



State of Ohio Environmental Protection Agency

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50 West Town Street, Suite 700  
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P.O. Box 1049  
Columbus, OH 43216-1049

10/15/07

CERTIFIED MAIL

**RE: Draft Title V Chapter 3745-77  
permit**

14-83-11-0286  
Browning-Ferris Industries, Bigfoot Run Landfill  
Shelly Moler  
5092 Aber Road  
Williamsburg, OH 45176

Dear Shelly Moler:

You are hereby notified that the Ohio Environmental Protection Agency has prepared the enclosed draft of the Title V permit for the facility referenced above. The purpose of this draft is to solicit public comments. A public notice concerning the draft will appear in the Ohio EPA Weekly Review and the major newspaper in the county where the facility is located. Comments and/or a request for a public hearing from the public and any affected parties will be accepted by Hamilton County Dept. of Environmental Services within 30 days of the date of publication in the newspaper. You will be notified in writing if a public hearing is scheduled. **In order to facilitate our review of all the comments or concerns you may have with the enclosed draft permit, please provide a hand marked-up copy of the draft permit showing the changes you think are necessary, along with any additional summary comments, by the end of the draft public comment period. The hard marked-up copy and any additional summary comments should be submitted to the Ohio EPA District Office or local air agency identified below and to the following address:**

**Andrew Hall  
Permit Review/Development Section  
Ohio EPA, Division of Air Pollution Control  
122 South Front Street  
Columbus, Ohio 43215**

A decision on processing the Title V permit will be made after consideration of written public comments and oral testimony (if a public hearing is conducted). After the comment period, you will be provided with a Preliminary Proposed Title V permit and an opportunity to comment prior to the Proposed Title V permit submittal to USEPA.

If you have any questions concerning this draft Title V permit, please contact Hamilton County Dept. of Environmental Services.

Sincerely,

Michael W. Ahern, Manager  
Permit Issuance and Data Management Section  
Division of Air Pollution Control

cc: USEPA (electronically submitted)  
File, DAPC PIER  
Hamilton County Dept. of Environmental Services  
Indiana  
Kentucky



State of Ohio Environmental Protection Agency

DRAFT TITLE V PERMIT

Issue Date: 10/15/07	Effective Date: To be entered upon final issuance	Expiration Date: To be entered upon final issuance
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This document constitutes issuance of a Title V permit for Facility ID: 14-83-11-0286 to:  
 Browning-Ferris Industries, Bigfoot Run Landfill  
 2420 E Mason-Morrow-Millgrove Rd  
 Morrow, OH 45152

**Emissions Unit ID (Company ID)/Emissions Unit Activity Description**

F002 (MSW Landfill) Fugitive LFG Emission, Gas Collection and	Control System
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You will be contacted approximately eighteen (18) months prior to the expiration date regarding the renewal of this permit. If you are not contacted, please contact the appropriate Ohio EPA District Office or local air agency listed below. This permit and the authorization to operate the air contaminant sources (emissions units) at this facility shall expire at midnight on the expiration date shown above. If a renewal permit is not issued prior to the expiration date, the permittee may continue to operate pursuant to OAC rule 3745-77-08(E) and in accordance with the terms of this permit beyond the expiration date, provided that a complete renewal application is submitted no earlier than eighteen (18) months and no later than one-hundred eighty (180) days prior to the expiration date.

Described below is the current Ohio EPA District Office or local air agency that is responsible for processing and administering your Title V permit:

Hamilton County Dept. of Environmental Services  
 250 William Howard Taft Rd  
 Cincinnati, OH 45219-2660  
 (513) 946-7777

Ohio Environmental Protection Agency

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Chris Korleski  
 Director

## PART I - GENERAL TERMS AND CONDITIONS

### A. State and Federally Enforceable Section

#### 1. Monitoring and Related Record Keeping and Reporting Requirements

a. Except as may otherwise be provided in the terms and conditions for a specific emissions unit, i.e., in Section A.III of Part III of this Title V permit, the permittee shall maintain records that include the following, where applicable, for any required monitoring under this permit:

- i. The date, place (as defined in the permit), and time of sampling or measurements.
- ii. The date(s) analyses were performed.
- iii. The company or entity that performed the analyses.
- iv. The analytical techniques or methods used.
- v. The results of such analyses.
- vi. The operating conditions existing at the time of sampling or measurement.  
(Authority for term: OAC rule 3745-77-07(A)(3)(b)(i))

b. Each record of any monitoring data, testing data, and support information required pursuant to this permit shall be retained for a period of five years from the date the record was created. Support information shall include all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Such records may be maintained in computerized form.  
(Authority for term: OAC rule 3745-77-07(A)(3)(b)(ii))

c. The permittee shall submit required reports in the following manner:

- i. **All reporting required in accordance with OAC rule 3745-77-07(A)(3)(c) for deviations caused by malfunctions shall be submitted in the following manner:**

Any malfunction, as defined in OAC rule 3745-15-06(B)(1), shall be promptly reported to the Ohio EPA in accordance with OAC rule 3745-15-06. In addition, to fulfill the OAC rule 3745-77-07(A)(3)(c) deviation reporting requirements for malfunctions, written reports that identify each malfunction that occurred during each calendar quarter (including each malfunction reported only verbally in accordance with OAC rule 3745-15-06) shall be submitted (i.e., postmarked) by January 31, April 30, July 31, and October 31 of each year in accordance with General Term and Condition A.1.c.ii below; and each report shall cover the previous calendar quarter. (An exceedance of the visible emission limitations specified in OAC rule 3745-17-07(A)(1) that is caused by a malfunction is not a violation and does not need to be reported as a deviation if the owner or operator of the affected air contaminant source or air pollution control equipment complies with the requirements of OAC rule 3745-17-07(A)(3)(c).)

In accordance with OAC rule 3745-15-06, a malfunction reportable under OAC rule 3745-15-06(B) constitutes a violation of an emission limitation (or control requirement) and, therefore, is a deviation of the federally enforceable permit requirements. Even though verbal notifications and written reports are required for malfunctions pursuant to OAC rule 3745-15-06, the written reports required pursuant to this term must be submitted quarterly to satisfy the prompt reporting provision of OAC rule 3745-77-07(A)(3)(c).

In identifying each deviation caused by a malfunction, the permittee shall specify the emission limitation(s) (or control requirement(s)) for which the deviation occurred, describe each deviation, and provide the magnitude and duration of each deviation. For a specific malfunction, if this information has been provided

in a written report that was submitted in accordance with OAC rule 3745-15-06, the permittee may simply reference that written report to identify the deviation. Nevertheless, all malfunctions, including those reported only verbally in accordance with OAC rule 3745-15-06, must be reported in writing on a quarterly basis.

Any scheduled maintenance, as referenced in OAC rule 3745-15-06(A)(1), that results in a deviation from a federally enforceable emission limitation (or control requirement) shall be reported in the same manner as described above for malfunctions.

*(Authority for term: OAC rule 3745-77-07(A)(3)(c))*

- ii. **Except as may otherwise be provided in the terms and conditions for a specific emissions unit, i.e., in Section A.IV of Part III of this Title V permit or, in some cases, in Part II of this Title V permit, all reporting required in accordance with OAC rule 3745-77-07(A)(3)(c) for deviations of the emission limitations, operational restrictions, and control device operating parameter limitations shall be submitted in the following manner:**

Written reports of (a) any deviations from federally enforceable emission limitations, operational restrictions, and control device operating parameter limitations, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures taken, shall be promptly made to the appropriate Ohio EPA District Office or local air agency. Except as provided below, the written reports shall be submitted (i.e., postmarked) by January 31, April 30, July 31, and October 31 of each year; and each report shall cover the previous calendar quarter.

In identifying each deviation, the permittee shall specify the emission limitation(s), operational restriction(s), and/or control device operating parameter limitation(s) for which the deviation occurred, describe each deviation, and provide the estimated magnitude and duration of each deviation.

These written deviation reports shall satisfy the requirements of OAC rule 3745-77-07(A)(3)(c) pertaining to the submission of monitoring reports every six months and to the prompt reporting of all deviations. Full compliance with OAC rule 3745-77-07(A)(3)(c) requires reporting of all other deviations of the federally enforceable requirements specified in the permit as required by such rule.

If an emissions unit has a deviation reporting requirement for a specific emission limitation, operational restriction, or control device operating parameter limitation that is not on a quarterly basis (e.g., within 30 days following the end of the calendar month, or within 30 or 45 days after the exceedance occurs), that deviation reporting requirement satisfies the reporting requirements specified in this General Term and Condition for that specific emission limitation, operational restriction, or control device parameter limitation. Following the provisions of that non-quarterly deviation reporting requirement will also satisfy (for the deviations so reported) the requirements of OAC rule 3745-77-07(A)(3)(c) pertaining to the submission of monitoring reports every six months and to the prompt reporting of all deviations, and additional quarterly deviation reports for that specific emission limitation, operational restriction, or control device parameter limitation are not required pursuant to this General Term and Condition.

See B.6 below if no deviations occurred during the quarter.

*(Authority for term: OAC rule 3745-77-07(A)(3)(c))*

- iii. **All reporting required in accordance with the OAC rule 3745-77-07(A)(3)(c) for other deviations of the federally enforceable permit requirements which are not reported in accordance with General Term and Condition A.1.c.ii above shall be submitted in the following manner:**

Unless otherwise specified by rule, written reports that identify deviations of the following federally enforceable requirements contained in this permit; General Terms and Conditions: A.2, A.3, A.4, A.6.e, A.7, A.12, A.14, A.18, A.19, A.20, and A.22 of Part I of this Title V permit, as well as any deviations from the requirements in Section A.V or A.VI of Part III of this Title V permit, and any monitoring, record keeping, and reporting requirements, which are not reported in accordance with General Term and Condition A.1.c.ii above shall be submitted (i.e., postmarked) to the appropriate Ohio EPA District Office

or local air agency by January 31 and July 31 of each year; and each report shall cover the previous six calendar months. Unless otherwise specified by rule, all other deviations from federally enforceable requirements identified in this permit shall be submitted annually as part of the annual compliance certification, including deviations of federally enforceable requirements not specifically addressed by permit or rule for the insignificant activities or emissions levels (IEU) identified in Part II.A of this Title V permit. Annual reporting of deviations is deemed adequate to meet the deviation reporting requirements for IEUs unless otherwise specified by permit or rule.

In identifying each deviation, the permittee shall specify the federally enforceable requirement for which the deviation occurred, describe each deviation, and provide the magnitude and duration of each deviation.

These semi-annual and annual written reports shall satisfy the reporting requirements of OAC rule 3745-77-07(A)(3)(c) for any deviations from the federally enforceable requirements contained in this permit that are not reported in accordance with General Term and Condition A.1.c.ii above.

If no such deviations occurred during a six-month period, the permittee shall submit a semi-annual report which states that no such deviations occurred during that period.

*(Authority for term: OAC rules 3745-77-07(A)(3)(c)(i) and (ii) and OAC rule 3745-77-07(A)(13)(b))*

- iv. Each written report shall be signed by a responsible official certifying that, "based on information and belief formed after reasonable inquiry, the statements and information in the report (including any written malfunction reports required by OAC rule 3745-15-06 that are referenced in the deviation reports) are true, accurate, and complete."

*(Authority for term: OAC rule 3745-77-07(A)(3)(c)(iv))*

- v. Reports of any required monitoring and/or record keeping information shall be submitted to the appropriate Ohio EPA District Office or local air agency.

*(Authority for term: OAC rule 3745-77-07(A)(3)(c))*

## 2. Scheduled Maintenance

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of OAC rule 3745-15-06. Except as provided in OAC rule 3745-15-06(A)(3), any scheduled maintenance necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emissions unit(s) that is (are) served by such control system(s). Any scheduled maintenance, as defined in OAC rule 3745-15-06(A)(1), that results in a deviation from a federally enforceable emission limitation (or control requirement) shall be reported in the same manner as described for malfunctions in General Term and Condition A.1.c.i above.

*(Authority for term: OAC rule 3745-77-07(A)(3)(c))*

## 3. Risk Management Plans

If applicable, the permittee shall develop and register a risk management plan pursuant to section 112(r) of the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq. ("Act"); and, pursuant to 40 C.F.R. 68.215(a), the permittee shall submit either of the following:

- a. a compliance plan for meeting the requirements of 40 C.F.R. Part 68 by the date specified in 40 C.F.R. 68.10(a) and OAC 3745-104-05(A); or
- b. as part of the compliance certification submitted under 40 C.F.R. 70.6(c)(5), a certification statement that the source is in compliance with all requirements of 40 C.F.R. Part 68 and OAC Chapter 3745-104, including the registration and submission of the risk management plan.

*(Authority for term: OAC rule 3745-77-07(A)(4))*

## 4. Title IV Provisions

If the permittee is subject to the requirements of 40 CFR Part 72 concerning acid rain, the permittee shall ensure that any affected emissions unit complies with those requirements. Emissions exceeding any allowances that are lawfully held under Title IV of the Act, or any regulations adopted thereunder, are prohibited.

*(Authority for term: OAC rule 3745-77-07(A)(5))*

**5. Severability Clause**

A determination that any term or condition of this permit is invalid shall not invalidate the force or effect of any other term or condition thereof, except to the extent that any other term or condition depends in whole or in part for its operation or implementation upon the term or condition declared invalid.

*(Authority for term: OAC rule 3745-77-07(A)(6))*

**6. General Requirements**

- a. The permittee must comply with all terms and conditions of this permit. Any noncompliance with the federally enforceable terms and conditions of this permit constitutes a violation of the Act, and is grounds for enforcement action or for permit revocation, revocation and reissuance, or modification, or for denial of a permit renewal application.
- b. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the federally enforceable terms and conditions of this permit.
- c. This permit may be modified, reopened, revoked, or revoked and reissued, for cause, in accordance with A.10 below. The filing of a request by the permittee for a permit modification, revocation and reissuance, or revocation, or of a notification of planned changes or anticipated noncompliance does not stay any term and condition of this permit.
- d. This permit does not convey any property rights of any sort, or any exclusive privilege.
- e. The permittee shall furnish to the Director of the Ohio EPA, or an authorized representative of the Director, upon receipt of a written request and within a reasonable time, any information that may be requested to determine whether cause exists for modifying, reopening or revoking this permit or to determine compliance with this permit. Upon request, the permittee shall also furnish to the Director or an authorized representative of the Director, copies of records required to be kept by this permit. For information claimed to be confidential in the submittal to the Director, if the Administrator of the U.S. EPA requests such information, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.
- f. Except as otherwise indicated below, this Title V permit, or permit modification, is effective for five years from the original effective date specified in the permit. In the event that this facility becomes eligible for non-title V permits, this permit shall cease to be enforceable upon final issuance of all applicable OAC Chapter 3745-35 operating permits and/or registrations for all subject emissions units located at the facility and:
  - i. the permittee submits an approved facility-wide potential to emit analysis supporting a claim that the facility no longer meets the definition of a "major source" as defined in OAC rule 3745-77-01(W) based on the permanent shutdown and removal of one or more emissions units identified in this permit; or
  - ii. the permittee no longer meets the definition of a "major source" as defined in OAC rule 3745-77-01(W) based on obtaining restrictions on the facility-wide potential(s) to emit that are federally enforceable or legally and practically enforceable ; or
  - iii. a combination of i. and ii. above.

The permittee shall comply with any residual requirements, such as quarterly deviation reports, semi-annual deviation reports, and annual compliance certifications covering the period during which this Title V permit was enforceable. All records relating to this permit must be maintained in accordance with law.

*(Authority for term: OAC rule 3745-77-01(W), OAC rule 3745-77-07(A)(3)(b)(ii), OAC rule 3745-77(A)(7))*

**7. Fees**

The permittee shall pay fees to the Director of the Ohio EPA in accordance with ORC section 3745.11 and OAC Chapter 3745-78.

*(Authority for term: OAC rule 3745-77-07(A)(8))*

**8. Marketable Permit Programs**

No revision of this permit is required under any approved economic incentive, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in this permit.  
(Authority for term: OAC rule 3745-77-07(A)(9))

**9. Reasonably Anticipated Operating Scenarios**

The permittee is hereby authorized to make changes among operating scenarios authorized in this permit without notice to the Ohio EPA, but, contemporaneous with making a change from one operating scenario to another, the permittee must record in a log at the permitted facility the scenario under which the permittee is operating. The permit shield provided in these general terms and conditions shall apply to all operating scenarios authorized in this permit.  
(Authority for term: OAC rule 3745-77-07(A)(10))

**10. Reopening for Cause**

This Title V permit will be reopened prior to its expiration date under the following conditions:

- a. Additional applicable requirements under the Act become applicable to one or more emissions units covered by this permit, and this permit has a remaining term of three or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to paragraph (E)(1) of OAC rule 3745-77-08.
- b. This permit is issued to an affected source under the acid rain program and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit, and shall not require a reopening of this permit.
- c. The Director of the Ohio EPA or the Administrator of the U.S. EPA determines that the federally applicable requirements in this permit are based on a material mistake, or that inaccurate statements were made in establishing the emissions standards or other terms and conditions of this permit related to such federally applicable requirements.
- d. The Administrator of the U.S. EPA or the Director of the Ohio EPA determines that this permit must be revised or revoked to assure compliance with the applicable requirements.  
(Authority for term: OAC rules 3745-77-07(A)(12) and 3745-77-08(D))

**11. Federal and State Enforceability**

Only those terms and conditions designated in this permit as federally enforceable, that are required under the Act, or any of its applicable requirements, including relevant provisions designed to limit the potential to emit of a source, are enforceable by the Administrator of the U.S. EPA, the State, and citizens under the Act. All other terms and conditions of this permit shall not be federally enforceable and shall be enforceable under State law only.  
(Authority for term: OAC rule 3745-77-07(B))

**12. Compliance Requirements**

- a. Any document (including reports) required to be submitted and required by a federally applicable requirement in this Title V permit shall include a certification by a responsible official that, based on information and belief formed after reasonable inquiry, the statements in the document are true, accurate, and complete.
- b. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Director of the Ohio EPA or an authorized representative of the Director to:
  - i. At reasonable times, enter upon the permittee's premises where a source is located or the emissions-related activity is conducted, or where records must be kept under the conditions of this permit.
  - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, subject to the protection from disclosure to the public of confidential information consistent with paragraph (E) of OAC rule 3745-77-03.

- iii. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit.
  - iv. As authorized by the Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit and applicable requirements.
- c. The permittee shall submit progress reports to the appropriate Ohio EPA District Office or local air agency concerning any schedule of compliance for meeting an applicable requirement. Progress reports shall be submitted semiannually, or more frequently if specified in the applicable requirement or by the Director of the Ohio EPA. Progress reports shall contain the following:
- i. Dates for achieving the activities, milestones, or compliance required in any schedule of compliance, and dates when such activities, milestones, or compliance were achieved.
  - ii. An explanation of why any dates in any schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
- d. Compliance certifications concerning the terms and conditions contained in this permit that are federally enforceable emission limitations, standards, or work practices, shall be submitted to the Director (the appropriate Ohio EPA District Office or local air agency) and the Administrator of the U.S. EPA in the following manner and with the following content:
- i. Compliance certifications shall be submitted annually on a calendar year basis. The annual certification shall be submitted (i.e., postmarked) on or before April 30th of each year during the permit term.
  - ii. Compliance certifications shall include the following:
    - (a) An identification of each term or condition of this permit that is the basis of the certification.
    - (b) The permittee's current compliance status.
    - (c) Whether compliance was continuous or intermittent.
    - (d) The method(s) used for determining the compliance status of the source currently and over the required reporting period.
    - (e) Such other facts as the Director of the Ohio EPA may require in the permit to determine the compliance status of the source.
  - iii. Compliance certifications shall contain such additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the Act.

*(Authority for term: OAC rules 3745-77-07(C)(1),(2),(4) and (5) and ORC section 3704.03(L))*

### **13. Permit Shield**

- a. Compliance with the terms and conditions of this permit (including terms and conditions established for alternate operating scenarios, emissions trading, and emissions averaging, but excluding terms and conditions for which the permit shield is expressly prohibited under OAC rule 3745-77-07) shall be deemed compliance with the applicable requirements identified and addressed in this permit as of the date of permit issuance.
  - b. This permit shield provision shall apply to any requirement identified in this permit pursuant to OAC rule 3745-77-07(F)(2), as a requirement that does not apply to the source or to one or more emissions units within the source.
- (Authority for term: OAC rule 3745-77-07(F))*

### **14. Operational Flexibility**

The permittee is authorized to make the changes identified in OAC rule 3745-77-07(H)(1)(a) to (H)(1)(c) within the permitted stationary source without obtaining a permit revision, if such change is not a modification under any provision of Title I of the Act [as defined in OAC rule 3745-77-01(JJ)], and does not result in an exceedance of the emissions allowed

under this permit (whether expressed therein as a rate of emissions or in terms of total emissions), and the permittee provides the Administrator of the U.S. EPA and the appropriate Ohio EPA District Office or local air agency with written notification within a minimum of seven days in advance of the proposed changes, unless the change is associated with, or in response to, emergency conditions. If less than seven days notice is provided because of a need to respond more quickly to such emergency conditions, the permittee shall provide notice to the Administrator of the U.S. EPA and the appropriate District Office of the Ohio EPA or local air agency as soon as possible after learning of the need to make the change. The notification shall contain the items required under OAC rule 3745-77-07(H)(2)(d).

*(Authority for term: OAC rules 3745-77-07(H)(1) and (2))*

**15. Emergencies**

The permittee shall have an affirmative defense of emergency to an action brought for noncompliance with technology-based emission limitations if the conditions of OAC rule 3745-77-07(G)(3) are met. This emergency defense provision is in addition to any emergency or upset provision contained in any applicable requirement.

*(Authority for term: OAC rule 3745-77-07(G))*

**16. Off-Permit Changes**

The owner or operator of a Title V source may make any change in its operations or emissions at the source that is not specifically addressed or prohibited in the Title V permit, without obtaining an amendment or modification of the permit, provided that the following conditions are met:

- a. The change does not result in conditions that violate any applicable requirements or that violate any existing federally enforceable permit term or condition.
- b. The permittee provides contemporaneous written notice of the change to the Director and the Administrator of the U.S. EPA, except that no such notice shall be required for changes that qualify as insignificant emissions levels or activities as defined in OAC rule 3745-77-01(U). Such written notice shall describe each such change, the date of such change, any change in emissions or pollutants emitted, and any federally applicable requirement that would apply as a result of the change.
- c. The change shall not qualify for the permit shield under OAC rule 3745-77-07(F).
- d. The permittee shall keep a record describing all changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.
- e. The change is not subject to any applicable requirement under Title IV of the Act or is not a modification under any provision of Title I of the Act.

Paragraph (I) of rule 3745-77-07 of the Administrative Code applies only to modification or amendment of the permittee's Title V permit. The change made may require a permit to install under Chapter 3745-31 of the Administrative Code if the change constitutes a modification as defined in that Chapter. Nothing in paragraph (I) of rule 3745-77-07 of the Administrative Code shall affect any applicable obligation under Chapter 3745-31 of the Administrative Code.

*(Authority for term: OAC rule 3745-77-07(I))*

**17. Compliance Method Requirements**

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee, including but not limited to, any challenge to the Credible Evidence Rule (see 62 Fed. Reg. 8314, Feb. 24, 1997), in the context of any future proceeding.

*(This term is provided for informational purposes only.)*

**18. Insignificant Activities or Emissions Levels**

Each IEU that has one or more applicable requirements shall comply with those applicable requirements.

*(Authority for term: OAC rule 3745-77-07(A)(1))*

**19. Permit to Install Requirement**

Prior to the “installation” or “modification” of any “air contaminant source,” as those terms are defined in OAC rule 3745-31-01, a permit to install must be obtained from the Ohio EPA pursuant to OAC Chapter 3745-31.  
(Authority for term: OAC rule 3745-77-07(A)(1))

**20. Air Pollution Nuisance**

The air contaminants emitted by the emissions units covered by this permit shall not cause a public nuisance, in violation of OAC rule 3745-15-07.  
(Authority for term: OAC rule 3745-77-07(A)(1))

**21. Permanent Shutdown of an Emissions Unit**

The permittee may notify Ohio EPA of any emissions unit that is permanently shut down by submitting a certification from the responsible official that identifies the date on which the emissions unit was permanently shut down. Authorization to operate the affected emissions unit shall cease upon the date certified by the responsible official that the emissions unit was permanently shut down.

After the date on which an emissions unit is permanently shut down (i.e., that has been physically removed from service or has been altered in such a way that it can no longer operate without a subsequent “modification” or “installation” as defined in OAC Chapter 3745-31 and therefore ceases to meet the definition of an “emissions unit” as defined in OAC rule 3745-77-01(O)), rendering existing permit terms and conditions irrelevant, the permittee shall not be required, after the date of the certification and submission to Ohio EPA, to meet any Title V permit requirements applicable to that emissions unit, except for any residual requirements, such as the quarterly deviation reports, semi-annual deviation reports and annual compliance certification covering the period during which the emissions unit last operated. All records relating to the shutdown emissions unit, generated while the emissions unit was in operation, must be maintained in accordance with law.

No emissions unit certified by the responsible official as being permanently shut down may resume operation without first applying for and obtaining a permit to install pursuant to OAC Chapter 3745-31.  
(Authority for term: OAC rule 3745-77-01)

**22. Title VI Provisions**

If applicable, the permittee shall comply with the standards for recycling and reducing emissions of ozone depleting substances pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners in Subpart B of 40 CFR Part 82:

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

(Authority for term: OAC rule 3745-77-01(H)(11))

**B. State Only Enforceable Section**

**1. Reporting Requirements Related to Monitoring and Record Keeping Requirements**

The permittee shall submit required reports in the following manner:

- a. Reports of any required monitoring and/or record keeping information shall be submitted to the appropriate Ohio EPA District Office or local air agency.
- b. Except as otherwise may be provided in the terms and conditions for a specific emissions unit, quarterly written reports of (i) any deviations (excursions) from emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and record keeping requirements specified in this permit, (ii) the probable cause of such deviations, and (iii) any corrective actions or preventive measures which have been or will be taken, shall be submitted to the appropriate Ohio EPA District Office or local air agency. In identifying each deviation, the permittee shall specify the applicable requirement for which the deviation occurred, describe each deviation, and provide the magnitude and duration of each deviation. If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted (i.e., postmarked) quarterly, by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters. (These quarterly reports shall exclude deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06.)

**2. Records Retention Requirements**

Each record of any monitoring data, testing data, and support information required pursuant to this permit shall be retained for a period of five years from the date the record was created. Support information shall include, but not be limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Such records may be maintained in computerized form.

**3. Inspections and Information Requests**

The Director of the Ohio EPA, or an authorized representative of the Director, may, subject to the safety requirements of the permittee and without undue delay, enter upon the premises of this source at any reasonable time for purposes of making inspections, conducting tests, examining records or reports pertaining to any emission of air contaminants, and determining compliance with any applicable State air pollution laws and regulations and the terms and conditions of this permit. The permittee shall furnish to the Director of the Ohio EPA, or an authorized representative of the Director, upon receipt of a written request and within a reasonable time, any information that may be requested to determine whether cause exists for modifying, reopening or revoking this permit or to determine compliance with this permit. Upon verbal or written request, the permittee shall also furnish to the Director of the Ohio EPA, or an authorized representative of the Director, copies of records required to be kept by this permit.

**4. Scheduled Maintenance/Malfunction Reporting**

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of OAC rule 3745-15-06. The malfunction of any emissions units or any associated air pollution control system(s) shall be reported to the appropriate Ohio EPA District Office or local air agency in accordance with paragraph (B) of OAC rule 3745-15-06. Except as provided in that rule, any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emissions unit(s) that is (are) served by such control system(s).

**5. Permit Transfers**

Any transferee of this permit shall assume the responsibilities of the prior permit holder. The appropriate Ohio EPA District Office or local air agency must be notified in writing of any transfer of this permit.

**6. Additional Reporting Requirements When There Are No Deviations of Federally Enforceable Emission Limitations, Operational Restrictions, or Control Device Operating Parameter Limitations (See Section A of This Permit)**

If no emission limitation (or control requirement), operational restriction and/or control device parameter limitation deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations

occurred during that quarter. The reports shall be submitted (i.e., postmarked) by January 31, April 30, July 31, and October 31 of each year; and each report shall cover the previous calendar quarter.

The permittee is not required to submit a quarterly report which states that no deviations occurred during that quarter for the following situations:

- a. where an emissions unit has deviation reporting requirements for a specific emission limitation, operational restriction, or control device parameter limitation that override the deviation reporting requirements specified in General Term and Condition A.1.c.ii; or
- b. where an uncontrolled emissions unit has no monitoring, record keeping, or reporting requirements and the emissions unit's applicable emission limitations are established at the potentials to emit; or
- c. where the company's responsible official has certified that an emissions unit has been permanently shut down.

## **Part II - Specific Facility Terms and Conditions**

### **A. State and Federally Enforceable Section**

1. The following insignificant emissions units are located at this facility:

F001 - roadways and parking areas

Each insignificant emissions unit at this facility must comply with all applicable State and federal regulations, as well as any emission limitations and/or control requirements contained within a permit to install for the emissions unit. Insignificant emissions units listed above that are not subject to specific permit to install requirements are subject to one or more applicable requirements contained in the federally-approved versions of OAC Chapters 3745-17, 3745-18, and/or 3745-21.

### **B. State Only Enforceable Section**

**None**

### Part III - Terms and Conditions for Emissions Units

**Emissions Unit ID:** MSW Landfill (F002)

**Activity Description:** Fugitive LFG Emission, Gas Collection and Control System

#### A. State and Federally Enforceable Section

##### I. Applicable Emissions Limitations and/or Control Requirements

- The specific operation(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

<u>Operations, Property, and/or Equipment</u>	<u>Applicable Rules/ Requirements</u>	<u>Applicable Emissions Limitations/Control Measures</u>
F002 - existing municipal solid waste landfill (no longer accepting waste), equipped with gas collection system and enclosed combustion device (enclosed flare)	OAC rule 3745-76-07	See sections A.I.2.a, A.I.2.b, A.I.2.c, and A.I.2.d below.
	40 CFR 60.18(c)(1)	No visible emissions from the flare, except as provided by rule.
	40 CFR, Part 60, Subpart Cc	40 CFR, Part 60, Subpart Cc required the State of Ohio to develop emission guidelines for existing municipal solid waste landfill emissions. The State of Ohio issued OAC 3745 Chapter 76, Control of Non-methane Organic Compound (NMOC) Emissions From Existing Landfills in response to the requirement. See the Applicable Emission Limitations/Control Measures listed above for OAC rule 3745-76-07.
	40 CFR, Part 61, Subpart M	See sections A.I.2.e and A.I.2.f below.
	40 CFR, Part 63, Subpart AAAA, National Emissions Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills	See section A.I.2.g below.

## 2. Additional Terms and Conditions

- 2.a** Design, construction, and siting of the gas extraction wells and gas collection system shall be in accordance with Ohio's Chapter 111(d) plan for existing MSW landfills as approved by the US EPA, the gas collection and control system design plan, and standard industry methods and practices currently in use. The gas collection system shall:
- i. be designed to handle the maximum expected gas flow rate, as calculated from equations specified in OAC rule 3745-76-10(A)(1), from the entire area of the landfill that warrants control over the intended use period of the gas control or treatment system equipment;
  - ii. collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of 5 years or more if active, or 2 years or more if closed or at final grade;
  - iii. collect gas at a sufficient extraction rate;
  - iv. be designed to minimize off-site migration of subsurface gas; and
  - v. meet all other specifications for active collection systems specified in OAC rule 3745-76-14.

Compliance with the above requirements shall be demonstrated as specified in OAC rule 3745-76-10(A)(1) through (A)(6).

- 2.b** All landfill gas collected shall be routed to a control system designed and operated within the parameters demonstrated during the performance test to reduce non-methane organic compounds (NMOC) emissions by 98 weight-percent, or when an enclosed combustion device is used for control, to either reduce NMOC emissions 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 NMOC concentration shall be determined by methods specified in OAC rule 3745-76-09(D).
- 2.c** The equipment that constitutes the gas collection and control system shall be properly maintained and kept in good operating condition at all times.
- 2.d** The collection and control system may be capped or removed provided that all the conditions of OAC rule 3745-76-07(B)(2)(e)(i), (ii) & (iii) are met.
- 2.e** The permittee shall comply with one of the following requirements for this inactive waste disposal site containing asbestos:
- i. discharge no visible emissions from the inactive waste disposal site; or
  - ii. cover the asbestos-containing waste material with at least six inches of compacted nonasbestos-containing material, and grow and maintain a cover of vegetation on the area adequate to prevent exposure of the asbestos-containing waste material; or
  - iii. cover the asbestos-containing waste material with at least two feet of compacted nonasbestos-containing material, and maintain the cover to prevent exposure of the asbestos-containing waste material.

## 2. Additional Terms and Conditions (continued)

**2.f** Unless a natural barrier adequately deters access by the general public to the inactive asbestos waste disposal site, the permittee shall install and maintain warning signs and fencing as follows, or comply with 40 CFR 61.151(b):

i. Display warning signs at all entrances and at intervals of three hundred feet or less along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material was deposited. The warning signs must:

(a) be posted in such a manner and location that a person can easily read the legend; and

(b) conform to the requirements for a twenty-inch by fourteen-inch upright format warning sign and display the following legend in the lower panel with letter sizes of at least one inch sans serif. Spacing between any two lines must be at least equal to the height of the upper of the two lines:

ASBESTOS WASTE DISPOSAL SITE  
DO NOT CREATE DUST  
BREATHING ASBESTOS IS HAZARDOUS TO YOUR HEALTH

ii. Fence the perimeter of the site in a manner adequate to deter access by the general public.

**2.g** 40 CFR Part 63, National Emissions Standards for Hazardous Air Pollutants:

Subpart AAAA establishes national emission standards for hazardous air pollutants for existing and new municipal solid waste (MSW) landfills. This subpart requires all landfills described in Section 63.1935 to meet the requirements of 40 CFR Part 60, Subpart Cc or WWW and requires timely control of bioreactors. This subpart also requires such landfills to meet the startup, shutdown, and malfunction (SSM) requirements of the general provisions of this part and provides that compliance with the operating conditions shall be demonstrated by parameter monitoring results that are within the specified ranges. It also includes additional reporting requirements.

Municipal solid waste landfill or MSW landfill means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes (see Section 257.2 of this chapter) such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads. A municipal solid waste landfill may be publicly or privately owned. A municipal solid waste landfill may be a new municipal solid waste landfill, an existing municipal solid waste landfill, or a lateral expansion.

This MSW landfill is an existing affected source. The facility is an existing source for Subpart AAAA because this MSW landfill has not commenced construction or reconstruction after November 7, 2000. The facility is an affected source for Subpart AAAA as defined in 40 CFR 63.1935(a)(3) because the facility has a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters and has estimated uncontrolled emissions equal to or greater than 50 megagrams per year NMOC as calculated according to Section 60.754(a) of Subpart WWW of the New Source Performance Standards,

The permittee shall comply with this subpart by January 16, 2004. The permittee is no longer required to comply with this subpart when controls are no longer required by OAC rule 745-76-07(B)(2)(e).

As defined in Subpart AAAA, 40 CFR 63.1955, this MSW landfill is subject to the requirements of 40 CFR Part 60, Subpart Cc, the Subpart AAAA requirements in 40 CFR 63.1960 through 63.1985, and the following sections of 40 CFR Part 63 Subpart A, the General Provisions of the National Emissions Standards for Hazardous Air Pollutants for Source Categories (NESHAPS):

63.1(a), 63.1(b), 63.1(e), 63.2, 63.4, 63.5(b), 63.6(e), 63.6(f), 63.10(b)(2)(i) through 63.10(b)(2)(v), 63.10(d)(5), 63.12(a), and 63.15.

## 2. Additional Terms and Conditions (continued)

For approval of collection and control systems that include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, record keeping or reporting provisions, the permittee must follow the procedures in 40 CFR 60.752(b)(2). If alternatives have already been approved under 40 CFR Part 60 Subpart WWW or the federal plan, or EPA approved and effective State or tribal plan, these alternatives can be used to comply with this subpart, except that all affected sources must comply with the SSM requirements in Subpart A of this part as specified in Table 1 of this subpart and all affected sources must submit compliance reports every 6 months as specified in Section 63.1980(a) and (b), including information on all deviations that occurred during the 6-month reporting period.

### General and Continuing Compliance Requirements

Compliance is determined in the same way it is determined for 40 CFR Part 60, Subpart WWW, including performance testing, monitoring of the collection system, continuous parameter monitoring, and other credible evidence. In addition, continuous parameter monitoring data, collected under 40 CFR 60.756(b)(1), (c)(1), and (d) of Subpart WWW, are used to demonstrate compliance with the operating conditions for control systems. If a deviation occurs, the permittee has failed to meet the control device operating conditions described in this subpart and has deviated from the requirements of this subpart. Finally, the permittee must develop and implement a written SSM plan according to the provisions in 40 CFR 63.6(e)(3). A copy of the SSM plan must be maintained on site. Failure to write, implement, or maintain a copy of the SSM plan is a deviation from the requirements of this Subpart.

### Deviations

(a) Emissions limitation means any emission limit, opacity limit, operating limit, or visible emissions limit.

(b) Deviation means any instance in which an affected source subject to this Subpart, or an owner or operator of such a source:

(i) fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emissions limitation (including any operating limit) or work practice standard;

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

(iii) fails to meet any emission limitation (including any operating limit), or work practice standard in this Subpart during SSM, regardless of whether or not such failure is permitted by this Subpart.

(c) For the purposes of the landfill monitoring and SSM plan requirements, a deviation occurs when the control device operating parameter boundaries described in 40 CFR 60.758(c)(1) of Subpart WWW are exceeded, or, when an SSM plan is not developed, implemented, or maintained on site.

### Implementation and enforcement

This Subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or tribal agency. If the EPA Administrator has delegated authority to a State, local, or tribal agency, then that agency as well as the U.S. EPA has the authority to implement and enforce this Subpart. Contact the applicable EPA Regional Office to find out if this Subpart is delegated to a State, local, or tribal agency.

In delegating implementation and enforcement authority of this Subpart to a State, local, or tribal agency under Subpart E of this part, the authority to approve alternatives to the standards in Section 63.1955 are retained by the EPA Administrator and are not transferred to the State, local, or tribal agency. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart.

## II. Operational Restrictions

1. The permittee shall 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:
  - i. five years or more if active; or
  - ii. two years or more if closed or at final grade.

Compliance with the above requirements shall be demonstrated as specified in OAC rule 3745-76-10(B).

(Authority for term: OAC rule 3745-77-07(A)(1), OAC rule 3745-76-08(A) and OAC rule 3745-76-10(B))

2. The permittee shall operate the collection system with negative pressure at each wellhead except under the following conditions:
  - i. 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 OAC rule 3745-76-12(F)(1);
  - ii. use of a geomembrane or synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan; or
  - iii. a decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes shall be approved by the director.

If monitoring demonstrates that the operational requirement(s) specified in this term are not met, corrective action shall be taken as specified in OAC rule 3745-76-10(A)(3) to (A)(5) or OAC rule 3745-76-10(C). If corrective actions are taken as specified in rule 3745-76-10 of the Administrative Code, the monitored exceedance is not a violation of the operational requirements in this rule.

(Authority for term: OAC rule 3745-77-07(A)(1) and OAC rule 3745-76-08(B))

3. The permittee shall operate each interior wellhead in the collection system with a landfill gas temperature less than fifty five degrees Celsius and with either a nitrogen level less than twenty percent or an oxygen level less than five per cent. 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 oxygen and nitrogen levels shall be determined as specified in OAC rule 3745-76-08(C)(1) and (2).

If monitoring demonstrates that the operational requirement(s) specified in this term are not met, corrective action shall be taken as specified in OAC rule 3745-76-10(A)(3) to (A)(5) or OAC rule 3745-76-10(C). If corrective actions are taken as specified in rule 3745-76-10 of the Administrative Code, the monitored exceedance is not a violation of the operational requirements in this rule.

(Authority for term: OAC rule 3745-77-07(A)(1) and OAC rule 3745-76-08(C))

## II. Operational Restrictions (continued)

4. The permittee shall operate the collection system so that the methane concentration is less than five hundred parts per million above background at the surface of the landfill. To determine if this level is exceeded, the owner or operator shall conduct surface testing around the perimeter of the collection area and along a pattern that traverses the landfill at thirty meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. The owner or operator may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the thirty meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing.

If monitoring demonstrates that the operational requirement(s) specified in this term are not met, corrective action shall be taken as specified in OAC rule 3745-76-10(A)(3) to (A)(5) or OAC rule 3745-76-10(C). If corrective actions are taken as specified in rule 3745-76-10 of the Administrative Code, the monitored exceedance is not a violation of the operational requirements in this rule.

Compliance with the above requirements shall be demonstrated as specified in OAC rule 3745-76-10(C) and (D).

(Authority for term: OAC rule 3745-77-07(A)(1), OAC rule 3745-76-08(D) and OAC rule 3745-76-10(C))

5. The permittee shall operate the system such that all collected gases are vented to a control system designed and operated in compliance with OAC rule 3745-76-07(B)(2)(c). 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.

(Authority for term: OAC rule 3745-77-07(A)(1) and OAC rule 3745-76-08(E))

6. The permittee shall operate the control or treatment system at all times when the collected gas is routed to the system.

(Authority for term: OAC rule 3745-77-07(A)(1) and OAC rule 3745-76-08(F))

7. The permittee shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis, as specified in OAC rule 3745-27-19(E)(12) and OAC rule 3745-27-14(A).

(Authority for term: OAC rule 3745-77-07(A)(1) and OAC rule 3745-76-10(C)(5))

8. In order to maintain compliance with the applicable emission limitation(s) contained in this permit, the acceptable average combustion temperature within the enclosed combustor, for any 3-hour block of time when the emissions unit(s) controlled by the enclosed combustor in operation, shall not be more than 50 degrees Fahrenheit below the average temperature measured during the most recent emissions test that demonstrated the emissions unit(s) was/were in compliance.

(Authority for term: OAC rule 3745-77-07(A)(1), OAC rule 3745-76-11(D), and OAC rule 3745-76-07(B)(2)(c).)

## III. Monitoring and/or Record Keeping Requirements

1. The permittee shall collect and record the following information on a monthly basis:
- the gauge pressure in the gas collection header as specified in OAC rule 3745-76-10(A)(3);
  - the nitrogen or oxygen concentration in the landfill gas as specified in OAC rule 3745-76-10(A)(5); and
  - the temperature of the landfill gas as specified in OAC rule 3745-76-10(A)(5).

In order to measure the temperature of the landfill gas the permittee shall install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead.

(Authority for term: OAC rule 3745-77-07(C)(1), OAC rule 3745-76-10(A), and OAC rule 3745-76-11(A))

### III. Monitoring and/or Record Keeping Requirements (continued)

2. The permittee shall install, calibrate, maintain and operate, according to the manufacturer's specification, the following equipment:
- i. a temperature monitoring device equipped with a continuous recorder, having a minimum accuracy of +/- 1 percent of the temperature being measured expressed in degrees Celsius or +/- 0.5 degrees Celsius, whichever is greater; and
  - ii. a device that records flow to or bypass of the combustor. The permittee shall either:
    - a. 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
    - b. 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.

The permittee shall keep up-to-date, readily accessible records, for the life of the control equipment, and as measured during the initial performance test or compliance determination, of the following records:

- iii. the average combustion temperature measured at least every 15 minutes and averaged over the same time period of the performance test; and
- iv. the percent reduction of NMOC achieved by the combustor and determined as specified in OAC rule 3745-76-07(B)(2)(c)(ii) and this permit.

(Authority for term: OAC rule 3745-77-07(C)(1), OAC rule 3745-76-11(B) and OAC rule 3745-76-13)

3. On a quarterly basis, the permittee shall perform surface monitoring at the landfill to determine compliance with the requirements of OAC rule 3745-76-08(D). The surface monitoring shall be conducted in accordance with the procedures specified in OAC rule 3745-76-10(C) and (D). Should the landfill have no monitored exceedances of the operational standard in three consecutive quarterly monitoring periods may skip to annual monitoring. Any methane reading of five hundred parts per million or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring.

The permittee shall collect and record the information specified in OAC 3745-76-10(C)(1) through (C)(4) each time surface monitoring is conducted.

(Authority for term: OAC rule 3745-77-07(C)(1), OAC rule 3745-76-10(C), and OAC rule 3745-76-11(F))

4. On a monthly basis, the permittee shall conduct an inspection of the landfill to determine compliance with the program to monitor for cover integrity as required in section A.II.7 of this permit. The results of this inspection and any corrective action shall be collected and recorded.

(Authority for term: OAC rule 3745-77-07(C)(1) and OAC rule 3745-76-10(C)(5))

5. The permittee shall keep for at least 5 years up-to-date, readily accessible, on-site records of the maximum design capacity of the landfill, the current amount of solid waste in-place, and the year-to-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either hardcopy or electronic formats are acceptable. These records, may also be required by the Ohio EPA, Division of Solid and Infectious Waste Management, and shall satisfy this permit condition.

(Authority for term: OAC rule 3745-77-07(C)(1) and OAC rule 3745-76-13(A))

6. The permittee shall maintain the maximum expected gas generation flow rate as calculated by equations specified in 3745-76-10(A)(1) on site for the life of the control device.

(Authority for term: OAC rule 3745-77-07(C)(1) and OAC rule 3745-76-13(B)(1)(a))

### **III. Monitoring and/or Record Keeping Requirements (continued)**

7. The permittee shall maintain, 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 provide a unique identification location label for each collector.

(Authority for term: OAC rule 3745-77-07(C)(1) and OAC rule 3745-76-13(D))

8. The permittee shall maintain records of the following information:
- i. The waste shipment record form for each shipment of ACMs.
  - ii. The location, depth and area, and quantity in cubic yards of all ACMs within the disposal site, on a map or diagram of the disposal area.

(Authority for term: OAC rule 3745-77-07(C)(1) and OAC rule 3745-76-13(D)(2))

9. The permittee shall, upon each visit to this closed facility, and at a minimum of once per month during normal operating conditions, visually inspect the flare and record whether or not any visible emissions are present. Should visible emissions be present, the permittee shall document the corrective actions taken to eliminate the visible emissions.

(Authority for term: OAC rule 3745-77-07(C)(1))

10. The gas collection and control system shall be equipped with an auto-dial communication mechanism incorporated into it so that should a malfunction develop with the flare and/or blower system, the gas system technician will automatically be paged by phone.

(Authority for term: OAC rule 3745-77-07(C)(1))

### **IV. Reporting Requirements**

1. Any breakdown or malfunction of the landfill gas flare resulting in the emission of raw landfill gas from the gas collection and control system for more than one hour shall be reported to the appropriate Ohio EPA District Office or local air agency within one hour after the occurrence, or as soon as reasonably possible, and immediate remedial measures shall be undertaken to correct the problem and prevent further emissions to the atmosphere.

(Authority for term: OAC rule 3745-77-07(C)(1) and OAC rule 3745-76-08(E))

2. In the event of a potential emergency, such as a fire within the landfill, wells affected may be temporarily shut off, which could result in a positive gauge pressure. The appropriate Ohio EPA District Office or local air agency shall be notified within one working day of any shutdowns of any wells.

(Authority for term: OAC rule 3745-77-07(C)(1)) and OAC rule 3745-76-08(B))

#### **IV. Reporting Requirements (continued)**

3. The permittee shall submit quarterly deviation (excursion) reports that include the following information:
- i. an identification of each month during which the gauge pressure in the gas collection header gave a positive pressure reading, and the actual gauge pressure reading for each such month;
  - ii. an identification of each period during which the temperature in the combustion device was more than 50 Fahrenheit lower than that recorded during the most recent stack test that demonstrated compliance, and a copy of the recorded chart for each such period;
  - iii. an identification of each month during which temperature and nitrogen or oxygen limitations specified in A.II.3 were exceeded;
  - iv. an identification of each quarter during which the methane concentration measured at the surface of the landfill was greater than 500 parts per million above the background levels (as specified in OAC 3745-76-10(C)(3), compliance with the 500 parts per million limitation shall be determined at a distance between 5 and 10 centimeters above the surface of the landfill);
  - v. all periods when the gas stream is diverted from the control device or recovery system through a bypass line or the indication of bypass flow or any record which indicates that the bypass line valve was not maintained in the closed position; and
  - vi. a listing of all periods when the collection system was not operating in excess of five days.

Should a deviation occur, the deviation report shall include details sufficient to determine compliance with the time line provisions established under OAC rule 3745-76-10.

All quarterly deviation reports shall be submitted in accordance with paragraph A.1.c of the General Terms and Conditions of this permit.

(Authority for term: OAC rule 3745-77-07(C)(1) and OAC rule 3745-76-12(F))

4. The permittee shall submit semi-annual reports which include an identification of any record showing that visible emissions were present from the flare. Should visible emissions have been present, the corrective actions taken to eliminate the visible emissions shall be contained in the report. The reports shall be submitted by January 31 and July 31 of each year and shall cover the previous 6 calendar months.

(Authority for term: OAC rule 3745-77-07(C)(1))

5. The permittee shall submit an equipment installation report to the appropriate Ohio EPA District Office or local air agency for expansions added pursuant to OAC rule 3745-76-10(A)(3), (B), and (C)(4). This report shall include the date, location, and description of the expansion.

(Authority for term: OAC rule 3745-77-07(C)(1) and OAC rule 3745-76-12(F)(6))

6. The permittee shall submit, upon closure of the facility, a copy of the records of the asbestos waste disposal locations and quantities.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR Part 61.151)

#### **IV. Reporting Requirements (continued)**

7. The permittee shall notify the appropriate Ohio EPA District Office or local air agency in writing at least 45 days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at a waste disposal site and is covered. If the excavation will begin on a date other than the one contained in the original notice, notice of the new start date must be provided at least 10 working days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification. The following information shall be included in the notice:
- i. scheduled starting and completion dates;
  - ii. reason for disturbing the waste;
  - iii. procedures to be used to control emissions during the excavation, storage, transport, and ultimate disposal of the excavated asbestos-containing waste material. (If deemed necessary, the Director may require changes in the proposed emission control procedures); and
  - iv. location of any temporary storage site and the final disposal site.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR Part 61 Subpart M)

8. Prior to the removal of control equipment as allowed under OAC 3745-76-07(B)(2), the permittee shall submit a report to the director thirty days prior to removal or cessation of operation of the control equipment. The equipment removal report shall contain all of the following items:
- (i) a copy of the closure report submitted in accordance with OAC rule 3745-76-12(D);
  - (ii) a copy of the initial performance test report demonstrating that the fifteen year minimum control period has expired; and
  - (iii) dated copies of three successive NMOC emission rate reports demonstrating that the landfill is no longer producing fifty megagrams or greater of NMOC per year.

(Authority for term: OAC rule 3745-77-07(C)(1) and OAC rule 3745-76-12(E)(1))

#### **V. Testing Requirements**

1. Compliance with the emission limitation(s) in Section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):
- 1.a The permittee shall conduct, or have conducted, emission testing for this emissions unit in accordance with the following requirements:
- i. the emission testing shall be conducted within 6 months after the effective date of this Title V permit, and within 6 months prior to permit expiration;
  - ii. the emission testing shall be conducted to demonstrate compliance with the control efficiency specified in A.I.2.b.
  - iii. the following test methods shall be employed to demonstrate compliance with the control efficiency:  
for NMOC - Method 25C or 18 of 40 CFR, Part 60, Appendix A and OAC rule 3745-76-09(D)  
Alternative U.S. EPA-approved test methods may be used with prior approval from the Ohio EPA; and
  - iv. the tests shall be conducted while the emissions unit is operating at or near its maximum capacity, unless otherwise specified or approved by the appropriate Ohio EPA District Office or local air agency; and
  - v. the permittee shall collect and record the temperature within the combustion zone of the enclosed combustor every 15 minutes during each test run.

## V. Testing Requirements (continued)

Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Hamilton County Department of Environmental Services. The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, the time(s) and date(s) of the test(s), and the person(s) who will be conducting the test(s). Failure to submit such notification for review and approval prior to the test(s) may result in the Hamilton County Department of Environmental Services refusal to accept the results of the emission test(s).

Personnel from the Hamilton County Department of Environmental Services shall be permitted to witness the test(s), examine the testing equipment, and acquire data and information necessary to ensure that the operation of the emissions unit and the testing procedures provide a valid characterization of the emissions from the emissions unit and/or the performance of the control equipment.

A comprehensive written report on the results of the emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Hamilton County Department of Environmental Services within 30 days following completion of the test(s). The permittee may request additional time for the submittal of the written report, where warranted, with prior approval from the Hamilton County Department of Environmental Services.

(Authority for term: OAC rule 3745-77-07(C)(1))

2. Emission Limitation  
No visible emissions from the flare, except as provided by rule.

### Compliance Method

Compliance with the no visible emission limitation from the flare shall be determined by Method 22 of 40 CFR, Part 60, Appendix A.

(Authority for term: OAC rule 3745-77-07(C)(1))

3. Compliance with the operational restrictions for nitrogen, oxygen, and temperature specified in section A.II.3 shall be demonstrated by the information collected and recorded in section A.III.1.

(Authority for term: OAC rule 3745-77-07(C)(1))

4. Compliance with the methane concentration specified in A.II.4 shall be demonstrated by the information collected and recorded in A.III.3.

(Authority for term: OAC rule 3745-77-07(C)(1))

## VI. Miscellaneous Requirements

**None**

**B. State Enforceable Section**

**I. Applicable Emissions Limitations and/or Control Requirements**

1. The specific operation(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

<u>Operations, Property, and/or Equipment</u>	<u>Applicable Rules/ Requirements</u>	<u>Applicable Emissions Limitations/Control Measures</u>
F002 - existing municipal solid waste landfill (no longer accepting waste), equipped with gas collection system and enclosed combustion device (enclosed flare)	OAC Rule 3745-20-07	The emission limitation specified by this rule is the same as or less stringent than the emission limitations established pursuant to 40 CFR Part 61, Subpart M.

**2. Additional Terms and Conditions**

None

**II. Operational Restrictions**

None

**III. Monitoring and/or Record Keeping Requirements**

None

**IV. Reporting Requirements**

None

**V. Testing Requirements**

None

**VI. Miscellaneous Requirements**

None

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**THIS IS THE LAST PAGE OF THE PERMIT**

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# Statement of Basis For Title V Permit

Part I - General	
Company Name	BFI Bigfoot Run Landfill
Premise Number	1483110286
What makes this facility a Title V facility?	Non-Methane Organic Compound (NMOC) Emissions Greater than 50 Megagrams per year
Has each insignificant emissions unit been reviewed to confirm it meets the definition in OAC rule 3745-77-01 (U)?	Yes
Were there any "common control" issues associated with this facility? If yes, provide a summary of those issues and explain how the DAPC decided to resolve them.	No
Please identify the affected unit(s) and associated PTI, if applicable, along with a brief description of any changes to the permit document that qualify as a minor permit modification per OAC rule 3745-77-08(C)(1)	N/A
Please identify the affected unit(s) and associated PTI, if applicable, along with a brief description of any changes to the permit document that qualify as a significant permit modification per OAC rule 3745-77-08(C)(3)	N/A
Please identify the affected unit(s) and associated PTI, if applicable, along with a brief description of any changes to the permit document that qualify as a reopening per OAC rule 3745-77-08(D)	N/A
Please identify the affected unit(s) and associated PTI, if applicable, along with a brief description of any changes to the permit document resulting from a renewal per OAC rule 3745-77-08(E)	The Landfill has been closed. The roadways and parking areas are now insignificant emission units.

Part II (State and Federally Enforceable Requirements)			
Term and Condition (paragraph)	Basis		Comments
	SIP (3745- )	Other	
A.1	77-01(u)		Listing of insignificant emission units

C **Instructions for Part II:**  
Each paragraph in Part II must be identified and the remainder of the table completed. If the SIP (not including 31-05) is the basis for the term and condition, identify the specific rule. If the SIP is not the basis for the term and condition, place an "N" in the column under "SIP." If the basis for the term and condition is something other than the SIP, including 3745-31-05, NSPS or MACT, a "Y" should be noted in the "Other" column, and if not, an "N" should be noted. Whether the basis for the term and condition is the "SIP" or "Other," an explanation of each term and condition in Part II must be provided in the "Comments" section.

Part III (Requirements Within the State and Federally Enforceable Section)															
Any unusual requirements or aspects of the terms and conditions in Part III that are not self-explanatory should be explained in the appropriate comment field or in a paragraph following the table for Part III.															
EU(s)	Limitation	Basis		N D	OR	M	St	ENF	R	St	Rp	St	ET	Misc	Comments
		SIP (3745- )	Other												
F002	98% reduction in landfill gas captured.	76-07(B)(2)	40 CFR Part 63 Subpart AAAA	N	N	Y	N	N	Y	N	Y	N	Y	N	The temperature of the enclosed combustor controlling the emissions from the landfill are continually recorded and are required to be maintained within an acceptable range determined during the stack test required within the permit.
	No visible emissions		40 CFR 60.18(c)(1)	N	N	Y	N	N	Y	N	Y	N	N		Visible emissions checks are required to demonstrate compliance with the no visible emission limitations.

EU = emissions unit ID  
ND = negative declaration (i.e., term that indicates that a particular rule(s) is (are) not applicable to a specific emissions unit)  
OR = operational restriction  
M = monitoring requirements  
St = streamlining term used to replace a PTI monitoring, record keeping, or reporting requirement with an equivalent or more stringent requirement

ENF = did noncompliance issues drive the monitoring requirements?

R = record keeping requirements

Rp = reporting requirements

ET = emission testing requirements (not including compliance method terms)

Misc = miscellaneous requirements

**C Instructions for Part III:**

- C All non-insignificant EUs must be included in this table. For each EU, or group of similar EUs, each emission limitation and control requirement specified in section A.I.1 and A.I.2 of the permit must be identified and the remainder of the table completed.
- C If the SIP (not including OAC rule 3745-31-05) is the basis for the term and condition, identify the specific rule. If the SIP is not the basis for the term and condition, place an "N" in the column under "SIP." If the basis for the term and condition is something other than the SIP, including OAC rule 3745-31-05, NSPS or MACT, a "Y" should be noted in the "Other" column, and if not, an "N" should be noted. If the basis for the term and condition is "Other," an explanation of the basis must be provided in the "Comments" section. If OAC rule 3745-31-05 is cited in the "Other" column, please indicate in the "Comments" section whether or not all of the requirements have been transferred from the permit to install.
- To complete the remainder of the table after "Basis," except for the "Comments" section, simply specify a "Y" for yes or an "N" for no. For the "M," "R," "Rp," and "ET" columns, if "N" is specified, there should be a brief explanation in the "Comments" section as to why there are no requirements. If a brief explanation is provided in the "Comments" section, please do not simply indicate that monitoring or testing requirements are not necessary. An explanation of why a requirement is not necessary should be specified.

When periodic monitoring requirements are established to satisfy the provisions of OAC rule 3745-77-07(A)(3)(a)(ii), the basis for the requirements must be explained. Whenever Engineering Guides have been used to establish the periodic monitoring requirements, the applicable Engineering Guide may be referenced in the "Comments" section. An example that should be clarified would be the situation where it has been determined that control equipment parametric monitoring will be used to evaluate ongoing compliance in lieu of performing frequent emission tests. In this situation, Engineering Guide #65 would be referenced along with the fact that the parametric monitoring range (or minimum value) corresponded to the range (or minimum value) documented during the most recent emission tests that demonstrated that the emissions unit was in compliance. If streamlining language is included in the "Monitoring," "Record Keeping," or "Reporting" requirements sections of the permit, explain which requirements are being streamlined (mark appropriate column above) and provide a brief explanation of why the streamlined term is equal to or more stringent than the "Monitoring," "Record Keeping," or "Reporting" requirements specified in the permit to install. If Engineering Guide #16 was used as the basis for establishing an emission test frequency, a simple note referencing the Engineering Guide in the "Comments" section would be sufficient.

Also, if a "Y" is noted under "OR," "Misc," "St," "ND," or "ENF" an explanation of the requirements must be provided in the "Comments" section. In addition to a general explanation of the "OR," "Misc," "St," "ND," and/or "ENF" the following must be provided:

1. For an operational restriction, clarify if appropriate monitoring, record keeping, and reporting requirements have been specified for the operational restriction and indicate whether or not CAM is currently applicable.
2. If a control plan and schedule is included in the "Miscellaneous Requirements" section of the permit, provide an explanation in the "Comments" section of the violation, basis for the violation, and the company's proposed control plan and schedule.
3. If the "ND" column above is marked, please identify the particular rule(s) that is (are) not applicable to the specified emissions unit.
2. If the "ENF" column above is marked, please provide a brief explanation of the noncompliance issue(s) which prompted the use of the specified monitoring requirement.

An explanation is not required if an "N" is noted in the "OR," "Misc," "St," "ND," or "ENF" columns.

**C Additional information for modifications** - Several types of modifications, as defined by rule, may be processed concurrently. Please provide enough of a description for someone wishing to review the changes to the permit language to be able to identify where the change is made in the permit document. This brief description should be identified in the appropriate row in the

first table of this form by replacing the "N/A" in the applicable row(s). Please also indicate if the modification is being initiated by an appeal by including the ERAC case number in the "Comments" area. Please update the term-specific text in the SOB as warranted (full insertion or replacement is acceptable; bold italic and strike out is not needed). Note all modification/reopening rows should remain "N/A" when developing the SOB during the initial permit development. Note: APA's and Off-permit changes do not need to be noted in the SOB.