart ZZZZ does not require COMS.
§63.8(c)(6)-(8)	CMS requirements	Yes	Except that subpart ZZZZ does not require COMS.
§63.8(d)	CMS quality control	Yes	
§63.8(e)	CMS performance evaluation	Yes	Except for §63.8(e)(5)(ii), which applies to COMS.
§63.8(f)(1)-(5)	Alternative monitoring method	Yes	
§63.8(f)(6)	Alternative to relative accuracy test	Yes	
§63.8(g)	Data reduction	Yes	Except that provisions for COMS are not applicable. Averaging periods for demonstrating compliance are specified at §§63.6635 and 63.6640.
§63.9(a)	Applicability and State delegation of notification	Yes	

	requirements		
§63.9(b)(1)-(5)	Initial notifications	Yes	Except that §63.9(b)(3) is reserved.
§63.9(c)	Request for compliance extension	Yes	
§63.9(d)	Notification of special compliance requirements for new sources	Yes	
§63.9(e)	Notification of performance test	Yes	
§63.9(f)	Notification of visible emission (VE)/opacity test	No	Subpart ZZZZ does not contain opacity or VE standards.
§63.9(g)(1)	Notification of performance evaluation	Yes	
§63.9(g)(2)	Notification of use of COMS data	No	Subpart ZZZZ does not contain opacity or VE standards.
§63.9(g)(3)	Notification that criterion for alternative to RATA is exceeded	Yes	If alternative is in use.
§63.9(h)(1)-(6)	Notification of compliance status	Yes	Except that notifications for sources using a CEMS are due 30 days after completion of performance evaluations. §63.9(h)(4) is reserved.
§63.9(i)	Adjustment of submittal deadlines	Yes	
§63.9(j)	Change in previous information	Yes	
§63.10(a)	Administrative provisions for record keeping/reporting	Yes	
§63.10(b)(1)	Record retention	Yes	
§63.10(b)(2)(i)-(v)	Records related to SSM	Yes	
§63.10(b)(2)(vi)-(xi)	Records	Yes	
§63.10(b)(2)(xii)	Record when under waiver	Yes	
§63.10(b)(2)(xiii)	Records when using alternative to RATA	Yes	For CO standard if using RATA alternative.
§63.10(b)(2)(xiv)	Records of supporting documentation	Yes	
§63.10(b)(3)	Records of applicability determination	Yes	
§63.10(c)	Additional records for sources using CEMS	Yes	Except that §63.10(c)(2)-(4) and (9) are reserved.
§63.10(d)(1)	General reporting requirements	Yes	



§63.10(d)(2)	Report of performance test results	Yes	
§63.10(d)(3)	Reporting opacity or VE observations	No	Subpart ZZZZ does not contain opacity or VE standards.
§63.10(d)(4)	Progress reports	Yes	
§63.10(d)(5)	Startup, shutdown, and malfunction reports	Yes	
§63.10(e)(1) and (2)(i)	Additional CMS reports	Yes	
§63.10(e)(2)(ii)	COMS-related report	No	Subpart ZZZZ does not require COMS.
§63.10(e)(3)	Excess emission and parameter exceedances reports	Yes	Except that §63.10(e)(3)(i)(C) is reserved.
§63.10(e)(4)	Reporting COMS data	No	Subpart ZZZZ does not require COMS.
§63.10(f)	Waiver for recordkeeping/reporting	Yes	
§63.11	Flares	No	
§63.12	State authority and delegations	Yes	
§63.13	Addresses	Yes	
§63.14	Incorporation by reference	Yes	
§63.15	Availability of information	Yes	

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**CERTIFICATE OF SERVICE**

I, Pam Owen, hereby certify that a copy of this permit has been mailed by first class mail to Eco-Vista, LLC, 100 Two Pine Drive, North Little Rock, AR, 72117, on this 24<sup>th</sup> day of march, 2010.

Pam Owen  
Pam Owen, AAIL, Air Division

