

**Air Pollution Control
Title V Permit to Operate
Statement of Basis for Title V Permit, No. V-SV-00001-2010.00**

**Waste Management of Utah, Inc.
Tekoi Landfill
Skull Valley Indian Reservation
Tooele County, Utah**

1. Facility Information

a. Location

The Tekoi Landfill, owned by the Skull Valley Band of Goshute Indian Community (SVBGIC) and operated by Waste Management of Utah, Inc (WM), is located within the exterior boundaries of the Skull Valley Indian Reservation, in the west central part of the State of Utah. The exact location is Section 18, Township 5 South, Range 8 West, in Tooele County, Utah at Latitude 40.358323 North and Longitude 112.724416 West. The mailing address is:

Waste Management of Utah, Inc.
6976 West California Avenue
Salt Lake City, Utah 84104

b. Contacts

Responsible Official:

Scott Bradley, Area Vice President
Waste Management, Inc.
5500 S. Quebec St., Suite 250
Greenwood Village, CO 80111
Phone: (303) 486-6013
Fax: (303) 797-4661

Tribal Contact:

Nicole Howell, Environmental Director
Skull Valley Band of Goshute Indians Community
P.O. Box 448
Grantsville, UT 84029
Phone: (435) 882-4532
Fax: (435) 882-4589

Facility Contact:

Patrick Craig, District Manager
Waste Management of Utah, Inc.
6976 West California Avenue
Salt Lake City, Utah 84104
Phone: (801) 250-0555
Fax: (801) 250-8549

c. Description of Operations

The Tekoi Landfill (TLF), which is owned by the Skull Valley Band of Goshute Indian Community (SVBGIC) and operated by Waste Management of Utah, Inc (WM), serves as a regional municipal solid waste (MSW) and construction and demolition (C&D) debris disposal facility.

No hazardous wastes or infectious wastes are accepted for disposal, nor is the incineration of waste permitted. TLF currently accepts approximately 785 tons of waste per day (tpd); however, it is permitted to accept a maximum of 4,000 tpd with a design capacity of 45 million cubic meters.

The landfill is comprised of a 6-Phase MSW disposal area and a North and South C&D disposal area. The MSW portion of the landfill was operated as a balefill landfill until November 2010. A balefill is a type of landfill in which MSW is mechanically baled before being placed in the facility. The bales are approximately 45” x 45” x 60” and weigh approximately 4,000 pounds. The site now accepts only loose (unbaled) MSW. The method of disposal has no effect on landfill emissions.

This process description is provided for informational purposes only, and is not a basis for any enforceable limiting conditions unless explicitly stated.

d. List of All Units and Emission-Generating Activities

In the part 71 operating permit initial application for the Tekoi Landfill, WM provided the information shown in Tables 1 and 2 below. Table 1 lists emission units and emission generating activities, including any air pollution control devices. Emission units identified as “insignificant” emitting units (IEUs) are listed separately in Table 2.

**Table 1 - Emission Units
Waste Management of Utah, Inc., Tekoi Landfill**

Emission Unit ID	Description	Control Equipment
E1	MSW Landfill: 45 million cubic meters design capacity. Construction Date: 01/14/2005	None (NMOC <50 Mg/year)
E2	Fugitive Dust Emissions from Paved Roads, Unpaved Roads, and Material Handling	None

Part 71 allows sources to separately list in the permit application units or activities that qualify as “insignificant” based on potential emissions below 2 tons/year for all regulated pollutants that are not listed as hazardous air pollutants (HAPs) under section 112(b) and below 1,000 lbs/year or the de minimis level established under section 112(g), whichever is lower, for HAPs. However, the application may not omit information needed to determine the applicability of, or to impose, any applicable requirement. Units that qualify as “insignificant” for the purposes of the part 71 application are in no way exempt from applicable requirements or any requirements of the part 71 permit. The applicant provided all requested information for insignificant sources.

WM stated in the part 71 permit application that the emission units in Table 2, below, are insignificant. The application provided emission calculations for these units using AP-42 emission factors. This supporting data justifies the source’s claim that these units qualify as insignificant emission units (IEUs).

**Table 2 - Insignificant Emission Units*
Waste Management of Utah, Inc., Tekoi Landfill**

Emission Unit ID	Description
IE1	Isuzu; 55.2 hp diesel-fired compression ignition engine. Construction Date: Pre June 12, 2006; Manufactured 2000. Use: ~140 hrs/year; Non-emergency diesel fuel pump. Stationary engine.
IE2	John Deere (6.8L); 150 hp diesel-fired compression ignition engine. Construction Date: Pre June 12, 2006; Manufactured 2002. Use: ~420 hrs/year; Non-emergency generator to power lights. Stationary engine.
IE3	Subaru-Robin; 11 hp diesel-fired compression ignition engine. Construction Date: Post June 12, 2006; Manufactured 2007. Use: ~420 hrs/year; Non-emergency water pump. Stationary engine.
IE4	1 - 12,000 gallon diesel fuel tank
IE5	1 - 500 gallon engine oil tank

*Insignificant emission units can change at the facility as long as the new or replacement units meet the criteria for insignificance, and TLF supplies information as required under 40 CFR part 71 and this permit. The insignificant emission unit status does not exempt these emission units from the requirements of the NSPS and MACT standards that may apply.

According to WM, the following units are non-road engines operating at the facility:

John Deere (4.5L); 225 hp diesel-fired compression ignition engine.
Construction Date: Pre June 12, 2006; Manufactured pre 2007.
Use: ~140 hrs/yr, Non-emergency compressor on fuel/lube truck.

Caterpillar (4.4L) 3054-C; 95 hp diesel-fired compression ignition engine.
Construction Date: Pre June 12, 2006; Manufactured 2003.
Use: ~2800 hrs/yr, Non-emergency engine to power tipper.
Serial No. 33400711

Kohler; 12.75 hp gasoline-fired 4-stroke spark ignition engine.
Construction Date: Post June 12, 2006; Manufactured 2009.
Use: ~20 hrs/year; Non-emergency.

Briggs & Stratton; 16 hp gasoline-fired 4-stroke spark ignition engine.
Construction Date: Post June 12, 2006; Manufactured 2009.
Use: ~78 hrs/year; Non-emergency pressure washer.

e. Construction, Permitting, and Compliance History

The Tekoi Landfill was initially constructed and started up on January 14, 2005. The facility became a major part 71 source as a result of the initial construction, which triggered the requirement for the facility to submit a part 71 title V operating permit application within 12 months.

EPA Region 8 received a part 71 permit application determined to be administratively complete by default on July 24, 2010. Additional requested information was received March 17, 2011.

EPA has no record of any other federal permitting activity, such as PSD or minor New Source Review (NSR), at this facility.

f. Potential to Emit

Under 40 CFR 52.21, PTE is defined as the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation, or the effect it would have on emissions, is federally enforceable. Independently enforceable applicable requirements are considered enforceable to the extent that the source is in compliance with the standard. In addition, beneficial reductions in non-targeted pollutants resulting from compliance with an independently enforceable applicable requirement may be counted towards PTE provided the emission reduction of the non-targeted pollutant is enforceable as a practical matter. See the 1995 guidance memo signed by John Seitz, Director of OAQPS titled, “Options for Limiting Potential to Emit of a Stationary Source Under Section 112 and Title V of the Clean Air Act.”

The maximum PTE over the life of the landfill was determined from the landfill gas (LFG) generation modeling results provided by WM in the May 10, 2010 updated part 71 operating permit application using two different modeling scenarios to determine NMOC emissions for the landfill. One scenario used the NSPS default model input values, which resulted in a maximum uncontrolled potential NMOC emission of 1033 Mg/yr (1136.3 tpy) and will occur at the projected closing date of the landfill (year 2073). However, the second model using AP-42 default values and recommended by EPA indicates a maximum uncontrolled potential NMOC emission of 607 Mg/yr (667 tpy) and will occur at the projected closing date of the landfill (year 2073). Compliance with New Source Performance Standard subpart WWW – Standard of Performance for Municipal Solid Waste Landfills (NSPS WWW) requires that a gas collection and control system (GCCS) be installed when NMOC emissions reporting shows the landfill will exceed the NSPS trigger of 50 Mg/yr, which is expected to occur in 2011, based on modeling results provided in the May 2010 updated application. Because the NSPS requires a comprehensive GCCS, which can be expected to capture between 65% and 85% of the LFG generated in the landfill, and which is required to destroy at least 98% of the NMOC in the collected gas; actual maximum PTE for year 2073 will be well below the uncontrolled NMOC emissions rate of 607 Mg/yr. Based on an assumed collection rate of 75% (AP-42 default value), 152 Mg/yr of NMOC would be released as fugitive (uncollected) LFG. NMOC emissions from the collected LFG, based on the 98% destruction requirement, would be approximately 9 Mg/yr. Therefore, the controlled PTE of NMOC taking into consideration federally enforceable requirements of NSPS WWW is 161 tpy in 2073.

Table 3 shows both uncontrolled and controlled PTE data broken down by each individual emission unit, as well as the total facility-wide uncontrolled and controlled PTE. The maximum PTEs for criteria pollutants were listed in form PTE in the permit application and in subsequent information submitted by WM.

**Table 3 - Potential to Emit
Waste Management of Utah, Inc. – Tekoi Landfill**

Emission Unit ID	Regulated Air Pollutants						
	NMOC (tpy) (in 2073, year of expected closure)	NO _x (tpy)	CO (tpy)	VOC (tpy)	PM ₁₀ (tpy)	SO ₂ (tpy)	Total HAPs (tpy)
E1	Uncontrolled: 667.0 Controlled: 161.0	0.0	0.0	Uncontrolled: 260.0 Controlled: 62.8	0.0	0.0	Uncontrolled: 32.0 Controlled: 7.66
E2	-	0.0	0.0	0.0	65.46	0.0	0.0
IE1	-	0.11	0.03	0.01	0.01	0.0	0.0
IE2	-	0.48	0.21	0.08	0.06	0.06	0.0
IE3	-	0.07	0.02	0.01	0.01	0.0	0.0
IE4	-	0.0	0.0	0.0	0.0	0.0	0.0
IE5	-	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	161.0	0.66	0.26	62.9	65.54	0.06	7.66

2. Tribe Information – Skull Valley Band of Goshute Indians

a. Indian Country:

Waste Management of Utah, Inc. Tekoi Landfill is located within the exterior boundaries of the Skull Valley Reservation.

b. The reservation:

The Skull Valley Reservation covers approximately 18,000 acres located in Toole County, Utah, in West Central Utah approximately 65 miles west of Salt Lake City.

Tooele and Grantsville, UT are the headquarters for the Skull Valley Band of Goshute Indians.

c. Tribal government:

The Skull Valley Band of Goshute Indians of the Skull Valley Reservation is federally recognized. See FR Volume 73, Number 66, page 18553-18557 (dated April 4, 2008). The Skull Valley Band of Goshutes is a non-IRA (Indian Reorganization Act) tribe. The Tribe is made up of an Executive Committee of three members: Chairman, Vice-Chair, and Tribal Secretary; which serves as the governing body of the Tribe, and the General Council which is the membership of the tribe. The members of the Executive Committee are nominated and elected by the adult membership of the General Council, and Chairman and Vice-Chair serve four-year terms. The Tribal Secretary serves two years.

d. Local air quality and attainment status:

The Skull Valley Reservation either attains the national ambient air quality standard for all criteria pollutants or is “unclassified.” An area is unclassifiable when there is insufficient monitoring data. The Skull Valley Band of Goshutes does not maintain an air monitoring network.

3. Analysis of Applicable Requirements

a. Federal Regulations Reviewed for Applicability

The following discussion addresses some of the regulations from the Code of Federal Regulations (CFR) at title 40. Note, that this discussion does not include the full spectrum of potentially applicable regulations and is not intended to represent official applicability determinations. These discussions are based on the information provided by WM in the most recent part 71 application and are only intended to present the information certified to be true and accurate by the Responsible Official of this facility.

Prevention of Significant Deterioration (PSD) – 40 CFR 52.21

New major stationary sources of air pollution and major modifications to major stationary sources are required by the CAA to obtain an air pollution permit before commencing construction. The process is called new source review (NSR).

A major stationary source for purposes of PSD is any source belonging to a list of 28 source categories which emits or has the potential to emit 100 tpy of any pollutant regulated under the CAA or any other source type which emits or has the potential-to-emit such pollutants in amounts equal to or greater than 250 tpy. Furthermore, when an existing “minor” source, i.e., one that does not meet the definition of “major” source, makes a physical change or change in the method of operation that is by itself a major source (i.e. 100 tpy or 250 tpy), that physical or operational change constitutes a major stationary source that is subject to PSD review.

A major modification is generally a physical change or a change in the method of operation of a major stationary source which would result in a significant “net emission increase” of any regulated pollutant under the CAA. Significant emissions thresholds are defined in two ways. The first is in terms of emission rates (tpy). Significant emissions rates are lower than major sources thresholds and can be found in 40 CFR 52.21. Significant increases in emission rates are subject to PSD review under two circumstances:

1. For a new source which is major for at least one regulated pollutant (i.e., subject to PSD review), all other pollutants which are emitted in amounts equal to or greater than the significance increase are also subject to PSD review; and
2. For any emission rate at a new major stationary source (or any net emissions increase associated with a modification to an existing major stationary source) that is constructed within 10 kilometers of a Class I area, and which would increase the 24-hour average concentration of any regulated pollutant in that area by $1 \mu\text{g}/\text{m}^3$ or greater.

The PSD requirements are pollutant specific. In other words, a proposed new project or modification that emits many different air pollutants may only be subject to NSR review for one or only a few of the air pollutants depending on the magnitude of the proposed emissions of each pollutant.

Tekoi Landfill does not belong to any of the 28 source categories. Therefore, the potential to emit threshold for determining PSD applicability for this source is 250 tpy. In its initial part 71 application, Waste Management indicated that the potential emissions of any pollutant regulated under the CAA [not including pollutants listed under section 112] were below the major source PSD thresholds; therefore, this facility was not required to obtain a PSD permit for initial construction. Subsequent modifications to the facility did not trigger PSD either.

New Source Performance Standards (NSPS)

40 CFR Part 60, Subpart A: General Provisions. This subpart applies to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication of any standard in part 60. The general provisions under subpart A apply to sources that are subject to the specific subparts of part 60.

As explained below, the Tekoi Landfill is a landfill that is subject to NSPS WWW and NSPS IIII; therefore, the General Provisions of part 60 do apply.

40 CFR Part 60, Subpart K: Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978. This rule applies to storage vessels for petroleum liquids with a storage capacity greater than 40,000 gallons. 40 CFR part 60, subpart K does not apply to storage vessels for petroleum or condensate stored, processed, and/or treated at a drilling and production facility prior to custody transfer.

According to the information provided by WM, this subpart does not apply to the storage vessels at the Tekoi Landfill because there are no tanks at this facility that have a storage capacity greater than 40,000 gallons.

40 CFR Part 60, Subpart Ka: Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to June 23, 1984. This rule applies to storage vessels for petroleum liquids with a storage capacity greater than 40,000 gallons. Subpart Ka does not apply to petroleum storage vessels with a capacity of less than 40,000 gallons used for petroleum or condensate stored, processed, or treated prior to custody transfer.

According to the information provided by WM, this subpart does not apply to the storage vessels at the Tekoi Landfill because there are no tanks at this facility that have a storage capacity greater than 40,000 gallons.

40 CFR Part 60, Subpart Kb: Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After July 23, 1984. This rule applies to storage vessels with a capacity greater than or equal to 75 cubic meters (~19,813 gallons).

According to the information provided by WM, this subpart does not apply to the storage vessels at the Tekoi Landfill because there are no tanks at this facility with a capacity greater than or equal to 75 cubic meters.

40 CFR Part 60, Subpart WWW: Standards of Performance for Municipal Solid Waste Landfills. This rule applies to municipal solid waste (MSW) landfills that commenced construction, reconstruction or modification on or after May 30, 1991.

The Tekoi Landfill is a MSW landfill that commenced construction, reconstruction or modification on or after May 30, 1991, with a design capacity of 45 million cubic meters; therefore, 40 CFR part 60, subpart WWW applies.

NMOC emissions are projected to be below 50 megagrams per year until the year 2011. Therefore, there is not currently a requirement for the landfill to capture and control landfill gas emissions. If at any time the NMOC emission rate calculated by the procedure in subpart WWW is equal to or greater than 50 megagrams per year the permittee will need to comply with the applicable requirements for installing, operating, and maintaining a

collection and control system, as well as applying for a significant permit modification to incorporate the requirements to capture and control landfill gas emissions pursuant to 40 CFR 60.752(b)(2).

Pursuant to 40 CFR 60.752(c), the facility is required to obtain a Part 71 operating permit since its design capacity is greater than 2.5 million cubic meters.

40 CFR Part 60, Subpart IIII: Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. This rule applies, in part, to owners and operators of stationary compression ignition (CI) internal combustion engines (ICE) that commence construction after July 11, 2005 where the stationary CI ICE are:

- a. Manufactured after April 1, 2006 and are not fire pump engines, or
- b. Manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006.

For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.

This subpart also applies to owners and operators of stationary CI ICE that modify or reconstruct their stationary ICE after July 11, 2005.

According to the information provided by WM, emission units IE1, and IE2 were constructed prior to 2007 with a displacement of less than 10 liters per cylinder; therefore, these units are subject to the requirements of NSPS IIII. Also, emission unit IE3 was constructed in 2007 and has a displacement of less than 30 liters per cylinder; therefore, this unit is also subject to the requirements of NSPS IIII.

40 CFR Part 60, Subpart JJJJ: New Source Performance Standards (NSPS) Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. This subpart establishes emission standards and compliance requirements for the control of emissions from stationary spark ignition (SI) internal combustion engines (ICE) that commenced construction, modification or reconstruction after June 12, 2006, where the SI ICE are manufactured on or after specified manufacture trigger dates. The manufacture trigger dates are based on the engine type, fuel used, and maximum engine horsepower. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator (See 40 CFR 60.4230(a)).

According to the information provided by WM, there are no stationary SI engines at the facility that commenced construction, modification or reconstruction after June 12, 2006; therefore, the facility is not subject to subpart JJJJ.

National Emissions Standards for Hazardous Air Pollutants (NESHAP)

40 CFR Part 63, Subpart A: General Provisions. This subpart contains national emissions standards for HAPs that regulate specific categories of sources that emit one or more HAP regulated pollutants under the Clean Air Act. The general provisions under subpart A apply to sources that are subject to the specific subparts of part 63.

As explained below, the Tekoi Landfill is subject to 40 CFR part 63, subpart AAAA National Emission Standards for Hazardous Air Pollutants Municipal Solid Waste Landfills and subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines; therefore, the General Provisions of part 63 apply.

40 CFR Part 63, Subpart AAAA: National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills. This rule establishes national emission standards for hazardous air pollutants for existing and new municipal solid waste (MSW) landfills that have accepted waste since November 8, 1987 or have the additional capacity for future waste deposition.

According to Waste Management, Tekoi Landfill is a MSW landfill that is currently accepting waste and is an area source for HAP emissions that has a design capacity equal to or greater than 2.5 million cubic meters; therefore, this subpart applies to the facility.

40 CFR Part 63, Subpart ZZZZ (MACT ZZZZ): National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. This rule establishes national emission limitations and operating limitations for HAPs emitted from stationary spark ignition internal combustion engines (SI ICE) and stationary compression ignition internal combustion engines (CI ICE). For the purposes of this standard, construction or reconstruction is as defined in §63.2.

Rule History

June 15, 2004: SI and CI ICE > 500 bhp at Major HAP Source

This rule was originally promulgated in June 15, 2004 (69FR 33474). The original rule regulated all new and reconstructed lean burn and rich burn stationary SI ICE and CI ICE greater than 500 bhp located at major HAP sources. Only one category of existing ICE was subject to the rule at that time: Existing 4SRB SI ICE with a horse power rating equal to or greater than 500 bhp.

For this version of the rule,

Existing means: Construction or reconstruction commenced on or before 12/19/2002.

New means: Construction or reconstruction commenced after 12/19/2002.

January 18, 2008: New SI & CI ICE at Area HAP Sources & New SI & CI ICE with Horse Power Rating ≤ 500 bhp at Major HAP Sources

The first round of amendments to MACT ZZZZ was promulgated on January 18, 2008 (73FR 3568). Requirements were established for new SI & CI ICE of any horse power rating located at area sources of HAPs and new SI & CI ICE with a horse power rating less than or equal to 500 bhp at major sources of HAPs.

For this version of the rule:

Existing means: Construction or reconstruction commenced before 6/12/2006.

New means: Construction or reconstruction commenced on or after 6/12/2006.

March 3, 2010: Existing CI ICE at Area & Major HAP Sources

The second round of amendments to MACT ZZZZ was promulgated on March 3, 2010. New requirements were established for existing CI ICE of any horse power rating located at area sources of HAPs, existing CI RICE with a horse power rating less than or equal to 500 bhp at major sources of HAPs, and existing non-emergency CI ICE with a horse power rating greater than 500 bhp at major sources of HAPs.

For this version of the rule:

- Existing CI at Area Source, any bhp = Construction or reconstruction commenced before 6/12/2006.
- Existing CI at Major Source, bhp ≤ 500 = Construction or reconstruction commenced before 6/12/2006.
- Existing Non-Emergency CI at Major Source, bhp > 500 = Construction or reconstruction commenced on or before 12/19/2002.

August 20, 2010: Existing SI ICE at Area Sources & Existing SI ICE ≤ 500 bhp at Major HAP Sources

The third round of amendments to MACT ZZZZ was promulgated on August 20, 2010. New requirements were established for existing SI ICE of any horse power rating at area sources of HAPs and existing SI ICE with a horse power rating less than or equal to 500 bhp at major sources of HAPs.

For this version of the rule:

- Existing SI ICE at Area Source, any bhp = Construction or reconstruction commenced before 6/12/2006.
- Existing SI ICE at Major Source, bhp ≤ 500 bhp = Construction or reconstruction commenced before 6/12/2006

While engines identified above are subject to the final rule and its amendments (August 20, 2010, March 3, 2010, January 18, 2008, June 15, 2004), there are distinct requirements for each engine depending on their design, use, horsepower rating, fuel, and major or area HAP emission status.

Summary of Applicability to Engines at Major HAP Sources

Major HAP Sources			
Engine Type	Horse Power Rating	New or Existing?	Trigger Date
SI ICE – All ¹	≥ 500 hp	New	On or After 12/19/2002
SI ICE – 4SRB	> 500 hp	Existing	Before 12/19/2002
SI ICE – All ¹	≤ 500 hp	New	On or After 6/12/2006
SI ICE - All ¹	≤ 500 hp	Existing	Before 6/12/2006
CI ICE - All ²	≥ 500 hp	New	On or After 12/19/2002
CI ICE – Non Emergency	> 500 hp	Existing	Before 12/19/2002
CI ICE – All ²	≤ 500 hp	New	On or After 6/12/2006
CI ICE – All ²	≤ 500 hp	Existing	Before 6/12/2006

1. All includes emergency ICE, limited use ICE, ICE that burn land fill gas, 4SLB, 2SLB, and 4SRB.
2. All includes emergency ICE and limited use ICE

Summary of Applicability to Engines at Area HAP Sources

Area HAP Sources			
Engine Type	Horse Power Rating	New or Existing?	Trigger Date
SI ICE - All ¹	All hp	New	On or After 6/12/2006
SI ICE - All ¹	All hp	Existing	Before 6/12/2006
CI ICE - All ²	All hp	New	On or After 6/12/2006
CI ICE - All ²	All hp	Existing	Before 6/12/2006

1. All includes emergency ICE, limited use ICE, ICE that burn land fill or digester gas, 4SLB, 2SLB, and 4SRB.
2. All includes emergency ICE and limited use ICE

Applicability of 40 CFR 63, Subpart ZZZZ to Tekoi Landfill

Waste Management provided the following information:

**Table 5 - NESHAP Subpart ZZZZ Applicability Determination
Waste Management of Utah, Inc – Tekoi Landfill**

Unit	Serial Number	Unit Description	Fuel	BHP	Commenced Construction Reconstruction or Modification Date	Subpart ZZZZ Requirements
IE1	8972542390	Isuzu compression ignition engine	Diesel	55.2	Pre-June 12, 2006	Subject
IE2	N/A	John Deere (6.8L) compression ignition engine	Diesel	150	Pre-June 12, 2006	Subject
IE3	1101407023939	Subaru-Robin compression ignition engine	Diesel	11	Post-June 12, 2006	Subject

According to the information provided by WM, engines IE1, IE2, and IE3 located at the facility are subject to MACT ZZZZ. Engine unit IE3 meets the requirements of MACT ZZZZ by complying with NSPS III. Engine units IE1 and IE2 are subject as their construction dates commenced before the trigger date of June 12, 2006. Therefore, this subpart applies to the Tekoi facility.

Compliance Assurance Monitoring (CAM) Rule

40 CFR Part 64: Compliance Assurance Monitoring Provisions. According to 40 CFR 64.2(a), the CAM rule applies to each Pollutant Specific Emission Unit (PSEU) at a major source that is required to obtain a part 70 or part 71 permit if the unit satisfies all of the following criteria:

- 1) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant other than an emissions limitation or standard that is exempt under §64.2(b)(1);

“§64.2(b)(1): Exempt emission limitations or standards. The requirements of this part shall not apply to any of the following emission limitations or standards:

- (i) *Emission limitations or standards proposed by the Administrator after November 15, 1990 pursuant to Section 111 or 112 of the Act;*
- (ii) *Stratospheric ozone protection requirements under title VI of the Act;*
- (iii) *Acid Rain Program requirements pursuant to Sections 404, 405, 406, 407(a), 407(b) or 410 of the Act;*
- (iv) *Emissions limitations or standards or other applicable requirements that apply solely under an emissions trading program approved or promulgated by the Administrator under the Act that allows for trading emissions with a source or between sources;*
- (v) *An emissions cap that meets the requirements specified in §70.4(b)(12) or §71.6(a)(13)(iii) of this chapter;*
- (vi) *Emission limitations or standards for which a part 70 or 71 permit specifies a continuous compliance determination method, as defined in §64.1.”*

“§64.1: Continuous compliance method means a method, specified by the applicable standard or an applicable permit condition, which:

- (1) *Is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard; and*

(2) Provides data either in units of the standard or correlated directly with the compliance limit.”

- 2) The unit uses a control device to achieve compliance with any such limit or standard; and
- 3) The unit has pre-control device emissions of the applicable regulated pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source.

Since no PSEU at the Tekoi Landfill has pre-controlled emissions for any regulated pollutant above the 100 tpy threshold, the Tekoi Landfill is not subject to CAM requirements.

Chemical Accident Prevention Program

40 CFR Part 68: Chemical Accident Prevention Provisions. This rule applies to stationary sources that manufacture, process, use, store, or otherwise handle more than the threshold quantity of a regulated substance in a process. Regulated substances include 77 toxic and 63 flammable substances which are potentially present in the natural gas stream entering the facility and in the storage vessels located at the facility. The quantity of a regulated substance in a process is determined according to the procedures presented under §68.115. §68.115(b)(1) and (2)(i) indicate that toxic and flammable substances in a mixture do not need to be considered when determining whether more than a threshold quantity is present at a stationary source if the concentration of the substance is below one percent by weight of the mixture. §68.115(b)(2)(iii) indicates that prior to entry into a natural gas processing plant, regulated substances in naturally occurring hydrocarbon mixtures need not be considered when determining whether more than a threshold quantity is present at a stationary source. Naturally occurring hydrocarbon mixtures include condensate, field gas, and produced water. Based on Waste Management’s application, the Tekoi Landfill currently has no regulated substances above the threshold quantities in this rule; therefore, is not subject to the requirement to develop and submit a risk management plan. However, WM has an ongoing responsibility to submit this plan IF a substance is listed that the total source has in quantities over the threshold amount or IF the total source ever increases the amount of any regulated substance above the threshold quantity.

Stratospheric Ozone and Climate Protection

40 CFR Part 82, Subpart F: Air Conditioning Units. Based on information provided in the application, WM does not currently operate air conditioning units containing chlorofluorocarbons (CFCs) at the Tekoi Landfill. However, should WM perform any maintenance, service, repair, or disposal of any equipment containing CFCs, or contracts with someone to do this work, WM would be required to comply with title VI of the CAA and submit an application for a modification to this title V permit.

40 CFR Part 82, Subpart H: Halon Fire Extinguishers. Based on information provided by WM, there are no halon fire extinguishers at the Tekoi Landfill. However, should WM obtain any halon fire extinguishers, then it must comply with the standards of 40 CFR part 82, subpart H for halon emissions reduction, if it services, maintains, tests, repairs, or disposes of equipment that contains halons or uses such equipment during technician training. Specifically, WM would be required to comply with 40 CFR part 82 and submit an application for a modification to this title V permit.

Mandatory Greenhouse Gas Reporting

40 CFR Part 98: Mandatory Greenhouse Gas Reporting. This rule requires sources above certain emission thresholds to calculate, monitor, and report greenhouse gas emissions. According to the definition of "applicable requirement" in 40 CFR 71.2, neither 40 CFR part 98, nor CAA §307(d)(1)(V), the CAA authority under which 40 CFR part 98 was promulgated, are listed as applicable requirements for the purpose of title V permitting. Although the rule is not an applicable requirement under 40 CFR part 71, the source is not relieved from the requirement to comply with the rule separately from compliance with their part 71 operating permit. It is the responsibility of each source to determine applicability to part 98 and to comply, if necessary.

b. Conclusion

Since the Tekoi Landfill is located in Indian country, the State of Utah's implementation plan does not apply to this source. In addition, no tribal implementation plan (TIP) has been submitted and approved for the Skull Valley Band of Goshute Indians, and EPA has not promulgated a federal implementation plan (FIP) for the area of jurisdiction governing the Skull Valley Indian Reservation. Therefore, Tekoi Landfill is not subject to any implementation plan.

EPA recognizes that, in some cases, sources of air pollution located in Indian country are subject to fewer requirements than similar sources located on land under the jurisdiction of a state or local air pollution control agency. To address this regulatory gap, EPA is in the process of developing national regulatory programs for preconstruction review of major sources in nonattainment areas and of minor sources in both attainment and nonattainment areas. These programs will establish, where appropriate, control requirements for sources that would be incorporated into part 71 permits. To establish additional applicable, federally-enforceable emission limits, EPA Regional Offices will, as necessary and appropriate, promulgate FIPs that will establish federal requirements for sources in specific areas. EPA will establish priorities for its direct federal implementation activities by addressing as its highest priority the most serious threats to public health and the environment in Indian country that are not otherwise being adequately addressed. Further, EPA encourages and will work closely with all tribes wishing to develop TIPs for approval under the Tribal Authority Rule. EPA intends that its federal regulations created through a FIP will apply only in those situations in which a tribe does not have an approved TIP.

4. EPA Authority

a. General Authority to Issue Part 71 Permits

Title V of the CAA requires that EPA promulgate, administer, and enforce a federal operating permits program when a state does not submit an approvable program within the time frame set by title V or does not adequately administer and enforce its EPA-approved program. On July 1, 1996 (61 FR 34202), EPA adopted regulations codified at 40 CFR 71 setting forth the procedures and terms under which the Agency would administer a federal operating permits program. These regulations were updated on February 19, 1999 (64 FR 8247) to incorporate EPA's approach for issuing federal operating permits to stationary sources in Indian country. As described in 40 CFR 71.4(a), EPA will implement a part 71 program in areas where a state, local, or tribal agency has not developed an approved part 70 program. Unlike states, Indian tribes are not required to develop operating permits programs, though EPA encourages tribes to do so. See, e.g., Indian Tribes: Air Quality Planning and Management (63 FR 7253, February 12, 1998) (also known as the "Tribal Authority Rule"). Therefore, within Indian country, EPA will administer and enforce a part 71 federal operating permits program for stationary sources until a tribe receives approval to administer their own operating permits programs.

5. Use of All Credible Evidence

Determinations of deviations, continuous or intermittent compliance status, or violations of the permit are not limited to the testing or monitoring methods required by the underlying regulations or this permit; other credible evidence (including any evidence admissible under the Federal Rules of Evidence) must be considered by the source and EPA in such determinations.

6. Public Participation

a. Public Notice

As described in 40 CFR 71.11(a)(5), all part 71 draft operating permits shall be publicly noticed and made available for public comment. The public notice of permit actions and public comment period is described in 40 CFR 71(d).

Public notice was given by providing notification of EPA's intent to issue the draft permit to the permit applicant, the affected state, tribal and local air pollution control agencies, the city and county executives, the state and federal land managers and the local emergency planning authorities that have jurisdiction over the area where the source is located. Notification was provided to all persons who submitted a written request to be included on the mailing list. Additionally, the general public in the affected community was notified by an advertisement in the local newspaper. If you would like to be added to our mailing list to be informed of future actions on these or other CAA permits issued in Indian country, please send your name and address to the contact listed below:

Part 71 Permit Contact
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street (8P-AR)
Denver, Colorado 80202-1129

Public notice was given by publishing the draft SOB and permit on the EPA Region 8 website, sending letters to the affected states and those who have requested to be on the mailing list, and sending the draft permit package to the tribe and the county clerk, giving opportunity for public comment on the draft permit and the opportunity to request a public hearing.

b. Opportunity for Comment

Members of the public were given an opportunity to review a copy of the draft permit prepared by EPA, the application, the statement of basis for the draft permit, and all supporting materials for the draft permit. Copies of these documents were available at:

Tooele County Clerk's Office
47 South Main Street Room #318
Tooele, Utah 84074

and

Skull Valley Band of Goshute Indians Community
P.O. Box 448
Grantsville, UT 84029

and

US EPA Region 8
Air Program Office
1595 Wynkoop Street (8P-AR)
Denver, Colorado 80202-1129

All documents were available for review at the U.S. EPA Region 8 office Monday through Friday from 8:00 a.m. to 4:00 p.m. (excluding Federal holidays).

Any interested person could submit written comments on the draft part 71 operating permit during the public comment period to the Part 71 Permit Contact at the address listed above. All comments were considered and answered by EPA in making the final decision on the permit. EPA keeps a record of the commenters and of the issues raised during the public participation process.

Anyone, including the applicant, who believed any condition of the draft permit was inappropriate could raise all reasonable ascertainable issues and submit all arguments supporting their position by the close of the public comment period. Any supporting materials submitted must have been included in full and may not have been incorporated by reference, unless the material was already submitted as part of the administrative record in the same proceeding or consisted of state or federal statutes and regulations, EPA documents of general applicability, or other generally available reference material.

Comments were received by Waste Management on the draft Statement of Basis and draft permit.

c. Opportunity to Request a Hearing

A person could submit a written request for a public hearing to the Part 71 Permit Contact, at the address listed above, by stating the nature of the issues to be raised at the public hearing. No request for a public hearing was received. EPA did not receive any requests for a public hearing during the public comment period.

d. Appeal of Permits

Within 30 days after the issuance of a final permit decision, any person who filed comments on the draft permit or participated in the public hearing may petition to the Environmental Appeals Board to review any condition of the permit decision. Any person who failed to file comments or participate in the public hearing may petition for administrative review, only if the changes from the draft to the final permit decision or other new grounds were not reasonably foreseeable during the public comment period. The 30 day period to appeal a permit begins with EPA's service of the notice of the final permit decision.

The petition to appeal a permit must include a statement of the reasons supporting the review, a demonstration that any issues were raised during the public comment period, a demonstration that it was impracticable to raise the objections within the public comment period, or that the grounds for such objections arose after such a period. When appropriate, the petition may include a showing that the condition in question is based on a finding of fact or conclusion of law which is clearly erroneous; or, an exercise of discretion, or an important policy consideration that the Environmental Appeals Board should review.

The Environmental Appeals Board will issue an order either granting or denying the petition for review, within a reasonable time following the filing of the petition. Public notice of the grant of review will establish a briefing schedule for the appeal and state that any interested person may file an amicus brief. Notice of denial

of review will be sent only to the permit applicant and to the person requesting the review. To the extent review is denied, the conditions of the final permit decision become final agency action.

A motion to reconsider a final order shall be filed within 10 days after the service of the final order. Every motion must set forth the matters claimed to have been erroneously decided and the nature of the alleged errors. Motions for reconsideration shall be directed to the Administrator rather than the Environmental Appeals Board. A motion for reconsideration shall not stay the effective date of the final order unless it is specifically ordered by the Board.

e. Petition to Reopen a Permit for Cause

Any interested person may petition EPA to reopen a permit for cause, and EPA may commence a permit reopening on its own initiative. EPA will only revise, revoke and reissue, or terminate a permit for the reasons specified in 40 CFR 71.7(f) or 71.6(a)(6)(i). All requests must be in writing and must contain facts or reasons supporting the request. If EPA decides the request is not justified, it will send the requester a brief written response giving a reason for the decision. Denial of these requests is not subject to public notice, comment, or hearings. Denials can be informally appealed to the Environmental Appeals Board by a letter briefly setting forth the relevant facts.

f. Notice to Affected States/Tribes

As described in 40 CFR 71.11(d)(3)(i), public notice will be given by notifying the air pollution control agencies of affected states, tribal and local air pollution control agencies that have jurisdiction over the area in which the source is located, the chief executives of the city and county where the source is located, any comprehensive regional land use planning agency and any state or Federal land manager whose lands may be affected by emissions from the source. The following entities will be notified:

- State of Utah, Department of Environmental Quality
- State of Nevada, Division of Environmental Protection
- Skull Valley Band of Goshute Indian Community, Environmental Programs Office
- Tooele County, County Clerk
- City of Tooele, Mayor
- National Park Service, Air, Denver, CO
- U.S. Department of Agriculture, Forest Service, Rocky Mountain Region
- Carl Weston
- San Juan Citizen Alliance
- WildEarth Guardians (formerly Rocky Mountain Clean Air Action)