

PUBLIC NOTICE

Madison County Development, LLC dba Jackson Madison County Landfill has applied to the Tennessee Department of Environment and Conservation, Division of Air Pollution Control for renewal of their major source (Title V) operating permit subject to the provisions of Tennessee Air Pollution Control Regulations 1200-03-09-.02(11) (Title V Regulations). A major source operating permit is required by both the Federal Clean Air Act and Tennessee's air pollution control regulations. However, it should be noted that this facility has a current major source operating permit.

The applicant is **Madison County Development, LLC dba Jackson Madison County Landfill**, with a site address of 550 Aaron Long Road, Jackson, TN 38301. They have applied for renewal of their existing major source (Title V) operating permit for their municipal solid waste landfill operation.

EPA has agreed to treat this draft Part 70 permit as a proposed Part 70 permit and to perform its 45-day review provided by the law concurrently with the public notice period. If any substantive comments are received, EPA's 45-day review period will cease to be performed concurrently with the public notice period. In this case, EPA's 45-day review period will start once the public notice period has been completed and EPA receives notification from the Tennessee Air Pollution Control Division that comments have been received and resolved. The status regarding EPA's 45-day review of these permits and the deadline for submitting a citizen's petition can be found at the following website address:

<https://www.epa.gov/caa-permitting/tennessee-proposed-title-v-permits>

Copies of the application materials and draft permits are available for public inspection during normal business hours at the following locations:

Jackson Environmental Field Office
Division of Air Pollution Control
1625 Hollywood Drive
Jackson, TN 38305

and

Tennessee Department of Environment and Conservation
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, TN 37243

Electronic copies of the draft permits are available by accessing the TDEC internet site located at:

<http://www.tn.gov/environment/topic/ppo-air>

Questions concerning the source(s) may be addressed to Eric King at (615) 532-0546 or by e-mail at eric.king@tn.gov.

Interested parties are invited to review these materials and comment. In addition, a public hearing may be requested at which written or oral presentations may be made. To be considered, written comments or requests for a public hearing must be received no later than 4:30 PM on September 19, 2020. To assure that written comments are received and addressed in a timely manner, written comments must be submitted using one of the following methods:

1. **Mail, private carrier, or hand delivery:** Address written comments to Ms. Michelle W. Owenby, Director, Division of Air Pollution Control, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 15th Floor, Nashville, Tennessee 37243.
2. **E-mail:** Submit electronic comments to air.pollution.control@tn.gov.

A final determination will be made after weighing all relevant comments.

Individuals with disabilities who wish to review information maintained at the above-mentioned depositories should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such review. Such contact may be in person, by writing, telephone, or other means, and should be made no less than ten days prior to the end of the public comment period to allow time to provide such aid or services. Contact the Tennessee Department of Environment and Conservation ADA Coordinator, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 22nd Floor, Nashville, TN 37243, 1-(866)-253-5827. Hearing impaired callers may use the Tennessee Relay Service, 1-(800)-848-0298.

For the Madison County "Jackson Sun" -- publish once during the time period of August 19 through August 26, 2020.

Air Pollution Control DATE: AUGUST 19, 2020
Assigned to – Eric King

TITLE V PERMIT STATEMENT (Renewal)

Facility Name:	Madison County Development, LLC dba Jackson-Madison County Landfill
City:	Jackson
County:	Madison

Date Renewal Application Received:	July 2, 2019
Date Application Deemed Complete:	July 2, 2019

Emission Source Reference No.:	57-0259
Permit No.:	577132

INTRODUCTION

This narrative is being provided to assist the reader in understanding the content of the attached Title V operating permit. This Title V Permit Statement is written pursuant to Tennessee Air Pollution Control Rule 1200-03-09-.02(11)(f)1.(v). The primary purpose of the Title V operating permit is to consolidate and identify existing state and federal air requirements applicable to **Madison County Development, LLC dba Jackson-Madison County Landfill** and to provide practical methods for determining compliance with these requirements. The following narrative is designed to accompany the Title V Operating Permit. It initially describes the facility receiving the permit, then the applicable requirements and their significance, and finally the compliance status with those applicable requirements. This narrative is intended only as an adjunct for the reviewer and has no legal standing. Any revisions made to the permit in response to comments received during the public participation process will be described in an addendum to this narrative.

Acronyms

PSD - Prevention of Significant Deterioration
NESHAP - National Emission Standards for Hazardous Air Pollutants
NSPS - New Source Performance Standards
MACT - Maximum Achievable Control Technology
NSR - New Source Review
GHGs - Greenhouse Gases
CAM - Compliance Assurance Monitoring

I. Identification Information

A. Source Description

Municipal Solid Waste Landfill. **Madison County Development, LLC dba Jackson-Madison County Landfill** operates a municipal solid waste landfill located in Madison county. The facility is subject to **40 CFR Part 60 Subpart WWW (New Source Performance Standards for Municipal Solid Waste Landfills)**. However, the landfill is currently not subject to the gas collection and control system (GCCS) requirements of **40 CFR Part 60 Subpart WWW (New Source Performance Standards for Municipal Solid Waste Landfills)**, since NMOC emissions are less than 50 megagrams per year. In 2016, the facility voluntarily installed and operates a landfill gas collection and control system.

The landfill emissions are controlled by a “voluntary” GCCS that consists of forty seven landfill gas extraction wells and an open flare with a design capacity of 2,000 cubic feet per minute (cfm) . Based on EPA’s Tier 2 testing, the annual emissions for the landfill were less than 50 Mg per year. Because the annual emissions are less than the 50 Mg per year threshold level, the permittee is not required to install a GCCS at the landfill pursuant to New Source Performance Standards for Municipal Solid Waste Landfills, as provided in 40 CFR 60 Subpart WWW

B. Facility Classification

1. Attainment or Non-Attainment Area Location

Area is designated as an attainment area for all criteria pollutants.

2. Company is located in a Class II area. (Primarily, this means that the facility is not located within a national park or national wilderness area; see 40 CFR 52.21(e) for complete definition)

C. Regulatory Status

1. PSD/NSR

This facility is not a major source under PSD.

2. Title V Major Source Status by Pollutant

Pollutant	Is the pollutant emitted?	If emitted, what is the facility’s status?	
		Major Source Status	Non-Major Source Status
PM	Yes		Yes
PM ₁₀	Yes		Yes
SO ₂	Yes		Yes
VOC	Yes		Yes
NO _x	Yes		Yes
CO	Yes		Yes
Individual HAP	Yes		Yes
Total HAPs	Yes		Yes
GHG	Yes		Yes

3. MACT Standards

This facility is not a major source for HAPs. The MACT Standard for municipal solid waste landfills 40 CFR 63, subpart AAAA, and the control device requirements found in NSPS 40 CFR 60 Subpart WWW, do not apply to this facility because the NMOC emissions are less than 50 megagrams per year. The facility is subject to MACT Standards for asbestos 40 CFR 61 subpart M (National Emission Standard for Asbestos)

4. Program Applicability

Are the following programs applicable to the facility?

PSD: (no)

NESHAP: (Yes): 40 CFR 61 subpart M (National Emission Standard for Asbestos)

NSPS: (Yes): 40 CFR 60 Subpart WWW (NSPS for Municipal Solid Waste Landfills)

5. Miscellaneous Issues

The construction and operation of landfill waste disposal cells and landfill gas flares are exempt from the permitting requirements, except as the landfill operation may be regulated by the applicable requirements of 40 CFR 60, Subpart WWW or 40 CFR 60, Subpart XXX.

II. Compliance Information

A. Compliance Status

Is the facility currently in compliance with all applicable requirements? (Yes)

Are there any applicable requirements that will become effective during the permit term? (No)

III. Other Requirements

A. Emissions Trading

The facility is not involved in an emission trading program.

B. Acid Rain Requirements

This facility is not subject to any requirements in Title IV of the Clean Air Act.

C. Prevention of Accidental Releases

Not Applicable

IV. Public Participation Procedures

Notification of this draft permit was emailed to the following environmental agencies:

1. EPA Region IV
2. Mississippi Department of Environmental Quality
3. Alabama Department of Environmental Management
4. Memphis - Shelby County Health Department
5. Arkansas Department of Pollution Control and Ecology
6. Missouri Division of Environmental Quality

V. Permit History

Title V Operating Permit No. 577132 represents the third renewal of the original Title V Permit No. 548532 issued May 26, 1999.

Title V Operating Permit Renewal No. 556587 was issued November 24, 2009. The following changes occurred under the tenure of this permit:

- A. The facility description was updated to correct the current capacity and to include Tier 2 testing dates.
- B. Condition E2 was modified to reflect annual compliance certification for all Sections (A, B, D, and E) not just D and E as previously stipulated.
- C. Condition E4 was modified to recognize the latest Tier 2 testing report (August 8, 2008) for NMOC and to require the next 5-year test to be submitted by August 30, 2013.
- D. Condition E7 was added to clarify the MACT (40 CFR 63, Subpart AAAAA) requirements as applicable to this source.

Title V Operating Permit Renewal No. 568775 was issued January 09, 2015. The following changes occurred under the tenure of this permit:

- A. Source 02, The Gasoline Dispensing Facility (Storage Tank), subject to 40 CFR 63, Subpart CCCCCC was included in the permit.
- B. Request dated March 27, 2015, for Administrative permit amendment #1 to change the responsible official.
- C. Construction Permit No. 971420P was issued June 3, 2016 for the installation of a voluntary landfill Gas Collection and Control System (GCCS) with a Flare rated at 2,000 cfm.
- D. Minor Modification #1 was issued on April 5, 2017. This modification incorporates the voluntary GCCS into Permit No. 568775.
- E. **Administrative permit amendment #2:** Per letter/application dated June 29, 2017, change in responsible official. Several of the shell permit conditions, including A8, were also updated
- F. Tier 2 testing results dated May 8, 2018, were submitted and approved by the division. Emissions of NMOC were demonstrated to be less than 50 megagrams annual for calendar years 2018, 2019, 2020, 2021, and 2022. The next required Tier 2 testing shall be conducted for the calendar year 2023.

Title V Operating Permit Renewal No. 577132 was issued **TBD**. The following changes occurred under the tenure of this permit:

- A. Source 02, The Gasoline Dispensing Facility (Storage Tank), was designated as an insignificant activity as requested by Permittee in a letter dated July 6, 2020. Source 02 was excluded from the permit.
- B. Since the GCCS is a voluntary control device, the Division decided that the GCCS does not require a permit; therefore, conditions pertaining to the GCCS were removed from the permit.

IV. EPA Comments on Draft Permit and Statement of Basis

EPA commented on the draft permit on TBD, See below

- 1. **Comments are pending**

STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243



OPERATING PERMIT (TITLE V) Issued Pursuant to Tennessee Air Quality Act

This permit fulfills the requirements of Title V of the Federal Clean Air Act (42 U.S.C. 7661a-7661e) and the federal regulations promulgated thereunder at 40 CFR Part 70 (FR Vol. 57, No. 140, Tuesday, July 21, 1992 p.32295-32312). This permit is issued in accordance with the provisions of paragraph 1200-03-09-.02(11) of the Tennessee Air Pollution Control Regulations. The permittee has been granted permission to operate an air contaminant source in accordance with emissions limitations and monitoring requirements set forth herein.

Date Issued: **September , 2020**

Proposed Permit Number:
577132

Date Expires: **September , 2025**

Issued To:
**Madison County Development, LLC
dba Jackson-Madison County Landfill**

Installation Address:
**550 Aaron Long Road
Jackson**

Installation Description:
**01: Municipal Solid Waste Landfill
with Voluntary Landfill Gas Collection and Control System**

**NSPS Part 60 Subpart WWW
NESHAP Part 61 Subpart M**

Facility ID: **57-0259**

Renewal Application
Due Date:

Primary SIC: 4953

Between October 4, 2024, and January 2, 2025

Information Relied Upon:

**Title V Application dated June 28, 2019
Letter to Request Insignificant Activity Designation for Source 02 dated July 6, 2020
Tier 2 NMOC Emission Rate Report dated May 8, 2018**

(continued on next page)

TECHNICAL SECRETARY

No Authority is Granted by this Permit to Operate, Construct, or Maintain any Installation in Violation of any Law, Statute, Code, Ordinance, Rule, or Regulation of the State of Tennessee or any of its Political Subdivisions.

POST AT INSTALLATION ADDRESS

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ATTACHMENT 2	Applicable Parts from Code of Federal Regulations, Title 40, Part 61, Subpart M, National Emission Standard for Asbestos	9	pages
ATTACHMENT 3	Tennessee Air Pollution Control Regulations, Applicable Parts from Rule 1200-03-11-.02, Hazardous Air Contaminants-Asbestos.....	10	pages
ATTACHMENT 4	General Provisions for 40 CFR Part 60 Subpart WWW	1	page
ATTACHMENT 5	General Provisions for 40 CFR 61 Subpart M	1	page
ATTACHMENT 6	Title V Fee Selection	2	pages

SECTION A

GENERAL PERMIT CONDITIONS

A permit issued under the provisions of paragraph 1200-03-09-.02(11) is a permit issued pursuant to the requirements of Title V of the Federal Act and its implementing Federal regulations promulgated at 40 CFR, Part 70.

- A1. Definitions.** Terms not otherwise defined in the permit shall have the meaning assigned to such terms in the referenced regulation.

TAPCR 1200-03

- A2. Compliance requirement.** All terms and conditions in a permit issued pursuant to paragraph 1200-03-09-.02(11) including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Federal Act.

The permittee shall comply with all conditions of its permit. Except for requirements specifically designated herein as not being federally enforceable (State Only), non-compliance with the permit requirements is a violation of the Federal Act and the Tennessee Air Quality Act and is grounds for enforcement action; for a permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. Non-compliance with permit conditions specifically designated herein as not being federally enforceable (State Only) is a violation of the Tennessee Air Quality Act and may be grounds for these actions.

TAPCR 1200-03-09-.02(11)(e)2(i) and 1200-03-09-.02(11)(e)1(vi)(I)

- A3. Need to halt or reduce activity.** The need to halt or reduce activity is not a defense for noncompliance. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. However, nothing in this item shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in assessing penalties for noncompliance if the health, safety or environmental impacts of halting or reducing operations would be more serious than the impacts of continuing operations.

TAPCR 1200-03-09-.02(11)(e)1(vi)(II)

- A4. The permit.** The permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

TAPCR 1200-03-09-.02(11)(e)1(vi)(III)

- A5. Property rights.** The permit does not convey any property rights of any sort, or any exclusive privilege.

TAPCR 1200-03-09-.02(11)(e)1(vi)(IV)

- A6. Submittal of requested information.** The permittee shall furnish to the Technical Secretary, within a reasonable time, any information that the Technical Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or termination of the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Technical Secretary copies of records required to be kept by the permit. If the permittee claims that such information is confidential, the Technical Secretary may review that claim and hold the information in protected status until such time that the Board can hear any contested proceedings regarding confidentiality disputes. If the information is desired by EPA, the permittee may mail the information directly to EPA. Any claims of confidentiality for federal purposes will be determined by EPA.

TAPCR 1200-03-09-.02(11)(e)1(vi)(V)

- A7. Severability clause.** The requirements of this permit are severable. A dispute regarding one or more requirements of this permit does not invalidate or otherwise excuse the permittee from their duty to comply with the remaining portion of the permit.

TAPCR 1200-03-09.02(11)(e)1(v)

A8. Fee payment.

(a) The permittee shall pay an annual Title V emission fee based upon the responsible official's choice of actual emissions, allowable emissions, or a combination of actual and allowable emissions; and on the responsible official's choice of annual accounting period. An emission cap of 4,000 tons per year per regulated pollutant per major source SIC Code shall apply to actual or allowable based emission fees. A Title V annual emission fee will not be charged for emissions in excess of the cap. Title V annual emission fees will not be charged for carbon monoxide or for greenhouse gas pollutants solely because they are greenhouse gases.

(b) Title V sources shall pay allowable based emission fees until the beginning of the next annual accounting period following receipt of their initial Title V operating permit. At that time, the permittee shall begin paying their Title V fee based upon their choice of actual or allowable based fees, or mixed actual and allowable based fees. Once permitted, the Responsible Official may revise their existing fee choice by submitting a written request to the Division no later than December 31 of the annual accounting period for which the fee is due.

(c) When paying annual Title V emission fees, the permittee shall comply with all provisions of 1200-03-26-.02 and 1200-03-09-.02(11) applicable to such fees.

(d) Where more than one (1) allowable emission limit is applicable to a regulated pollutant, the allowable emissions for the regulated pollutants shall not be double counted. Major sources subject to the provisions of paragraph 1200-03-26-.02(9) shall apportion their emissions as follows to ensure that their fees are not double counted.

1. Sources that are subject to federally promulgated hazardous air pollutant under 40 CFR 60, 61, or 63 will place such regulated emissions in the regulated hazardous air pollutant (HAP) category.
2. A category of miscellaneous HAPs shall be used for hazardous air pollutants listed at part 1200-03-26-.02(2)(i)12 that are not subject to federally promulgated hazardous air pollutant standards under 40 CFR 60, 61, or 63.
3. HAPs that are also in the family of volatile organic compounds, particulate matter, or PM₁₀ shall not be placed in either the regulated HAP category or miscellaneous HAP category.
4. Sources that are subject to a provision of chapter 1200-03-16 New Source Performance Standards (NSPS) or chapter 0400-30-39 Standards of Performance for New Stationary Sources for pollutants that are neither particulate matter, PM₁₀, sulfur dioxide (SO₂), volatile organic compounds (VOC), nitrogen oxides (NO_x), or hazardous air pollutants (HAPs) will place such regulated emissions in an NSPS pollutant category.
5. The regulated HAP category, the miscellaneous HAP category, and the NSPS pollutant category are each subject to the 4,000 ton cap provisions of subparagraph 1200-03-26-.02(2)(i).
6. Major sources that wish to pay annual emission fees for PM₁₀ on an allowable emission basis may do so if they have a specific PM₁₀ allowable emission standard. If a major source has a total particulate emission standard, but wishes to pay annual emission fees on an actual PM₁₀ emission basis, it may do so if the PM₁₀ actual emission levels are proven to the satisfaction of the Technical Secretary. The method to demonstrate the actual PM₁₀ emission levels must be made as part of the source's major source operating permit in advance in order to exercise this option. The PM₁₀ emissions reported under these options shall not be subject to fees under the family of particulate emissions. The 4,000 ton cap provisions of subparagraph 1200-03-26-.02(2)(i) shall also apply to PM₁₀ emissions.

TAPCR 1200-03-26-.02 and 1200-03-09-.02(11)(e)1(vii)

- A9. Permit revision not required.** A permit revision will not be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or process for changes that are provided for in the permit.

TAPCR 1200-03-09-.02(11)(e)1(viii)

- A10. Inspection and entry.** Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Technical Secretary or an authorized representative to perform the following for the purposes of determining compliance with the permit applicable requirements:

- (a) Enter upon, at reasonable times, the permittee's premises where a source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

- (c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- (d) As authorized by the Clean Air Act and Chapter 1200-03-10 of TAPCR, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
- (e) "Reasonable times" shall be considered to be customary business hours unless reasonable cause exists to suspect noncompliance with the Act, Division 1200-03 or any permit issued pursuant thereto and the Technical Secretary specifically authorizes an inspector to inspect a facility at any other time.

TAPCR 1200-03-09-.02(11)(e)3.(ii)

A11. Permit shield.

(a) Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements as of the date of permit issuance, provided that:

1. Such applicable requirements are included and are specifically identified in the permit; or
2. The Technical Secretary, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.

(b) Nothing in this permit shall alter or affect the following:

1. The provisions of section 303 of the Federal Act (emergency orders), including the authority of the Administrator under that section. Similarly, the provisions of T.C.A. §68-201-109 (emergency orders) including the authority of the Governor under the section;
2. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
3. The applicable requirements of the acid rain program, consistent with section 408(a) of the Federal Act; or
4. The ability of EPA to obtain information from a source pursuant to section 114 of the Federal Act.

(c) Permit shield is granted to the permittee.

TAPCR 1200-03-09-.02(11)(e)6

A12. Permit renewal and expiration.

(a) An application for permit renewal must be submitted at least 180 days, but no more than 270 days prior to the expiration of this permit. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted.

(b) If the permittee submits a timely and complete application for permit renewal the source will not be considered to be operating without a permit until the Technical Secretary takes final action on the permit application, except as otherwise noted in paragraph 1200-03-09-.02(11).

(c) This permit, its shield provided in Condition A11, and its conditions will be extended and effective after its expiration date provided that the source has submitted a timely, complete renewal application to the Technical Secretary.

TAPCR 1200-03-09-.02(11)(f)2 and 3, 1200-03-09-.02(11)(d)1(i)(III), and 1200-03-09-.02(11)(a)2

A13. Reopening for cause.

(a) A permit shall be reopened and revised prior to the expiration of the permit under any of the circumstances listed below:

1. Additional applicable requirements under the Federal Act become applicable to the sources contained in this permit provided the permit has a remaining term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the permit expiration date of this permit, unless the original has been extended pursuant to 1200-03-09-.02(11)(a)2.
2. Additional requirements become applicable to an affected source under the acid rain program.
3. The Technical Secretary or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
4. The Technical Secretary or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(b) Proceedings to reopen and issue a permit shall follow the same proceedings as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists, and not the entire permit. Such reopening shall be made as expeditiously as practicable.

(c) Reopenings for cause shall not be initiated before a notice of such intent is provided to the permittee by the Technical Secretary at least 30 days in advance of the date that the permit is to be reopened except that the Technical Secretary may provide a shorter time period in the case of an emergency. An emergency shall be established by the criteria of T.C.A. 68-201-109 or other compelling reasons that public welfare is being adversely affected by the operation of a source that is in compliance with its permit requirements.

(d) If the Administrator finds that cause exists to terminate, modify, or revoke and reissue a permit as identified in A13, he is required under federal rules to notify the Technical Secretary and the permittee of such findings in writing. Upon receipt of such notification, the Technical Secretary shall investigate the matter in order to determine if he agrees or disagrees with the Administrator's findings. If he agrees with the Administrator's findings, the Technical Secretary shall conduct the reopening in the following manner:

1. The Technical Secretary shall, within 90 days after receipt of such notification, forward to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. If the Administrator grants additional time to secure permit applications or additional information from the permittee, the Technical Secretary shall have the additional time period added to the standard 90 day time period.
2. EPA will evaluate the Technical Secretary's proposed revisions and respond as to their evaluation.
3. If EPA agrees with the proposed revisions, the Technical Secretary shall proceed with the reopening in the same manner prescribed under Condition A13 (b) and Condition A13 (c).
4. If the Technical Secretary disagrees with either the findings or the Administrator that a permit should be reopened or an objection of the Administrator to a proposed revision to a permit submitted pursuant to Condition A13(d), he shall bring the matter to the Board at its next regularly scheduled meeting for instructions as to how he should proceed. The permittee shall be required to file a written brief expressing their position relative to the Administrator's objection and have a responsible official present at the meeting to answer questions for the Board. If the Board agrees that EPA is wrong in their demand for a permit revision, they shall instruct the Technical Secretary to conform to EPA's demand, but to issue the permit under protest preserving all rights available for litigation against EPA.

TAPCR. 1200-03-09-.02(11)(f)6 and 7.

A14. Permit transference. An administrative permit amendment allows for a change of ownership or operational control of a source where the Technical Secretary determines that no other change in the permit is necessary, provided that the following requirements are met:

(a) Transfer of ownership permit application is filed consistent with the provisions of 1200-03-09-.03(6), and

(b) written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Technical Secretary.

TAPCR 1200-03-09-.02(11)(f)4(i)(IV) and 1200-03-09-.03(6)

A15. Air pollution alert. When the Technical Secretary has declared that an air pollution alert, an air pollution warning, or an air pollution emergency exists, the permittee must follow the requirements for that episode level as outlined in TAPCR 1200-03-09-.03(1) and TAPCR 1200-03-15-.03.

A16. Construction permit required. Except as exempted in TAPCR 1200-03-09-.04, or excluded in subparagraph TAPCR 1200-03-02-.01(1)(aa) or subparagraph TAPCR 1200-03-02-.01(1)(cc), this facility shall not begin the construction of a new air contaminant source or the modification of an air contaminant source which may result in the discharge of air contaminants without first having applied for and received from the Technical Secretary a construction permit for the construction or modification of such air contaminant source. The construction and operation of landfill waste disposal cells and landfill gas flares are exempt from the permitting requirements of this condition, except as the landfill operation may be regulated by the applicable requirements of 40 CFR 60, Subpart WWW or 40 CFR 60, Subpart XXX.

TAPCR 1200-03-09-.01(1)(a)

- A17. Notification of changes.** The permittee shall notify the Technical Secretary 30 days prior to commencement of any of the following changes to an air contaminant source which would not be a modification requiring a construction permit.
- (a) change in air pollution control equipment
 - (b) change in stack height or diameter
 - (c) change in exit velocity of more than 25 percent or exit temperature of more than 15 percent based on absolute temperature.

TAPCR 1200-03-09-.02(7)

- A18. Schedule of compliance.** The permittee will comply with any applicable requirement that becomes effective during the permit term on a timely basis. If the permittee is not in compliance the permittee must submit a schedule for coming into compliance which must include a schedule of remedial measure(s), including an enforceable set of deadlines for specific actions.

TAPCR 1200-03-09-.02(11)(d)3 and 40 CFR Part 70.5(c) **A19. Title VI.**

(a) The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR, Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:

- 1. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to Section 82.156.
- 2. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to Section 82.158.
- 3. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to Section 82.161.

(b) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone depleting substance refrigerant in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR, Part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

(c) The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program(SNAP) promulgated pursuant to 40 CFR, Part 82, Subpart G, Significant New Alternatives Policy Program.

- A20. 112 (r).** Sources which are subject to the provisions of Section 112(r) of the federal Clean Air Act or any federal regulations promulgated thereunder, shall annually certify in writing to the Technical Secretary that they are properly following their accidental release plan. The annual certification is due in the office of the Technical Secretary no later than January 31 of each year. Said certification will be for the preceding calendar year.

TAPCR 1200-03-32-.03(3)

SECTION B

GENERAL CONDITIONS for MONITORING, REPORTING, and ENFORCEMENT

B1. Recordkeeping. Monitoring and related record keeping shall be performed in accordance with the requirements specified in the permit conditions for each individual permit unit. In no case shall reports of any required monitoring and record keeping be submitted less frequently than every six months.

(a) Where applicable, records of required monitoring information include the following:

1. The date, place as defined in the permit, and time of sampling or measurements;
2. The date(s) analyses were performed;
3. The company or entity that performed the analysis;
4. The analytical techniques or methods used;
5. The results of such analyses; and
6. The operating conditions as existing at the time of sampling or measurement.

(b) Digital data accumulation which utilizes valid data compression techniques shall be acceptable for compliance determination as long as such compression does not violate an applicable requirement and its use has been approved in advance by the Technical Secretary.

TAPCR 1200-03-09-.02(11)(e)1(iii)

B2. Retention of monitoring data. The permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

TAPCR 1200-03-09-.02(11)(e)1(iii)(II)II

B3. Reporting. Reports of any required monitoring and record keeping shall be submitted to the Technical Secretary in accordance with the frequencies specified in the permit conditions for each individual permit unit. Reports shall be submitted within 60 days of the close of the reporting period unless otherwise noted. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official. Reports required under "State only requirements" are not required to be certified by a responsible official.

TAPCR 1200-03-09-.02(11)(e)1(iii)

B4. Certification. Except for reports required under "State Only" requirements, any application form, report or compliance certification submitted pursuant to the requirements of this permit shall contain certification by a responsible official of truth, accuracy and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

TAPCR 1200-03-09-.02(11)(d)4

B5. Annual compliance certification. The permittee shall submit annually compliance certifications with terms and conditions contained in Sections A, B, D and E of this permit, including emission limitations, standards, or work practices. This compliance certification shall include all of the following (provided that the identification of applicable information may cross-reference the permit or previous reports, as applicable):

(a) The identification of each term or condition of the permit that is the basis of the certification;

(b) The identification of the method(s) or other means used by the owner or operator 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 by this permit. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Federal Act, which prohibits knowingly making a false certification or omitting material information;

(c) The status of compliance with the terms and conditions of the 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 B5(b) 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 below occurred; and

(d) Such other facts as the Technical Secretary may require to determine the compliance status of the source.

* "Excursion" shall mean a departure from an indicator range established for monitoring under this paragraph, consistent with any averaging period specified for averaging the results of the monitoring.

** "Exceedance" shall mean a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.

40 CFR Part 70.6(c)(5)(iii) as amended in the Federal Register Vol. 79, No.144, July 28, 2014, pages 43661 through 43667

B6. Submission of compliance certification. The compliance certification shall be submitted to:

The Tennessee Department of Environment and Conservation Environmental Field Office specified in Section E of this permit	and	Air Enforcement Branch US EPA Region IV 61 Forsyth Street, SW Atlanta, Georgia 30303
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TAPCR 1200-03-09-.02(11)(e)3(v)(IV)

B7. Emergency provisions. An emergency constitutes an affirmative defense to an enforcement action brought against this source for noncompliance with a technology based emission limitation due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(a) The affirmative defense of the emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An emergency occurred and that the permittee can identify the probable cause(s) of the emergency. "Probable" must be supported by a credible investigation into the incident that seeks to identify the causes and results in an explanation supported by generally accepted engineering or scientific principles.
2. The permitted source was at the time being properly operated. In determining whether or not a source was being properly operated, the Technical Secretary shall examine the source's written standard operating procedures which were in effect at the time of the noncompliance and any other code as detailed below that would be relevant to preventing the noncompliance. Adherence to the source's standard operating procedures will be the test of adequate preventative maintenance, careless operation, improper operation or operator error to the extent that such adherence would prevent noncompliance. The source's failure to follow recognized standards of practice to the extent that adherence to such a standard would have prevented noncompliance will disqualify the source from any claim of an emergency and an affirmative defense.
3. During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
4. The permittee submitted notice of the emergency to the Technical Secretary according to the notification criteria for malfunctions in rule 1200-03-20-.03. For the purposes of this condition, "emergency" shall be substituted for "malfunction(s)" in rule 1200-03-20-.03 to determine the relevant notification threshold. The notice shall include a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(c) The provisions of this condition are in addition to any emergency, malfunction or upset requirement contained in Division 1200-03 or other applicable requirement.

TAPCR 1200-03-09-.02(11)(e)7

B8. Excess emissions reporting.

(a) The permittee shall promptly notify the Technical Secretary when any emission source, air pollution control equipment, or related facility breaks down in such a manner to cause the emission of air contaminants in excess of the applicable emission standards contained in Division 1200-03 or any permit issued thereto, or of sufficient duration to cause damage to property or public health. The permittee must provide the Technical Secretary with a statement giving all pertinent facts, including the estimated duration of the breakdown. Violations of the visible emission standard which occur for less than 20 minutes in one day (midnight to midnight) need not be reported. Prompt notification will be within 24 hours of the malfunction and shall be provided by telephone to the Division's Nashville office. The Technical Secretary shall be notified when the condition causing the failure or breakdown has been corrected. In attainment and unclassified areas if emissions other than from sources designated as significantly impacting on a nonattainment area in excess of the standards will not and do not occur over more

than a 24-hour period (or will not recur over more than a 24-hour period) and no damage to property and or public health is anticipated, notification is not required.

(b) Any malfunction that creates an imminent hazard to health must be reported by telephone immediately to the Division's Nashville office at (615) 532-0554 and to the State Civil Defense.

(c) A log of all malfunctions, startups, and shutdowns resulting in emissions in excess of the standards in Division 1200-03 or any permit issued thereto must be kept at the plant. All information shall be entered in the log no later than twenty-four (24) hours after the startup or shutdown is complete, or the malfunction has ceased or has been corrected. Any later discovered corrections can be added in the log as footnotes with the reason given for the change. This log must record at least the following:

1. Stack or emission point involved
2. Time malfunction, startup, or shutdown began and/or when first noticed
3. Type of malfunction and/or reason for shutdown
4. Time startup or shutdown was complete or time the air contaminant source returned to normal operation
5. The company employee making entry on the log must sign, date, and indicate the time of each log entry

The information under items 1. and 2. must be entered into the log by the end of the shift during which the malfunction or startup began. For any source utilizing continuous emission(s) monitoring, continuous emission(s) monitoring collection satisfies the above log keeping requirement.

TAPCR 1200-03-20-.03 and .04

B9. Malfunctions, startups and shutdowns - reasonable measures required. The permittee must take all reasonable measures to keep emissions to a minimum during startups, shutdowns, and malfunctions. These measures may include installation and use of alternate control systems, changes in operating methods or procedures, cessation of operation until the process equipment and/or air pollution control equipment is repaired, maintaining sufficient spare parts, use of overtime labor, use of outside consultants and contractors, and other appropriate means. Failures that are caused by poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions. This provision does not apply to standards found in 40 CFR, Parts 60(Standards of performance for new stationary sources), 61(National emission standards for hazardous air pollutants) and 63(National emission standards for hazardous air pollutants for source categories).

TAPCR 1200-03-20-.02

B10. Reserved.

B11. Report required upon the issuance of a notice of violation for excess emissions. The permittee must submit within twenty (20) days after receipt of the notice of violation, the data required below. If this data has previously been available to the Technical Secretary prior to the issuance of the notice of violation no further action is required of the violating source. However, if the source desires to submit additional information, then this must be submitted within the same twenty (20) day time period. The minimum data requirements are:

- (a) The identity of the stack and/or other emission point where the excess emission(s) occurred;
- (b) The magnitude of the excess emissions expressed in pounds per hour and the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;
- (c) The time and duration of the emissions;
- (d) The nature and cause of such emissions;
- (e) For malfunctions, the steps taken to correct the situation and the action taken or planned to prevent the recurrence of such malfunctions;
- (f) The steps taken to limit the excess emissions during the occurrence reported, and
- (g) If applicable, documentation that the air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good operating practices for minimizing emissions.

Failure to submit the required report within the twenty (20) day period specified shall preclude the admissibility of the data for determination of potential enforcement action.

TAPCR 1200-03-20-.06(2), (3) and (4)

SECTION C

PERMIT CHANGES

- C1. Operational flexibility changes.** The source may make operational flexibility changes that are not addressed or prohibited by the permit without a permit revision subject to the following requirements:
- (a) The change cannot be subject to a requirement of Title IV of the Federal Act or Chapter 1200-03-30.
 - (b) The change cannot be a modification under any provision of Title I of the federal Act or Division 1200-03.
 - (c) Each change shall meet all applicable requirements and shall not violate any existing permit term or condition.
 - (d) The source must provide contemporaneous written notice to the Technical Secretary and EPA of each such change, except for changes that are below the threshold of levels that are specified in Rule 1200-03-09-.04.
 - (e) Each change shall be described in the notice including the date, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change.
 - (f) The change shall not qualify for a permit shield under the provisions of part 1200-03-09-.02(11)(e)6.
 - (g) The permittee shall keep a record describing the 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. The records shall be retained until the changes are incorporated into subsequently issued permits.

TAPCR 1200-03-09-.02(11)(a)4 (ii)

C2. Section 502(b)(10) changes.

- (a) The permittee can make certain changes without requiring a permit revision, if the changes are not modifications under Title I of the Federal Act or Division 1200-03 and the changes do not exceed the emissions allowable under the permit. The permittee must, however, provide the Administrator and Technical Secretary with written notification within a minimum of 7 days in advance of the proposed changes. The Technical Secretary may waive the 7 day advance notice in instances where the source demonstrates in writing that an emergency necessitates the change. Emergency shall be demonstrated by the criteria of TAPCR 1200-03-09-.02(11)(e)7 and in no way shall it include changes solely to take advantages of an unforeseen business opportunity. The Technical Secretary and EPA shall attach each such notice to their copy of the relevant permit.
- (b) The written notification must be signed by a facility Title V responsible official and include the following:
 - 1. a brief description of the change within the permitted facility;
 - 2. the date on which the change will occur;
 - 3. a declaration and quantification of any change in emissions;
 - 4. a declaration of any permit term or condition that is no longer applicable as a result of the change; and
 - 5. a declaration that the requested change is not a Title I modification and will not exceed allowable emissions under the permit.
- (c) The permit shield provisions of TAPCR 1200-03-09-.02(11)(e)6 shall not apply to Section 502(b)(10) changes.

TAPCR 1200-03-09-.02(11)(a)4 (i)

C3. Administrative amendment.

- (a) Administrative permit amendments to this permit shall be in accordance with 1200-03-09-.02(11)(f)4. The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.
- (b) The permit shield shall be extended as part of an administrative permit amendment revision consistent with the provisions of TAPCR 1200-03-09-.02(11)(e)6 for such revisions made pursuant to item (c) of this condition which meet the relevant requirements of TAPCR 1200-03-09-.02(11)(e), TAPCR 1200-03-09-.02(11)(f) and TAPCR 1200-03-09-.02(11)(g) for significant permit modifications.
- (c) Proceedings to review and grant administrative permit amendments shall be limited to only those parts of the permit for which cause to amend exists, and not the entire permit.

TAPCR 1200-03-09-.02(11)(f)4

C4. Minor permit modifications.

- (a) The permittee may submit an application for a minor permit modification in accordance with TAPCR 1200-03-09-.02(11)(f)5(ii).
- (b) The permittee may make the change proposed in its minor permit modification immediately after an application is filed with the Technical Secretary.
- (c) Proceedings to review and modify permits shall be limited to only those parts of the permit for which cause to modify exists, and not the entire permit.
- (d) Minor permit modifications do not qualify for a permit shield.

TAPCR 1200-03-09-.02(11)(f)5(ii)

C5. Significant permit modifications.

- (a) The permittee may submit an application for a significant modification in accordance with TAPCR 1200-03-09-.02(11)(f)5(iv).
- (b) Proceedings to review and modify permits shall be limited to only those parts of the permit for which cause to modify exists, and not the entire permit.

TAPCR 1200-03-09-.02(11)(f)5(iv)

C6. New construction or modifications.

Future construction at this facility that is subject to the provisions of TAPCR 1200-03-09-.01 shall be governed by the following:

- (a) The permittee shall designate in their construction permit application the route that they desire to follow for the purposes of incorporating the newly constructed or modified sources into their existing operating permit. The Technical Secretary shall use that information to prepare the operating permit application submittal deadlines in their construction permit.
- (b) Sources desiring the permit shield shall choose the administrative amendment route of TAPCR 1200-03-09-.02(11)(f)4 or the significant modification route of TAPCR 1200-03-09-.02(11)(f)5(iv).
- (c) Sources desiring expediency instead of the permit shield shall choose the minor permit modification procedure route of TAPCR 1200-03-09-.02(11)(f)5(ii) or group processing of minor modifications under the provisions of TAPCR 1200-03-09-.02(11)(f)5(iii) as applicable to the magnitude of their construction.

TAPCR 1200-03-09-.02(11)(d) 1(i)(V)

SECTION D

GENERAL APPLICABLE REQUIREMENTS

D1. Visible emissions. With the exception of air emission sources exempt from the requirements of TAPCR Chapter 1200-03-05 and air emission sources for which a different opacity standard is specifically provided elsewhere in this permit, the permittee shall not cause, suffer, allow or permit discharge of a visible emission from any air contaminant source with an opacity in excess of twenty (20) percent for an aggregate of more than five (5) minutes in any one (1) hour or more than twenty (20) minutes in any twenty-four (24) hour period; provided, however, that for fuel burning installations with fuel burning equipment of input capacity greater than 600 million btu per hour, the permittee shall not cause, suffer, allow, or permit discharge of a visible emission from any fuel burning installation with an opacity in excess of twenty (20) percent (6-minute average) except for one six minute period per one (1) hour of not more than forty (40) percent opacity. Sources constructed or modified after July 7, 1992 shall utilize 6-minute averaging.

Consistent with the requirements of TAPCR Chapter 1200-03-20, due allowance may be made for visible emissions in excess of that permitted under TAPCR 1200-03-05 which are necessary or unavoidable due to routine startup and shutdown conditions. The facility shall maintain a continuous, current log of all excess visible emissions showing the time at which such conditions began and ended and that such record shall be available to the Technical Secretary or an authorized representative upon request.

TAPCR 1200-03-05-.01(1), TAPCR 1200-03-05-.03(6) and TAPCR 1200-03-05-.02(1)

D2. General provisions and applicability for non-process gaseous emissions. Any person constructing or otherwise establishing a non-portable air contaminant source emitting gaseous air contaminants after April 3, 1972, or relocating an air contaminant source more than 1.0 km from the previous position after November 6, 1988, shall install and utilize the best equipment and technology currently available for controlling such gaseous emissions.

TAPCR 1200-03-06-.03(2)

D3. Non-process emission standards. The permittee shall not cause, suffer, allow, or permit particulate emissions from non-process sources in excess of the standards in TAPCR 1200-03-06.

D4. General provisions and applicability for process gaseous emissions. Any person constructing or otherwise establishing an air contaminant source emitting gaseous air contaminants after April 3, 1972, or relocating an air contaminant source more than 1.0 km from the previous position after November 6, 1988, shall install and utilize equipment and technology which is deemed reasonable and proper by the Technical Secretary.

TAPCR 1200-03-07-.07(2)

D5. Particulate emissions from process emission sources. The permittee shall not cause, suffer, allow, or permit particulate emissions from process sources in excess of the standards in TAPCR 1200-03-07.

D6. Sulfur dioxide emission standards. The permittee shall not cause, suffer, allow, or permit Sulfur dioxide emissions from process and non-process sources in excess of the standards in TAPCR 1200-03-14. Regardless of the specific emission standard, new process sources shall utilize the best available control technology as deemed appropriate by the Technical Secretary of the Tennessee Air Pollution Control Board.

D7. Fugitive Dust.

(a) The permittee shall not cause, suffer, allow, or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but not be limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in demolition of existing buildings or structures, construction operations, grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, material stock piles, and other surfaces which can create airborne dusts;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations.

(b) The permittee shall not cause, suffer, allow, or permit fugitive dust to be emitted in such manner to exceed five (5) minutes per hour or twenty (20) minutes per day as to produce a visible emission beyond the property line of the property on which the emission originates, excluding malfunction of equipment as provided in Chapter 1200-03-20.

TAPCR 1200-03-08

D8. Open burning. The permittee shall comply with the TAPCR 1200-03-04 for all open burning activities at the facility.

TAPCR 1200-03-04

D9. Asbestos. Where applicable, the permittee shall comply with the requirements of TAPCR 1200-03-11-.02(2)(d) when conducting any renovation or demolition activities at the facility.

TAPCR 1200-03-11-.02(2)(d) and 40 CFR, Part 61

D10. Annual certification of compliance. The generally applicable requirements set forth in Section D of this permit are intended to apply to activities and sources that are not subject to source-specific applicable requirements contained in State of Tennessee and U.S. EPA regulations. By annual certification of compliance, the permittee shall be considered to meet the monitoring and related record keeping and reporting requirements of TAPCR 1200-03-09-.02(11)(e)1.(iii) and 1200-03-10-.04(2)(b)1 and compliance requirements of TAPCR 1200-03-09-.02(11)(e)3.(i). The permittee shall submit compliance certification for these conditions annually.

D11. Emission Standards for Hazardous Air Pollutants. When applicable, the permittee shall comply with the TAPCR 0400-30-38 for all emission sources subject to a requirement contained therein.

TAPCR 0400-30-38

D12. Standards of Performance for New Stationary Sources. When applicable, the permittee shall comply with the TAPCR 0400-30-39 for all emission sources subject to a requirement contained therein.

TAPCR 0400-30-39

D13. Gasoline Dispensing Facilities. When applicable, the permittee shall comply with the TAPCR 1200-03-18-.24 for all emission sources subject to a requirement contained therein.

D14. Internal Combustion Engines.

- (a) All stationary reciprocating internal combustion engines, including engines deemed insignificant activities and insignificant emission units, shall comply with the applicable provisions of TAPCR 0400-30-38-.01.
- (b) All stationary compression ignition internal combustion engines, including engines deemed insignificant activities and insignificant emission units, shall comply with the applicable provisions of TAPCR 0400-30-39-.01.
- (c) All stationary spark ignition internal combustion engines, including engines deemed insignificant activities and insignificant emission units, shall comply with the applicable provisions of TAPCR 0400-30-39-.02.

TAPCR 0400-30-38 and 39

SECTION E

SOURCE SPECIFIC EMISSION STANDARDS, OPERATING LIMITATIONS, and MONITORING, RECORDKEEPING and REPORTING REQUIREMENTS

57-0259 **Facility Description:** **Madison County Development, LLC dba Jackson-Madison County Landfill** is a municipal solid waste landfill located in Jackson (Madison County). The landfill (57-0259-01) is subject to the New Source Performance Standards (NSPS) for municipal solid waste landfills.

Conditions E1 and E2 apply to all sources contained in this permit unless otherwise specified.

E1. Fee payment

FEE EMISSIONS SUMMARY TABLE FOR MAJOR SOURCE 57-0259

REGULATED POLLUTANTS	ALLOWABLE EMISSIONS (tons per AAP)	ACTUAL EMISSIONS (tons per AAP)	COMMENTS
PARTICULATE MATTER (PM)	24.83	AEAR	Includes all fee emissions
PM₁₀	N/A	N/A	Includes all fee emissions
SO₂	42.93	AEAR	Includes all fee emissions
VOC	82.73	AEAR	Includes all fee emissions
NO_x	17.87	AEAR	Includes all fee emissions
CATEGORY OF MISCELLANEOUS HAZARDOUS AIR POLLUTANTS (HAPs WITHOUT A STANDARD)*			
VOC FAMILY GROUP	2.37	AEAR	Includes all fee emissions
NON-VOC GASEOUS GROUP	N/A	N/A	
PM FAMILY GROUP	N/A	N/A	
CATEGORY OF SPECIFIC HAZARDOUS AIR POLLUTANTS (HAPs WITH A STANDARD)**			
VOC FAMILY GROUP	N/A	N/A	
NON-VOC GASEOUS GROUP	N/A	N/A	
PM FAMILY GROUP	N/A	N/A	
CATEGORY OF NSPS POLLUTANTS NOT LISTED ABOVE***			
EACH NSPS POLLUTANT NOT LISTED ABOVE	N/A	N/A	

NOTES

AAP The **Annual Accounting Period (AAP)** is a twelve (12) consecutive month period that **either (a) begins each July 1st and ends June 30th of the following year when fees are paid on a fiscal year basis, or (b) begins January 1st and ends December 31st of the same year when paying on a calendar year basis.** The **Annual Accounting Period** at the time of this permit renewal issuance **began July 1, 2020, and ends June 30, 2021.** The next Annual Accounting Period begins **July 1, 2021,** and ends **June 30, 2022,** unless a request to change the annual accounting period is submitted by the responsible official as required by subparagraph 1200-03-26-.02(9)(b) of the TAPCR and approved by the Technical Secretary. If the permittee wishes to revise their annual accounting period or their annual emission fee basis as allowed by subparagraph 1200-03-26-.02(9)(b) of the TAPCR, the responsible official must submit the request to the Division in writing on or before December 31 of the annual accounting period for which the fee is due. If a change in fee basis from allowable emissions to actual emissions for any pollutant is requested, the request from the responsible official must include the methods that will be used to determine actual emissions. Changes in fee bases must be made using the Title V Fee Selection form, form number APC 36 (CN-1583), included as an attachment (attachment 6) to this permit and available on the Division of Air Pollution Control's website.

N/A N/A indicates that no emissions are specified for fee computation.

AEAR If the permittee is paying annual emission fees on an actual emissions basis, **AEAR** indicates that an **Actual Emissions Analysis is Required** to determine the actual emissions of:

- (1) **each regulated pollutant** (Particulate matter, SO₂, VOC, NO_x and so forth. See TAPCR 1200-03-26-.02(2)(i) for the definition of a regulated pollutant.),
- (2) **each pollutant group** (VOC Family, Non-VOC Gaseous, and Particulate Family),
- (3) **the Miscellaneous HAP Category,**
- (4) **the Specific HAP Category,** and
- (5) **the NSPS Category**

under consideration during the **Annual Accounting Period**.

* **Category Of Miscellaneous HAP (HAP Without A Standard):** This category is made-up of hazardous air pollutants that do not have a federal or state standard. Each HAP is classified into one of three groups, the **VOC Family** group, the **Non-VOC Gaseous** group, or the **Particulate (PM) Family** group. **For fee computation,** the **Miscellaneous HAP Category** is subject to the 4,000 ton cap provisions of subparagraph 1200-03-26-.02(2)(i) of the TAPCR.

** **Category Of Specific HAP (HAP With A Standard):** This category is made-up of hazardous air pollutants (HAP) that are subject to Federally promulgated Hazardous Air Pollutant Standards that can be imposed under Chapter 1200-03-11 or Chapter 1200-03-31. Each individual hazardous air pollutant is classified into one of three groups, the **VOC Family** group, the **Non-VOC Gaseous** group, or the **Particulate (PM) Family** group. **For fee computation,** each individual hazardous air pollutant of the **Specific HAP Category** is subject to the 4,000 ton cap provisions of subparagraph 1200-03-26-.02(2)(i) of the TAPCR.

*** **Category Of NSPS Pollutants Not Listed Above:** This category is made-up of each New Source Performance Standard (NSPS) pollutant whose emissions are not included in the **PM, SO₂, VOC** or **NO_x** emissions from each source in this permit. **For fee computation,** each **NSPS pollutant not listed above** is subject to the 4,000 ton cap provisions of subparagraph 1200-03-26-.02(2)(i) of the TAPCR.

END NOTES

- The permittee shall:**
- (1) Pay Title V **annual emission fees**, on the emissions and year bases requested by the responsible official and approved by the Technical Secretary, for each annual accounting period (AAP) by the payment deadline(s) established in TAPCR 1200-03-26-.02(9)(g). Fees may be paid on an **actual, allowable, or mixed** emissions basis; and on either a **state fiscal year** or a **calendar year**, provided the requirements of TAPCR 1200-03-26-.02(9)(b) are met. If any part of any fee imposed under TAPCR 1200-03-26-.02 is not paid within 15 days of the due date, penalties shall at once accrue as specified in TAPCR 1200-03-26-.02(8).
 - (2) Sources paying annual emissions fees on an allowable emissions basis: pay annual allowable based emission fees for each annual accounting period no later than April 1 of each year pursuant to TAPCR 1200-03-26-.02(9)(d).
 - (3) Sources paying annual emissions fees on an actual emissions basis: prepare an **actual emissions analysis** for each AAP and pay **actual based emission fees** pursuant to TAPCR 1200-03-26-.02(9)(d). The **actual emissions analysis** shall include:
 - (a) the completed **Fee Emissions Summary Table,**
 - (b) each **actual emissions analysis** required, and
 - (c) the actual emission records for each pollutant and each source as required for actual emission fee determination, or a summary of the actual emission records required for fee determination, as specified by the Technical Secretary or the Technical Secretary's representative. The summary must include sufficient information for the Technical Secretary to determine the accuracy of the calculations. These calculations must be based on the annual fee basis approved by the Technical Secretary (a state fiscal year [July 1 through June 30] or a calendar year [January 1 through December

31)). These records shall be used to complete the **actual emissions analyses** required by the above **Fee Emissions Summary Table**.

- (4) Sources paying annual emissions fees on a mixed emissions basis: for all pollutants and all sources for which the permittee has chosen an actual emissions basis, prepare an **actual emissions analysis** for each AAP and pay **actual based emission fees** pursuant to TAPCR 1200-03-26-.02(9)(d). The **actual emissions analysis** shall include:
- (a) the completed **Fee Emissions Summary Table**,
 - (b) each **actual emissions analysis** required, and
 - (c) the actual emission records for each pollutant and each source as required for actual emission fee determination, or a summary of the actual emission records required for fee determination, as specified by the Technical Secretary or the Technical Secretary's representative. The summary must include sufficient information for the Technical Secretary to determine the accuracy of the calculations. These calculations must be based on the fee bases approved by the Technical Secretary (payment on an actual or mixed emissions basis) and payment on a state fiscal year (July 1 through June 30) or a calendar year (January 1 through December 31). These records shall be used to complete the **actual emissions analysis**.

For all pollutants and all sources for which the permittee has chosen an allowable emissions basis, pay allowable based emission fees pursuant to TAPCR 1200-03-26-.02(9)(d).

- (5) When paying on an actual or mixed emissions basis, submit the **actual emissions analyses** at the time the fees are paid in full.

The annual emission fee due dates are specified in TAPCR 1200-03-26-.02(9)(g) and are dependent on the Responsible Official's choice of fee bases as described above. If any part of any fee imposed under TAPCR 1200-03-26-.02 is not paid within 15 days of the due date, penalties shall at once accrue as specified in TAPCR 1200-03-26-.02(8). Emissions for regulated pollutants shall not be double counted as specified in Condition A8(d) of this permit.

Payment of the fee due and the actual emissions analysis (if required) shall be submitted to The Technical Secretary at the following address:

Payment of Fee to:

The Tennessee Department of Environment and Conservation
 Division of Fiscal Services
 Consolidated Fee Section – APC: 57-0259
 William R. Snodgrass Tennessee Tower
 312 Rosa L. Parks Avenue, 10th Floor
 Nashville, Tennessee 37243

Actual Emissions Analyses to:

The Tennessee Department of Environment and Conservation
 Division of Air Pollution Control
 Emission Inventory Program
 William R. Snodgrass Tennessee Tower
 312 Rosa L. Parks Avenue, 15th Floor
 Nashville, Tennessee 37243

or

An electronic copy (PDF) of actual emissions analysis can also be submitted to: apc.inventory@tn.gov

E2. Reporting requirements.

- (a) **Reserved.**

- (b) **Annual compliance certification.** The permittee shall submit annually compliance certifications with each term or condition contained in Sections A, B, D and E of this permit, including emission limitations, standards, or work practices. This compliance certification shall include all of the following (provided that the identification of applicable information may cross-reference the permit or previous reports, as applicable):

- (1) The identification of each term or condition of the permit that is the basis of the certification;
- (2) The identification of the method(s) or other means used by the owner or operator 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 by this permit. If necessary, the owner or operator

also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Federal Act, which prohibits knowingly making a false certification or omitting material information;

- (3) The status of compliance with each term or condition of the 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 E2(b)2 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 below occurred; and
- (4) Such other facts as the Technical Secretary may require to determine the compliance status of the source.

* “Excursion” shall mean a departure from an indicator range established for monitoring under this paragraph, consistent with any averaging period specified for averaging the results of the monitoring.

** “Exceedance” shall mean a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.

Annual compliance certifications shall cover the 12-month period from **January 1**, to **December 31**, and shall be submitted within 60 days after the end of each 12-month period. The first annual compliance certification following issuance of this permit shall cover the following permits and reporting periods:

Permit Number	Reporting Period Begins	Reporting Period Ends
Old permit # 568775	January 1, 2020	day before new permit issuance (with year)
New Permit # 577132	Issuance Date of new permit (with year)	December 31, 2020

These certifications shall be submitted to: **TN APCD** and **EPA**

**Division of Air Pollution Control
Jackson Environmental Field Office
1625 Hollywood Drive
Jackson, TN 38305**

**and Air Enforcement Branch
US EPA Region IV
61 Forsyth Street, SW
Atlanta, Georgia 30303**

or

Email Address

**Electronic copy (PDF) to:
APC.JackEFO@tn.gov**

40 CFR Part 70.6(c)(5)(iii) as amended in the Federal Register Vol. 79, No.144, July 28, 2014, pages 43661 through 43667
TAPCR 1200-03-09-.02(11)(e)3.(v)

- (c) **Retention of Records** All records required by any condition in Section E of this permit must be retained for a period of not less than five years. Additionally, these records shall be kept available for inspection by the Technical Secretary or a Division representative.

TAPCR 1200-03-09-.02(11)(e)1.(iii)(II)II

- (d) **40 CFR Part 60 Subpart WWW Reports** The permittee shall submit NSPS annual reports of the recorded information outlined below. The report shall be due within 60 days after the end of each reporting period identified in **Condition E2(b)** of this permit. These reports must be certified by a responsible official consistent with **Condition B4** of this permit and shall be submitted to The Technical Secretary at the address below or by email: air.pollution.control@tn.gov.

- (1) The initial design capacity report and the amended design capacity reports as required under **Condition E4-5**.
(2) The NMOC emission rate report as required under **Condition E4-6(a)**.

- (3) The collection and control system design plan as required under **Condition E4-7**.

These reports shall be submitted to The Technical Secretary at the following address:

The Technical Secretary
Division of Air Pollution Control
ATTN: Permit Program
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, TN 37243

Or by Email:
Electronic copy (PDF) to:
Air.Pollution.Control@tn.gov

TAPCR 1200-03-09-.02(11)(e)1.(iii)(II)II

E3. General Permit Requirements

E3-1. Identification of Responsible Official, Technical Contact, and Billing Contact

(a) The application that was utilized in the preparation of this permit is dated JUNE 28, 2019 and signed by Responsible Official Bryan Sehie, Environmental Manager of the permitted facility. If this person terminates employment or is assigned different duties and is no longer a Responsible Official for this facility as defined in part 1200-03-09-.02(11)(b)21 of the Tennessee Air Pollution Control Regulations, the owner or operator of this air contaminant source shall notify the Technical Secretary of the change. Said notification must be in writing and must be submitted within thirty (30) days of the change. The notification shall include the name and title of the new Responsible Official and certification of truth and accuracy. All representations, agreement to terms and conditions, and covenants made by the former Responsible Official that were used in the establishment of the permit terms and conditions will continue to be binding on the facility until such time that a revision to this permit is obtained that would change said representations, agreements, and/or covenants.

(b) The application that was utilized in the preparation of this permit is dated JUNE 28, 2019 and identifies Bryan Sehie, Environmental Manager as the Principal Technical Contact for the permitted facility. If this person terminates employment or is assigned different duties and is no longer the Principal Technical Contact for this facility, the owner or operator of this air contaminant source shall notify the Technical Secretary of the change. Said notification must be in writing and must be submitted within thirty (30) days of the change. The notification shall include the name and title of the new Principal Technical Contact and certification of truth and accuracy.

(c) The application that was utilized in the preparation of this permit is dated JUNE 28, 2019 and identifies Bryan Sehie, Environmental Manager as the Billing Contact for the permitted facility. If this person terminates employment or is assigned different duties and is no longer the Billing Contact for this facility, the owner or operator of this air contaminant source shall notify the Technical Secretary of the change. Said notification must be in writing and must be submitted within thirty (30) days of the change. The notification shall include the name and title of the new Billing Contact and certification of truth and accuracy.

TAPCR 1200-03-09-.02(6)

- E3-2.** The permittee listed various insignificant and exempt activities in their Title V Application per TAPCR 1200-03-09-.04(5). Additional insignificant activities may be added and operated at any time with the provision that a written notification shall be submitted to the Technical Secretary including an updated APC V.2 application form along with a truth, accuracy, and completeness statement signed by a responsible official. Emergency engines and gas dispensing facilities may be deemed insignificant if they meet the definition in TAPCR 1200-03-09-.04(2)(a). The engines and/or gas dispensing facility may be subject to a federal standard as identified in **Conditions D11, D12, and D13**.

TAPCR 1200-03-09-03(8)

- E3-3.** This facility is currently not subject to regulations under 40 CFR part 64 (Compliance Assurance Monitoring).

TAPCR 1200-03-09-.03(8) and 40 CFR Part 64

E3-4. The permittee shall comply with all applicable federal and state regulations concerning the operation of the sources in this permit unless specifically allowed by the Conditions of this permit. This includes, but is not limited to, federal regulations published under 40 CFR part 63 for sources of hazardous air pollutants and 40 CFR part 60, New Source Performance Standards.

TAPCR 1200-03-09-.03(8)

E3-5. Recordkeeping: Data Entry Requirements

- (a) For monthly recordkeeping, all data, including results of all calculations, must be entered into the log no later than thirty days from the end of the month for which the data is required.
- (b) For weekly recordkeeping, all data, including results of all calculations, must be entered into the log no later than seven days from the end of the week for which the data is required.
- (c) For daily recordkeeping, all data, including results of all calculations, must be entered into the log no later than seven days from the end of the day for which the data is required.

TAPCR 1200-03-10-.02(1)(a)

E3-6. Unless otherwise specified, visible emissions from any stack at this facility shall not exhibit greater than twenty percent opacity, except for one six-minute period in any one-hour period, and for no more than four six-minute periods in any twenty-four-hour period. Visible emissions from this source shall be determined by EPA Method 9, as published in the current 40 CFR 60, Appendix A (six-minute average).

Compliance Method: The permittee shall assure compliance with the opacity standard by utilizing the opacity matrix dated June 18, 1996 and amended on September 11, 2013 that is enclosed as Attachment 1.

TAPCR 1200-03-10-.02(1)(a)

E3-7. The sources in this permit shall operate in accordance with the terms of this permit and the information submitted in the approved application.

TAPCR 1200-03-09-.02(6) and the application dated May 13, 2019.

E3-8. The Permittee is not required to file an accidental release plan pursuant to Section 112(r) of the Clean Air Act and 1200-03-32 of

TAPCR 1200-03-32

Compliance Method: Following the requirement as identified in TAPCR 1200-03-32.

E3-9. **Asbestos:** This landfill receives, handles, and disposes of asbestos containing material. The handling and disposal of regulated-asbestos-containing material must be managed in accordance with those applicable requirements in the current **National Emission Standard for Asbestos of 40 CFR Part 61 Subpart M** and the current Rule 1200-03-11-.02 of the Tennessee Air Pollution Control Regulations (TAPCR) listed in Attachments 2 and 3 of this permit. It should be noted this is not a new requirement, and the existing regulations have been in place. However, regulatory citations are now included in this permit to explicitly specify the requirements. Upon receipt of asbestos at the landfill, the permittee is subject to the **Standard for Active Disposal Sites** per Rule 1200-03-11-.02(5) of the TAPCR and the federal counterpart 40 CFR 61.154. Upon closure of an active disposal site, the permittee shall comply with the provisions of Rule 1200-03-11-.02(2)(I) of the TAPCR entitled **Standard for Inactive Waste Disposal Sites for Asbestos Mills and Manufacturing and Fabricating Operations** and the federal counterpart 40 CFR 61.151.

TAPCR 1200-03-11-.02, TAPCR 1200-03-09-.03(8), and 40 CFR Part 61 Subpart M

E3-10. The permittee is placed on notice that this permit will be reopened and additional applicable requirements from 40 CFR Part 60, Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills; and 40 CFR Part 63 Subpart AAAA - National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills; will be added to the permit when

uncontrolled NMOC emissions equal or exceed 50 megagrams per year and the facility is required to install a landfill gas collection and control system (GCCS) for compliance with 40 CFR Part 60, Subpart WWW.

E4. Source Specific Emission Standards

57-0259-01: Municipal solid waste landfill with a design capacity of approximately 7.96 million megagrams of municipal solid waste. This source is subject to NSPS 40 CFR Part 60 Subpart WWW and NESHAP 40 CFR Part 61 Subpart M (National Emission Standards for Asbestos). This source emits less than 50 megagrams per year of non-methane organic compounds, and therefore this source is not subject to the gas collection and control requirements of the NSPS. **Jackson-Madison County Landfill** operates a voluntary landfill gas collection and control system with an open (utility) flare for gas combustion.

Condition E4-1 through E4-8 applies to source 57-0259-01: Municipal Solid Waste Landfill

E4-1. The permittee shall either comply with the collection and control system requirements of 40 CFR 60.752(b)(2) or calculate an NMOC emission rate for the landfill using the procedures specified in **Condition E4-3**. The NMOC emission rate shall be recalculated annually, except as provided in **Condition E4-6(a)(2)**. If the calculated NMOC emission rate is less than 50 megagrams per year, the permittee shall:

- (a) Submit an annual NMOC emission rate report to the Technical Secretary, except as provided for in **Conditions E4-6(a)(2) and E4-1(b)**; and
- (b) Recalculate the NMOC emission rate annually, except as provided in **Condition E4-6(a)(2)**, using the procedures specified in **Condition E4-3** until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, or the landfill is closed.
 - (1) If the NMOC emission rate, upon recalculation required in **Condition E4-1(b)**, is equal to or greater than 50 megagrams per year, the permittee shall notify the Technical Secretary and install a collection and control system in compliance with 40 CFR 60.752(b)(2), §60.753(a)(1), §60.753(a)(2), and 60.755(b). In addition, this permit will be reopened to include additional requirements as specified in **Condition E4-3**.
 - (2) If the landfill is permanently closed, a closure notification shall be submitted to the Technical Secretary as provided for in **Condition E4-2**.

TAPCR 1200-03-09-.03(8) and 40 CFR 60 Subpart WWW - §60.752(b)

E4-2. The permittee is subject to the requirements under part 70 of 40 CFR. The permittee shall submit a closure report to the Technical Secretary within 30 days of waste acceptance cessation. The Technical Secretary may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 40 CFR 258.60. If a closure report has been submitted to the Technical Secretary, no additional wastes may be placed into the landfill without filing a notification of modification to the Technical Secretary as described under 40 CFR 60.7(a)(4). When the landfill is closed, the permittee is no longer subject to the requirements under part 70 of 40 CFR for the landfill if the landfill is not otherwise subject to the requirements under part 70 of 40 CFR and if either of the following conditions are met:

- (a) The landfill was never subject to the requirement for a control system under 40 CFR 60.752(b)(2); or
- (b) The permittee meets the conditions for control system removal specified in 40 CFR 60.752(b)(2)(v).

TAPCR 1200-03-07-.07(9), 1200-03-09-.03(8), 40 CFR 60.752(b) and (d), and 40 CFR 60.757(d)

E4-3. The permittee shall comply with the following requirements regarding test methods and procedures:

- (a) The permittee shall calculate the NMOC emission rate using either the equation provided in **Condition E4-3(a)(1)** or the equation provided in **Condition E4-3(a)(2)**. Both equations may be used if the actual year-to-year solid waste acceptance rate is known, as specified in **Condition E4-3(a)(1)**, for part of the life of the landfill; and the actual year-to-year solid waste acceptance rate is unknown, as specified in **Condition E4-3(a)(2)**, for part of the life of the landfill. The values to be used in both equations are **0.05 per year for k**, **170 cubic meters per megagram for L_o**, and **4,000 parts per million by volume as hexane for the C_{NMOC}**. For landfills located in geographical areas with a thirty year

annual average precipitation of less than 25 inches, as measured at the nearest representative official meteorological site, the k value to be used is 0.02 per year.

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

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

M_{NMOC} = total NMOC emission rate from the landfill, megagrams per year
 K = methane generation rate constant, year⁻¹
 L_O = methane generation potential, cubic meters per megagram solid waste
 M_i = mass of solid waste in the ith section, megagrams
 t_i = age of the ith section, years
 C_{NMOC} = concentration of NMOC, parts per million by volume as hexane
 3.6×10^{-9} = conversion factor

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

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

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

M_{NMOC} = total NMOC emission rate from the landfill, megagrams per year
 K = methane generation rate constant, year⁻¹
 L_O = methane generation potential, cubic meters per megagram solid waste
 R = average annual acceptance rate, megagrams per year.
 t = age of landfill, years
 C_{NMOC} = concentration of NMOC, parts per million by volume as hexane
 c = time since closure, years; for an active landfill $c = 0$ and $e^{-kc} = 1$.
 3.6×10^{-9} = conversion factor

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

- (b) **Tier 1.** The permittee shall compare the calculated NMOC mass emission rate to the standard of 50 megagrams per year.

(1) If the NMOC emission rate calculated in **Condition E4-3(a)** is less than 50 megagrams per year, then the permittee shall submit a periodic NMOC emission rate report as provided in **Condition E4-6(a)**, and shall recalculate the NMOC mass emission rate periodically as required in **Condition E4-6(a)**.

(2) If the NMOC emission rate is equal to or greater than 50 megagrams per year, then the permittee shall either complete (i) and (ii), or (iii):

- (i) Submit a collection and control system design plan prepared by a professional engineer to the Technical Secretary within 1 year, which meets the requirements of 40 CFR 60.752(b)(2) and 40 CFR 60.752(b)(2).
- (ii) Install the collection and control system within 30 months after submitting the first annual report in which the emission rate equals exceeds 50 megagrams per year.
- (iii) Determine a site-specific NMOC concentration methane generation rate and recalculate the NMOC emission rate using the Tier 2 procedures specified in **Condition E4-3(c)**.

- (c) **Tier 2.** The permittee shall notify the Division's Compliance Validation Program at least 30 days prior to a Tier 2 test. The permittee shall determine the site-specific NMOC concentration using the following sampling procedure. The landfill permittee shall install at least two sample probes per hectare, evenly distributed over the landfill surface that has retained waste for at least 2 years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The

probes should be evenly distributed across the sample area. The sample probes should be located to avoid known areas of nondegradable solid waste. The permittee shall collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using Method 25 or 25C of appendix A of the NSPS. Taking composite samples from different probes into a single cylinder is allowed; however, equal sample volumes must be taken from each probe. For each composite, the sampling rate, collection times, beginning and ending cylinder vacuums, or alternative volume measurements must be recorded to verify that composite volumes are equal. Composite sample volumes should not be less than one liter unless evidence can be provided to substantiate the accuracy of smaller volumes. Terminate compositing before the cylinder approaches ambient pressure where measurement accuracy diminishes. If more than the required number of samples is taken, all samples must be used in the analysis. The landfill permittee shall divide the NMOC concentration from Method 25 or 25C by six to convert from C_{NMOC} as carbon to C_{NMOC} as hexane. If the landfill has an active or passive gas removal system in place, Method 25 or 25C samples may be collected from these systems instead of surface probes provided the removal system can be shown to provide sampling as representative as the two sampling probe per hectare requirement. For active collection systems, samples may be collected from the common header pipe. The sample location on the common header pipe must be before any gas moving, condensate removal, or treatment system equipment. For active collection systems, a minimum of three samples must be collected from the header pipe.

- (1) The permittee shall recalculate the NMOC mass emission rate using the equations in **Conditions E4-3(a)(1) or E4-3(a)(2)** using the average site-specific NMOC concentration from the collected samples instead of the provided default values.
 - (2) If the resulting mass emission rate calculated using the site-specific NMOC concentration is equal to or greater than 50 megagrams per year, then the permittee shall either comply with the collection and control system requirements of **40 CFR 60.752(b)(2)**, or determine the site-specific methane generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the Tier 3 procedure specified in **Condition E4-3(d)**.
 - (3) If the resulting NMOC mass emission rate is less than 50 megagrams per year, the permittee shall submit a periodic NMOC emission rate report as provided in **Condition E4-6(a)** and retest the site-specific NMOC concentration every 5 years using the methods specified **Condition E4-3(c)**.
 - (4) If the NMOC mass emission rate as calculated using the Tier 2 site-specific NMOC concentration is equal to or greater than 50 megagrams per year, the permittee shall either:
 - (i) Submit a gas collection and control system design plan within 1 year as specified in **Condition E4-1** and install and operate a gas collection and control system within 30 months according to §60.752(b);
 - (ii) Determine a site-specific methane generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the Tier 3 procedures specified in **Condition E4-3(d)**.
- (d) **Tier 3.** The permittee shall notify the Division's Compliance Validation Program at least 30 days prior to a Tier 3 test. The permittee shall determine the site-specific methane generation rate constant using the procedures provided in Method 2E of appendix A of the NSPS (40 CFR 60). The permittee shall estimate the NMOC mass emission rate using equations in **Conditions E4-3(a)(1) or E4-3(a)(2)** and using a site-specific methane generation rate constant, and the site-specific NMOC concentration as determined by Tier 2 instead of the default values provided in **Condition E4-3(a)(1)**. The permittee shall compare the resulting NMOC mass emission rate to the standard of 50 megagrams per year.
- (1) If the NMOC mass emission rate as calculated using the Tier 3 site-specific methane generation rate is equal to or greater than 50 megagrams per year, the permittee shall complete (i) and (ii):
 - (i) Submit a collection and control system design plan prepared by a professional engineer to the Technical Secretary within 1 year, which meets the requirements of 40 CFR 60.752(b)(2).
 - (ii) Install the collection and control system within 30 months after submitting the first annual report in which the emission rate equals or exceeds 50 megagrams per year.
 - (2) If the NMOC mass emission rate is less than 50 megagrams per year, then the permittee shall submit a periodic emission report as provided in **Condition E4-6** and shall recalculate the NMOC mass emission rate annually

using the site-specific methane generation rate constant and NMOC concentration obtained under Tier 3. The calculation of the methane generation rate constant is performed only once, and the value obtained from this test shall be used in all subsequent annual NMOC emission rate calculations.

- (e) **Other methods.** The permittee may use other methods to determine the NMOC concentration or a site-specific methane generation rate constant as an alternative to the methods required in **Conditions E4-3(c) and E4-3(d)** if the method has been approved by the Technical Secretary.

TAPCR 1200-03-07-.07(9), 1200-03-09-.03(8), 40 CFR 60.754(a)(1) through (5)

- E4-4.** When calculating emissions for Prevention of Significant Deterioration purposes, the permittee shall estimate the NMOC emission rate for comparison to the Prevention of Significant Deterioration major source and significance levels in 40 CFR 51.166 or 40 CFR 52.21 using Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources (AP-42) or other approved measurement procedures.

TAPCR 1200-03-07-.07(9), 1200-03-09-.03(8), and 40 CFR 60.753(d)

- E4-5.** The permittee shall submit an amended design capacity report to the Technical Secretary

- (a) Amended design capacity reports shall be submitted to the Technical Secretary providing notification of any increase in the design capacity of the landfill, within 90 days of an increase in the maximum design capacity of the landfill. This increase in design capacity may result from an increase in the permitted volume of the landfill or an increase in the density as documented in the annual recalculation required in 40 CFR 60.758(f).

These reports must be certified by a responsible official consistent with **Condition B4** of this permit and shall be submitted to The Technical Secretary at the address in **Condition E2(d)** of this permit.

TAPCR 1200-03-07-.07(7)(c), 1200-03-07-.07(9), 1200-03-09-.03(8), and 40 CFR 60.757(a)

- E4-6.** The permittee shall submit an NMOC emission rate report to the Technical Secretary annually, except as provided for in **Conditions E4-6(a)(2) or E4-6(c)**. The Technical Secretary may request such additional information as may be necessary to verify the reported NMOC emission rate.

- (a) 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 **Condition E4-3**.

(1) NMOC emission rate reports shall be submitted annually, except as provided for in **Conditions E4-6(a)(2) and E4-6(c)**.

(2) If the estimated NMOC emission rate as reported in the annual report to the Technical Secretary 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 the Technical Secretary. This estimate shall be revised at least once every 5 years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate shall be submitted to the Technical Secretary. 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.

(3) If the permittee elects to recalculate the NMOC emission rate after Tier 2 NMOC sampling and analysis as provided in **Condition E4-3(c)** and the resulting rate is less than 50 megagrams per year, annual periodic reporting shall be resumed, using the Tier 2 determined site-specific NMOC concentration, until the calculated emission rate is equal to or greater than 50 megagrams per year or the landfill is closed. The revised NMOC emission rate report, with the recalculated emission rate based on NMOC sampling and analysis, shall be submitted within 180 days of the first calculated exceedance of 50 megagrams per year.

- (4) If the permittee elects to recalculate the NMOC emission rate after Tier 3 determining a site-specific methane generation rate constant, as provided in **Condition E4-3(d)** and the resulting NMOC emission rate is less than 50 megagrams per year, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant shall be used in the emission calculation until such time as the emission rate calculation results in an exceedance of 50 megagrams per year occurs. The revised NMOC emission rate report based on the provision of **Condition E4-3(d)** and the resulting site-specific methane generation rate constant shall be submitted to the Technical Secretary within 1 year of the first recalculated emission rate exceeding 50 megagrams per year.
- (b) The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions.
- (c) The permittee is exempted from the requirements of **Conditions E4-6(a) and (b)**, after the installation of a collection and control system in compliance with 40 CFR 60.752(b)(2), during such time as the collection and control system is in operation and in compliance with 40 CFR 60.753 and 40 CFR 60.755.

These reports must be certified by a responsible official consistent with **Condition B4** of this permit and shall be submitted to The Technical Secretary at the address in **Condition E2(b)** of this permit, with a copy to the Division's Compliance Validation Program.

TAPCR 1200-03-07-.07(7)(c), 1200-03-07-.07(9), 1200-03-09-.03(8), and 40 CFR 60.757(b).

E4-7. Collection and control system design plan. The permittee shall submit a landfill gas site-specific design plan for each gas collection and control system if required by 40 CFR 60.752(b). The collection and control system design plan must be prepared and approved by a professional engineer.

- (a) The collection and control system as described in the design plan must meet the design requirements in 40 CFR 60.752(b)(2)(ii).
- (1) Active collection systems must meet the requirements contained in §60.752(b)(2)(ii)(A).
 - (2) Passive collection systems must meet the requirements contained in §60.752(b)(2)(ii)(B).
- (b) Route all the collected gas to a control system that complies with the requirements in either 40 CFR 60.752 (b)(2)(iii) (A), (B) or (C).
- (1) An open flare designed and operated in accordance with §60.18 except the net heating value of the combusted landfill gas as determined in §60.18(f)(3) is calculated from the concentration of methane in the landfill gas as measured by EPA Method 3C. A minimum of three 30-minute Method 3C samples are determined. The measurement of other organic components, hydrogen, and carbon monoxide is not applicable. Method 3C may be used to determine the landfill gas molecular weight for calculating the flare gas exit velocity under §60.18(f)(4).
 - (2) 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 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 test methods specified in §60.754(d). If a boiler or process heater is used as the control device, the landfill gas stream shall be introduced into the flame zone. The control device shall be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in §60.756.
 - (3) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements in 40 CFR 60.752 (b)(i) or (ii).

- (c) The collection and control system design plan must include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping, or reporting provisions of 40 CFR 60.753 through 40 CFR 60.758 proposed by the permittee.
- (d) The collection and control system design plan must either conform to specifications for active collection systems in 40 CFR 60.759 or include a demonstration to the Technical Secretary's satisfaction of the sufficiency of the alternative provisions to 40 CFR 60.759.
- (e) The permittee shall retain the applicable collection and control system design records contained in §60.758.

TAPCR 1200-03-07-.07(9), 1200-03-09-.03(8), and 40 CFR 60.757(c)

E4-8. The permittee shall keep for at least five (5) years of up-to-date, readily accessible, on-site records of:

- (a) the design capacity report which triggered 40 CFR 60.752(b),
- (b) the current amount of solid waste in-place,
- (c) the year-by-year waste acceptance rate.

Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

TAPCR 1200-03-07-.07(9), 1200-03-09-.03(8), and 40 CFR 60.758(a)

END OF PERMIT NUMBER: 577132

ATTACHMENT 1

**OPACITY MATRIX DECISION TREE for
VISIBLE EMISSION EVALUATION METHOD 9**

Decision Tree PM for Opacity for Sources Utilizing EPA Method 9*

Notes:

PM = Periodic Monitoring required by 1200-03-09-.02(11)(e)(iii).

This Decision Tree outlines the criteria by which major sources can meet the periodic monitoring and testing requirements of Title V for demonstrating compliance with the visible emission standards set forth in the permit. It is not intended to determine compliance requirements for EPA's Compliance Assurance Monitoring (CAM) Rule (formerly referred to as Enhanced Monitoring – Proposed 40 CFR 64).

Examine each emission unit using this Decision Tree to determine the PM required.*

Use of continuous emission monitoring systems eliminates the need to do any additional periodic monitoring.

Visible Emission Evaluations (VEEs) are to be conducted utilizing EPA Method 9. The observer must be properly certified to conduct valid evaluations.

Typical Pollutants
Particulates, VOC, CO, SO₂, NO_x, HCl, HF, HBr, Ammonia, and Methane.

Initial observations are to be repeated within 90 days of startup of a modified source, if a new construction permit is issued for modification of the source.

A VEE conducted by TAPCD personnel after the Title V permit is issued will also constitute an initial reading.

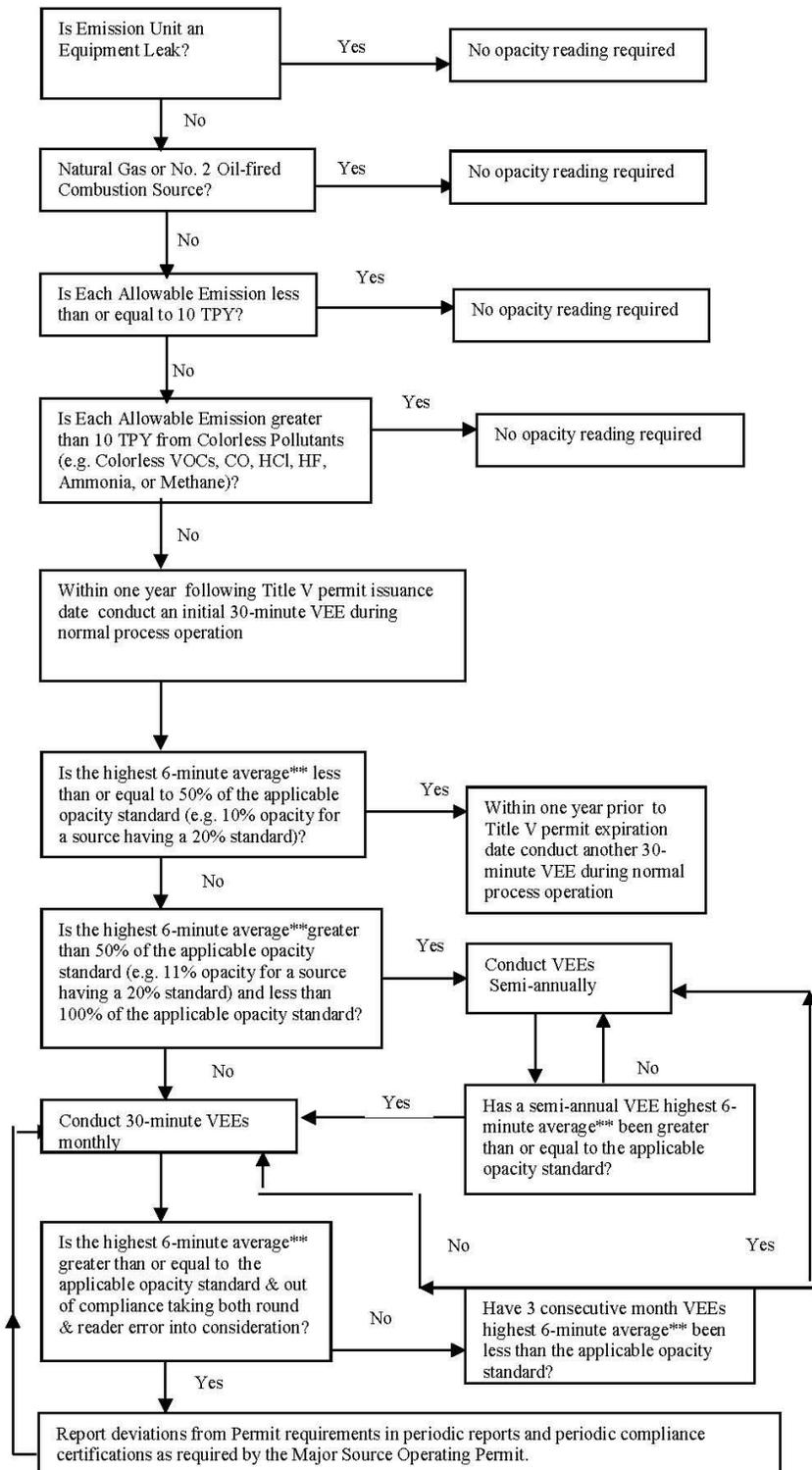
Reader Error
EPA Method 9, Non-NSPS or NESHAPS stipulated opacity standards: The TAPCD guidance is to declare non-compliance when the highest six-minute average*** exceeds the standard plus 6.8% opacity (e.g. 26.8% for a 20% standard).

EPA Method 9, NSPS or NESHAPS stipulate opacity standards: EPA guidance is to allow only engineering round. No allowance for reader error is given.

*Not applicable to Asbestos manufacturing subject to 40 CFR 61.142

***Or second highest six-minute average, if the source has an exemption period stipulated in either the regulations or in the permit.

DATED JUNE 18, 1996
AMENDED SEPTEMBER 11, 2013



ATTACHMENT 2

**APPLICABLE PARTS FROM CODE OF FEDERAL REGULATIONS,
TITLE 40, PART 61, SUBPART M,
NATIONAL EMISSION STANDARD FOR ASBESTOS**

Title 40: Protection of Environment
PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Selected Parts from
Subpart M—National Emission Standard for Asbestos

Contents

§61.140 Applicability.

§61.141 Definitions.

Figure 4

§61.151 Standard for inactive waste disposal sites for asbestos mills and manufacturing and fabricating operations.

§61.154 Standard for active waste disposal sites.

Authority: 42 U.S.C. 7401, 7412, 7414, 7416, 7601.

Source: 49 FR 13661, Apr. 5, 1984, unless otherwise noted.

§61.140 Applicability.

The provisions of this subpart are applicable to those sources specified in §§61.142 through 61.151, 61.154, and 61.155.

[55 FR 48414, Nov. 20, 1990]

§61.141 Definitions.

All terms that are used in this subpart and are not defined below are given the same meaning as in the Act and in subpart A of this part.

Active waste disposal site means any disposal site other than an inactive site.

Adequately wet means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

Asbestos means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite.

Asbestos-containing waste materials means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this subpart. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

Asbestos mill means any facility engaged in converting, or in any intermediate step in converting, asbestos ore into commercial asbestos. Outside storage of asbestos material is not considered a part of the asbestos mill.

Asbestos tailings means any solid waste that contains asbestos and is a product of asbestos mining or milling operations.

Asbestos waste from control devices means any waste material that contains asbestos and is collected by a pollution control device.

Category I nonfriable asbestos-containing material (ACM) means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy.

Category II nonfriable ACM means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Commercial asbestos means any material containing asbestos that is extracted from ore and has value because of its asbestos content.

Cutting means to penetrate with a sharp-edged instrument and includes sawing, but does not include shearing, slicing, or punching.

Demolition means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

Emergency renovation operation means a renovation operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. This term includes operations necessitated by nonroutine failures of equipment.

Fabricating means any processing (*e.g.*, cutting, sawing, drilling) of a manufactured product that contains commercial asbestos, with the exception of processing at temporary sites (field fabricating) for the construction or restoration of facilities. In the case of friction products, fabricating includes bonding, debonding, grinding, sawing, drilling, or other similar operations performed as part of fabricating.

Facility means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

Facility component means any part of a facility including equipment.

Friable asbestos material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

Fugitive source means any source of emissions not controlled by an air pollution control device.

Glove bag means a sealed compartment with attached inner gloves used for the handling of asbestos-containing materials. Properly installed and used, glove bags provide a small work area enclosure typically used for small-scale asbestos stripping operations. Information on glove-bag installation, equipment and supplies, and work practices is contained in the Occupational Safety and Health Administration's (OSHA's) final rule on occupational exposure to asbestos (appendix G to 29 CFR 1926.58).

Grinding means to reduce to powder or small fragments and includes mechanical chipping or drilling.

In poor condition means the binding of the material is losing its integrity as indicated by peeling, cracking, or crumbling of the material.

Inactive waste disposal site means any disposal site or portion of it where additional asbestos-containing waste material has not been deposited within the past year.

Installation means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control).

Leak-tight means that solids or liquids cannot escape or spill out. It also means dust-tight.

Malfunction means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner so that emissions of asbestos are increased. Failures of equipment shall not be considered malfunctions if they are caused in any way by poor maintenance, careless operation, or any other preventable upset conditions, equipment breakdown, or process failure.

Manufacturing means the combining of commercial asbestos—or, in the case of woven friction products, the combining of textiles containing commercial asbestos—with any other material(s), including commercial asbestos, and the processing of this combination into a product. Chlorine production is considered a part of manufacturing.

Natural barrier means a natural object that effectively precludes or deters access. Natural barriers include physical obstacles such as cliffs, lakes or other large bodies of water, deep and wide ravines, and mountains. Remoteness by itself is not a natural barrier.

Nonfriable asbestos-containing material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Nonscheduled renovation operation means a renovation operation necessitated by the routine failure of equipment, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted.

Outside air means the air outside buildings and structures, including, but not limited to, the air under a bridge or in an open air ferry dock.

Owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

Particulate asbestos material means finely divided particles of asbestos or material containing asbestos.

Planned renovation operations means a renovation operation, or a number of such operations, in which some RACM will be removed or stripped within a given period of time and that can be predicted. Individual nonscheduled operations are included if a number of such operations can be predicted to occur during a given period of time based on operating experience.

Regulated asbestos-containing material (RACM) means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

Remove means to take out RACM or facility components that contain or are covered with RACM from any facility.

Renovation means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Resilient floor covering means asbestos-containing floor tile, including asphalt and vinyl floor tile, and sheet vinyl floor covering containing more than 1 percent asbestos as determined using polarized light microscopy according to the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy.

Roadways means surfaces on which vehicles travel. This term includes public and private highways, roads, streets, parking areas, and driveways.

Strip means to take off RACM from any part of a facility or facility components.

Structural member means any load-supporting member of a facility, such as beams and load supporting walls; or any nonload-supporting member, such as ceilings and nonload-supporting walls.

Visible emissions means any emissions, which are visually detectable without the aid of instruments, coming from RACM or asbestos-containing waste material, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed, uncombined water vapor.

Waste generator means any owner or operator of a source covered by this subpart whose act or process produces asbestos-containing waste material.

Waste shipment record means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos-containing waste material.

Working day means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

[49 FR 13661, Apr. 5, 1984; 49 FR 25453, June 21, 1984, as amended by 55 FR 48414, Nov. 20, 1990; 56 FR 1669, Jan. 16, 1991; 60 FR 31920, June 19, 1995]

Generator	1. Work site name and mailing address		Owner's name	Owner's telephone no.
	2. Operator's name and address			Operator's telephone no.
	3. Waste disposal site (WDS) name, mailing address, and physical site location			WDS phone no.
	4. Name, and address of responsible agency			
Generator	5. Description of materials		6. Containers No. Type	7. Total quantity m ³ (yd ³)
	8. Special handling instructions and additional information			
	9. OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.			
Transporter	Printed/typed name & title		Signature	Month Day Year
	10. Transporter 1 (Acknowledgment of receipt of materials)			
	Printed/typed name & title		Signature	Month Day Year
	Address and telephone no.			
Disposal Site	11. Transporter 2 (Acknowledgment of receipt of materials)			
	Printed/typed name & title		Signature	Month Day Year
	Address and telephone no.			
	12. Discrepancy indication space			
13. Waste disposal site owner or operator: Certification of receipt of asbestos materials covered by this manifest except as noted in item 12.				
Printed/typed name & title		Signature	Month Day Year	

(Continued)

Figure 4. Waste Shipment Record

INSTRUCTIONS

Waste Generator Section (Items 1-9)

- Enter the name of the facility at which asbestos waste is generated and the address where the facility is located. In the appropriate spaces, also enter the name of the owner of the facility and the owner's phone number.
- If a demolition or renovation, enter the name and address of the company and authorized agent responsible for performing the asbestos removal. In the appropriate spaces, also enter the phone number of the operator.
- Enter the name, address, and physical site location of the waste disposal site (WDS) that will be receiving the asbestos materials. In the appropriate spaces, also enter the phone number of the WDS. Enter "on-site" if the waste will be disposed of on the generator's property.
- Provide the name and address of the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program.
- Indicate the types of asbestos waste materials generated. If from a demolition or renovation, indicate the amount of asbestos that is
 - Friable asbestos material
 - Nonfriable asbestos material
- Enter the number of containers used to transport the asbestos materials listed in item 5. Also enter one of the following container codes used in transporting each type of asbestos material (specify any other type of container used if not listed below):
 - DM - Metal drums, barrels
 - DP - Plastic drums, barrels
 - BA - 6 mil plastic bags or wrapping
- Enter the quantities of each type of asbestos material removed in units of cubic meters (cubic yards).
- Use this space to indicate special transportation, treatment, storage or disposal or Bill of Lading information. If an alternate waste disposal site is designated, note it here. Emergency response telephone numbers or similar information may be included here.
- The authorized agent of the waste generator must read and then sign and date this certification. The date is the date of receipt by transporter.

NOTE: The waste generator must retain a copy of this form.

(continued)

Figure 4. Waste Shipment Record

Transporter Section (Items 10 & 11)

10. & 11. Enter name, address, and telephone number of each transporter used, if applicable. Print or type the full name and title of person accepting responsibility and acknowledging receipt of materials as listed on this waste shipment record for transport. Enter date of receipt and signature.

NOTE: The transporter must retain a copy of this form.

Disposal Site Section (Items 12 & 13)

- The authorized representative of the WDS must note in this space any discrepancy between waste described on this manifest and waste actually received as well as any improperly enclosed or contained waste. Any rejected materials should be listed and destination of those materials provided. A site that converts asbestos-containing waste material to nonasbestos material is considered a WDS.
- The signature (by hand) of the authorized WDS agent indicates acceptance and agreement with statements on this manifest except as noted in item 12. The date is the date of signature and receipt of shipment.

NOTE: The WDS must retain a completed copy of this form. The WDS must also send a completed copy to the operator listed in item 2.

Figure 4. Waste Shipment Record

§61.151 Standard for inactive waste disposal sites for asbestos mills and manufacturing and fabricating operations.

Each owner or operator of any inactive waste disposal site that was operated by sources covered under §61.142, 61.144, or 61.147 and received deposits of asbestos-containing waste material generated by the sources, shall:

(a) Comply with one of the following:

(1) Either discharge no visible emissions to the outside air from an inactive waste disposal site subject to this paragraph; or

(2) Cover the asbestos-containing waste material with at least 15 centimeters (6 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. In desert areas where vegetation would be difficult to maintain, at least 8 additional centimeters (3 inches) of well-graded, nonasbestos crushed rock may be placed on top of the final cover instead of vegetation and maintained to prevent emissions; or

(3) Cover the asbestos-containing waste material with at least 60 centimeters (2 feet) of compacted nonasbestos-containing material, and maintain it to prevent exposure of the asbestos-containing waste; or

(4) For inactive waste disposal sites for asbestos tailings, a resinous or petroleum-based dust suppression agent that effectively binds dust to control surface air emissions may be used instead of the methods in paragraphs (a) (1), (2), and (3) of this section. Use the agent in the manner and frequency recommended for the particular asbestos tailings by the manufacturer of the dust suppression agent to achieve and maintain dust control. Obtain prior written approval of the Administrator to use other equally effective dust suppression agents. For purposes of this paragraph, any used, spent, or other waste oil is not considered a dust suppression agent.

(b) Unless a natural barrier adequately deters access by the general public, install and maintain warning signs and fencing as follows, or comply with paragraph (a)(2) or (a)(3) of this section.

(1) Display warning signs at all entrances and at intervals of 100 m (328 ft) 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:

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

(ii) Conform to the requirements for 51 cm×36 cm (20"×14") upright format signs specified in 29 CFR 1910.145(d)(4) and this paragraph; and

(iii) Display the following legend in the lower panel with letter sizes and styles of a visibility at least equal to those specified in this paragraph.

Legend	Notation
Asbestos Waste Disposal Site	2.5 cm (1 inch) Sans Serif, Gothic or Block
Do Not Create Dust	1.9 cm (3/4 inch) Sans Serif, Gothic or Block
Breathing Asbestos is Hazardous to Your Health	14 Point Gothic.

Spacing between any two lines must be at least equal to the height of the upper of the two lines.

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

(3) When requesting a determination on whether a natural barrier adequately deters public access, supply information enabling the Administrator to determine whether a fence or a natural barrier adequately deters access by the general public.

(c) The owner or operator may use an alternative control method that has received prior approval of the Administrator rather than comply with the requirements of paragraph (a) or (b) of this section.

(d) Notify the Administrator 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 under this section, and follow the procedures specified in the notification. If the excavation will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Administrator at least 10 working days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification. Include the following information in the notice:

(1) Scheduled starting and completion dates.

(2) Reason for disturbing the waste.

(3) 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 Administrator may require changes in the emission control procedures to be used.

(4) Location of any temporary storage site and the final disposal site.

(e) Within 60 days of a site becoming inactive and after the effective date of this subpart, record, in accordance with State law, a notation on the deed to the facility property and on any other instrument that would normally be examined during a title search; this notation will in perpetuity notify any potential purchaser of the property that:

(1) The land has been used for the disposal of asbestos-containing waste material;

(2) The survey plot and record of the location and quantity of asbestos-containing waste disposed of within the disposal site required in §61.154(f) have been filed with the Administrator; and

(3) The site is subject to 40 CFR part 61, subpart M.

[49 FR 13661, Apr. 5, 1984, as amended at 53 FR 36972, Sept. 23, 1988. Redesignated and amended at 55 FR 48429, Nov. 20, 1990]

§61.154 Standard for active waste disposal sites.

Each owner or operator of an active waste disposal site that receives asbestos-containing waste material from a source covered under §61.149, 61.150, or 61.155 shall meet the requirements of this section:

(a) Either there must be no visible emissions to the outside air from any active waste disposal site where asbestos-containing waste material has been deposited, or the requirements of paragraph (c) or (d) of this section must be met.

(b) Unless a natural barrier adequately deters access by the general public, either warning signs and fencing must be installed and maintained as follows, or the requirements of paragraph (c)(1) of this section must be met.

(1) Warning signs must be displayed at all entrances and at intervals of 100 m (330 ft) or less along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material is deposited. The warning signs must:

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

(ii) Conform to the requirements of 51 cm × 36 cm (20"×14") upright format signs specified in 29 CFR 1910.145(d)(4) and this paragraph; and

(iii) Display the following legend in the lower panel with letter sizes and styles of a visibility at least equal to those specified in this paragraph.

Legend	Notation
Asbestos Waste Disposal Site	2.5 cm (1 inch) Sans Serif, Gothic or Block.
Do Not Create Dust	1.9 cm (3/4 inch) Sans Serif, Gothic or Block.
Breathing Asbestos is Hazardous to Your Health	14 Point Gothic.

Spacing between any two lines must be at least equal to the height of the upper of the two lines.

- (2) The perimeter of the disposal site must be fenced in a manner adequate to deter access by the general public.
- (3) Upon request and supply of appropriate information, the Administrator will determine whether a fence or a natural barrier adequately deters access by the general public.
- (c) Rather than meet the no visible emission requirement of paragraph (a) of this section, at the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, the asbestos-containing waste material that has been deposited at the site during the operating day or previous 24-hour period shall:
- (1) Be covered with at least 15 centimeters (6 inches) of compacted nonasbestos-containing material, or
 - (2) Be covered with a resinous or petroleum-based dust suppression agent that effectively binds dust and controls wind erosion. Such an agent shall be used in the manner and frequency recommended for the particular dust by the dust suppression agent manufacturer to achieve and maintain dust control. Other equally effective dust suppression agents may be used upon prior approval by the Administrator. For purposes of this paragraph, any used, spent, or other waste oil is not considered a dust suppression agent.
 - (d) Rather than meet the no visible emission requirement of paragraph (a) of this section, use an alternative emissions control method that has received prior written approval by the Administrator according to the procedures described in §61.149(c)(2).
 - (e) For all asbestos-containing waste material received, the owner or operator of the active waste disposal site shall:
 - (1) Maintain waste shipment records, using a form similar to that shown in Figure 4, and include the following information:
 - (i) The name, address, and telephone number of the waste generator.
 - (ii) The name, address, and telephone number of the transporter(s).
 - (iii) The quantity of the asbestos-containing waste material in cubic meters (cubic yards).
 - (iv) The presence of improperly enclosed or uncovered waste, or any asbestos-containing waste material not sealed in leak-tight containers. Report in writing to the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the waste generator (identified in the waste shipment record), and, if different, the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the disposal site, by the following working day, the presence of a significant amount of improperly enclosed or uncovered waste. Submit a copy of the waste shipment record along with the report.
 - (v) The date of the receipt.
 - (2) As soon as possible and no longer than 30 days after receipt of the waste, send a copy of the signed waste shipment record to the waste generator.
 - (3) Upon discovering a discrepancy between the quantity of waste designated on the waste shipment records and the quantity actually received, attempt to reconcile the discrepancy with the waste generator. If the discrepancy is not resolved within 15 days after receiving the waste, immediately report in writing to the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the waste generator (identified in the waste shipment record), and, if different, the local, State, or EPA

Regional office responsible for administering the asbestos NESHAP program for the disposal site. Describe the discrepancy and attempts to reconcile it, and submit a copy of the waste shipment record along with the report.

(4) Retain a copy of all records and reports required by this paragraph for at least 2 years.

(f) Maintain, until closure, records of the location, depth and area, and quantity in cubic meters (cubic yards) of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area.

(g) Upon closure, comply with all the provisions of §61.151.

(h) Submit to the Administrator, upon closure of the facility, a copy of records of asbestos waste disposal locations and quantities.

(i) Furnish upon request, and make available during normal business hours for inspection by the Administrator, all records required under this section.

(j) Notify the Administrator 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 to the Administrator at least 10 working days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification. Include the following information in the notice:

(1) Scheduled starting and completion dates.

(2) Reason for disturbing the waste.

(3) 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 Administrator may require changes in the emission control procedures to be used.

(4) Location of any temporary storage site and the final disposal site.

(Secs. 112 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7412, 7601(a))

[49 FR 13661, Apr. 5, 1990. Redesignated and amended at 55 FR 48431, Nov. 20, 1990; 56 FR 1669, Jan. 16, 1991]

ATTACHMENT 3

**TENNESSEE AIR POLLUTION CONTROL REGULATIONS,
APPLICABLE PARTS FROM RULE 1200-03-11-.02**

1200-03-11 HAZARDOUS AIR CONTAMINANTS (August, 2011)**SELECTED PARTS FROM
1200-03-11-.02 ASBESTOS**

The provisions of this rule are applicable to those sources specified in 1200-03-11-.02(2)(a) through (l), 1200-03-11-.02(5) and 1200-03-11-.02(6).

(1) Definitions.

All terms that are used in this rule and are not defined below are given the same meaning as provided in Chapter 1200-03-2 DEFINITIONS.

(a) "Active waste disposal site" means any disposal site other than an inactive site.

(b) "Adequately wet" means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

(c) "Asbestos" means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite.

(d) "Asbestos-containing material" (ACM) means asbestos or any asbestos containing material, which contains more than 1 percent asbestos as determined using Polarized Light Microscopy according to the method specified in Appendix A, Subpart F, 40 CFR, Part 763, Section 1, Polarized Light Microscopy, as contained in the 7-1-91 Edition of the CFR.

(e) "Asbestos-containing waste materials" means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this rule. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

(f) "Asbestos mill" means any facility engaged in converting, or in any intermediate step in converting, asbestos ore into commercial asbestos. Outside storage of asbestos material is not considered a part of the asbestos mill.

(g) "Asbestos tailings" means any solid waste that contains asbestos and is a product of asbestos mining or milling operations.

(h) "Asbestos waste from control devices" means any waste material that contains asbestos and is collected by a pollution control device.

(i) "Category I nonfriable ACM" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products, containing more than 1 percent asbestos as determined using polarized light microscopy according to the method specified in Appendix A, Subpart F, 40 CFR Part 763, section 1, Polarized Light Microscopy, as contained in the 7-1-91 Edition of the CFR.

(j) "Category II nonfriable ACM" means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos, as determined using polarized light microscopy according to the methods specified in Appendix A, Subpart F, 40 CFR Part 763, section 1, Polarized Light Microscopy, as contained in the 7-1-91 Edition of the CFR, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure

(k) "Commercial asbestos" means any material containing asbestos that is extracted from ore and has value because of its asbestos content.

- (l) "Cutting" means to penetrate with a sharp-edged instrument and includes sawing but does not include shearing, slicing, or punching.
- (m) "Demolition" means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.
- (n) "Emergency renovation operation" means a renovation operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. This term includes operations necessitated by nonroutine failures of equipment.
- (o) "Fabricating" means any processing (e.g., cutting, sawing, drilling) of a manufactured product that contains commercial asbestos, with the exception of processing at temporary sites (field fabricating) for the construction or restoration of facilities. In the case of friction products, fabricating includes bonding, debonding, grinding, sawing, drilling, or other similar operations performed as part of fabricating.
- (p) "Facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this rule is not excluded, regardless of its current use or function.
- (q) "Facility component" means any part of a facility including equipment.
- (r) "Friable asbestos material" means any material containing more than 1 percent asbestos as determined using the method specified in Appendix A, Subpart F, 40 CFR Part 763, section 1, Polarized Light Microscopy, as contained in the 7-1-91 Edition of the CFR, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.
- (s) "Fugitive source" means any source of emissions not controlled by an air pollution control device.
- (t) "Glove bag" means a sealed compartment with attached inner gloves used for the handling of asbestos-containing materials. Properly installed and used, glove bags provide a small work area enclosure typically used for small-scale asbestos stripping operations. Information on glove-bag installation, equipment and supplies, and work practices is contained in the Occupational Safety and Health Administration's (OSHA's) final rule on occupational exposure to asbestos (Appendix G to 29 CFR 1926.58, as contained in the 7-1-91 Edition of the CFR).
- (u) "Grinding" means to reduce to powder or small fragments and includes mechanical chipping or drilling.
- (v) "Inactive waste disposal site" means any disposal site or portion of it where additional asbestos-containing waste material has not been deposited within the past year.
- (w) "In poor condition" means the binding of the material is losing its integrity as indicated by peeling, cracking, or crumbling of the material.
- (x) "Installation" means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control).
- (y) "Leak-tight" means that solids or liquids cannot escape or spill out. It also means dusttight.

(z) "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner so that emissions of asbestos are increased. Failures of equipment shall not be considered malfunctions if they are caused in any way by poor maintenance, careless operation, or any other preventable upset conditions, equipment breakdown, or process failure.

(aa) "Manufacturing" means the combining of commercial asbestos--or, in the case of woven friction products, the combining of textiles containing commercial asbestos--with any other material(s), including commercial asbestos, and the processing of this combination into a product. Chlorine production is considered a part of manufacturing.

(bb) "Natural barrier" means a natural object that effectively precludes or deters access. Natural barriers include physical obstacles such as cliffs, lakes or other large bodies of water, deep and wide ravines, and mountains. Remoteness by itself is not a natural barrier.

(cc) "Nonfriable asbestos material" means any material containing more than 1 percent asbestos by area as determined by the method specified in Appendix A, Subpart F, 40 CFR Part 763 section 1, Polarized Light Microscopy, as contained in the 7-1-91 Edition of the CFR, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

(dd) "Nonscheduled renovation operation" means a renovation operation necessitated by the routine failure of equipment, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted.

(ee) "Owner or operator of a demolition or renovation activity" means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

(ff) "Outside air" means the air outside buildings and structures, including, but not limited to, the air under a bridge or in an open air ferry dock.

(gg) "Particulate asbestos material" means finely divided particles of asbestos or material containing asbestos.

(hh) "Planned renovation operations" means a renovation operation, or a number of such operations, in which some RACM will be removed or stripped within a given period of time and that can be predicted. Individual nonscheduled operations are included if a number of such operations can be predicted to occur during a given period of time based on operating experience.

(ii) "Regulated asbestos containing material (RACM)" means

1. Friable asbestos material,
2. Category I nonfriable ACM that has become friable,
3. Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or
4. Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of the demolition or renovation operations regulated by this rule.

(jj) "Remove" means to take out RACM or facility components that contain or are covered with RACM from any facility.

(kk) "Renovation" means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

(ll) "Resilient floor covering" means asbestos-containing floor tile, including asphalt and vinyl floor tile, and sheet vinyl floor covering containing more than 1 percent asbestos as determined using polarized light microscopy according to the method specified in Appendix A, Subpart F, 40 CFR Part 763, section 1, Polarized Light Microscopy, as contained in the 7-1-91 Edition of the CFR.

(mm) "Roadways" means surfaces on which vehicles travel. This term includes public and private highways, roads, streets, parking areas, and driveways.

(nn) "Strip" means to take off RACM from any part of a facility or facility components.

(oo) "Structural member" means any load supporting member of a facility, such as beams and load supporting walls; or any nonload supporting member, such as ceilings and nonload-supporting walls.

(pp) "Visible emissions" means any emissions, which are visually detectable without the aid of instruments, coming from RACM or asbestos-containing waste material, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed, uncombined water vapor.

(qq) "Waste generator" means any owner or operator of a source covered by this rule whose act or process produces asbestos-containing waste material.

(rr) "Waste shipment record" means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos-containing waste material.

(ss) "Working day" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

(2) Standard for various sources of asbestos.

(l) Standard for inactive waste disposal sites for asbestos mills and manufacturing and fabricating operations.

Each owner or operator of any inactive waste disposal site that was operated by sources covered under 1200-03-11-.02(2)(a), 1200-03-11-.02(2)(c), or 1200-03-11-.02(2)(h) and received deposits of asbestos-containing waste material generated by the sources, shall:

1. Comply with one of the following:

(i) Either discharge no visible emissions to the outside air from an inactive waste disposal site subject to this subparagraph; or

(ii) Cover the asbestos-containing waste material with at least 15 centimeters (6 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. In desert areas where vegetation would be difficult to maintain, at least 8 additional centimeters (3 inches) of well-graded, nonasbestos crushed rock may be placed on top of the final cover instead of vegetation and maintained to prevent emissions; or

(iii) Cover the asbestos containing waste material with at least 60 centimeters (2 feet) of compacted nonasbestos-containing material, and maintain it to prevent exposure of the asbestos-containing waste; or

(iv) For inactive waste disposal sites for asbestos tailings, a resinous or petroleum-based dust suppression agent that effectively binds dust to control surface air emissions may be used instead of the methods in subparts 1(i), (ii), and (iii) of this subparagraph. Use the agent in the manner and frequency recommended (for the particular asbestos tailings) by the manufacturer of the dust suppression agent to

achieve and maintain dust control. Obtain prior written approval of the Technical Secretary to use other equally effective dust suppression agents. For purposes of this subparagraph, any used, spent, or other waste oil is not considered a dust suppression agent.

2. Unless a natural barrier adequately deters access by the general public, install and maintain warning signs and fencing as follows, or comply with subparts 1(ii) or 1 (iii) of this subparagraph.

(i) Display warning signs at all entrances and at intervals of 100 m (328 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:

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

(II) Conform to the requirements for 51 cm x 36 cm (20" x 14") upright format signs specified in 29 CFR 1910.145(d) (as published in (7-1-91 Edition)) and this subparagraph; and

(III) Display the following legend in the lower panel with letter sizes and styles of a visibility at least equal to those specified in this subparagraph.

Legend	Notation
Asbestos Waste Disposal Site	2.5 cm (1 inch) Sans Serif, Gothic or Block.
Do Not Create Dust	1.9 cm (3/4 inch) Sans Serif, Gothic or Block.
Breathing Asbestos is Hazardous to Your Health	14 Point Gothic.

Spacing between any two lines must be at least equal to the height of the upper of the two lines.

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

(iii) When requesting a determination on whether a natural barrier adequately deters public access, supply information enabling the Technical Secretary to determine whether a fence or a natural barrier adequately deters access by the general public.

3. The owner or operator may use an alternative control method that has received prior approval of the Administrator of the EPA and the Technical Secretary rather than comply with the requirements of parts 1 or 2 of this subparagraph.

4. Notify the Technical Secretary 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 under this subparagraph, and follow the procedures specified in the notification. If the excavation will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Technical Secretary at least 10 working days before the excavation begins and in no event shall excavation begin earlier than the date specified in the original notification. Include the following information 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 Technical Secretary may require changes in the emission control procedures to be used.

(iv) Location of any temporary storage site and the final disposal site.

5. Within 60 days of a site becoming inactive and after the effective date of this rule, record, in accordance with State law, a notation on the deed to the facility property and on any other instrument that would normally be examined during a title search; this notation will in perpetuity notify any potential purchaser of the property that:

(i) The land has been used for the disposal of asbestos-containing waste material;

(ii) The survey plot and record of the location and quantity of asbestos containing waste disposed of within the disposal site required in 1200-03-11-.02(5)(f) have been filed with the Technical Secretary; and

(iii) The site is subject to 40 CFR 61 Subpart M, as contained in the 7-1-91 Edition of the CFR.

(5) Standard for active waste disposal sites.

Each owner or operator of an active waste disposal site that receives asbestos-containing waste material from a source covered under 1200-03-11-.02(2)(k), 1200-03-11-.02(2)(j), or 1200-03-11-.02(6) shall meet the requirements of this paragraph:

(a) Either there must be no visible emissions to the outside air from any active waste disposal site where asbestos-containing waste material has been deposited, or the requirements of subparagraph (c) or (d) of this paragraph must be met.

(b) Unless a natural barrier adequately deters access by the general public, either warning signs and fencing must be installed and maintained as follows, or the requirements of subparagraph (c), part 1 of this paragraph must be met.

1. Warning signs must be displayed at all entrances and at intervals of 100 m (328 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 is deposited. The warning signs must:

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

(ii) Conform to the requirements for 51 cm x 36 cm (20" x 14") upright format signs specified in 29 CFR 1910 .145(d) (as published in (7-1-91 Edition)) and this subparagraph; and

(iii) Display the following legend in the lower panel with letter sizes and styles of a visibility at least equal to those specified in this subparagraph.

Legend	Notation
Asbestos Waste Disposal Site	2.5 cm (1 inch) Sans Serif, Gothic or Block.
Do Not Create Dust	1.9 cm (3/4 inch) Sans Serif, Gothic or Block.
Breathing Asbestos is Hazardous to Your Health	14 Point Gothic.

Spacing between any two lines must be at least equal to the height of the upper of the two lines.

2. The perimeter of the disposal site must be fenced in a manner adequate to deter access by the general public.
3. Upon request and supply of appropriate information, the Technical Secretary will determine whether a fence or natural barrier adequately deters access by the general public.

(c) Rather than meet the no visible emission requirement of subparagraph (a) of this paragraph, at the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, the asbestos-containing waste material that has been deposited at the site during the operating day or previous 24-hour period shall:

1. Be covered with at least 15 centimeters (6 inches) of compacted nonasbestos containing material, or
2. Be covered with a resinous or petroleum-based dust suppression agent that effectively binds dust and controls wind erosion. Such an agent shall be used in the manner and frequency recommended for the particular dust by the dust suppression agent manufacturer to achieve and maintain dust control. Other equally effective dust suppression agents may be used upon prior approval by the Technical Secretary. For purposes of this paragraph, any used, spent, or other waste oil is not considered a dust

(d) Rather than meet the no visible emission requirement of subparagraph (a) of this paragraph, use an alternative emissions control method that has received prior written approval by the Administrator of the EPA and the Technical Secretary according to the procedures described in 1200-03-11-.02(2)(k)3(ii).

(e) For all asbestos-containing waste material received, the owner or operator of the active waste disposal site shall:

1. Maintain waste shipment records, using the form shown in Figure 4, and include the following information:

- (i) The name, address, and telephone number of the waste generator.
- (ii) The name, address, and telephone number of the transporter(s).
- (iii) The quantity of the asbestos-containing waste material in cubic meters (cubic yards).
- (iv) The presence of improperly enclosed or uncovered waste, or any asbestos-containing waste material not sealed in leak-tight containers. Report in writing to the Technical Secretary by the following working day, the presence of a significant amount of improperly enclosed or uncovered waste. Submit a copy of the waste shipment record along with the report.
- (v) The date of receipt.

2. As soon as possible and no longer than 30 days after receipt of the waste, send a copy of the signed waste shipment record to the waste generator.

3. Upon discovering a discrepancy between the quantity of waste designated on the waste shipment records and the quantity actually received, attempt to reconcile the discrepancy with the waste generator. If the discrepancy is not resolved within 15 days after receiving the waste, immediately report it in writing to the Technical Secretary. Describe the discrepancy and attempts to reconcile it, and submit a copy of the waste shipment record along with the report.

4. Retain a copy of all records and reports required by this subparagraph for at least 2 years.

(f) Maintain, until closure, records of the location, depth and area, and quantity in cubic meters (cubic yards) of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area.

(g) Upon closure, comply with all the provisions of 1200-03-11-.02(2)(l).

(h) Submit to the Technical Secretary, upon closure of the facility, a copy of records of asbestos waste disposal locations and quantities.

(i) Furnish upon request, and make available during normal business hours for inspection by the Technical Secretary, all records required under this paragraph.

(j) Notify the Technical Secretary 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 to the Technical Secretary at least 10 working days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification. Include the following information in the notice:

1. Scheduled starting and completion dates.
 2. Reason for disturbing the waste.
 3. 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 Technical Secretary may require changes in the emission control procedure to be used.
 4. Location of any temporary storage site and the final disposal site.
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Figure 4



State of Tennessee
 Department of Environment and Conservation
 Division of Air Pollution Control
 William R. Snodgrass Tennessee Tower
 312 Rosa L. Parks Avenue, 15th Floor
 Nashville, TN 37243-1531
 615-532-0554

Asbestos Waste Shipment Record
 (See Completion Instructions on Reverse)

GENERATOR	1. Work site name and mailing address		Owner's name	Owner's telephone no.
	2. Operator's name and address			Operator's telephone no.
	Authorized agent:			
	3. Waste disposal site (WDS) name, mailing address, physical site location:		WDS phone no.	
			Permit No.	
	4. Name and address of responsible agency: Tennessee Department of Environment & Conservation Division of Air Pollution Control William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15 th Floor Nashville, TN 37243-1531			
	5. Description of waste:	6. Containers No. _____ Type _____ (See instructions for type code)		7. Total quantity _____ yd ³ _____ gal
	8. Special handling instructions and additional information:			
9. OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury. Printed/typed name _____ Title _____ Date _____				
TRANSPORTER	10. Transporter # 1 (Acknowledgement of receipt of waste) Printed/typed name _____ Title _____ Date _____ Signature _____ Phone (_____) _____ Address _____			
	11. Transporter # 2 (Acknowledgement of receipt of waste) Printed/typed name _____ Title _____ Date _____ Signature _____ Phone (_____) _____ Address _____			
	12. Discrepancy indication space:			
DISPOSAL SITE	13. Waste disposal site owner or operator: Certification of receipt of asbestos materials covered by this manifest except as noted in item 12. Printed/typed name _____ Title _____ Date _____ Signature _____ Phone (_____) _____			

Instructions for Completing Tennessee Asbestos Waste Shipment Record (Form CN-1054)**Waste Generator Section (Items 1-9) NOTE: The waste generator must retain a copy of this form.**

1. Enter the name and address of the facility at which asbestos waste is generated. In the appropriate spaces, also enter the name of the owner of the facility and the owner's phone number.
2. If a demolition or renovation, enter the name and address of the company and the **authorized agent** responsible for performing the asbestos removal. In the appropriate space, also enter the phone number of the operator.
3. Enter the name, address, and physical site location of the waste disposal site (WDS) that will be receiving the materials. In the appropriate spaces, also enter the phone number and permit number of the WDS. Enter "on-site" if the waste will be disposed of on the generator's property.
4. Provide the name and address of the local, state, or EPA regional office responsible for administering the asbestos NESHAP program.
5. Indicate the types of asbestos waste materials generated. If from a demolition or renovation, indicate the amount of asbestos that is
 - Friable asbestos material
 - Non-friable asbestos material
6. Enter the number of containers used to transport the asbestos materials listed in item 5. Also enter one of the following container codes used in transporting each type of asbestos material (specify any other type of container used if not listed below):
 - DM** - Metal drums, barrels
 - DP** - Plastic drums, barrels
 - BA** - Plastic bags or wrapping
7. Enter the quantity of each type of asbestos material removed in units of cubic yards (or gallons if drums or barrels are used).
8. Use this space to indicate special transportation, treatment, storage or disposal or Bill of Lading information. If an alternate waste disposal site is designated, note it here. Emergency response telephone numbers or similar information may be included here.
9. The **authorized agent** of the waste generator must read and then sign and date this certification. The date is the date of receipt by transporter.

Transporter Section (Items 10 & 11) NOTE: The transporter must retain a copy of this form.

10. Enter the name, address, and telephone number of transporter used. Print or type the full name and title of person accepting responsibility and acknowledging receipt of materials as listed on this waste shipment record for transport. Enter date of receipt and signature.
11. Enter same information as item 10 requires if more than one transporter is used.

Disposal Site Section (Items 12 & 13)

12. The authorized representative of the WDS must note in this space any discrepancy between waste described on this manifest and waste actually received as well as any improperly enclosed or contained waste. Any rejected materials should be listed and destination of those materials provided. A site that converts asbestos-containing waste material to non-asbestos material is considered a WDS.
13. The signature (by hand) of the authorized WDS agent indicates acceptance and agreement with statements on this manifest except as noted in item 12. The date is the date of signature and receipt of shipment.

NOTE: The WDS must retain a completed copy of this form for at least 2 years. The WDS must also send a completed copy to the operator listed in item 2.

Authority: T.C.A. §§4-5-202 et. seq. and 68-201-105. **Administrative History:** Original rule filed January 10, 1977; effective February 9, 1977. Amendment filed April 17, 1978; effective June 16, 1978. Amendment filed August 21, 1981; effective October 5, 1981. Amendment filed March 5, 1993; effective April 19, 1993. Amendment filed March 10, 1995; effective May 24, 1995. Amendment filed January 31, 1997; effective April 16, 1997. Amendment filed December 22, 1997; March 7, 1998.

ATTACHMENT 4

General Provisions for 40 CFR Part 60 Subpart WWW

You are required to comply with the following General Provisions of the federal Standards of Performance for New Stationary Sources:

General provisions citation 40 CFR	Subject of citation	Applies to subpart	Explanation
§60.1	General applicability of the General Provisions	Yes/No	
§60.2	Definitions	Yes/No	
§60.3	Units and abbreviations	Yes/No	
§60.4	Address	Yes/No	
§60.5	Determination of construction or modification	Yes/No	
§60.6	Review of plans	Yes/No	
§60.7	Notification and Recordkeeping	Yes/No	
§60.8	Performance tests	Yes/No	
§60.9	Availability of information	Yes/No	
§60.10	State Authority	Yes/No	
§60.11	Compliance with standards and maintenance requirements	Yes/No	
§60.12	Circumvention	Yes/No	
§60.13	Monitoring requirements	Yes/No	
§60.14	Modification	Yes/No	
§60.15	Reconstruction	Yes/No	
§60.16	Priority list	Yes/No	
§60.17	Incorporations by reference	Yes/No	
§60.18	General control device requirements	Yes/No	
§60.19	General notification and reporting requirements	Yes/No	

TAPCR 1200-03-09-.03(8)

ATTACHMENT 5

General Provisions for 40 CFR 61 Subpart M

You are required to comply with the following General Provisions of the federal National Emission Standards for Hazardous Air Pollutants (NESHAP):

General Provisions Citation 40 CFR	Subject of Citation	Applies to Subpart	Explanation
61.01	Lists of Pollutants and Applicability of Part 61	Yes/No	
61.02	Definitions	Yes/No	
61.03	Units and Abbreviations	Yes/No	
61.04	Address	Yes/No	
61.05	Prohibited Activities	Yes/No	
61.06	Determination of Construction or Modification	Yes/No	
61.08	Approval of Construction or Modification	Yes/No	
61.09	Notification of Startup	Yes/No	
61.10	Source Reporting and Waiver Request	Yes/No	
61.11	Waiver of Compliance	Yes/No	
61.12	Compliance with Standards and Maintenance Requirements	Yes/No	
61.13	Emission Tests and Waiver of Emission Tests	Yes/No	
61.14	Monitoring Requirements	Yes/No	
61.15	Modification	Yes/No	
61.16	Availability of Information	Yes/No	
61.17	State Authority	Yes/No	
61.18	Incorporations by Reference	Yes/No	
61.19	Circumvention	Yes/No	

TAPCR 1200-03-09-.03(8)

ATTACHMENT 6

TITLE V FEE SELECTION



DEPARTMENT OF ENVIRONMENT AND CONSERVATION
 DIVISION OF AIR POLLUTION CONTROL
 William R. Snodgrass Tennessee Tower
 312 Rosa L. Parks Avenue, 15th Floor, Nashville, TN 37243
 Telephone: (615) 532-0554, Email: Air.Pollution.Control@TN.gov

APC 36

TITLE V FEE SELECTION

Type or print and submit to the email address above.

FACILITY INFORMATION

1. Organization's legal name and SOS control number [as registered with the TN Secretary of State (SOS)]	
2. Site name (if different from legal name)	
3. Site address (St./Rd./Hwy.)	County name
City	Zip code
4. Emission source reference number	5. Title V permit number

FEE SELECTION

This fee selection is effective beginning January 1, _____. When approved, this selection will be effective until a new Fee Selection form is submitted. Fee Selection forms must be submitted on or before December 31 of the annual accounting period.

6. Payment Schedule (choose one):

Calendar Year Basis (January 1 – December 31)

Fiscal Year Basis (July 1 – June 30)

7. Payment Basis (choose one):

Actual Emissions Basis Allowable Emissions Basis Combination of Actual and Allowable Emissions Basis

8. If Payment Basis is "Actual Emissions" or "Combination of Actual and Allowable Emissions", complete the following table for each permitted source and each pollutant for which fees are due for that source. See instructions for further details.

Source ID	Pollutant	Allowable or Actual Emissions	If allowable emissions: Specify condition number and limit.
			If actual emissions: Describe calculation method and provide example. Provide condition number that specifies method, if applicable.

