



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

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www.deq.idaho.gov

Governor Brad Little  
Director John H. Tippets

April 26, 2019

Georgia Hanigan, Chairman Board of County Commissioners  
Clay Peak Municipal Solid Waste Landfill  
2560 Idaho State Highway 52  
Payette, ID 83661

RE: Facility ID No. 075-00009, Clay Peak Municipal Solid Waste Landfill, Payette  
Final Tier I Operating Permit letter

Dear Ms. Hanigan:

The Department of Environmental Quality (DEQ) is issuing Tier I Operating Permit No. T1-2018.0035 Project 62089 to Clay Peak Municipal Solid Waste Landfill located at 2560 Idaho State Highway 52 in accordance with IDAPA 58.01.01.300 through 386, Rules for the Control of Air Pollution in Idaho (Rules).

The enclosed permit is effective immediately, summarizes the applicable requirements for your facility, and requires an annual compliance certification for all emissions units. The enclosed operating permit is based on the information contained in your permit application received on July 18, 2018. Modifications to and/or renewal of this operating permit shall be requested in a timely manner in accordance with the Rules.

In order to fully understand the compliance requirements of this permit, DEQ highly recommends that you schedule a meeting with Tom Krinke, Air Quality Compliance Officer, at (208) 373-0419 to review and discuss the terms and conditions of this permit. Should you choose to schedule this meeting, DEQ recommends the following representatives attend the meeting: your facility's plant manager, responsible official, environmental contact, and any other staff responsible for day-to-day compliance with permit conditions.

Pursuant to IDAPA 58.01.23, you, as well as any other entity, may have the right to appeal this final agency action within 35 days of the date of this decision. However, prior to filing a petition for a contested case, I encourage you to call Morrie Lewis at (208) 373-0502 or [Morrie.Lewis@deq.idaho.gov](mailto:Morrie.Lewis@deq.idaho.gov) to address any questions or concerns you may have with the enclosed permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Simon".

Mike Simon  
Stationary Source Program Manager  
Air Quality Division

MSML

Permit No. T1-2018.0035 Project 62089

Enclosure

# Air Quality

## TIER I OPERATING PERMIT

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**Permittee** Clay Peak Municipal Solid Waste Landfill  
**Permit Number** T1-2018.0035  
**Project ID** 62089  
**Facility ID** 075-00009  
**Facility Location** 2560 Highway ID-52  
Payette, Idaho

### Permit Authority

This permit (a) is issued according to the "Rules for the Control of Air Pollution in Idaho" (Rules) (IDAPA 58.01.01.300–386) (b) incorporates all applicable terms and conditions of prior air quality permits issued by the Idaho Department of Environmental Quality (DEQ) for the permitted source, unless the permittee emits toxic pollutants subject to state-only requirements pursuant to IDAPA 58.01.01.210 and the permittee elects not to incorporate those terms and conditions into this operating permit.

The permittee shall comply with the terms and conditions of this permit. The effective date of this permit is the date of signature by DEQ on this cover page.

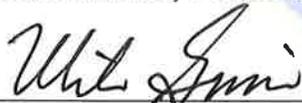
**Date Issued** April 26, 2019

**Date Expires** April 26, 2024



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Morrie Lewis, Permit Writer



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Mike Simon, Stationary Source Manager

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# 1 Acronyms, Units, and Chemical Nomenclature

ASTM	American Society for Testing and Materials
BHP	brake horsepower
Btu	British thermal unit
CAA	Clean Air Act
CEMS	continuous emission monitoring systems
cfm	cubic feet per minute
CFR	Code of Federal Regulations
CI	compression ignition
Clay Peak	Clay Peak Municipal Solid Waste Landfill
CMS	continuous monitoring systems
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
COMS	continuous opacity monitoring systems
cyl	cylinder
DEQ	Idaho Department of Environmental Quality
EPA	United States Environmental Protection Agency
H <sub>2</sub> S	hydrogen sulfide
HAP	hazardous air pollutants
ICE	internal combustion engines
IDAPA	a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act
lb/hr	pounds per hour
LFG	landfill gas
MMBtu	million British thermal units
MSW	municipal solid waste
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMOC	nonmethane organic compounds
NO <sub>2</sub>	nitrogen dioxide
NO <sub>x</sub>	nitrogen oxides
NSPS	New Source Performance Standards
O <sub>2</sub>	oxygen
O&M	operation and maintenance
PM	particulate matter
ppm	parts per million
ppmv	parts per million by volume
ppmw	parts per million by weight
PSD	Prevention of Significant Deterioration
PTC	permit to construct
RICE	reciprocating internal combustion engines
Rules	Rules for the Control of Air Pollution in Idaho
SO <sub>2</sub>	sulfur dioxide
SSM	startup, shutdown, and malfunction
T/yr	tons per consecutive 12-calendar-month period
T1	Tier I operating permit
ULSD	ultra low sulfur diesel
U.S.C.	United States Code
VOC	volatile organic compound
wt	weight

## 2 Permit Scope

### Purpose

- 2.1 This Tier I operating permit establishes facility-wide requirements in accordance with the Idaho State Implementation Plan control strategy and the Rules.
- 2.2 This Tier I operating permit incorporates the following permit:
- Permit to Construct No. P-2008.0078, issued August 24, 2018

### Regulated Sources

- 2.3 Table 2.1 lists all sources of regulated emissions in this permit.

Table 2.1 Regulated Sources

Permit Section	Source	Control Equipment
3, 4	<p><u>Municipal Waste Landfill – Cell #1</u></p> <p>Design capacity: 1.1 million megagrams (1.2 million tons, 2.6 million yd<sup>3</sup>)</p> <p>Status: Cell closed in 2010, constructed after 1992</p>	Reasonable controls for chipping, grinding, scraping, dozing, compacting, material transfer, and material drop activities, for storage piles, and for roadways
		<p><u>NW 1.1 Landfill Gas Flare</u></p> <p>Manufacturer: Landfill Services Corp.            Model: CF-5            Heat input capacity: 2.16 MMBtu/hr and 33 cfm            Fuel: LFG            Installation Date: 2001</p>
		<p><u>NW 1.2 Landfill Gas Flare</u></p> <p>Manufacturer: Landfill Services Corp.            Model: CF-5            Heat input capacity: 2.16 MMBtu/hr and 33 cfm            Fuel: LFG            Installation Date: 2004</p>
		<p><u>NE 1.1 Landfill Gas Flare</u></p> <p>Manufacturer: Landfill Services Corp.            Model: CF-5            Heat input capacity: 2.16 MMBtu/hr and 33 cfm            Fuel: LFG            Installation Date: 2001</p>
		<p><u>NE 1.2 Landfill Gas Flare</u></p> <p>Manufacturer: Landfill Services Corp.            Model: CF-5            Heat input capacity: 2.16 MMBtu/hr and 33 cfm            Fuel: LFG            Manufacture Date: 2005</p>
		<p><u>SW 1.1 Landfill Gas Flare</u></p> <p>Manufacturer: Landfill Services Corp.            Model: CF-5            Heat input capacity: 2.16 MMBtu/hr and 33 cfm            Fuel: LFG            Manufacture Date: 2007</p>

Permit Section	Source	Control Equipment
3, 4	<p><u>Municipal Waste Landfill – Cell #1</u></p> <p>Design capacity: 1.1 million megagrams (1.2 million tons, 2.6 million yd<sup>3</sup>)</p> <p>Status: Cell closed in 2010, constructed after 1992</p>	<p><u>SE 1.1 Landfill Gas Flare</u>  Manufacturer: Landfill Services Corp.  Model: CF-5  Heat input capacity: 2.16 MMBtu/hr and 33 cfm  Fuel: LFG  Manufacture Date: 2007</p> <hr/> <p><u>SE 1.2 Landfill Gas Flare</u>  Manufacturer: Landfill Services Corp.  Model: CF-5  Heat input capacity: 2.16 MMBtu/hr and 33 cfm  Fuel: LFG  Manufacture Date: 2008</p>
3, 4	<p><u>Municipal Waste Landfill – Cell #2</u></p> <p>Design capacity: 2.1 million megagrams (2.3 million tons, 5.3 million yd<sup>3</sup>)</p> <p>Status: Cell active and in operation</p>	<p>Reasonable controls for chipping, grinding, scraping, dozing, compacting, material transfer, and material drop activities, for storage piles, and for roadways</p> <hr/> <p><u>NW 2.1 Landfill Gas Flare</u>  Manufacturer: Landfill Services Corp.  Model: CF-5  Heat input capacity: 2.16 MMBtu/hr and 33 cfm  Fuel: LFG  Installation Date: 2018</p> <hr/> <p><u>NW 2.2 Landfill Gas Flare</u>  Manufacturer: Landfill Services Corp.  Model: CF-5  Heat input capacity: 2.16 MMBtu/hr and 33 cfm  Fuel: LFG  Installation Date: 2019</p> <hr/> <p><u>NW 2.3 Landfill Gas Flare</u>  Manufacturer: Landfill Services Corp.  Model: CF-5  Heat input capacity: 2.16 MMBtu/hr and 33 cfm  Fuel: LFG  Installation Date: 2020</p> <hr/> <p><u>NE 2.1 Landfill Gas Flare</u>  Manufacturer: Landfill Services Corp.  Model: CF-5  Heat input capacity: 2.16 MMBtu/hr and 33 cfm  Fuel: LFG  Installation Date: 2018</p> <hr/> <p><u>NE 2.2 Landfill Gas Flare</u>  Manufacturer: Landfill Services Corp.  Model: CF-5  Heat input capacity: 2.16 MMBtu/hr and 33 cfm  Fuel: LFG  Installation Date: 2019</p> <hr/> <p><u>NE 2.3 Landfill Gas Flare</u>  Manufacturer: Landfill Services Corp.  Model: CF-5  Heat input capacity: 2.16 MMBtu/hr and 33 cfm  Fuel: LFG  Installation Date: 2020</p>

Permit Section	Source	Control Equipment
3, 4	<u>Municipal Waste Landfill – Cell #3</u> Design capacity: 7.9 million megagrams (8.6 million tons, 19.9 million yd <sup>3</sup> ) Status: Cell inactive and not constructed	Reasonable controls for chipping, grinding, scraping, dozing, compacting, material transfer, and material drop activities, for storage piles, and for roadways
3, 5	<u>Tub Grinder</u> Manufacturer / model: Diamond Z 1248, Caterpillar C18 ACERT Manufacture date: 2014 Maximum capacity: 600 BHP 3.02 L/cyl Maximum operation: <150 hr/month <sup>(a)</sup> Fuel: ultra-low sulfur diesel (ULSD)	EPA Tier 4 technologies
3, 5	<u>Emergency Generator</u> Manufacturer / model: Onan 30 SK, Chrysler H225 4SLB Manufacture date: 1980s Maximum capacity: 145 BHP 0.62 L/cyl Maximum operation: <450 hr/month <sup>(a)</sup> Fuel: propane	None
3	<u>Three (3) Infrared Gas Heaters</u> Manufacturer: Space Ray Model: LTS 80 Manufacture date: 1993 Maximum capacity: 80,000 Btu/hr Fuel: natural gas/LPG	None
3	<u>Space Heater</u> Manufacturer: Clean Burn Model: CB 3250 Manufacture date: 1993 Maximum capacity: 300,000 Btu/hr Fuel: used oil	None

a) Engine monthly hours of operation are provided for informational purposes; these criteria are required for PTC permitting exemption in accordance with IDAPA 58.01.01.222.01.

### 3 Facility-Wide Conditions

#### Summary Description

The Clay Peak Municipal Solid Waste Landfill (Clay Peak) facility is located east of Payette, Idaho and employs an arid landfill design for municipal solid waste burial, with provisions to segregate and keep construction debris and compostable organic matter from being disposed of in the burial cells. Clay Peak was approved as a solid waste landfill in 1993 and has three landfill burial cells with an estimated design capacity of:

- Landfill Cell #1  $\approx$  1.2 million tons  $\approx$  2.6 million yd<sup>3</sup>  $\approx$  1.1 million megagrams (burial cell closed in 2010)
- Landfill Cell #2  $\approx$  2.3 million tons  $\approx$  5.3 million yd<sup>3</sup>  $\approx$  2.1 million megagrams (active and in operation)
- Landfill Cell #3  $\approx$  8.6 million tons  $\approx$  19.9 million yd<sup>3</sup>  $\approx$  7.9 million megagrams (inactive and not yet constructed)

Clay Peak's total design capacity is greater than 2.5 million megagrams, and is therefore subject to Tier I permitting requirements in accordance with 40 CFR 60.752(b) (NSPS Subpart WWW). At the time of permit issuance, the maximum projected nonmethane organic carbon (NMOC) emission rate from Cell #1 and Cell #2 (combined) is estimated at 15.8 megagrams per year in year 2039, assuming that Cell #2 closes in 2039. The landfill employs dry arid design requirements for landfill operations and final landfill cover construction, and does not include use of a bioreactor. Therefore based on design and projected emissions at the time of issuance, a landfill gas collection and treatment system (Permit Conditions 4.7 through 4.30) was not required under NSPS Subpart WWW or NESHAP Subpart AAAA.

Additionally, at the time of permit issuance Clay Peak's maximum annual hazardous air pollutant (HAP) facility-wide emission rates (including Cell #1 and Cell #2) were estimated at less than 1.2 tons per year for a single HAP (toluene) and less than 17.5 tons per year for total HAP (combined). Therefore at the time of issuance, Clay Peak is not a HAP major facility as defined in 40 CFR 63.2 because emissions are less than the regulatory action levels of 10 tons per year for a single HAP and 25 tons per year for total HAP.

Though not required for NSPS Subpart WWW compliance, Clay Peak has been proactive and installed a landfill gas collection and treatment system using solar-powered ignitors to combust landfill gas (LFG). At the time of permit issuance, this system is not required to meet and does not meet the design and construction requirements outlined in 40 CFR 60.18(b) (Permit Condition 3.27). However, visible emission and excess emissions requirements remain applicable to this system (Permit Conditions 3.7 through 3.9 and 3.10 through 3.14, respectively). More detailed discussion of the landfill gas flares installed by Clay Peak is provided in Section 4 of this permit.

Two stationary engines are located at Clay Peak that include 1) a diesel-fired tub grinder for mulching compost and 2) a propane-fired emergency generator used for site backup power during power outages and to power an overhead crane less than 50 hours per year (refer to Section 5 of this permit for additional information).

Table 3.1 contains a summary of requirements that apply generally to emissions units at the facility.

**Table 3.1 Applicable Requirements Summary**

<b>Permit Conditions</b>	<b>Parameter</b>	<b>Limit/Standard Summary</b>	<b>Applicable Requirements Reference</b>	<b>Monitoring, Recordkeeping, and Reporting Requirements</b>
3.1–3.4	Fugitive Emissions	Reasonable control	IDAPA 58.01.01.650–651	3.2–3.4, 3.21, 3.26
3.5–3.6	Odors	Reasonable control	IDAPA 58.01.01.775–776, P-2008.0078	3.6, 3.21, 3.26
3.7–3.9	Visible Emissions	20% opacity for no more than 3 minutes in any 60-minute period	IDAPA 58.01.01.625, P-2008.0078	3.8–3.9, 3.21, 3.26
3.10–3.14	Excess Emissions	Compliance with IDAPA 58.01.01.130-136	IDAPA 58.01.01.130–136	3.10–3.14, 3.21, 3.26
3.15–3.16	Sulfur Content	ASTM grade No. 1 fuel oil $\leq$ 0.3% by wt ASTM grade No. 2 fuel oil $\leq$ 0.5% by wt	IDAPA 58.01.01.725	3.16, 3.21, 3.26
3.17	Open Burning	Compliance with IDAPA 58.01.01.600-623	IDAPA 58.01.01.600–623	3.17, 3.21, 3.26
3.18	Asbestos	Compliance with 40 CFR 61, Subpart M	40 CFR 61, Subpart M	3.18, 3.21, 3.26
3.19	Accidental Release Prevention	Compliance with 40 CFR 68	40 CFR 68	3.19, 3.21, 3.26
3.20	Recycling and Emissions Reductions	Compliance with 40 CFR 82, Subpart F	40 CFR 82, Subpart F	3.20, 3.21, 3.26
3.21	Monitoring and Recordkeeping	Maintenance of required records	IDAPA 58.01.01.322.06	3.21, 3.26
3.22–3.25	Testing	Compliance testing	IDAPA 58.01.01.157	3.22–3.25, 3.21, 3.26
3.26	Reports and Certifications	Submittal of required reports, notifications, and certifications	IDAPA 58.01.01.322.08	3.26
3.27–3.29	Incorporation of Federal Requirements (NSPS/NESHAP)	Compliance with applicable federal requirements referenced	IDAPA 58.01.01.107, P-2008.0078	3.27–3.29, 3.21, 3.26

## **Fugitive Dust**

- 3.1 All reasonable precautions shall be taken to prevent particulate matter (PM) from becoming airborne in accordance with IDAPA 58.01.01.650–651.  
[IDAPA 58.01.01.650–651, 4/11/15]
- 3.2 The permittee shall monitor and maintain records of the frequency and the method(s) used (e.g., water, chemical dust suppressants) to reasonably control fugitive emissions.  
[IDAPA 58.01.01.322.06, 07, 5/1/94]
- 3.3 The permittee shall maintain records of all fugitive dust complaints received. The permittee shall take appropriate corrective action as expeditiously as practicable after receiving of a valid complaint. The records shall include, at a minimum, the date that each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.  
[IDAPA 58.01.01.322.06, 07, 5/1/94]
- 3.4 The permittee shall conduct a monthly facility-wide inspection of potential sources of fugitive emissions during daylight hours and under normal operating conditions to ensure that the methods used to reasonably control fugitive emissions are effective. If fugitive emissions are not being reasonably controlled, the permittee shall take corrective action as expeditiously as practicable. The permittee shall maintain records of the results of each fugitive emissions inspection. The records shall include, at a minimum, the date of each inspection and a description of the following: the permittee's assessment of the conditions existing at the time fugitive emissions were present (if observed), any corrective action taken in response to the fugitive emissions, and the date the corrective action was taken.  
[IDAPA 58.01.01.322.06, 07, 5/1/94]

## **Odors**

- 3.5 The permittee shall not allow, suffer, cause, or permit the emission of odorous gases, liquids, or solids to the atmosphere in such quantities as to cause air pollution.  
[IDAPA 58.01.01.775–776 (State Only), 5/1/94; PTC No. P-2008.0078, 8/24/18]
- 3.6 The permittee shall maintain records of all odor complaints received. If the complaint has merit, the permittee shall take appropriate corrective action as expeditiously as practicable. The records shall include, at a minimum, the date that each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.  
[IDAPA 58.01.01.322.06, 07 (State Only), 5/1/94; PTC No. P-2008.0078, 8/24/18]

## **Visible Emissions**

- 3.7 The permittee shall not discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by procedures contained in IDAPA 58.01.01.625. These provisions shall not apply when the presence of uncombined water, NO<sub>x</sub>, and/or chlorine gas is the only reason for the failure of the emission to comply with the requirements of this section.  
[IDAPA 58.01.01.625, 5/8/09; PTC No. P-2008.0078, 8/24/18]

**3.8** The permittee shall conduct a quarterly facility-wide inspection of potential sources of visible emissions, during daylight hours and under normal operating conditions. Sources that are monitored using a continuous opacity monitoring system (COMS) are not required to comply with this permit condition. The inspection shall consist of a see/no see evaluation for each potential source of visible emissions. If any visible emissions are present from any point of emission, the permittee shall either:

a) Take appropriate corrective action as expeditiously as practicable to eliminate the visible emissions. Within 24 hours of the initial see/no see evaluation and after the corrective action, the permittee shall conduct a see/no see evaluation of the emissions point in question. If the visible emissions are not eliminated, the permittee shall comply with b).

or

b) Perform a Method 9 opacity test in accordance with the procedures outlined in IDAPA 58.01.01.625. A minimum of 30 observations shall be recorded when conducting the opacity test. If opacity is greater than 20%, as measured using Method 9, for a period or periods aggregating more than three minutes in any 60-minute period, the permittee shall take all necessary corrective actions and report the period or periods as an excess emission in the annual compliance certification and in accordance with IDAPA 58.01.01.130–136.

[IDAPA 58.01.01.322.06, 5/1/94; PTC No. P-2008.0078, 8/24/18]

**3.9** The permittee shall maintain records of the results of each visible emission inspection and each opacity test when conducted. The records shall include, at a minimum, the date and results of each inspection and test and a description of the following: the permittee's assessment of the conditions existing at the time visible emissions are present (if observed), any corrective action taken in response to the visible emissions, and the date corrective action was taken.

[IDAPA 58.01.01.322.07, 5/1/94; PTC No. P-2008.0078, 8/24/18]

## **Excess Emissions**

### ***Excess Emissions-General***

**3.10** The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130–136 for excess emissions. The provisions of IDAPA 58.01.01.130–136 shall govern in the event of conflicts between the excess emissions facility-wide conditions and the regulations of IDAPA 58.01.01.130–136.

During an excess emissions event, the permittee shall, with all practicable speed, initiate and complete appropriate and reasonable action to correct the conditions causing the excess emissions event; to reduce the frequency of occurrence of such events; to minimize the amount by which the emission standard is exceeded; and shall, as provided below or upon request of DEQ, submit a full report of such occurrence, including a statement of all known causes, and of the scheduling and nature of the actions to be taken.

[IDAPA 58.01.01.132, 4/5/00]

### ***Excess Emissions-Startup, Shutdown, and Scheduled Maintenance***

**3.11** In all cases where startup, shutdown, or scheduled maintenance of any equipment or emission unit is expected to result or results in an excess emissions event, the permittee shall demonstrate compliance with IDAPA 58.01.01.133.01(a) through (d), including, but not limited to, the following:

- Prohibiting any scheduled startup, shutdown, or maintenance resulting in excess emissions shall occur during any period in which an Atmospheric Stagnation Advisory or a Wood Stove Curtailment Advisory has been declared by DEQ.
- Notifying DEQ of the excess emissions event as soon as reasonably possible, but no later than two hours prior to, the start of the event, unless the permittee demonstrates to DEQ's satisfaction that a shorter advance notice was necessary.
- Reporting and recording the information required pursuant to the excess emissions reporting and recordkeeping requirements and IDAPA 58.01.01.135 and 136 for each excess emissions event due to startup, shutdown, or scheduled maintenance.

[IDAPA 58.01.01.133, 4/11/06]

### ***Excess Emissions-Upset, Breakdown, or Safety Measures***

**3.12** In all cases where upset or breakdown of equipment or an emissions unit, or the initiation of safety measures, results or may result in an excess emissions event, the permittee shall demonstrate compliance with IDAPA 58.01.01.134.01(a) and (b) and the following:

- Immediately undertake all appropriate measures to reduce and, to the extent possible, eliminate excess emissions resulting from the event and to minimize the impact of such excess emissions on the ambient air quality and public health.
- Notify DEQ of any upset, breakdown, or safety event that results in excess emissions. Such notification shall identify the time, specific location, equipment or emissions unit involved, and (to the extent known) the cause(s) of the occurrence. The notification shall be given as soon as reasonably possible, but no later than 24 hours after the event, unless the permittee demonstrates to DEQ's satisfaction that the longer reporting period was necessary.
- Report and record the information required pursuant to the excess emissions reporting and recordkeeping facility-wide conditions and IDAPA 58.01.01.135 and 136 for each excess emissions event caused by an upset, breakdown, or safety measure.
- During any period of excess emissions caused by upset, breakdown, or operation under facility safety measures, DEQ may require the permittee to immediately reduce or cease operation of the equipment or emissions unit causing the period until such time as the condition causing the excess has been corrected or brought under control. Such action by DEQ shall be taken upon consideration of the factors listed in IDAPA 58.01.01.134.03 and after consultation with the permittee.

[IDAPA 58.01.01.134, 4/11/06]

### ***Excess Emissions-Reporting and Recordkeeping***

**3.13** The permittee shall submit a written report to DEQ for each excess emissions event, no later than 15 days after the beginning of such an event. Each report shall contain the information specified in IDAPA 58.01.01.135.02.

[IDAPA 58.01.01.135, 4/11/06]

**3.14** The permittee shall maintain excess emissions records at the facility for the most recent five calendar-year period. The excess emissions records shall be made available to DEQ upon request and shall include the information requested by IDAPA 58.01.01.136.03(a) and (b) as summarized in the following:

- An excess emissions log book for each emissions unit or piece of equipment containing copies of all reports that have been submitted to DEQ pursuant to IDAPA 58.01.01.135 for the particular emissions unit or equipment; and
- Copies of all startup, shutdown, and scheduled maintenance procedures and upset, breakdown, or safety preventative maintenance plans that have been developed by the permittee in accordance with IDAPA 58.01.01.133 and 134, and facility records as necessary to demonstrate compliance with such procedures and plans.

[IDAPA 58.01.01.136, 4/5/00]

### **Sulfur Content**

**3.15** The permittee shall not sell, distribute, use, or make available for use any of the following:

- Distillate fuel oil containing more than the following percentages of sulfur:
  - ASTM Grade 1 fuel oil, 0.3% by weight
  - ASTM Grade 2 fuel oil, 0.5% by weight
- Coal containing greater than 1.0% sulfur by weight
- DEQ may approve an exemption from these fuel sulfur content requirements (IDAPA 58.01.01.725.01–725.04) if the permittee demonstrates that, through control measures or other means, SO<sub>2</sub> emissions are equal to or less than those resulting from the combustion of fuels complying with these limitations.

[IDAPA 58.01.01.725, 4/11/15]

**3.16** The permittee shall maintain documentation of supplier verification of distillate fuel oil sulfur content on an as received basis.

[IDAPA 58.01.01.322.07, 5/1/94]

### **Open Burning**

**3.17** The permittee shall comply with the “Rules for Control of Open Burning” (IDAPA 58.01.01.600–624).

[IDAPA 58.01.01.600–624, 3/28/18]

### **Asbestos**

**3.18** NESHAP 40 CFR 61, Subpart M—National Emission Standard for Asbestos

The permittee shall comply with all applicable requirements of 40 CFR 61, Subpart M—“National Emission Standard for Asbestos.”

[40 CFR 61, Subpart M]

## Accidental Release Prevention

**3.19** A permittee of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, shall comply with the requirements of the “Chemical Accident Prevention Provisions” at 40 CFR 68 no later than the latest of the following dates:

- Three years after the date on which a regulated substance present above a threshold quantity is first listed under 40 CFR 68.130.
- The date on which a regulated substance is first present above a threshold quantity in a process.

[40 CFR 68.10(a)]

## Recycling and Emissions Reductions

### **3.20 40 CFR 82—Protection of Stratospheric Ozone**

The permittee shall comply with applicable standards for recycling and emissions reduction of refrigerants and their substitutes pursuant to 40 CFR 82, Subpart F, “Recycling and Emissions Reduction.”

[40 CFR 82, Subpart F]

## Monitoring and Recordkeeping

**3.21** The permittee shall maintain sufficient records to ensure compliance with all of the terms and conditions of this operating permit. Monitoring records shall include, but not be limited to, the following: (a) the date, place, and times of sampling or measurements; (b) the date analyses were performed; (c) the company or entity that performed 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. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to DEQ representatives upon request.

[IDAPA 58.01.01.322.06, 07, 5/1/94]

## Performance Testing

**3.22** If performance testing is required, the permittee shall provide notice of intent to test to DEQ at least 15 days prior to the scheduled test or shorter time period as provided in a permit, order, consent decree, or by DEQ approval. DEQ may, at its option, have an observer present at any emissions tests conducted on a source. DEQ requests such testing not be performed on weekends or state holidays.

**3.23** All testing shall be conducted in accordance with the procedures in IDAPA 58.01.01.157. Without prior DEQ approval, any alternative testing is conducted solely at the permittee’s risk. If the permittee fails to obtain prior written approval by DEQ for any testing deviations, DEQ may determine that the testing does not satisfy the testing requirements. Therefore, prior to conducting any performance test, the permittee is encouraged to submit in writing to DEQ, at least 30 days in advance, the following for approval:

- The type of method to be used.
- Any extenuating or unusual circumstances regarding the proposed test.

- The proposed schedule for conducting and reporting the test.

[IDAPA 58.01.01.157, 4/11/15; IDAPA 58.01.01.322.06, 08.a, 09, 4/5/00]

- 3.24** Within 60 days following the date in which a performance test required by this permit is concluded, the permittee shall submit to DEQ a performance test report. The report shall include a description of the process, identification of the test method(s) used, equipment used, all process operating data collected during the test period, and test results, as well as raw test data and associated documentation, including any approved test protocol.

[IDAPA 58.01.01.157.04, 4/11/15; IDAPA 58.01.01.322.08.a, 09, 5/1/94]

- 3.25** The proposed test date(s), test date rescheduling notice(s), compliance test report, and all other correspondence shall be sent to the DEQ address specified in the “Reports and Certifications” facility-wide condition.

[IDAPA 58.01.01.157, 4/11/15; IDAPA 58.01.01.322.06, 08.a, 09, 4/5/00]

### **Reports and Certifications**

- 3.26** All periodic reports and certifications required by this permit shall be submitted to DEQ within 30 days of the end of each specified reporting period. Excess emissions reports and notifications shall be submitted in accordance with IDAPA 58.01.01.130–136. Reports, certifications, and notifications shall be submitted to:

Air Quality Permit Compliance  
Department of Environmental Quality  
Boise Regional Office  
1445 N. Orchard  
Boise, ID 83706

Phone: (208) 208-373-0550

Fax: (208) 208-373-0287

The periodic compliance certification required in the general provisions shall also be submitted within 30 days of the end of the specified reporting period to:

Part 70 Operating Permit Program  
U.S. EPA Region 10, Mail Stop: OAW-150  
1200 Sixth Ave., Suite 155  
Seattle, WA 98101

[IDAPA 58.01.01.322.08, 11, 4/5/00]

## NSPS/NESHAP General Provisions

### 3.27 NSPS 40 CFR 60, Subpart A – General Provisions

The permittee shall comply with the applicable requirements of 40 CFR 60, Subpart A – General Provisions in accordance with 40 CFR 60.1. A summary of requirements for affected facilities is provided in Table 3.2.

Table 3.2 NSPS 40 CFR 60, Subpart A - Summary of General Provisions

Section	Subject	Summary of Section Requirements
60.4	Address	<ul style="list-style-type: none"> <li>DEQ is delegated these Subparts and all requests, reports, applications, submittals, and other communications associated with 40 CFR 60 Subparts A, WWW, and IIII shall be submitted to:            Department of Environmental Quality            Boise Regional Office            1445 N. Orchard            Boise, ID 83706</li> </ul>
60.7(a), (b), and (f)	Notification and Recordkeeping	<ul style="list-style-type: none"> <li>Notification shall be furnished of commencement of construction postmarked no later than 30 days of such date.</li> <li>Notification shall be furnished of initial startup postmarked within 15 days of such date.</li> <li>Notification shall be furnished of any physical or operational change that may increase emissions postmarked 60 days before the change is made.</li> <li>Records shall be maintained of the occurrence and duration of any startup, shutdown or malfunction; any malfunction of the air pollution control equipment; or any periods during which a CMS or monitoring device is inoperative.</li> <li>Records shall be maintained, in a permanent form suitable for inspection, of all measurements, performance testing measurements, calibration checks, adjustments and maintenance performed, and other required information. Records shall be maintained for a period of two years following the date of such measurements, maintenance, reports, and records.</li> </ul>
60.8	Performance Tests	<ul style="list-style-type: none"> <li>At least 30 days prior notice of any performance test shall be provided to afford the opportunity to have an observer to be present.</li> <li>Within 60 days of achieving the maximum production rate, but not later 180 days after initial startup, performance test(s) shall be conducted and a written report of the results of such test(s) furnished.</li> <li>Performance testing facilities shall be provided as follows:           <ul style="list-style-type: none"> <li>Sampling ports adequate for test methods applicable to such facility.</li> <li>Safe sampling platform(s).</li> <li>Safe access to sampling platform(s).</li> <li>Utilities for sampling and testing equipment.</li> </ul> </li> <li>Performance tests shall be conducted and data reduced in accordance with 40 CFR 60.8(b), (c), and (f)</li> </ul>
60.11(a), (d), (f), and (g)	Compliance with Standards and Maintenance Requirements	<ul style="list-style-type: none"> <li><i>Table 8 to NSPS Subpart IIII specifies that 40 CFR 60.11 requirements are not applicable to sources regulated only by Subpart IIII.</i></li> <li>When performance tests are required, compliance with standards is determined by methods and procedures established by 40 CFR 60.8.</li> <li>At all times, including periods of startup, shutdown, and malfunction, the owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.</li> <li>For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.</li> </ul>

**Table 3.2 NSPS 40 CFR 60, Subpart A - Summary of General Provisions**

Section	Subject	Summary of Section Requirements
60.11(b), (c), and (e)	Compliance with Standards and Maintenance Requirements (Opacity)	<ul style="list-style-type: none"> <li>• <i>Table 8 to NSPS Subpart IIII specifies that 40 CFR 60.11 requirements are not applicable to sources regulated only by Subpart IIII.</i></li> <li>• Compliance with opacity standards shall be determined by Method 9 in Appendix A of 40 CFR 60. The permittee may elect to use COM measurements in lieu of Method 9, provided notification is made at least 30 days before the performance test.</li> <li>• The opacity standards shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided.</li> <li>• Opacity observations shall be conducted concurrently with the initial performance test required in 40 CFR 60.8 in accordance with the requirements and exceptions in 40 CFR 60.11(e).</li> </ul>
60.12	Circumvention	<ul style="list-style-type: none"> <li>• No permittee shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard.</li> </ul>
60.13	Monitoring Requirements (CMS)	<ul style="list-style-type: none"> <li>• All CMS and monitoring devices shall be installed and operational prior to conducting performance tests required by 40 CFR 60.8.</li> <li>• A performance evaluation of the COMS or CEMS shall be conducted before or during any performance test and a written report of the results of the performance evaluation furnished. Reporting requirements include submitting performance evaluations reports within 60 days of the evaluations required by this section, and submitting results of the performance evaluations for the COM within 10 days before a performance test, if using a COM to determine compliance with opacity during a performance test instead of Method 9.</li> <li>• The zero and span calibration drifts must be checked at least once daily and adjusted in accordance with the requirements in 40 CFR 60.13(d).</li> <li>• The zero and upscale (span) calibration drifts of a COMS must be automatically, intrinsic to the opacity monitor, checked at least once daily.</li> <li>• Except for system breakdowns, repairs, calibration checks, and zero and span adjustments, all CMS shall be in continuous operation and shall meet minimum frequency of operation requirements as specified in 40 CFR 60.13(e).</li> <li>• All CMS or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. CMS shall be located and installed in accordance with the requirements in 40 CFR 60.13(f) and (g).</li> <li>• Data shall be reduced and computed in accordance with the procedures in 40 CFR 60.13(h), (i), and (j).</li> </ul>
60.14	Modification	<ul style="list-style-type: none"> <li>• A physical or operational change which results in an increase in the emission rate to the atmosphere or any pollutant to which a standard applies shall be considered a modification, and upon modification an existing facility shall become an affected facility in accordance with the requirements and exemptions in 40 CFR 60.14.</li> <li>• Within 180 days of the completion of any physical or operational change, compliance with all applicable standards must be achieved.</li> </ul>
60.15	Reconstruction	<ul style="list-style-type: none"> <li>• An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate in accordance with the requirements of 40 CFR 60.15.</li> </ul>
60.18	General Control Device Requirements	<ul style="list-style-type: none"> <li>• <i>Table 8 to NSPS Subpart IIII specifies that 40 CFR 60.18 requirements are not applicable to sources regulated only by Subpart IIII.</i></li> <li>• <i>Pursuant to 40 CFR 60.752(b)(2) (Permit Condition 4.7), flares that are not used to comply with the control requirements of Subpart WWW (or other applicable NSPS) are not required to meet the requirements of 40 CFR 60.18.</i></li> <li>• Flares shall be designed for and operated with no visible emissions as determined by the methods specified in 40 CFR 60.18(f), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.</li> <li>• Flares shall be operated with a flame present at all times, as determined by the methods specified in 40 CFR 60.18(f).</li> <li>• The permittee shall adhere to either the heat content specifications in paragraph 40 CFR 60.18(c)(3)(ii) and the maximum tip velocity specifications in 40 CFR 60.18(c)(4), or the requirements in 40 CFR 60.18(c)(3)(i).</li> <li>• Flares shall be steam-assisted, air-assisted, or nonassisted.</li> <li>• The permittee shall monitor flare control devices to ensure that they are operated and maintained in conformance with their designs.</li> <li>• Flares shall be operated at all times when emissions may be vented to them.</li> </ul>

[40 CFR 60, Subpart A; 40 CFR 60.4218]

### 3.28 NESHAP 40 CFR 63, Subpart A – General Provisions

The permittee shall comply with the requirements of 40 CFR 63, Subpart A—“General Provisions.” A summary of applicable requirements for affected sources is provided in Table 3.3.

**Table 3.3 NSPS 40 CFR 63, Subpart A – Summary of General Provisions for Affected Sources**

Section	Subject	Summary of Section Requirements
63.13	Address	<ul style="list-style-type: none"> <li>DEQ is delegated these Subparts and all requests, reports, applications, submittals, and other communications associated with 40 CFR 63 Subparts A, AAAA, and ZZZZ shall be submitted to: Department of Environmental Quality Boise Regional Office 1445 N. Orchard Boise, ID 83706</li> </ul>
63.4(a)	Prohibited Activities	<ul style="list-style-type: none"> <li>No permittee must operate any affected source in violation of the requirements of 40 CFR 63 in accordance with 40 CFR 63.4(a). No permittee subject to the provisions of this part shall fail to keep records, notify, report, or revise reports as required under this part.</li> </ul>
63.4(b)	Circumvention/ Fragmentation	<ul style="list-style-type: none"> <li>No permittee shall build, erect, install or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard.</li> <li>Fragmentation which divides ownership of an operation, within the same facility among various owners where there is no real change in control, will not affect applicability in accordance with 40 CFR 63.4(c).</li> </ul>
63.6(b) and (c)	Compliance Dates	<ul style="list-style-type: none"> <li>The permittee of any new or reconstructed source must comply with the relevant standard as specified in 40 CFR 63.6(b).               <ul style="list-style-type: none"> <li>The permittee of a source that has an initial startup before the effective date of a relevant standard must comply not later than the standard’s effective date in accordance with 40 CFR 63.6(b)(1).</li> <li>The permittee of a source that has an initial startup after the effective date of a relevant standard must comply upon startup of the source in accordance with 40 CFR 63.6(b)(2).</li> </ul> </li> <li>The permittee of any existing sources must comply with the relevant standard by the compliance date established in the applicable subpart or as specified in 40 CFR 63.6(c). The permittee of an area source that increases its emissions of hazardous air pollutants such that the source becomes a major source shall be subject to relevant standards for existing sources in accordance with 40 CFR 63.6(c)(5).</li> </ul>
63.7	Performance Testing Requirements	<ul style="list-style-type: none"> <li>If required to do performance testing, the permittee must perform such tests within 180 days of the compliance date in accordance with 40 CFR 63.7(a).</li> <li>The permittee must notify in writing of the intention to conduct a performance test at least 60 calendar days before the performance test is initially scheduled to begin to allow review of the site-specific test plan and to have an observer present during the test in accordance with 40 CFR 63.7(b).</li> <li>Before conducting a required performance test, the permittee shall develop and, if requested, shall submit a site-specific test plan for approval in accordance with 40 CFR 63.7(c). The test plan shall include a test program summary, the test schedule, data quality objectives, and both an internal and external quality assurance (QA) program.</li> <li>If required to do performance testing, the permittee shall provide performance testing facilities in accordance with 40 CFR 63.7(d):               <ul style="list-style-type: none"> <li>Sampling ports adequate for test methods applicable to such source.</li> <li>Safe sampling platform(s);</li> <li>Safe access to sampling platform(s);</li> <li>Utilities for sampling and testing equipment; and</li> <li>Any other facilities deemed necessary for safe and adequate testing of a source.</li> </ul> </li> <li>Performance tests shall be conducted and data reduced in accordance with 40 CFR 63.7(e) and (f).</li> <li>The permittee shall report the results of the performance test before the close of business on the 60th day following the completion of the test, unless specified or approved otherwise in accordance with 40 CFR 63.7(g).</li> </ul>

**Table 3.3 NSPS 40 CFR 63, Subpart A – Summary of General Provisions for Affected Sources**

Section	Subject	Summary of Section Requirements
63.9	Notification Requirements	<ul style="list-style-type: none"> <li>• The permittee of an affected source that has an initial startup before the effective date of a relevant standard shall notify in writing that the source is subject to the relevant standard, in accordance with 40 CFR 63.9(b)(2). The notification, which shall be submitted not later than 120 calendar days after the effective date of the relevant standard (or within 120 calendar days after the source becomes subject to the relevant standard), shall provide the following information:               <ul style="list-style-type: none"> <li>◦ The name and address of the permittee;</li> <li>◦ The address (i.e., physical location) of the affected source;</li> <li>◦ An identification of the relevant standard, or other requirement, that is the basis of the notification and the source’s compliance date;</li> <li>◦ A brief description of the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted; and</li> <li>◦ A statement of whether the affected source is a major source or an area source.</li> </ul> </li> <li>• The permittee of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required must provide the following information in writing in accordance with 40 CFR 63.9(b)(4):               <ul style="list-style-type: none"> <li>◦ A notification of intention to construct a new major-emitting affected source, reconstruct a major-emitting affected source, or reconstruct a major source such that the source becomes a major-emitting affected source; and</li> <li>◦ A notification of the actual date of startup of the source delivered or postmarked within 15 calendar days after that date.</li> </ul> </li> <li>• The permittee of a new or reconstructed affected source for which an application for approval of construction or reconstruction is not required must provide the following information in writing in accordance with 40 CFR 63.9(b)(5):               <ul style="list-style-type: none"> <li>◦ A notification of intention to construct a new affected source, reconstruct an affected source, or reconstruct a source such that the source becomes an affected source, and</li> <li>◦ A notification of the actual date of startup of the source delivered or postmarked within 15 calendar days after that date.</li> <li>◦ Unless the permittee has requested and received prior permission, the notification must include the information required in the application for approval of construction or reconstruction as specified in 40 CFR 63.5(d)(1).</li> </ul> </li> <li>• The permittee shall notify in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the opportunity to review and approve the site-specific test plan required by 40 CFR 63.7(c), and to have an observer present during the test.</li> <li>• The permittee of an affected source shall notify in writing of the anticipated date for conducting the opacity or visible emission observations in accordance with 40 CFR 63.9(f), if such observations are required.</li> </ul>

Table 3.3 NSPS 40 CFR 63, Subpart A – Summary of General Provisions for Affected Sources

Section	Subject	Summary of Section Requirements
63.9	Notification Requirements (continued)	<ul style="list-style-type: none"> <li>• 40 CFR 63.6645 specifies notification requirements for NESHAP Subpart ZZZZ.</li> <li>• Each time a notification of compliance status is required under this part, the permittee of such source shall submit a notification of compliance status in accordance with 40 CFR 63.9(h)(2)(i). The notification shall list:               <ul style="list-style-type: none"> <li>◦ The methods that were used to determine compliance;</li> <li>◦ The results of any performance tests, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted;</li> <li>◦ The methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods;</li> <li>◦ The type and quantity of hazardous air pollutants emitted by the source (or surrogate pollutants if specified in the relevant standard), reported in units and averaging times and in accordance with the test methods specified in the relevant standard;</li> <li>◦ If the relevant standard applies to both major and area sources, an analysis demonstrating whether the affected source is a major source (using the emissions data generated for this notification);</li> <li>◦ A description of the air pollution control equipment (or method) for each emission point, including each control device (or method) for each hazardous air pollutant and the control efficiency (percent) for each control device (or method); and</li> <li>◦ A statement by the permittee of the affected existing, new, or reconstructed source as to whether the source has complied with the relevant standard or other requirements.</li> </ul> </li> <li>• The notification must be sent before the close of business on the 60th day following the completion of the relevant compliance demonstration activity specified in the relevant standard unless otherwise specified in accordance with 40 CFR 63.9(h)(2)(ii). If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with a standard, the notification shall be sent before close of business on the 30th day following the completion of the observations.</li> <li>• Each time a notification of compliance status is required under this part, the permittee of such source shall submit the notification of compliance status following completion of the relevant compliance demonstration activity specified.</li> <li>• If a permittee submits estimates or preliminary information in an application in place of the actual emissions data or control efficiencies, the permittee shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this section in accordance with 40 CFR 63.9(h)(5).</li> <li>• Any change in the information already provided under this section shall be provided in writing within 15 calendar days after the change in accordance with 40 CFR 63.9(j).</li> </ul>

Table 3.3 NSPS 40 CFR 63, Subpart A – Summary of General Provisions for Affected Sources

Section	Subject	Summary of Section Requirements
63.10	Recordkeeping and Reporting Requirements	<ul style="list-style-type: none"> <li>• <i>Additional requirements are specified in 40 CFR 63.6655 and 40 CFR 63.6650 for NESHAP Subpart ZZZZ.</i></li> <li>• The permittee shall maintain files of all required information recorded in a form suitable and readily available for expeditious inspection and review in accordance with 40 CFR 63.10(b)(1). The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site.</li> <li>• The permittee shall maintain relevant records of the following in accordance with 40 CFR 63.10(b)(2);             <ul style="list-style-type: none"> <li>◦ The occurrence and duration of each startup or shutdown when the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards;</li> <li>◦ The occurrence and duration of each malfunction of operation or the required air pollution control and monitoring equipment;</li> <li>◦ All required maintenance performed on the air pollution control and monitoring equipment;</li> <li>◦ Actions taken during periods of startup or shutdown when the source exceeded applicable emission limitations in a relevant standard and when the actions taken are different from the procedures specified in the affected source’s SSM plan; or</li> <li>◦ Actions taken during periods of malfunction when the actions taken are different from the procedures specified in the affected source’s SSM plan;</li> <li>◦ All information necessary, including actions taken, to demonstrate conformance with the affected source’s startup, shutdown, and malfunction plan (see 40 CFR 63.6(e)(3)) when all actions taken during periods of startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), and malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) are consistent with the procedures specified in such plan. (The information needed to demonstrate conformance with the startup, shutdown, and malfunction plan may be recorded using a “checklist,” or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events);</li> <li>◦ Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);</li> <li>◦ All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report);</li> <li>◦ All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;</li> <li>◦ All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;</li> <li>◦ All CMS calibration checks;</li> <li>◦ All adjustments and maintenance performed on CMS;</li> <li>◦ All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under 40 CFR 63.8(f)(6); and</li> <li>◦ All documentation supporting initial notifications and notifications of compliance status under 40 CFR 63.9.</li> </ul> </li> <li>• If an permittee determines that his or her stationary source that emits one or more HAP, and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to a relevant standard because of limitations on the source’s potential to emit or an exclusion, the permittee must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first in accordance with 40 CFR 63.10(b).</li> </ul>

[40 CFR 63, Subpart A; 40 CFR 63.6665]

## **Incorporation of Federal Requirements by Reference**

**3.29** Unless expressly provided otherwise, any reference in this permit to any document identified in IDAPA 58.01.01.107.03 shall constitute the full incorporation into this permit of that document for the purposes of the reference, including any notes and appendices therein. Documents include, but are not limited to:

- Standards of Performance for New Stationary Sources (NSPS), 40 CFR Part 60
- National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP), 40 CFR Part 63

For permit conditions referencing or cited in accordance with any document incorporated by reference (including permit conditions identified as NSPS or NESHAP), should there be any conflict between the requirements of the permit condition and the requirements of the document, the requirements of the document shall govern, including any amendments to that regulation.

**[IDAPA 58.01.01.107, 3/29/17; PTC No. P-2008.0078, 8/24/18]**

## 4 Landfill Gas Flares

### Summary Description

Though not required for NSPS Subpart WWW compliance, Clay Peak has been proactive and installed a landfill gas collection and treatment system using solar-powered ignitors to combust landfill gas (LFG). At the time of permit issuance, this system is not required to meet and does not meet the design and construction requirements outlined in 40 CFR 60.18(b) (Permit Condition 3.27). However, visible emission and excess emissions requirements remain applicable to this system (Permit Conditions 3.7 through 3.9 and 3.10 through 3.14, respectively).

Seven gas flares were installed and placed into operation in 2004 through 2008 at Cell #1, which was closed in 2010. These seven gas flares are planned to cease operation on or about 2025. Six gas flares are planned at Cell #2 for installation in 2019 through 2020. Four additional gas flares may be installed/permitted on or about 2028, contingent upon actual waste volume accumulated in Cell #2.

The existing and proposed gas flares are connected to passively-fed gas collection systems that consist of perforated PVC pipes running directly into the landfill. Each flare has a solar panel that charges a battery pack. The batteries are used to power an arc which continuously fires at the discharge of the flare. This system ensures that the flares continuously combust the collected landfill gas. The landfill gas flow rates are variable. When there is a sufficient gas flow rate, the arc ignites the gas within the flare.

The landfill gas is composed of approximately 55% methane (CH<sub>4</sub>), 40% carbon dioxide (CO<sub>2</sub>), 5% nitrogen (N<sub>2</sub>), and a small amount of non-methane organic compounds (NMOC). Within the NMOC are some hazardous air pollutants (HAP) and toxic air pollutants (TAP). A trace amount of hydrogen sulfide (H<sub>2</sub>S) gas is also found in the landfill gas.

Particulate matter emissions from the flares are uncontrolled. The NMOC and methane are combusted by the flares at a temperature between 900–1,300 °F. The combusted gases have a residence time of 0.6 seconds at low flow and 0.3 seconds at high flow, and the flares achieve a destruction efficiency of greater than 98%. Table 4.1 describes the devices used to control emissions from Clay Peak.

**Table 4.1 Landfill Gas Flare Descriptions**

Emissions Units / Processes	Control Devices
Cell #1	Flares NW 1.1, NW 1.2, NE 1.1, NE 1.2, SW 1.1, SE 1.1, SE 1.2
Cell #2	Flares NW 2.1, NW 2.2, NW 2.3 NE 2.1, NE 2.2, NE 2.3

Table 4.2 contains a summary of the requirements that apply to the Landfill Gas Flares. Specific permit requirements are listed below.

**Table 4.2 Applicable Requirements Summary**

<b>Permit Conditions</b>	<b>Parameter</b>	<b>Limit/Standard Summary</b>	<b>Applicable Requirements Reference</b>	<b>Operating, Monitoring, and Recordkeeping Requirements</b>
3.1–3.4	Fugitive Emissions	Reasonable control	IDAPA 58.01.01.650–651	3.2–3.4, 3.21, 3.26
3.5–3.6	Odors	Reasonable control	IDAPA 58.01.01.775–776, P-2008.0078	4.1, 3.6, 3.21, 3.26
3.7–3.9	Visible Emissions	20% opacity for no more than 3 minutes in any 60-minute period	IDAPA 58.01.01.625	4.1, 3.8–3.9, 3.21, 3.26
4.2–4.30, 3.27–3.29	NSPS Subpart WWW, NESHAP Subpart AAAA	Compliance with applicable federal requirements referenced	40 CFR 60.750–759, 40 CFR 63.1930–1990, P-2008.0078	4.2–4.30, 3.21, 3.26, 3.27–3.29

## **Operating Requirements**

### **4.1 O&M Manual**

The permittee shall maintain an Operations and Maintenance (O&M) manual for the landfill gas flares which describes the procedures that will be followed to comply with the operation and maintenance General Compliance Provision and the manufacturer specifications for the flares. This manual shall remain onsite at all times and shall be made available to DEQ representatives upon request.

[PTC No. P-2008.0078, 8/24/18]

## **NSPS 40 CFR 60, Subpart WWW**

### **4.2 NSPS 40 CFR 60 Subpart WWW**

The permittee shall comply with the applicable requirements of 40 CFR 60, Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills (NSPS Subpart WWW), in accordance with IDAPA 58.01.01.859.03 and Subpart WWW. Should changes at Clay Peak result in the applicability of additional requirements, the requirements of 40 CFR 60, Subpart WWW shall govern.

[IDAPA 58.01.01.859, 4/5/00; PTC No. P-2008.0078, 8/24/18]

### **4.3 NSPS 40 CFR 60 Subpart WWW – Standards for NMOC Calculations**

The permittee shall either comply with emission standards for collection and control (Permit Condition 4.7) or calculate a nonmethane organic compounds (NMOC) emission rate for the landfill using the procedures specified in 40 CFR 60.754, in accordance with 40 CFR 60.752(b)(1). The NMOC emission rate shall be recalculated annually, except as provided in 40 CFR 60.757(b)(1)(ii) (Permit Condition 4.4). The permittee shall:

- Submit an annual emission report to DEQ, except as provided for in 40 CFR 60.757(b)(1)(ii); and
- Recalculate the NMOC emission rate annually using the procedures specified in 40 CFR 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.
  - If the NMOC emission rate, upon recalculation, is equal to or greater than 50 megagrams per year, the permittee shall install a collection and control system in compliance with emission standards (Permit Condition 4.7).
  - If the landfill is permanently closed, a closure notification shall be submitted to DEQ as provided for in the closure reporting requirement (Permit Condition 4.20).

[40 CFR 60.752(b)(1)]

### **4.4 NSPS 40 CFR 60 Subpart WWW – Reporting NMOC Calculations**

The permittee shall submit an NMOC emission rate report to DEQ annually except as provided for below, in accordance with 40 CFR 60.757(b). DEQ may request such additional information as may be necessary to verify the reported NMOC emission rate.

- The NMOC emission rate report shall contain an annual or 5-year estimate of the NMOC emission rate calculated using the formula and procedures provided in 40 CFR 60.754(a) or the test methods and procedures requirement (Permit Condition 4.9), as applicable.
  - If the estimated NMOC emission rate as reported in the annual report to DEQ is less than 50 megagrams per year in each of the next 5 consecutive years, the permittee 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 DEQ. 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 DEQ. 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.

- The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions.
- If a gas collection system is required by Subpart WWW, the permittee is exempted from these reporting requirements after the installation of a collection and control system in compliance with emission standards (Permit Condition 4.7), during such time as the collection and control system is in operation and in compliance with operational and compliance requirements (Permit Conditions 4.8 and 4.10 through 4.14).

[40 CFR 60.757(b)]

#### **4.5 NSPS 40 CFR 60 Subpart WWW – Recordkeeping**

The permittee shall keep for at least 5 years up-to-date, readily accessible, on-site records of design capacity reports which trigger gas collection and control (Permit Condition 4.7), the current amount of solid waste in-place, and the year-by-year waste acceptance rate, in accordance with 40 CFR 60.758(a). Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

[40 CFR 60.758(a)]

#### **4.6 NSPS 40 CFR 60 Subpart WWW – Closure**

When a MSW landfill subject to Subpart WWW is closed, the permittee is no longer subject to the requirement to obtain or renew a Tier I Operating Permit if the landfill is not otherwise subject to the requirements of 40 CFR 70 and if the permittee meets the conditions for control system removal (Permit Condition 4.7), in accordance with 40 CFR 60.752(d).

[40 CFR 60.752(d)]

#### **4.7 NSPS 40 CFR 60 Subpart WWW – Emission Standards for Control Systems**

If a gas collection system is required by Subpart WWW, in accordance with 40 CFR 60.752(b)(2) the permittee shall:

- Submit a collection and control system design plan prepared by a professional engineer to DEQ within 1 year.
- Install a collection and control system that captures the gas generated within the landfill as required 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 40 CFR 60.757(c)(1) or (2).
- Route all the collected gas to a control system that complies with the following requirements:
  - An open flare designed and operated in accordance with 40 CFR 60.18 (Permit Condition 3.27) except as noted in 40 CFR 60.754(e).
  - 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 specified test methods (Permit Condition 4.9). 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 the monitoring for control system requirements (Permit Conditions 4.15 through 4.18).

- Operate the collection and control device in accordance with operational standards (Permit Condition 4.8), compliance requirements (Permit Conditions 4.10 through 4.14), and monitoring requirements (Permit Conditions 4.15 through 4.18).
- The collection and control system may be capped or removed provided that all of the following conditions are met:
  - The landfill shall be a closed landfill as defined in 40 CFR 60.751. A closure report shall be submitted to DEQ (as provided in Permit Condition 4.20);
  - The collection and control system shall have been in operation a minimum of 15 years; and
  - Following the test procedures specified (Permit Condition 4.9), 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.

[40 CFR 60.752(b)(2)]

#### **4.8 NSPS 40 CFR 60 Subpart WWW – Operational Standards for Control Systems**

If a gas collection system is required by 40 CFR 60, Subpart WWW, the permittee shall comply with the following in accordance with 40 CFR 60.753:

- 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:
  - 5 years or more if active or
  - 2 years or more if closed or at final grade.
- Operate the collection system with negative pressure at each wellhead except under the following conditions:
  - 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 Permit Condition 4.22);
  - Use of a geomembrane or synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan; and
  - 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 DEQ.
- 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% or an oxygen level less than 5%. 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.

- The nitrogen level shall be determined using Method 3C, unless an alternative test method is established (Permit Condition 4.7).
- Unless an alternative test method is established (Permit Condition 4.7), the oxygen shall be determined by an oxygen meter using Method 3A or 3C except that:
  - The span shall be set so that the regulatory limit is between 20 and 50% of the span;
  - A data recorder is not required;
  - Only two calibration gases are required, a zero and span, and ambient air may be used as the span;
  - A calibration error check is not required; and
  - The allowable sample bias, zero drift, and calibration drift are  $\pm 10\%$ .
- Operate the collection system so that the methane concentration is less than 500 ppm above background at the surface of the landfill. To determine if this level is exceeded, the permittee 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 permittee 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.
- Operate the system such that all collected gases are vented to a control system designed and operated in compliance with emission standards (Permit Condition 4.7). 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 one hour; and
- Operate the control or treatment system at all times when the collected gas is routed to the system.
- If monitoring demonstrates that the operational requirements are not met, corrective action shall be taken as specified in the design compliance for control systems requirements (Permit Condition 4.10) or surface methane compliance for control systems (Permit Condition 4.12). If corrective actions are taken (as specified in Permit Condition 4.12), the monitored exceedance is not a violation of these operational requirements.

[40 CFR 60.753]

#### 4.9 NSPS 40 CFR 60 Subpart WWW – Test Methods and Procedures for Control Systems

If a gas collection system is required by 40 CFR 60, Subpart WWW, after installation in compliance with 40 CFR 60.755 the permittee shall comply with the following in accordance with 40 CFR 60.754(b) and (d):

- Calculate the NMOC emission rate for purposes of determining when the system can be removed as provided in the emission standards for collection and control (Permit Condition 4.7), using the following equation:

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

where,

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

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

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

- The flow rate of landfill gas,  $Q_{LFG}$ , 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 40 CFR 60.
- The average NMOC concentration,  $C_{NMOC}$ , 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 40 CFR 60. If using Method 18 of Appendix A of 40 CFR 60, 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 permittee shall divide the NMOC concentration from Method 25C of Appendix A of 40 CFR 60 by six to convert from  $C_{NMOC}$  as carbon to  $C_{NMOC}$  as hexane.
- The permittee may use another method to determine landfill gas flow rate and NMOC concentration if the method has been approved by DEQ.
- For the NMOC control system performance test required in the emission standards for collection and control (Permit Condition 4.7), Method 25, 25C, or Method 18 of Appendix A of 40 CFR 60 shall 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 EPA and DEQ. 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:

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

Where,

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

$\text{NMOC}_{out}$  = mass of NMOC exiting control device

[40 CFR 60.754(b),(d)]

#### 4.10 NSPS 40 CFR 60 Subpart WWW – Design Compliance for Control Systems

If a gas collection system is required by 40 CFR 60, Subpart WWW, the specified methods in 40 CFR 60.755 shall be used to determine whether the gas collection system is in compliance with emission standards (Permit Condition 4.7), in accordance with 40 CFR 60.755(a).

- For the purpose of demonstrating whether the gas collection system flow rate is sufficient, the permittee 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 five calendar days, except for the three conditions allowed (Permit Condition 4.8). 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 DEQ for approval.

- For the purpose of identifying whether excess air infiltration into the landfill is occurring, the permittee shall monitor each well monthly for temperature and nitrogen or oxygen (as provided in Permit Condition 4.8). If a well exceeds one of these operating parameters, action shall be initiated to correct the exceedance within five 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 DEQ for approval.
- If the permittee is seeking to demonstrate compliance through the use of a collection system not conforming to specifications (provided in Permit Conditions 4.27 through 4.29), the permittee shall provide information satisfactory to DEQ as specified in the emission standards for collection and control (Permit Condition 4.7) demonstrating that off-site migration is being controlled.

[40 CFR 60.755(a)]

#### **4.11 NSPS 40 CFR 60 Subpart WWW – Well Placement Compliance for Control Systems**

If a gas collection system is required by 40 CFR 60, Subpart WWW, for purposes of compliance with operational standards (Permit Condition 4.8) the permittee shall place each well or design component as specified in the approved design plan as provided in the emission standards for collection and control (Permit Condition 4.7), in accordance with 40 CFR 60.755(b). 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:

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

[40 CFR 60.755(b)]

#### **4.12 NSPS 40 CFR 60 Subpart WWW – Surface Methane Compliance for Control Systems**

If a gas collection system is required by 40 CFR 60, Subpart WWW, the following procedures shall be used for compliance with the surface methane operational standard (Permit Condition 4.8), in accordance with 40 CFR 60.755(c).

- The permittee 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 methodology compliance specifications (Permit Condition 4.13).
- 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.
- Surface emission monitoring shall be performed in accordance with section 4.3.1 of Method 21 of Appendix A of 40 CFR 60, except that the probe inlet shall be placed within five to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions.
- Any reading of 500 ppm or more above background at any location shall be recorded as a monitored exceedance and the following actions shall be taken. As long as the specified

actions are taken, the exceedance is not a violation of the operational requirements (Permit Condition 4.8).

- The location of each monitored exceedance shall be marked and the location recorded.
  - 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.
  - 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 below shall be taken, and no further monitoring of that location is required until the action has been taken.
  - 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 shall be re-monitored one month from the initial exceedance. If the one-month monitoring shows a concentration less than 500 ppm above background, no further monitoring of that location is required until the next quarterly monitoring period. If the one-month monitoring shows an exceedance, the actions specified for re-monitoring or new collection installation shall be taken.
  - For any location where monitored methane concentration equals or exceeds 500 parts per million above background three times within a quarterly period a new well or other collection device shall be installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to DEQ for approval.
- The permittee shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

[40 CFR 60.755(c)]

#### **4.13 NSPS 40 CFR 60 Subpart WWW – Methodology Compliance for Control Systems**

If a gas collection system is required by 40 CFR 60, Subpart WWW, for purposes of compliance with the surface methane compliance provisions (Permit Condition 4.12), the permittee shall comply with the following instrumentation specifications and procedures for surface emission monitoring devices in accordance with 40 CFR 60.755(d):

- The portable analyzer shall meet the instrument specifications provided in Section 3 of Method 21 of Appendix A of 40 CFR 60, except that “methane” shall replace all references to VOC.
- The calibration gas shall be methane, diluted to a nominal concentration of 500 ppm in air.
- To meet the performance evaluation requirements in section 3.1.3 of Method 21 of Appendix A of 40 CFR 60, the instrument evaluation procedures of Section 4.4 of Method 21 of Appendix A of 40 CFR 60 shall be used.
- The calibration procedures provided in Section 4.2 of Method 21 of Appendix A of 40 CFR 60 shall be followed immediately before commencing a surface monitoring survey.

[40 CFR 60.755(d)]

#### **4.14 NSPS 40 CFR 60 Subpart WWW – Continuous Compliance for Control Systems**

The provisions of 40 CFR 60, Subpart WWW apply at all times, except during periods of start-up, shutdown, or malfunction in accordance with 40 CFR 60.755(e), provided that the duration of start-up, shutdown, or malfunction shall not exceed five days for collection systems and shall not exceed one hour for treatment or control devices.

[40 CFR 60.755(e)]

#### **4.15 NSPS 40 CFR 60 Subpart WWW – Collection Monitoring for Control Systems**

If a gas collection system is required by 40 CFR 60, Subpart WWW, for an active gas collection system the permittee shall install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead in accordance with 40 CFR 60.756(a) and:

- Measure the gauge pressure in the gas collection header on a monthly basis (Permit Condition 4.10); and
- Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis (Permit Condition 4.10); and
- Monitor temperature of the landfill gas on a monthly basis (Permit Condition 4.10).

[40 CFR 60.756(a)]

#### **4.16 NSPS 40 CFR 60 Subpart WWW – Enclosed Combustor Monitoring for Control Systems**

If a gas collection system is required by 40 CFR 60, Subpart WWW, for an enclosed combustor the permittee shall calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment in accordance with 40 CFR 60.756(b):

- 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 device that records flow to or bypass of the control device. The permittee shall either:
  - 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
  - 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.

[40 CFR 60.756(b)]

#### **4.17 NSPS 40 CFR 60 Subpart WWW – Flare Monitoring for Control Systems**

If a gas collection system is required by 40 CFR 60, Subpart WWW, for an open flare the permittee shall install, calibrate, maintain, and operate according to the manufacturer's specifications the following equipment in accordance with 40 CFR 60.756(c):

- 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.
- A device that records flow to or bypass of the flare. The permittee shall either:
  - 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

- 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.

[40 CFR 60.756(c)]

**4.18 NSPS 40 CFR 60 Subpart WWW – Surface Methane Monitoring for Control Systems**

If a gas collection system is required by 40 CFR 60, Subpart WWW, for demonstrating compliance with surface methane compliance requirements (Permit Condition 4.12) the permittee shall monitor surface concentrations of methane according to the instrument specifications and procedures provided in the methodology compliance requirements (Permit Condition 4.13), in accordance with 40 CFR 60.756(f). 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.

[40 CFR 60.756(f)]

**4.19 NSPS 40 CFR 60 Subpart WWW – Design Reporting for Control Systems**

If a gas collection system is required by 40 CFR 60, Subpart WWW, the permittee shall submit a collection and control system design plan to DEQ within one year of the first required NMOC report in which the emission rate equals or exceeds 50 megagrams per year (Permit Condition 4.4), except as provided in 40 CFR 60.757(c)(1) and (2), in accordance with 40 CFR 60.757(c).

[40 CFR 60.757(c)]

**4.20 NSPS 40 CFR 60 Subpart WWW – Closure Reporting for Control Systems**

If a gas collection system is required by 40 CFR 60, Subpart WWW, the permittee shall submit a closure report to DEQ within 30 days of waste acceptance cessation, in accordance with 40 CFR 60.757(d). DEQ 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 DEQ, no additional wastes may be placed into the landfill without filing a notification of modification as described under the general provisions (Permit Condition 3.27).

[40 CFR 60.757(d)]

**4.21 NSPS 40 CFR 60 Subpart WWW – Control Removal Reporting for Control Systems**

If a gas collection system is required by 40 CFR 60, Subpart WWW, the permittee shall submit an equipment removal report to DEQ 30 days prior to removal or cessation of operation of the control equipment in accordance with 40 CFR 60.757(e).

- The equipment removal report shall contain all of the following items:
  - A copy of the closure report submitted in accordance with the closure reporting requirement (Permit Condition 4.20),
  - A copy of the initial performance test report demonstrating that the 15 year minimum control period has expired; and
  - 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.

- DEQ may request such additional information as may be necessary to verify that all of the conditions for removal in the emission standards for collection and control (Permit Condition 4.7) have been met.

[40 CFR 60.757(e)]

#### 4.22 NSPS 40 CFR 60 Subpart WWW – Exceedance Reporting for Control Systems

If a gas collection system is required by 40 CFR 60, Subpart WWW, the permittee shall submit to DEQ annual reports of the recorded the following information, in accordance with 40 CFR 60.757(f). For enclosed combustion devices and flares, reportable exceedances are defined under the parameter recordkeeping requirements (Permit Condition 4.24).

- Value and length of time for exceedance of applicable parameters monitored (Permit Conditions 4.15 through 4.18).
- 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 in Permit Conditions 4.16 and 4.17).
- Description and duration of all periods when the control device was not operating for a period exceeding one hour and length of time the control device was not operating.
- All periods when the collection system was not operating in excess of five days.
- The location of each exceedance of the 500 ppm methane concentration (as provided in Permit Condition 4.8) and the concentration recorded at each location for which an exceedance was recorded in the previous month.
- The date of installation and the location of each well or collection system expansion added (pursuant to Permit Conditions 4.10 through 4.12).

[40 CFR 60.757(f)]

#### 4.23 NSPS 40 CFR 60 Subpart WWW – Test Recordkeeping for Control Systems

If a gas collection system is required by 40 CFR 60, Subpart WWW, the permittee shall keep up-to-date, readily accessible records for the life of the control equipment of the following data as measured during the initial performance test or compliance determination, in accordance with 40 CFR 60.758(b). Records of subsequent tests or monitoring shall be maintained for a minimum of five years. Records of the control device vendor specifications shall be maintained until removal.

- For a collection and control system:
  - The maximum expected gas generation flow rate as calculated in 40 CFR 60.755(a)(1). The permittee may use another method to determine the maximum gas generation flow rate, if the method has been approved by DEQ.
  - The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the specified procedures (Permit Condition 4.27).
- For an enclosed combustion device:
  - The average combustion temperature measured at least every 15 minutes and averaged over the same time period of the performance test.
  - The percent reduction of NMOC determined as specified in the emission standards for collection and control (Permit Condition 4.7) achieved by the control device.

- For 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 the general provisions (Permit Condition 3.27); 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.

[40 CFR 60.758(b)]

#### 4.24 NSPS 40 CFR 60 Subpart WWW – Parameter Recordkeeping for Control Systems

If a gas collection system is required by 40 CFR 60, Subpart WWW, the permittee shall keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in the enclosed combustor and flare monitoring requirements (Permit Conditions 4.16 and 4.17) 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, in accordance with 40 CFR 60.758(c).

- For an enclosed combustor, 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 emission standards (Permit Condition 4.7) was determined constitute exceedances that shall be recorded and reported (Permit Condition 4.22).
- The permittee 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 the enclosed combustor and flare monitoring requirements (Permit Conditions 4.16 and 4.17).
- For an open flare, the permittee shall keep up-to-date, readily accessible continuous records of the flame or flare pilot flame monitoring specified under the flare monitoring requirements (Permit Condition 4.17), and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.

[40 CFR 60.758(c)]

#### 4.25 NSPS 40 CFR 60 Subpart WWW – Map Recordkeeping for Control Systems

If a gas collection system is required by 40 CFR 60, Subpart WWW, the permittee 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, in accordance with 40 CFR 60.758(d).

- The permittee shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors (as specified under Permit Condition 4.11).
- The permittee shall keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as well as any nonproductive areas excluded from collection (as provided in Permit Condition 4.27).

[40 CFR 60.758(d)]

#### 4.26 NSPS 40 CFR 60 Subpart WWW – Exceedance Recordkeeping for Control Systems

If a gas collection system is required by 40 CFR 60, Subpart WWW, the permittee shall keep for at least five years up-to-date, readily accessible records of all collection and control system exceedances of the operational standards (Permit Condition 4.8) in accordance with 40 CFR 60.758(e), the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.

[40 CFR 60.758(e)]

#### 4.27 NSPS 40 CFR 60 Subpart WWW – Location Specifications for Control Systems

If a gas collection system is required by 40 CFR 60, Subpart WWW, the permittee 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, in accordance with 40 CFR 60.759(a):

- 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.
- The sufficient density of gas collection devices 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.
- The placement of gas collection devices shall control all gas producing areas, except as provided below:
  - Any segregated area of asbestos or nondegradable material may be excluded from collection if documented (as provided in Permit Condition 4.25). 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 DEQ upon request.
  - 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 one 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 DEQ 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

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

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

$M_i$  = mass of the degradable solid waste in the  $i$ th section, megagram

$t_i$  = age of the solid waste in the  $i$ th section, years

$C_{\text{NMOC}}$  = concentration of nonmethane organic compounds, parts per million by volume  
 $3.6 \times 10^{-9}$  = conversion factor

- 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 40 CFR 60.754(a)(1) or the alternative values from 40 CFR 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 above.

[40 CFR 60.759(a)]

#### 4.28 NSPS 40 CFR 60 Subpart WWW – Construction Specifications for Control Systems

If a gas collection system is required by 40 CFR 60, Subpart WWW, the permittee shall construct the gas collection devices using the following equipment or procedures in accordance with 40 CFR 60.759(b):

- 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.
- 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.
- 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.

[40 CFR 60.759(b)]

**4.29 NSPS 40 CFR 60 Subpart WWW – Construction Specifications for Control Systems**

If a gas collection system is required by 40 CFR 60, Subpart WWW, the permittee shall convey the landfill gas to a control system through the collection header pipes, in accordance with 40 CFR 60.759(c). 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:

- For existing collection systems, the flow data shall be used to project the maximum flow rate. If no flow data exists, the procedures for new collection systems below shall be used.
- For new collection systems, the maximum flow rate shall be in accordance with collection monitoring for control systems (Permit Condition 4.15).

[40 CFR 60.759(c)]

**NSPS 40 CFR 63 Subpart AAAA**

**4.30 NSPS 40 CFR 63 Subpart AAAA**

The permittee shall comply with the applicable requirements of 40 CFR 63, Subpart AAAA, in accordance with Subpart AAAA. Should changes at Clay Peak result in the applicability of additional requirements, the requirements of 40 CFR 60, Subpart AAAA shall govern.

[40 CFR 63.1930-1990; PTC No. P-2008.0078, 8/24/18]

## 5 Engines

### Summary Description

Two stationary engines are located at Clay Peak that include 1) a diesel-fired tub grinder for mulching compost and 2) a propane-fired emergency generator used for site backup power during power outages and to power an overhead crane less than 50 hours per year. The diesel-fired tub grinder that historically operates less than 70 hours per year is subject to NSPS Subpart IIII requirements, and the propane-fired emergency generator that historically operates less than 25 hours per year is subject to NESHAP Subpart ZZZZ requirements.

Table 5.1 describes the devices used to control emissions from the tub grinder engine and the emergency generator engine.

**Table 5.1 Engine Descriptions**

Emissions Units / Processes	Control Devices
Tub Grinder	EPA Tier 4 technologies
Emergency Generator	None

Table 5.2 contains a summary of the requirements that apply to the engines. Specific permit requirements are listed below.

**Table 5.2 Applicable Requirements Summary**

Permit Conditions	Parameter	Limit/Standard Summary	Applicable Requirements Reference	Operating, Monitoring, and Recordkeeping Requirements
3.7–3.9	Visible Emissions	20% opacity for no more than 3 minutes in any 60-minute period	IDAPA 58.01.01.625, P-2008.0078	3.8–3.9, 3.21, 3.26
5.4, 3.15–3.16	Fuel Oil Sulfur Content (Tub Grinder)	Less than 15 ppmw sulfur	40 CFR 60.4207, IDAPA 58.01.01.725	5.4, 3.16, 3.21, 3.26
5.1–5.6, 3.27–3.29	NSPS Subpart IIII (Tub Grinder)	Compliance with applicable federal requirements referenced	40 CFR 60.4200–4219	5.1–5.6, 3.21, 3.26, 3.27–3.29
5.7–5.15, 3.27–3.29	NESHAP Subpart ZZZZ (Emergency Generator)	Compliance with applicable federal requirements referenced	40 CFR 63.6580–6675	5.7–5.15, 3.21, 3.26, 3.27–3.29

## NSPS 40 CFR Subpart III Requirements for the Tub Grinder

### Emission Limits

#### 5.1 NSPS 40 CFR 60, Subpart III – Emission Standards

The permittee shall comply with the emission standards for new compression ignition (CI) engines in 40 CFR 60.4201 for the Tub Grinder, for all pollutants, in accordance with 40 CFR 60.4204(b).

- The certification emission standards for all pollutants for new nonroad CI engines for the 2014 model year and relevant engine power in 40 CFR 89.112, 40 CFR 89.113, 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115.

Summary of Table 6 to 40 CFR 1039.102 – Emission Standards

Rated Power (kW)	Tier	PM g/kW-hr	NO <sub>x</sub> g/kW-hr	NMHC g/kW-hr	CO g/kW-hr
130 ≤ kW < 560	Tier 4	0.02	0.40	0.19	3.5

- The smoke emission standards for new nonroad CI engines in 40 CFR 89.113 and 40 CFR 1039.105:
  - 20 percent during the acceleration mode,
  - 15 percent during the lugging mode, and
  - 50 percent during the peaks in either the acceleration or lugging modes.

[40 CFR 60.4204(b)]

### Operating Requirements

#### 5.2 NSPS 40 CFR 60, Subpart III – Compliance Requirements

The permittee shall comply with the following, except as permitted under 40 CFR 60.4211(g) (Permit Condition 5.5), in accordance with 40 CFR 60.4211:

- Operate and maintain the tub grinder and control device according to the manufacturer's emission-related written instructions.
- Change only those emission-related settings that are permitted by the manufacturer.
- Meet the requirements of 40 CFR 89, 94 and/or 1068, as applicable.
- Install and configure the engine according to the manufacturer's specifications, except as permitted under 40 CFR 60.4211(g).

[40 CFR 60.4211(a),(c)]

#### 5.3 NSPS 40 CFR 60, Subpart III – Operating and Maintenance Requirements

The permittee shall operate and maintain stationary CI ICE that achieve the emission standards as required in 40 CFR 60.4204 (Permit Condition 5.1) according to the manufacturer's written instructions or procedures developed by the permittee that are approved by the engine manufacturer, over the entire life of the engine, in accordance with 40 CFR 60.4206.

[40 CFR 60.4206]

#### **5.4 NSPS 40 CFR 60, Subpart III – Fuel Requirements**

The permittee shall use diesel fuel that meets the requirements of 40 CFR 80.510(b), in accordance with 40 CFR 60.4207.

- All nonroad diesel fuel is subject to the following per-gallon standards:
  - 15 parts per million by weight (ppmw) maximum sulfur content; and a
  - Minimum cetane index of 40, or maximum aromatic content of 35 volume percent.

[40 CFR 60.4207]

#### **5.5 NSPS 40 CFR 60, Subpart III – Compliance Requirements for Changes**

For any modified or reconstructed engine (as defined in 40 CFR 60.15 and Permit Condition 3.27) subject to Subpart III, the permittee shall meet the emission standards applicable to the model year, maximum engine power, and displacement of the modified or reconstructed engine as specified in Subpart III. If the engine and control device are not installed, configured, operated, and maintained according to the manufacturer's emission-related written instructions, or emission-related settings are changed in a way that is not permitted by the manufacturer, the permittee shall demonstrate compliance as follows, in accordance with 40 CFR 60.4211(g):

- Keep a maintenance plan and records of conducted maintenance and, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions.
- Conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after emission-related settings are changed in a way that is not permitted by the manufacturer.

[40 CFR 60.4204(e), 40 CFR 60.4211(g)]

### **Monitoring, Recordkeeping, and Reporting Requirements**

#### **5.6 NSPS 40 CFR 60, Subpart III – Testing Requirements**

Performance tests conducted pursuant to Subpart III shall be done according to 40 CFR 60.4212(a) through (e), in accordance with and using the methodologies provided in 40 CFR 60.4212.

[40 CFR 60.4212]

### **NESHAP 40 CFR 63 Subpart ZZZZ Requirements for the Emergency Generator**

#### **Operating Requirements**

#### **5.7 NSPS 40 CFR 63, Subpart ZZZZ – Definitions**

Emergency stationary RICE means any stationary reciprocating internal combustion engine that meets all of the criteria in 40 CFR 63.6675 and complies with compliance requirements (Permit Condition 5.8), in accordance with 40 CFR 63.6675. If the Emergency Generator engine does not comply with the compliance requirements, then it is not considered to be an emergency stationary RICE under Subpart ZZZZ.

- The stationary RICE is operated to provide electrical power or mechanical work during an emergency situation.

- The stationary RICE is operated under limited circumstances for non-emergency situations, (as specified in Permit Condition 5.8).

[40 CFR 63.6675]

## 5.8 NSPS 40 CFR 63, Subpart ZZZZ – Compliance Requirements

The permittee shall operate the Emergency Generator engine according to the following requirements, in accordance with 40 CFR 63.6640(f). In order for the engine to be considered an emergency stationary RICE, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year as described below, is prohibited. If the engine is not operated according to these requirements, the engine is not considered an emergency engine under Subpart ZZZZ and must meet all requirements for non-emergency engines.

- There is no time limit on the use of the Emergency Generator engine in emergency situations.
- The permittee may operate the Emergency Generator engine for any combination of the following purposes for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as specified as follows counts as part of the 100 hours per calendar year allowed.
  - The Emergency Generator may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The permittee may petition EPA for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the permittee maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year.
  - The Emergency Generator may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.
- The Emergency Generator may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing. Except as provided in 40 CFR 63.6640(f)(4)(i) and (ii), the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

[40 CFR 63.6640(f)]

## 5.9 NSPS 40 CFR 63, Subpart ZZZZ – Operating Limitations

The permittee shall comply with the applicable requirements in Table 2d and the applicable operating limitations in Table 2b to 40 CFR 63 Subpart ZZZZ, in accordance with 40 CFR 63.6603(a).

- As stated in 40 CFR 63.6603 and 40 CFR 63.6640, the permittee shall comply with the following requirements for the Emergency Generator engine:
  - Change oil and filter every 500 hours of operation or annually, whichever comes first. Sources have the option to utilize an oil analysis program as described in 40 CFR 63.6625(i) or (j) (Permit Condition 5.11) in order to extend this specified oil change frequency.

- Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and
- Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.
- If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedule required, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the management practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable.

[40 CFR 63.6603(a)]

#### **5.10 NSPS 40 CFR 63, Subpart ZZZZ – General Compliance Requirements**

- The permittee shall be in compliance with the applicable emission limitations and applicable operating limitations in Subpart ZZZZ at all times, in accordance with 40 CFR 63.6605(a).
- The permittee shall operate and maintain the Emergency Generator engine, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions, in accordance with 40 CFR 63.6605(b). The general duty to minimize emissions does not require the permittee to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to DEQ which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

[40 CFR 63.6605]

#### **5.11 NSPS 40 CFR 63, Subpart ZZZZ – Monitoring Installation, Operation, and Maintenance Requirements**

- The permittee shall operate and maintain the Emergency Generator engine and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or a maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions, in accordance with 40 CFR 63.6625(a).
- The permittee shall install a non-resettable hour meter on the Emergency Generator, in accordance with 40 CFR 63.6625(f).
- The permittee shall minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, in accordance with 40 CFR 63.6625(h).
- The permittee has the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Table 2d to 40 CFR 63 Subpart ZZZZ (Permit Condition 5.9), in accordance with 40 CFR 63.6625(j). The oil analysis must be performed at the same frequency specified for changing the oil Table 2d to 40 CFR 63 Subpart ZZZZ (Permit Condition 5.9). The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Acid Number increases by more than 3.0

milligrams of potassium hydroxide (KOH) per gram from Total Acid Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the permittee is not required to change the oil. If any of the limits are exceeded, the permittee shall change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the permittee shall change the oil within 2 business days or before commencing operation, whichever is later. The permittee shall keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

[40 CFR 63.6625]

#### 5.12 NSPS 40 CFR 63, Subpart ZZZZ – Compliance Monitoring

- The permittee shall demonstrate continuous compliance with each applicable emission limitation and each applicable operating limitation according to methods specified in Table 6 to Subpart ZZZZ, in accordance with 40 CFR 63.6640(a).
  - The permittee shall operate and maintain the Emergency Generator engine according to the manufacturer's emission-related operation and maintenance instructions; or develop and follow a permittee-developed maintenance plan, which shall provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.
- The permittee shall report each instance in which an applicable operating limitation (Permit Condition 5.9) was not met, in accordance with 40 CFR 63.6640(b). These instances are deviations from emission and operating limitations and shall be reported according to the requirements in 40 CFR 63.6650.
- The permittee shall report each instance in which a general provision (Permit Condition 3.28) was not met, in accordance with 40 CFR 63.6640(e).

[40 CFR 63.6640(a),(b),(e)]

#### 5.13 NSPS 40 CFR 63, Subpart ZZZZ – Compliance Monitoring

The permittee shall operate the Emergency Generator engine according to the following requirements, in accordance with 40 CFR 63.6640(f). In order for the engine to be considered an emergency stationary RICE under Subpart ZZZZ, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year as described below, is prohibited. If the engine is not operated according to these requirements, the engine will not be considered an emergency engine under Subpart ZZZZ and shall meet all requirements for non-emergency engines.

- There is no time limit on the use of emergency stationary RICE in emergency situations.
- The permittee may operate the Emergency Generator for any combination of the following purposes for a maximum of 100 hours per calendar year.
  - Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The permittee may petition EPA for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the permittee maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year.

- Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.
- The Emergency Generator may be operated for up to 50 hours per calendar year in non-emergency situations (e.g., to power an overhead crane in the maintenance shop). The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing above.

[40 CFR 63.6640(f)]

#### 5.14 NSPS 40 CFR 63, Subpart ZZZZ – Recordkeeping

- The permittee shall keep the following records, in accordance with 40 CFR 63.6655:
  - A copy of each notification and report submitted to comply with Subpart ZZZZ, including all documentation supporting any Initial Notification or Notification of Compliance Status (as required in Permit Condition 3.28).
  - Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.
  - Records of required performance tests and performance evaluations (as required in Permit Condition 3.28).
  - Records of all required maintenance performed on the air pollution control and monitoring equipment.
  - Records of actions taken during periods of malfunction to minimize emissions in accordance with general compliance requirements (Permit Condition 5.10), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.
  - Records required to show compliance with each applicable emission and each applicable operating limitation (Permit Conditions 5.9 and 5.12).
  - Records of maintenance conducted on the Emergency Generator engine in order to demonstrate that the Emergency Generator engine and after-treatment control device (if any) were operated and maintained according to the maintenance plan.
  - Records of hours of operation of the Emergency Generator recorded through the non-resettable hour meter. The permittee shall 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. If the engine is used for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency (Permit Condition 5.13), the permittee shall keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for this purpose.
- The permittee shall keep records in a form suitable and readily available for expeditious review (as required in Permit Condition 3.28), in accordance with 40 CFR 63.6660(a).
- The permittee shall keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record (as required in Permit Condition 3.28), in accordance with 40 CFR 63.6660(b).
- The permittee shall keep each record readily accessible in hardcopy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record (as required in Permit Condition 3.28), in accordance with 40 CFR 63.6660(c).

[40 CFR 63.6655, 40 CFR 63.6660]

### 5.15 NSPS 40 CFR 63, Subpart ZZZZ – Reporting

The permittee shall submit each applicable report in Table 7 of Subpart ZZZZ, in accordance with 40 CFR 63.6650.

- The compliance report shall contain the following information:
  - Company name and address.
  - Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.
  - Date of report and beginning and ending dates of the reporting period.
  - If you had a malfunction during the reporting period, the compliance report shall include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken during a malfunction of an affected source to minimize emissions (Permit Condition 5.10), including actions taken to correct a malfunction.
  - If there are no deviations from any emission or operating limitations applicable to the permittee, a statement that there were no deviations from the emission or operating limitations during the reporting period.
  - For each deviation from an emission or operating limitation that occurs, the total operating time of the Emergency Generator at which the deviation occurred during the reporting period.
  - For each deviation from an emission or operating limitation that occurs, information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.
- All deviations as defined in Subpart ZZZZ shall be reported in the semiannual monitoring report (Permit Condition 7.26). If an affected source submits a compliance report along with, or as part of, the required semiannual monitoring report, and the compliance report includes all required information concerning deviations from any emission or operating limitation in Subpart ZZZZ, submission of the compliance report shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report.
- If the Emergency Generator operates for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency (Permit Condition 5.13), the permittee shall submit an annual report containing the following information:
  - Company name and address where the engine is located.
  - Date of the report and beginning and ending dates of the reporting period.
  - Engine site rating and model year.
  - Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place.
  - Hours operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency, including the date, start time, and end time for engine operation.

[40 CFR 63.6650]

## 6 Insignificant Activities

- 6.1 Table 6.1 lists the units or activities that are insignificant on the basis of size or production rate as provided by the permittee. The regulatory citation for units and activities that are insignificant on the basis of size or production rate is IDAPA 58.01.01.317.01.b. There are no monitoring, recordkeeping, or reporting requirements for insignificant emission units or activities beyond those required in the facility-wide permit conditions (see the Facility-Wide Conditions section).

**Table 6.1 Insignificant Activities**

Description	Insignificant Activities IDAPA 58.01.01.317.01.b.(i) Citation
Operation, loading and unloading of gasoline storage tanks, 10,000 gallons capacity or less, with lids or other appropriate closure.	(3)
Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas (LPG), storage tanks, vessel capacity under 40,000 gallons.	(4)
Combustion source, less than 5 MMBtu/hr, exclusively using natural gas, butane, propane, and/or LPG.	(5)
Combustion source, less than 500,000 Btu/hr, using any commercial fuel containing less than 0.4% by weight sulfur for coal or less than 1% by weight sulfur for other fuels.	(6)
Space heaters and hot water heaters using natural gas, propane or kerosene and generating less than 5 MMBtu/hr.	(18)

[IDAPA 58.01.01.317.01(b)(i), 5/3/03]

## 7 General Provisions

### General Compliance

- 7.1 The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.  
[IDAPA 58.01.01.322.15.a, 5/1/94; 40 CFR 70.6(a)(6)(i)]
- 7.2 It shall not be a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the terms and conditions of this permit.  
[IDAPA 58.01.01.322.15.b, 5/1/94; 40 CFR 70.6(a)(6)(ii)]
- 7.3 Any permittee who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.  
[IDAPA 58.01.01.315.01, 5/1/94; 40 CFR 70.5(b)]

### Reopening

- 7.4 This permit may be revised, reopened, revoked and reissued, or terminated for cause. Cause for reopening exists under any of the circumstances listed in IDAPA 58.01.01.386. Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable in accordance with IDAPA 58.01.01.360 through 369.  
[IDAPA 58.01.01.322.15.c, 5/1/94; IDAPA 58.01.01.386, 3/19/99; 40 CFR 70.7(f)(1), (2); 40 CFR 70.6(a)(6)(iii)]
- 7.5 The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.  
[IDAPA 58.01.01.322.15.d, 5/1/94; 40 CFR 70.6(a)(6)(iii)]

### Property Rights

- 7.6 This permit does not convey any property rights of any sort or any exclusive privilege.  
[IDAPA 58.01.01.322.15.e, 5/1/94; 40 CFR 70.6(a)(6)(iv)]

### Information Requests

- 7.7 The permittee shall furnish all information requested by DEQ, within a reasonable time, that DEQ 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.  
[Idaho Code §39-108; IDAPA 58.01.01.122, 4/5/00; IDAPA 58.01.01.322.15.f, 4/5/00; 40 CFR 70.6(a)(6)(v)]
- 7.8 Upon request, the permittee shall furnish to DEQ copies of records required to be kept by this permit. For information claimed to be confidential, the permittee may furnish such records along with a claim of confidentiality in accordance with Idaho Code §9-342A and applicable implementing regulations including IDAPA 58.01.01.128.  
[IDAPA 58.01.01.322.15.g, 5/1/94; IDAPA 58.01.01.128, 4/5/00; 40 CFR 70.6(a)(6)(v)]

## Severability

- 7.9 The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

[IDAPA 58.01.01.322.15.h, 5/1/94; 40 CFR 70.6(a)(5)]

## Changes Requiring Permit Revision or Notice

- 7.10 The permittee may not commence construction or modification of any stationary source, facility, major facility, or major modification without first obtaining all necessary permits to construct or an approval under IDAPA 58.01.01.213, or complying with IDAPA 58.01.01.220 through 223. The permittee shall comply with IDAPA 58.01.01.380 through 386 as applicable.

[IDAPA 58.01.01.200–223, 3/25/16; IDAPA 58.01.01.322.15.i, 3/19/99;  
IDAPA 58.01.01.380–386, 7/1/02; 40 CFR 70.4(b)(12), (14), (15); 40 CFR 70.7(d), (e)]

- 7.11 Changes that are not addressed or prohibited by the Tier I operating permit require a Tier I operating permit revision if such changes are subject to any requirement under Title IV of the Clean Air Act (CAA), 42 United States Code (U.S.C.) Section 7651 through 7651c, or are modifications under Title I of the CAA, 42 U.S.C. Section 7401 through 7515. Administrative amendments (IDAPA 58.01.01.381), minor permit modifications (IDAPA 58.01.01.383), and significant permit modifications (IDAPA 58.01.01.382) require a revision to the Tier I operating permit. IDAPA 58.01.01.502(b)(10) changes are authorized in accordance with IDAPA 58.01.01.384. Off permit changes and required notice are authorized in accordance with IDAPA 58.01.01.385.

[IDAPA 58.01.01.381–385, 4/5/00; IDAPA 58.01.01.209.05, 4/11/06; 40 CFR 70.4(b)(14), (15)]

## Federal and State Enforceability

- 7.12 Unless specifically identified as a “State Only” provision, all terms and conditions in this permit, including any terms and conditions designed to limit a source’s potential to emit, are enforceable: (i) by DEQ in accordance with state law; and (ii) by the United States or any other person in accordance with federal law.

[IDAPA 58.01.01.322.15.j, 5/1/94; 40 CFR 70.6(b)(1), (2)]

- 7.13 Provisions specifically identified as a “State Only” provision are enforceable only in accordance with state law. “State Only” provisions are those that are not required under the Federal Clean Air Act or under any of its applicable requirements or those provisions adopted by the state prior to federal approval.

[Idaho Code §39-108; IDAPA 58.01.01.322.15.k, 3/23/98]

## Inspection and Entry

7.14 Upon presentation of credentials, the permittee shall allow DEQ or an authorized representative of DEQ to do the following:

- Enter upon the permittee's premises where a Tier I source is located, or emissions related activity is conducted, or where records are kept under conditions of this permit;
- Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;
- Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
- As authorized by the Idaho Environmental Protection and Health Act, sample or monitor, at reasonable times, substances or parameters for the purpose of determining or ensuring compliance with this permit or applicable requirements.

[Idaho Code §39-108; IDAPA 58.01.01.322.15.l, 5/1/94; 40 CFR 70.6(c)(2)]

## New Applicable Requirements

7.15 The permittee shall comply with applicable requirements that become effective during the permit term on a timely basis.

[IDAPA 58.01.01.322.10, 4/5/00; IDAPA 58.01.01.314.10.a.ii, 5/1/94; 40 CFR 70.6(c)(3) citing 70.5(c)(8)]

## Fees

7.16 The permittee shall pay annual registration fees to DEQ in accordance with IDAPA 58.01.01.387 through IDAPA 58.01.01.397.

[IDAPA 58.01.01.387, 4/2/03; 40 CFR 70.6(a)(7)]

## Certification

7.17 All documents submitted to DEQ shall be certified in accordance with IDAPA 58.01.01.123 and comply with IDAPA 58.01.01.124.

[IDAPA 58.01.01.322.15.o, 5/1/94; 40 CFR 70.6(a)(3)(iii)(A); 40 CFR 70.5(d)]

## Renewal

7.18 The permittee shall submit an application to DEQ for a renewal of this permit at least six months before, but no earlier than 18 months before, the expiration date of this operating permit. To ensure that the term of the operating permit does not expire before the permit is renewed, the permittee is encouraged to submit a renewal application nine months prior to the date of expiration.

[IDAPA 58.01.01.313.03, 4/5/00; 40 CFR 70.5(a)(1)(iii)]

7.19 If a timely and complete application for a Tier I operating permit renewal is submitted, but DEQ fails to issue or deny the renewal permit before the end of the term of this permit, then all the terms and conditions of this permit, including any permit shield that may have been granted pursuant to IDAPA 58.01.01.325, shall remain in effect until the renewal permit has been issued or denied.

[IDAPA 58.01.01.322.15.p, 5/1/94; 40 CFR 70.7(b)]

## Permit Shield

**7.20** Compliance with the terms and conditions of the Tier I operating permit, including those applicable to all alternative operating scenarios and trading scenarios, shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

- Such applicable requirements are included and are specifically identified in the Tier I operating permit; or
- DEQ has determined that other requirements specifically identified are not applicable and all of the criteria set forth in IDAPA 58.01.01.325.01(b) have been met.
- The permit shield shall apply to permit revisions made in accordance with IDAPA 58.01.01.381.04 (administrative amendments incorporating the terms of a permit to construct), IDAPA 58.01.01.382.04 (significant modifications), and IDAPA 58.01.01.384.03 (trading under an emissions cap).
- Nothing in this permit shall alter or affect the following:
  - Any administrative authority or judicial remedy available to prevent or terminate emergencies or imminent and substantial dangers;
  - The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;
  - The applicable requirements of the acid rain program, consistent with 42 U.S.C. Section 7651(g)(a); and
  - The ability of EPA to obtain information from a source pursuant to Section 114 of the CAA; or the ability of DEQ to obtain information from a source pursuant to Idaho Code §39-108 and IDAPA 58.01.01.122.

[Idaho Code §39-108 and 112; IDAPA 58.01.01.122, 4/5/00; IDAPA 58.01.01.322.15.m, 5/1/94; IDAPA 58.01.01.325, 3/19/99; IDAPA 58.01.01.381.04, 382.04, 383.05, 384.03, 385.03, 3/19/99; 40 CFR 70.6(f)]

## Compliance Schedule and Progress Reports

**7.21** The permittee shall comply with the following:

- For each applicable requirement for which the source is not in compliance, the permittee shall comply with the compliance schedule incorporated in this permit.
- For each applicable requirement that will become effective during the term of this permit and that provides a detailed compliance schedule, the permittee shall comply with such requirements in accordance with the detailed schedule.
- For each applicable requirement that will become effective during the term of this permit that does not contain a more detailed schedule, the permittee shall meet such requirements on a timely basis.
- For each applicable requirement with which the permittee is in compliance, the permittee shall continue to comply with such requirements.

[IDAPA 58.01.01.322.10, 4/5/00; IDAPA 58.01.01.314.9, 5/1/94; IDAPA 58.01.01.314.10, 4/5/00; 40 CFR 70.6(c)(3) and (4)]

## Periodic Compliance Certification

7.22 The permittee shall submit compliance certifications during the term of the permit for each emissions unit to DEQ and the EPA as follows:

- The compliance certifications for all emissions units shall be submitted annually from January 1 to December 31 or more frequently if specified by the underlying applicable requirement or elsewhere in this permit by DEQ.
- The initial compliance certification for each emissions unit shall address all of the terms and conditions contained in the Tier I operating permit that are applicable to such emissions unit, including emissions limitations, standards, and work practices;
- The compliance certification shall be in an itemized form providing the following information (provided that the identification of applicable information may cross-reference the permit or previous reports as applicable):
  - The identification of each term or condition of the Tier I operating permit that is the basis of the certification;
  - The identification of the method(s) or other means used by the permittee for determining the compliance status with each term and condition during the certification period. Such methods and other means shall include, at a minimum, the methods and means required under Subsections 322.06, 322.07, and 322.08;
  - The status of compliance with the terms and conditions of the Tier I operating permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the method or means designated in Subsection 322.11.c.ii above. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 occurred; and
  - Such information as DEQ may require to determine the compliance status of the emissions unit.

7.23 All original compliance certifications shall be submitted to DEQ and a copy of all compliance certifications shall be submitted to the EPA.

[IDAPA 58.01.01.322.11, 4/6/05; 40 CFR 70.6(c)(5)(iii) as amended, 62 Fed. Reg. 54900, 54946 (10/22/97); 40 CFR 70.6(c)(5)(iv)]

## False Statements

7.24 No person shall knowingly make any false statement, representation, or certification in any form, notice, or report required under this permit or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.125, 3/23/98]

## No Tampering

7.25 No person shall knowingly render inaccurate any monitoring device or method required under this permit or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.126, 3/23/98]

## **Semiannual Monitoring Reports**

- 7.26 In addition to all applicable reporting requirements identified in this permit, the permittee shall submit reports of any required monitoring at least every six months. The permittee's semiannual reporting periods shall be from January 1 to June 30 and July 1 to December 31. All instances of deviations from this operating permit's requirements must be clearly identified in the report. The semiannual reports shall be submitted to DEQ within 30 days of the end of the specified reporting period.

[IDAPA 58.01.01.322.15.q, 3/23/98; IDAPA 58.01.01.322.08.c, 4/5/00; 40 CFR 70.6(a)(3)(iii)]

## **Reporting Deviations and Excess Emissions**

- 7.27 The permittee shall promptly report all deviations from permit requirements including upset conditions, their probable cause, and any corrective actions or preventive measures taken. For excess emissions, the report shall be made in accordance with IDAPA 58.01.01.130–136. For all other deviations, the report shall be made in accordance with IDAPA 58.01.01.322.08.c, unless otherwise specified in this permit.

[IDAPA 58.01.01.322.15.q, 3/23/98; IDAPA 58.01.01.135, 4/11/06; 40 CFR 70.6(a)(3)(iii)]

## **Permit Revision Not Required**

- 7.28 No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit.

[IDAPA 58.01.01.322.05.b, 4/5/00; 40 CFR 70.6(a)(8)]

## **Emergency**

- 7.29 In accordance with IDAPA 58.01.01.332, an "emergency", as defined in IDAPA 58.01.01.008, constitutes an affirmative defense to an action brought for noncompliance with such technology-based emissions limitation if the conditions of IDAPA 58.01.01.332.02 are met.

[IDAPA 58.01.01.332.01, 4/5/00; 40 CFR 70.6(g)]