

NOTICE OF RENEWAL AND MODIFICATION OF THE TITLE V PERMIT ISSUANCE TO  
WASTE SOLUTIONS GROUP OF SAN BENITO, LLC

Pursuant to the Monterey Bay Air Resources District (MBARD) Rule 218, MBARD solicits written comments to the preliminary decision to approve the issuance of the Title V Permit renewal and modification to Waste Solutions Group of San Benito, LLC (WSG) for the John Smith Road Landfill located at 2650 John Smith Road in Hollister.

Pursuant to the requirements of 40 CFR Part 60, Subpart XXX Standards of Performance for Municipal Solid Waste Landfills, the landfill, which has a design capacity of greater than 2.5 million megagrams and 2.5 million cubic meters, is subject to Title V regulations.

The facility has added a new Bioxide<sup>®</sup> storage and treatment system used to mitigate sulfides in the landfill leachate before it is discharged to the City of Hollister Wastewater Treatment Plant. The Bioxide<sup>®</sup> Storage and Treatment System is a closed loop system with negligible emissions.

The proposed permit will be forwarded to the US EPA for a 45-day review period. MBARD will not issue a permit to which EPA objects. The public may petition the US EPA, Region 9, Operating Permits Section, within 60 days after the US EPA 45-day review period to object the issuance of the final permit. This petition shall be based only on objections that were raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise the issue during that time period.

WSG's application and MBARD Evaluation Report of the renewal and major modification of the Title V permit are available for public inspection at MBARD office at 24580 Silver Cloud Court, Monterey, CA. A copy of the evaluation report is found on MBARD website at [www.mbard.org](http://www.mbard.org).

The public has an opportunity to review and comment on the proposed Project. Under special circumstances, MBARD may hold a public hearing. Written comments must be submitted to the address below and be postmarked by Monday, August 4, 2025.

Monterey Bay  
Air Resources District  
24580 Silver Cloud Court  
Monterey, CA 93940  
(831) 647-9411  
[ajimenez@mbard.org](mailto:ajimenez@mbard.org)  
Attention: Armando Jimenez

## AVISO DE RENOVACIÓN Y MODIFICACIÓN DE LA EMISIÓN DEL PERMISO DEL TÍTULO V A WASTE SOLUTIONS GROUP OF SAN BENITO, LLC

De conformidad con la Regla 218 de Monterey Bay Air Resources District (MBARD), MBARD solicita comentarios por escrito sobre la decisión preliminar de aprobar la emisión de la renovación y modificación del Permiso del Título V a Waste Solutions Group of San Benito, LLC (WSG) para el relleno sanitario de John Smith Road ubicado en 2650 John Smith Road en Hollister.

De conformidad con los requisitos de la 40 CFR Parte 60, Subparte XXX Normas de desempeño para relleno sanitarios de residuos sólidos municipales, el relleno sanitario, que tiene una capacidad de diseño de más de 2,5 millones de megagramos y 2,5 millones de metros cúbicos, está sujeto a las regulaciones del Título V.

La instalación ha incorporado un nuevo sistema de almacenamiento y tratamiento de Bioxide® que se utiliza para mitigar los sulfuros presentes en el lixiviado del relleno sanitario antes de su descarga a la Planta de Tratamiento de Aguas Residuales de la Ciudad de Hollister. El sistema de almacenamiento y tratamiento de Bioxide® es un sistema de circuito cerrado con emisiones insignificantes.

El permiso propuesto se remitirá a la EPA para un período de revisión de 45 días. MBARD no emitirá ningún permiso al que la EPA se oponga. El público puede presentar una solicitud a la EPA, Región 9, Sección de Permisos de Operación, dentro de los 60 días posteriores al período de revisión de 45 días de la EPA, para objetar la emisión del permiso final. Esta solicitud se basará únicamente en objeciones planteadas con razonable especificidad durante el período de comentarios públicos, a menos que el solicitante demuestre que no fue práctico plantear la cuestión durante dicho período.

La solicitud de WSG y el Informe de Evaluación de MBARD sobre la renovación y modificación importante del permiso del Título V están disponibles para consulta pública en la oficina de MBARD, ubicada en 24580 Silver Cloud Court, Monterey, CA. Puede encontrar una copia del informe de evaluación en el sitio web de MBARD: [www.mbard.org](http://www.mbard.org).

El público tiene la oportunidad de revisar y comentar el Proyecto propuesto. En circunstancias especiales, MBARD podrá celebrar una audiencia pública. Los comentarios por escrito deben enviarse a la dirección que figura a continuación y tener matasellos del lunes 4 de agosto de 2025 o antes.

Monterey Bay  
Air Resources District  
24580 Silver Cloud Court  
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[ajimenez@mbard.org](mailto:ajimenez@mbard.org)  
Atención : Armando Jiménez

**MONTEREY AIR RESOURCES DISTRICT  
TITLE V OPERATING PERMIT RENEWAL AND MODIFICATION  
STATEMENT OF BASIS TV-105**

24580 Silver Cloud Court  
Monterey, CA 93940  
Telephone: (831) 647-9411

Dated: May 2025

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**APPLICATION RECEIVED FROM:**

Waste Solutions Group of San Benito, LLC  
P.O. Box 1480  
Hollister, CA 95024

**PLANT SITE LOCATION:**

2650 John Smith Road  
Hollister, CA 95023

**APPLICATION PROCESSED BY:**

Armando Jimenez, Air Quality Engineer

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Nature of Business:     Municipal Solid Waste Landfill

SIC Code:            4953 – Refuse Systems

**RESPONSIBLE OFFICIAL:**

Name: Mr. Andrew Obertello  
Title: Site Manager  
Phone: (831) 537-1567

**ALTERNATE RESPONSIBLE OFFICIAL:**

Name: Mr. David Jappert  
Title: District General Manager  
Phone: (707) 628-7245

Name: Mr. Michael Winter  
Title: Regional Engineer  
Phone: (408) 375-8376

**FACILITY CONTACT PERSON:**

Name: Mr. Andrew Obertello  
Title: Site Manager  
Phone: (831) 537-1567

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## **FACILITY DESCRIPTION**

Pursuant to Rule 218 of the Monterey Bay Air Resources District (MBARD) Rules and Regulations, MBARD intends to issue a Title V Operating Permit Renewal and Major Modification to Waste Solutions Group of San Benito, LLC (WSG) for the John Smith Road Landfill (JSRL) located in Hollister, California. The JSRL Landfill is a Municipal Solid Waste (MWS) Landfill that is owned by the County of San Benito and is operated by WSG. The Landfill is permitted by CalRecycle and has been permitted to receive a maximum of 1,000 tons per day of MSW. The total permitted area is 90.36 acres, 58 of which have been permitted for disposal. The Title V Permit facility description will be updated to reflect that the facility is permitted to area. This landfill site has been accepting waste since the site opened in 1968.

Previously, this landfill was subject to NSPS 40 CFR Part 60, Subpart WWW, however, Subpart WWW is no longer applicable. The landfill was authorized for an expansion of the landfill on March 22, 2013, and commenced construction of the expansion on April 9, 2018. The landfill is now subject to the requirements of NSP 40 CFR Part 60, Subpart XXX. The JSRL is subject to Title V permitting as the facility is subject to 40 CFR Part 60, Subpart XXX, Standards of Performance for Municipal Solid Waste Landfills due to the landfill's design capacity of greater than 2.5 million megagrams and 2.5 million cubic meters.

## **PROJECT DESCRIPTION**

WSG has submitted an application to renew the Title V Permit. In addition, the permit renewal will include additional ancillary equipment at the facility. The ancillary equipment include:

- Existing contaminated water clean-up system consists of up to five groundwater extraction wells discharging to the City of Hollister Domestic Wastewater Treatment Plant. The equipment is owned and operated by the County of San Benito. The equipment was initially permitted in June 1993.
- New Bioxide® storage and treatment system used to mitigate sulfides in the landfill leachate before it is discharged to the City of Hollister Wastewater Treatment Plant. The Bioxide® Storage and Treatment System is a closed loop system with negligible emissions.
- Cancellation of permit to operate for the portable waste tipper.

## **EQUIPMENT DESCRIPTION**

Located on the landfill is a landfill gas collection and destruction system. The collected landfill gas is combusted in an enclosed ground flare.

Ancillary equipment includes a portable tub grinder, a portable tipper engine, portable crushing and screening equipment, which are operated by WSG, and the contaminated water clean-up system, which is owned and operated by the County of San Benito Integrated Waste Management Department.

Below are the proposed changes to the equipment description:

1. [9057](#) Acre Landfill Site Of Which [5844](#) Acres Are Permitted For Waste Disposal.
2. Landfill Gas Collection System, Vertical Wells, Lateral Collector Pipes, Header Pipe, And Gas Movers To Collect And Route Landfill Gas To The Landfill Gas Destruction System.

3. Landfill Gas Destruction Systems, Enclosed Ground Flare, Rated At 22.93 MMBtu/Hr Maximum.
4. Ancillary Equipment:
  - Portable Tub Grinder
  - ~~Portable Waste Tipper~~
  - Portable Crushing and Screening Operations With A Rating Of More Than 150 Tons Per Year
  - Third Party Own And Operated Contaminated Water Clean-up System
  - Bioxide® Wastewater H<sub>2</sub>S Control System

**APPLICABLE FEDERAL REQUIREMENTS**

| <b>Applicable Requirement</b>   | <b>Equipment Affected</b>                 |
|---|---|
| Rule 200, Permits Required  | Facility Wide                             |
| Rule 201, Sources Not Requiring Permits   | Facility Wide                             |
| Rule 207, Review of New or Modified Sources   | Facility Wide                             |
| Rule 214, Breakdown Condition   | Facility Wide                             |
| Rule 218, Title V: Federal Operating Permits  | Facility Wide                             |
| Rule 308, Title V: Federal Operating Permit Fees  | Facility Wide                             |
| Rule 400, Visible Emissions   | Facility Wide                             |
| Rule 403, Particulate Matter  | Facility Wide                             |
| Rule 404, Sulfur Compounds and Nitrogen Oxides  | Enclosed Ground Flare, Combustion Engines |
| Rule 412, Sulfur Content Fuels  | Enclosed Ground Flare, Combustion Engines |
| Rule 426, Architectural Coatings  | Facility Wide                             |
| Rule 437, Municipal Solid Waste Landfills   | Facility Wide                             |
| 40 CFR Part 60, Subpart A, New Source Performance Standards (NSPS), General Provisions  | Facility Wide                             |
| 40 CFR Part 60, Subpart WWW, NSPS for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014                             | Facility Wide                             |
| 40 CFR Part 60, Subpart XXX, NSPS For Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014  | Facility Wide                             |
| 40 CFR Part 62, Subpart OOO, Federal Plan Requirements for Municipal Solid Waste Landfills that Commenced Construction On Or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014 | Facility Wide                             |
| 40 CFR Part 64, Compliance Assurance Monitoring   | Facility Wide                             |

|  |               |
|--|---------------|
| 40 CFR Part 63, Subpart AAAA, NESHAPS For<br>Municipal Solid Waste Landfills | Facility Wide |
|--|---------------|

## COMPLIANCE DETERMINATION FOR APPLICABLE FEDERAL REQUIREMENTS

### Rule 200 – Permits Required

The purpose of this Rule is to identify when MBARD permits are issued. The provisions of this Rule shall apply to any person who builds, erects, alters, or replaces any article, machine, equipment or other contrivance which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants.

Pursuant to Section 3.1, person shall build, erect, alter, or replace any article, machine, equipment or other contrivance which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants unless the facility owner or operator has obtained a separate written Authority to Construct for each permit unit from the Air Pollution Control Officer. An Authority to Construct shall remain in effect until the Permit to Operate the equipment for which the application was filed is granted or denied or the application is cancelled.

This facility has historically complied with the requirements of this rule and continued compliance is expected.

### Rule 201 – Sources Not Requiring Permits

The purpose of this Rule is to provide a list of source and equipment categories which are exempt from the requirements of MBARD Rule 200 (Permits Required) to obtain an Authority to Construct (ATC) or Permit to Operate (PTO).

This rule identifies which equipment is exempt from MBARD permitting requirements.

### Rule 207 – Review of New or Modified Sources

The rule applies to all new stationary sources and all modifications to existing stationary sources. MBARD has established that any “landfill” (a place used for the disposal of garbage where the rubbish, etc. is buried under a shallow layer of ground) is not subject to local MBARD permitting. This is because a “landfill” does not trigger local MBARD permitting requirements for “any article, machine, equipment or other contrivance.” Therefore, this “landfill” has not been reviewed under MBARD new source review rule and no conditions from this rule will be included on the permit for the “landfill” proper.

However, other operations or processes related to and located at the landfill site may require local permits. This is the case with the enclosed ground flare installed at the facility. The facility does not propose any changes to the enclosed ground flare.

The facility has exceeded the California Clean Air Act (CCAA) Offset threshold of Section 5.3 for NO<sub>x</sub>. Section 5.3 sets a threshold of 137 pounds per day or more of NO<sub>x</sub>. The facility has opted to take voluntary annual operating limits on their ancillary equipment to ensure their annual NO<sub>x</sub> emissions are less than 10

tons per year under application 16254 for the portable crushing and screening equipment to meet the exemption of Rule 207, Section 1.3.4. Pursuant to Section 1.3.4, the offset requirements of sections 4.2 (Federal Offset Requirements) and 5.3 (CCAA Offset Requirements) shall not apply to any Stationary Source that has emissions less than 10 tons per year of all individual criteria pollutants.

Permit conditions are included in the permit to comply with the requirements of Rule 207.

#### Rule 214 – Breakdown Conditions

This is the implementing regulation in which MBARD has established the criteria for reporting breakdowns. The provisions of this Rule shall apply to any breakdown which results in a violation of any State law, MBARD Regulation, permit, or Hearing Board order. The requirements imposed by the SIP approved version of this rule will be included on this permit. The SIP approved version of this rule is that which was adopted on December 13, 1984.

Permit conditions are included in the permit to comply with the requirements of Rule 214.

#### Rule 218 – Title V: Federal Operating Permits

The purpose of this Rule is to provide for the issuance of Federal Operating Permits (FOPs) which contain all federally enforceable requirements for stationary sources as required under the provisions of Title V of the Federal Clean Air Act and amendments (the Act). This is the implementing regulation by which MBARD issues the federal Operating Permits.

Pursuant to Section 4.2.10.3, MBARD can incorporate maintenance of any other record keeping deemed necessary to demonstrate compliance with all federally enforceable requirements.

Since NSPS Subpart XXX requires the landfill to calculate the non-methane organic compound (NMOC) emission rate until the rate equals or exceeds than 34 megagrams per year and the NESHAPS Subpart AAAA's NMOC applicability threshold is 50 megagrams per year, MBARD will require the facility to calculate the NMOC emission rate between 34 megagrams per year and 50 megagrams per year. The NMOC determinations will be based on the procedures specified in 40 CFR 63, Subpart AAAA, Section §63.1959.

MBARD is proposing to add a new condition for the NMOC emission rate reporting:

- After the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC shall calculate the NMOC emission rate every five (5) years for the landfill until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, or the landfill is closed. The NMOC emissions rate shall be calculated using the calculating procedures specified in 40 CFR 63, Section §63.1959. [MBARD Rule 218]

Permit conditions are included in the permit to comply with the requirements of Rule 218.

#### Rule 308 – Title V: Federal Operating Permit Fees

The purpose of this Rule is to provide funding for the issuance and enforcement of Federal Operating

Permits, which meet the requirements of Title V of the Federal Clean Air Act and amendments (the Act). The fees required pursuant to this Rule shall be in addition to fees for MBARD permits to operate and other fees required by other MBARD rules.

The provisions of this Rule shall apply to any facility that is required to apply for and maintain a Federal Operating Permit pursuant to Rule 218.

#### Rule 400 – Visible Emissions

According to MBARD Rule 400 Section 3.1, no air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark or darker than Rangeland 1, or equivalent 20% opacity. This requirement will be included as a permit condition.

Pursuant to Section 3.1, no air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark or darker than Rangeland 1, or equivalent 20% opacity.

#### *Landfill gas flare*

According to the Periodic Monitoring Recommendations developed by CAPCOA, CARB, and EPA Region 9, for ground-level flares at wastewater treatment plants, the recommended periodic monitoring is as follows:

- Continuous exhaust temperature limit/monitoring with continuous recorder or emergency alarm if combustion temperature falls out of specified range. Alarm will trigger an immediate visible emissions inspection. If a visible emissions inspection documents opacity, a method 9 evaluation shall be completed within 3 working days.

The 22.93 MMBtu/hr flare is equipped with temperature monitoring and recording equipment. The flare is conditioned to keep the temperature equal to the average combustion temperature determined during the most recent source test minus 50°F, provided the limit is not less than 1,400°F. The flare can meet the recommendations of the Periodic Monitoring Recommendations.

Permit conditions are included on the permit to ensure compliance with this rule.

#### Rule 403 – Particulate Matter

The purpose of this Rule is to provide particulate matter emission limits for sources operating within MBARD. The provisions of this Rule shall apply to any source discharging particulate matter while operating within the Air District.

Pursuant to Section 3.1, a person shall not discharge from any source whatsoever particulate matter in excess of 0.15 grains/ft<sup>3</sup>. Below is the analysis for each set of fuel fired equipment at the facility.

#### *Landfill gas flare*

Compliance for the 22.93 MMBtu/hr flare is assured based on the LFG F<sub>d</sub> factor of 9,027 dscf/MMBtu (from source test) and PM emissions of 0.46 lb/hr. See calculation below:

$$\text{Exhaust flow, } \frac{\text{dscf}}{\text{hr}} = \frac{\text{flare input rating, MMBtu}}{\text{hr}} \times \frac{\text{LFG Fd, dscf}}{\text{MMBtu}} \times \frac{20.9}{20.9 - 3}$$

$$\text{Exhaust flow, } \frac{\text{dscf}}{\text{hr}} = \frac{22.93 \text{ MMBtu}}{\text{hr}} \times \frac{9,027, \text{dscf}}{\text{MMBtu}} \times \frac{20.9}{20.9 - 3} = \frac{241,680 \text{ dscf}}{\text{hr}}$$

$$\text{PM} \left( \frac{\text{gr}}{\text{dscf}} \right) = \frac{0.46 \text{ lb PM}}{\text{hr}} \times \frac{7,000 \text{ gr}}{\text{lb PM}} \times \frac{\text{hr}}{241,680 \text{ dscf}} = \frac{0.0133 \text{ gr}}{\text{dscf}}$$

*Portable diesel engines*

Compliance for the engines is based using the Santa Barbara County Air Pollution Control District (SBCAPCD) the grain loading equation included in SBCAPCD’s “Piston IC Engine Technical Reference Document”<sup>1</sup>. The grain loading equation is as follows:

$$\text{Grain loading, } \frac{\text{gr}}{\text{dscf}} = \frac{\text{PMEF, g}}{\text{bhp} - \text{hr}} \times \frac{7,000, \text{gr}}{\text{lb}} \times \frac{\text{MMBtu}}{F_D, \text{dscf}} \times \frac{\text{bhp} - \text{hr}}{\text{BSFC, Btu}} \times \frac{1}{\text{EAC}} \times \frac{\text{lb}}{453.6, \text{g}} \times 10^6$$

Where:

$$\text{PMEF} = \text{engine particulate matter emission factor, } \frac{\text{g}}{\text{bhp} - \text{hr}}$$

$$F_D = F - \text{factor exhaust volume at } 0\% \text{ O}_2 = 9,027 \text{ dscf/MMBtu}$$

$$\text{BSFC} = \text{engine brake} - \text{specific fuel consumption} - \text{HHV based} = 7,800 \text{ Btu/bhp} - \text{hr}$$

$$\text{EAC} = \text{excess air} = \frac{20.9}{20.9 - 15} = 3.542$$

Compliance for the portable engines will be shown for the portable tub grinder, which has the highest PM emission factor for the ancillary portable engines at 0.4 g/bhp-hr.

$$\text{Grain loading, } \frac{\text{gr}}{\text{dscf}} = \frac{0.4, \text{g}}{\text{bhp} - \text{hr}} \times \frac{7,000, \text{gr}}{\text{lb}} \times \frac{\text{MMBtu}}{9,027, \text{dscf}} \times \frac{\text{bhp} - \text{hr}}{7,800, \text{Btu}} \times \frac{1}{3.542} \times \frac{\text{lb}}{453.6, \text{g}} \times 10^6 = \frac{0.0248, \text{gr}}{\text{dscf}}$$

Pursuant to Section 3.2, a person shall not discharge in any one hour from any source whatsoever particulate matter in excess of the amount calculated by the following equation:

$$E = 4.10 P^{0.67}$$

where: *E* = rate of emissions in lbs/hr  
*P* = process weight in tons/hr

*Tub grinder activities*

Compliance for Section 3.2 for the tub grinder, which has a process rate of 80 tons per hour and maximum hourly emissions of 1.92 pound per hour, is shown by the following equation:

$$E = 4.10 \times 80^{0.67} = 77.2 \text{ lb/hr}$$

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<sup>1</sup> Santa Barbara County Air Pollution Control District. Piston IC Engine Technical Reference Document, 11/1/2002. Available online at: <https://www.ourair.org/wp-content/uploads/sbcapcdicerefdoc.pdf>.

*Portable crushing & screening*

Compliance for Section 3.2 for the portable crushing & screening, which has a process rate of 300 tons per hour and maximum PM hourly emissions of 1.12 pounder per hour, is shown by the following equation:

$$E = 4.10 \times 300^{0.67} = 187.2 \text{ lb/hr}$$

In addition, the facility's landfill gas H<sub>2</sub>S concentration is limited to 50 grains per 100 cubic feet. Permit conditions are included in the permit to ensure compliance with Rule 403.

Permit conditions are included in the permit to ensure compliance with Rule 403.

Rule 404 – Sulfur Compounds and Nitrogen Oxides

The purpose of this Rule is to provide limits for the emissions of sulfur compounds, nitrogen oxides and nitrogen dioxide from sources within MBARD. The provisions of this Rule shall apply to sources of sulfur compounds, nitrogen oxides, and nitrogen dioxide subject to MBARD Rule 200 *Permits Required*.

Section 3.1 prohibits any single emission unit from exceeding the following concentration or amount at the point of discharge to the atmosphere:

- Sulfur compounds, calculated as sulfur dioxide, 0.2% by volume (2,000 ppmv), and
- Nitrogen oxides, calculated as nitrogen dioxide (NO<sub>2</sub>), 140 pounds per hour.
- Nitrogen oxides, calculated as nitrogen dioxide (NO<sub>2</sub>), flue gas having a 225 ppm NO<sub>x</sub> by volume at 3% O<sub>2</sub> concentration for equipment with heat input rate of 1-1/2 billion Btu per hour (gross).

*22.93 MMBtu/hr LFG flare*

- Sulfur compounds, calculated as sulfur dioxide, 0.2% by volume, and

Compliance with the 0.2% by volume (2,000 ppmv) limit for SO<sub>2</sub> for the 22.93 MMBtu/hr is assured based on the LFG F<sub>d</sub> factor of 9,027 dscf/MMBtu and SO<sub>2</sub> emissions of 0.1967 lb/hr. See calculation below:

$$SO_2(ppm) = \frac{lbSO_2}{hr} \div \left( \frac{DSCFM, ft^3}{hr} \times \frac{MV_{SO_2}, lb}{lbmole} \times \frac{lbmole}{385 ft^3} \right) \times 10^6$$

$$SO_2(ppm) = \frac{0.1967 \text{ lb}}{hr} \div \left( \frac{241,680 \text{ ft}^3}{hr} \times \frac{64 \text{ lb}}{lbmole} \times \frac{lbmole}{385 \text{ ft}^3} \right) \times 10^6 = 4.90 \text{ ppm}$$

In addition, the facility's digester gas H<sub>2</sub>S concentration is limited to 50 grains per 100 cubic feet.

- Nitrogen oxides, calculated as nitrogen dioxide (NO<sub>2</sub>), 140 pounds per hour.

The hourly NO<sub>x</sub> emissions rate for the 29.93 MMBtu/hr flare is 1.38 lb/hr [(33.02 lb/day) ÷ (24 hr/day) = 1.38 lb/hr], which is well below the 140 lb/hr limit.

- Nitrogen oxides, calculated as nitrogen dioxide (NO<sub>2</sub>), flue gas having a 225 ppm NO<sub>x</sub> by volume at 3% O<sub>2</sub> concentration for equipment with heat input rate of 1-1/2 billion Btu per hour (gross).

The heat input rate of the landfill gas enclosed flare is well below 1-1/2 billion Btu per hour.

*Portable diesel engines*

Compliance will be shown for the larger portable diesel engine, which has the highest diesel consumption rate and has higher SO<sub>x</sub> emissions. Compliance will be based on the tub grinder with engine rating power of 750 HP and a diesel consumption rate of 36 gallons per hour.

- Sulfur compounds, calculated as sulfur dioxide, 0.2% by volume, and

Compliance with the 0.2% by volume (2000 ppmv) limit for SO<sub>2</sub> is assured due to the unit being fired exclusively on diesel fuel that meets CARB specifications. The permit will include a permit condition requiring the use of diesel fuel that meets CARB specifications.

- Nitrogen oxides, calculated as nitrogen dioxide (NO<sub>2</sub>), 140 pounds per hour.

The Tier 1 diesel engine has a calculated hourly NO<sub>x</sub> emissions rate of 11.4 pounds per hour and is in compliance with the 140 pounds per hour limit.

- Nitrogen oxides, calculated as nitrogen dioxide (NO<sub>2</sub>), flue gas having a 225 ppm NO<sub>x</sub> by volume at 3% O<sub>2</sub> concentration for equipment with heat input rate of 1-1/2 billion Btu per hour (gross).

The Tier 1 diesel engine has a heat input rate of less than 1-1/2 billion Btu per hour and is not subject to this requirement.

Permit conditions are included in the permit to ensure compliance with Rule 404.

Rule 412 – Sulfur Content of Fuels

The purpose of this Rule is to limit emissions of sulfur oxides from combustion sources within MBARD. The provisions of this Rule shall apply to all combustion sources operated within the Air District unless exempted pursuant to Section 1.3 of this Rule.

Pursuant to Part 3, no person shall burn within MBARD any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions, or any liquid fuel or solid fuel having a sulfur content in excess of 0.5 percent by weight. Note that landfill gas combusted in the flare is conditioned to limit hydrogen sulfide content to no more than 50 grains per 100 cubic feet. Also, for the diesel fuel engines compliance with the sulfur content is assured by the use of CARB diesel fuel.

Permit conditions are included in the permit to comply with the requirements of Rule 412.

Rule 437 – Municipal Solid Waste Landfills

The purpose of this Rule is to control emissions from existing Municipal Solid Waste Landfills as required under the provisions of the Federal Clean Air Act and regulations promulgated by USEPA at 40 CFR Part 60, Subpart Cc. In addition, Part 3, adopts by reference the requirements of 40 CFR Part 60, Subpart WWW.

EPA has adopted 40 CFR Part 60, Subpart Cf, replacing Subpart Cc. Also, according to the Initial Design Capacity and NMOC Emission Rate Reports dated September 21, 2018, JSRL commenced construction of the expansion on April 9, 2018. A copy of the report is included in Attachment 1. JSRL is now subject to the requirements of NSPS 40 CFR Part 60, Subpart XXX. The permit conditions referencing Subpart WWW will be updated accordingly.

40 CFR Part 60, Subpart A – New Source Performance Standards, General Provisions

This facility is subject to the requirements of 60.8 (performance tests), 60.17 (incorporations by reference), and 60.18 (general control device and work practice requirements) because they are subject to 40 CFR Part 60, Subpart XXX.

MBARD asserts that compliance with the conditions on the Title V permit shall be considered compliance with the requirements contained in 40 CFR Parts 60.8, 60.17, and 60.18.

Permit conditions are included in the permit to comply with the requirements of this NSPS.

40 CFR 60, Subpart WWW – NSPS for Municipal Solid Waste Landfills

As noted above, the John Smith Road Landfill commenced construction of the expansion on April 9, 2018. JSRL is now subject to the requirements of NSPS 40 CFR Part 60, Subpart XXX. The permit conditions referencing Subpart WWW will be updated accordingly.

40 CFR 60, Subpart OOO – NSPS for Nonmetallic Mineral Processing Plants

The portable crushing and screening plant has a capacity of 350 tons per hour that commenced operations after August 31, 1983, and is an affected facility under this Subpart. A facility is defined as each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station. The permitted equipment includes a crusher, screen, and conveyers equipped with water sprays.

Pursuant to Section §60.672(b), affected facility must meet the fugitive emission limits and compliance requires of Table 3 of this subpart. The requirements in Table 3 of this subpart apply for fugitive emissions from affected facilities without capture systems.

Pursuant to Section §60.674(b), the facility must conduct periodic inspections of the water spray(s) that are responsible for controlling fugitive emissions from the affected facility must perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression system.

Pursuant to Section §60.676(b), the facility must record each periodic inspection required under §60.674(b), including dates and any corrective actions taken, in a logbook (in written or electronic format). The owner or operator must keep the logbook onsite and make hard or electronic copies (whichever is requested) of the logbook available to the Administrator upon request.

The permit will include operating conditions to comply with the requirements of this Subpart.

40 CFR 60, Subpart XXX – NSPS for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014

The provisions of this Subpart apply to each municipal solid waste landfill that commenced construction, reconstruction, or modification after July 17, 2014. Physical or operational changes made to an MSW landfill solely to comply with Subparts Cc, Cf, or WWW of this part are not considered construction, reconstruction, or modification for the purposes of this section.

The JSR Landfill commenced construction of the expansion on April 9, 2018. The JSR Landfill is now subject to the requirements of NSP 40 CFR Part 60, Subpart XXX.

*Section §60.762 Standards for air emissions from municipal solid waste landfills*

The requirements of Section §60.762(a) apply to any MWS landfill having a design capacity less than 2.5 million megagrams by mass or 2.5 million cubic meters by volume. The John Smith Road Landfill has a design capacity greater than the thresholds of Section §60.726(a).

Pursuant to Section §60.762(b)(2), landfills with a design capacity equal to or greater than 2.5 million megagrams by mass or 2.5 million cubic meters by volume with a calculated nonmethane organic compounds (NMOC) emissions rate equal to or greater than 34 megagrams per year using Tier 1, 2, or 3 procedures, must meet the requirements of §60.762(a)(b)(2). The John Smith Road Landfill's 2022 through 2026 Tier NMOC emission report showed an emissions rate of 24.28 megagrams for 2022 and 31.27 megagrams per year for 2026. Attachment 2 includes a copy of the NMOC report. Conditions will be included to ensure the landfill meets the requirements of §60.762(a)(b)(2) when the NMOC emissions report equals or exceeds 34 megagrams per year.

Pursuant to Section §60.762(a)(b)(c), the John Smith Road Landfill operates under a Title V permit. The facility has submitted a Title V permit renewal.

*Sections §60.763 Operational standard; Section §60.765 Compliance provisions and §60.766 Monitoring requirements*

Since the John Smith Road Landfill's calculated NMOC emissions rate is less than 34 megagrams per year, the operations standards, compliance and monitoring requirements of this Subpart do not currently apply to the facility. Conditions will be added to require the facility to meet the operational, compliance and monitoring standards once the NMOC emissions rate is equal to or greater than 34 megagrams per year.

*Section §60.767 Reporting requirements*

Pursuant to Section §60.767(a), landfills subject to Subpart XXX must submit an initial design capacity report to the Administrator. The initial design capacity must contain the information required by Section §60.767(a)(2). The John Smith Road Landfill submitted the initial design capacity on September 21, 2018. A copy of the initial design capacity is included in Attachment 1.

Pursuant to Section §60.767(b), the landfill must submit an NMOC emission report following the procedures of Section §60.767(i)(2), which requires electronic reports to EPA via CEDRI, annually except as provided in Section §60.767(b)(1)(ii). Pursuant to Section §60.767(b)(1)(ii), if the reported NMOC emission rate is less than 34 megagrams per year in each of the next 5 consecutive years, JSRL 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 must be revised at least once every 5 years. This estimate must 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 must be provided to the Administrator. 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 must be submitted to the Administrator. The revised estimate must cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

*Section §60.768 Recordkeeping requirements*

Pursuant to Section §60.768(a), landfills subject to the provisions of Sections §60.762(b)(2)(ii) and (iii) must keep for at least 5 years up-to-date, readily accessible, on-site records of the design capacity report that triggered §60.762(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

Section §60.768(c)(1)(i) requires that owners or operators of enclosed combustors, like enclosed flares, to record exceedances as defined as all 3-hour periods of operation during which the average temperature was more than 28 degrees Celsius (82 degrees Fahrenheit) below the average combustion temperature during the most recent performance test. While current Title V permit Condition 3, which was set under Rule 207 requirements, sets the enclosed flare combustion zone temperature limit deviation as 50 degrees Fahrenheit below the average combustion temperature during the most recent source test but not less than 1,400 degrees Fahrenheit. MBARD is proposing to include a new condition, new Condition 36(A), to include the requirements of Section §60.768(c)(1)(i) with the lower temperature limit deviation of 50 degrees Fahrenheit of current Condition 3.

Pursuant to Section §60.768(d)(2), landfills subject to the provisions of this Subpart must keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in § 60.769(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in § 60.769(a)(3)(ii).

MBARD permit will include a permit condition requiring the facility to meet the requirements of this Subpart.

40 CFR Part 62, Subpart OOO – Federal Plan Requirements for Municipal Solid Waste Landfills that Commenced Construction On Or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014

This Subpart implements the 2016 Emission Guidelines under Subpart Cf and became effective on June 21, 2021. EPA conditionally approved California's Plan (CARB Landfill Methane Regulation) and also require the implementation of the provisions of 40 CFR §62.16716(c), §62.16720(a)(5), §62.16722(a)(2) and (3), §62.16724(k), and §62.16726(e)(2) and (5).

Since JSRL began construction of the expansion of the landfill after July 17, 2014, the facility is not subject to the requirements of this Subpart.

40 CFR Part 64 – Compliance Assurance Monitoring

The requirements of this subpart apply to emissions units at Title V facilities that meet all of the three

criteria specified in 40 CFR Part 64 Section §64.2(a)(1-3). The three applicability criteria are:

- The emission unit must be subject to a federal emission limitation or standard for a regulated air pollutant, other than an exempt limitation.
- The emission unit uses a control device to achieve compliance with any such emission limitation or standard.
- This emission unit has potential pre-control device emissions of the specific pollutant being controlled greater than the major facility emissions threshold for that pollutant.

Pursuant Section §64.2(b)(1)(i), the landfill waste decomposition process and its related emission control device, enclosed flare rated at 22.93 MMBTU/hr, are exempt from the CAM requirements, because the landfill and landfill gas control systems are subject to NSPS and NESHAPS requirements and these NSPS and NESHAP requirements were adopted pursuant to Sections 111 and 112 of the Clean Air Act after November 15, 1990. Since the applicable federal requirements contain adequate monitoring provisions, additional compliance monitoring is not necessary and CAM does not apply to the enclosed ground flare.

#### 40 CFR Part 63, Subpart AAAA – NESHAPS for Municipal Solid Waste Landfills

The requirements of this Subpart apply to any landfill that has accepted waste since November 8, 1987, or has additional capacity for waste deposition and meets any one of the three criteria in paragraphs (a)(1) through (3) of this section:

- Landfill is a major source of hazardous air pollutants (HAPs).
- Landfill is collocated with a major source of HAPs.
- Landfill is an area source landfill that has a design capacity equal to or greater than 2.5 million Mg and 2.5 million cubic meters (m<sup>3</sup>) and has estimated uncontrolled emissions equal to or greater than 50 Mg/yr NMOC.

The facility is not a major source of HAPs nor is it co-located with a major source of HAPs. The facility is a landfill with a design capacity equal to or greater than 2.5 million MG and 2.5 million cubic meters and the estimated uncontrolled emissions are less than 50 Mg/yr NMOC. The John Smith Road Landfill's 2016 Tier NMOC emission report showed an emissions rate of 7.0 megagrams for 2021. Thus, the facility is not subject to the requirements of this Subpart. As noted in the Rule 218 applicability analysis, the facility will be required to calculate the NMOC emission rate until such time that the estimated rate is equal to or greater than 50 megagrams per year to determine if the facility is subject to this Subpart.

MBARD is proposing to add the following condition:

- After the first report required by Condition 57 in which the Non-Methane Organic Compound (NMOC) emission rate equals or exceeds 50 megagrams per year, Waste Solutions Group of San Benito, LLC shall comply with requirements of 40 CFR 63, Subpart AAAA. [40 CFR 63, Subpart AAAA]

#### **PERMIT SHIELD**

MBARD Rule 218 allows for the creation of any permit shield provisions. A permit shield is a provision stating that compliance with the conditions of the Federal Operating Permit (FOP) shall be deemed compliance with any applicable requirements as of the date of FOP issuance. The facility has not requested

a permit shield for their operations.

**THE FOLLOWING CONDITIONS WILL BE INCLUDED ON THE TITLE V PERMIT:**

The permit conditions listed on the Title V Permit are derived from MBARD issued Authorities to Construct or Permits to Operate. The permit also includes the regulatory basis for each permit condition. Permit conditions are divided into the following sections: federally enforceable limits and standards, testing requirements and procedures, record keeping requirements, reporting requirements, and general conditions.

MBARD will update the permit conditions referencing 40 CFR 60 Subpart WWW to remove the references of Subpart WWW and include Subpart XXX.

**FEDERALLY ENFORCEABLE EMISSION LIMITS AND STANDARDS**

As noted in the Rule 207 applicability discussion, the facility has opted to keep the NO<sub>x</sub> facility-wide emissions below 10 tons per year. A new permit condition has been added to include the facility-wide NO<sub>x</sub> emissions limit.

A new permit condition has been added to include the NSPS Subpart OOO requirements for the portable crushing and screening operations.

MBARD is proposing to update the conditions referencing NSPS Subpart WWW. See proposed permit for condition updates.

Also, as discussed in the 40 CFR 63, Subpart AAAA applicability analysis, MBARD is proposing a new condition that will require the landfill to meet the requirements of Subpart AAAA when the NMOC emissions report is equal to or greater than 50 megagrams per year.

MBARD proposed new Condition:

- After the first report required by Condition 49 in which the Non-Methane Organic Compound (NMOC) emission rate equals or exceeds 50 megagrams per year, Waste Solutions Group of San Benito, LLC shall comply with requirements of 40 CFR 63, Subpart AAAA. [40 CFR 63, Subpart AAAA]

**TESTING REQUIREMENTS AND PROCEDURES**

MBARD is proposing to update the conditions referencing NSPS Subpart WWW. See proposed permit for condition updates.

New condition has been added to add the NSPS Subpart OOO monthly inspection requirements for portable crushing and screening equipment's water suppression system.

**RECORD KEEPING REQUIREMENTS**

New conditions will be added to address the record keeping requirements of MBARD Rules 207 and 218, and NSPS Subpart OOO.

In addition, MBARD is proposing to update the conditions referencing NSPS Subpart WWW. See proposed permit for condition updates.

## REPORTING REQUIREMENTS

MBARD is proposing to update the conditions referencing NSPS Subpart WWW. See proposed permit for condition updates. In addition, MBARD is proposing to add new conditions to include the reporting conditions of 40 CFR 60, Subpart XXX, Section §60.767(j).

MBARD proposed new Conditions:

After the first report required by Condition 49 in which the NMOC emission rate equal to or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC must submit the corrective action and corresponding timeline as follows. If complying with the operational provisions of 40 CFR 63, Subpart AAAA, Sections §§63.1958, 63.1960, and 63.1961, as allowed at Section §60.762(b)(2)(iv) [restated in Condition 14], Waste Solutions Group of San Benito, LLC must follow the corrective action and the corresponding timeline requirements in 40 CFR 63, Subpart AAAA, Section §63.1981(j) in lieu of this Condition. [40 CFR 60 Subpart XXX, Section §60.767(j)]

- A. For corrective action that is required according to Section §60.765(a)(3)(iii) [restated in Condition 15(C)(iii)] or Section §60.765(a)(5)(iii) [restated in Condition 15(D)(iii)] and is expected to take longer than 120 days after the initial exceedance to complete, Waste Solutions Group of San Benito, LLC must submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to the Administrator as soon as practicable but no later than 75 days after the first measurement of positive pressure or temperature monitoring value of 55 degrees Celsius (131 degrees Fahrenheit). The Administrator must approve the plan for corrective action and the corresponding timeline.
- B. For corrective action that is required according to Section §60.765(a)(3)(iii) [restated in Condition 15(C)(iii)] or Section §60.765(a)(5)(iii) [restated in Condition 15(D)(iii)] and is not completed within 60 days after the initial exceedance, Waste Solutions Group of San Benito, LLC must submit a notification to the Administrator as soon as practicable but no later than 75 days after the first measurement of positive pressure or temperature exceedance.

Also, as discussed in the Rule 218 applicability analysis, MBARD is proposing to add a new condition requiring the landfill to continue the NMOC emissions when the emissions rate is equal to or greater than 34 megagrams per year until such time that the NMOC emissions rate is equal to or greater than 50 megagrams per year.

MBARD is proposing to add a new condition for the NMOC emission rate reporting:

- After the first report required by Condition 49 in which the NMOC emission rate equal to or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC shall calculate the NMOC emission rate every five (5) years for the landfill until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, or the landfill is closed. The

NMOC emissions rate shall be calculated using the calculating procedures specified in 40 CFR 63, Section §63.1959. [MBARD Rule 218]

**GENERAL CONDITIONS**

MBARD is not proposing changes to this section of the permit.

\*\*\*\*

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT**  
**TITLE V OPERATING PERMIT ~~TV-000005A~~ TV-105**

24580 Silver Cloud Court  
Monterey, CA 93940  
Telephone: (831) 647-9411

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ISSUED TO:

Waste Solution Group of San Benito, LLC  
P.O. Box 1480  
Hollister, CA 95024

PLANT SITE LOCATION:

2650 John Smith Road  
Hollister, CA 95023

ISSUED BY:

\_\_\_\_\_  
Richard Stedman, Air Pollution Control Officer

\_\_\_\_\_  
TBD  
Effective Date

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Nature of Business: Municipal Solid Waste Landfill

SIC Codes: 4953 - Refuse Systems

RESPONSIBLE OFFICIAL:

Name: Mr. ~~Roger Brown~~Andrew Obertello  
Title: Site Manager  
Phone: ~~(314) 799-7889~~(831) 537-1567

ALTERNATE RESPONSIBLE OFFICIAL:

Name: Mr. David Jappert  
Title: District General Manager  
Phone: (707) 628-7245

Name: ~~Tom Reilly~~Mr. Michael Winter  
Title: ~~CA Engineering Manager~~Regional Engineer  
~~Corporate Compliance Manager~~  
Phone: ~~(916) 549-0443~~(408) 375-8376

FACILITY CONTACT PERSON:

Name: Mr. ~~Roger Brown~~Andrew Obertello  
Title: Site Manager  
Phone: ~~(314) 799-7889~~(831) 537-1567

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## FACILITY DESCRIPTION

The County of San Benito Integrated Waste Management Department's John Smith Road Landfill is a Municipal Solid Waste (MSW) Landfill permitted by the CalRecycle to receive a maximum of 1,000 tons per day of MSW. This landfill site has been accepting waste since the site opened in 1968.

Located on the landfill is a landfill gas collection and destruction system. The collected landfill gas is combusted in an enclosed ground flare.

~~Previously, this Landfill was subject to NSPS 40 CFR Part 60, Subpart WWW, however, Subpart WWW is no longer applicable. The landfill was authorized for an expansion of the landfill on March 22, 2013, and commenced construction of the expansion on April 9, 2018. The landfill is now subject to the requirements of NSPS 40 CFR Part 60, Subpart XXX. The John Smith Road Landfill is subject to Title V permitting as the facility is subject to 40 CFR Part 60, Subpart XXX, Standards of Performance for Municipal Solid Waste Landfills due to the landfill's design capacity of greater than 2.5 million cubic meters and 2.5 million megagrams.~~

~~The John Smith Road Landfill is subject to Title V permitting as the facility is subject to 40 CFR Part 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills due to the expansion of the facility in January 2006 which increased the design capacity of the landfill to greater than 2.5 million cubic meters.~~

## EQUIPMENT DESCRIPTION

### MUNICIPAL SOLID WASTE LANDFILL CONSISTING OF:

1. 9057 Acre Landfill Site Of Which 5844 Acres Are Permitted For Waste Disposal.
2. Landfill Gas Collection System, Vertical Wells, Lateral Collector Pipes, Header Pipe, And Gas Movers To Collect And Route Landfill Gas To The Landfill Gas Destruction System.
3. Landfill Gas Destruction Systems, Enclosed Ground Flare, Rated At 22.93 MMBtu/Hr Maximum.
4. Ancillary Equipment
  - Portable Tub Grinder
  - ~~Portable Waste Tipper~~
  - Portable Crushing and Screening Operations With A Rating Of More Than 150 Tons Per Year
  - Third Party Own And Operated Contaminated Water Clean-up System
  - Bioxide® Wastewater H<sub>2</sub>S Control System

**FEDERALLY ENFORCEABLE EMISSION LIMITS AND STANDARDS**

1. The heat input rate to the flare shall not exceed 22.93 MMBtu/Hr. [Monterey Bay Air Resources District (MBARD) Rule 207]
2. Emissions from the flare shall not exceed the following limits: [~~District~~MBARD Rule 207]

| <u>Pollutant</u> | <u>Emission Level</u> |
|------------------|-----------------------|
| NO <sub>x</sub>  | 0.06 lb/MMBTU         |
| CO               | 0.40 lb/MMBTU         |
| VOC              | 0.03 lb/MMBTU         |

3. Facility-wide emissions of oxides of nitrogen (NO<sub>x</sub>) shall be less than 10 tons per year, excluding emissions from sources, processes, or devices that are exempt from the Offset requirements of Rule 207, which include emergency engines and gasoline dispensing facilities. [MBARD Rule 207, Offsets]
4. When the portable crushing and screening operations are operational, as described in the Ancillary Equipment, they must comply with the following opacity and emission limits: [40 CFR 60 Subpart 000]

| <u>Affected Equipment</u>  | <u>Opacity Limit</u> |
|--|----------------------|
| <u>Conveyors,</u><br><u>(conveyor transfer points except</u><br><u>where material is transferred to a</u><br><u>stockpile)</u> | <u>7%</u>            |
| <u>Portable Screen</u>   | <u>7%</u>            |
| <u>Portable Crusher</u>  | <u>12%</u>           |

- 3.5. The minimum combustion zone temperature limit for the flare shall be equal to the average combustion temperature determined during the most recent complying source test minus 50°F, provided that the limit is not less than 1,400°F. The combustion temperature of the landfill gas flare shall be maintained at or above 1,400°F or the limit determined by the most recent source test (whichever temperature is higher), averaged over any three-hour period, excluding periods of startup, shutdown, and malfunction. The process time that it takes to complete a startup or shutdown shall not exceed one (1) hour. [~~District~~MBARD Rule 207, Rule 400 and 40 CFR 60 Subpart ~~WWW~~ XXX]
- 4.6. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three (3) minutes in any one (1) hour which is as dark or darker than Ringelmann 1 or

equivalent 20% opacity. [~~District~~MBARD Rule 400-~~Adopted 12/15/04~~]

~~5.7.~~ Particulate matter shall not exceed 0.15 grains per standard dry cubic foot in the exhaust stream of the enclosed ground flare. [~~District~~MBARD Rule 403-~~Adopted 2/16/05~~]

~~6.8.~~ Sulfur compounds calculated as sulfur dioxide (SO<sub>2</sub>) shall not exceed 0.2 percent by volume in the exhaust stream of the enclosed ground flare. [~~District~~MBARD Rule 404-~~Adopted 12/15/04~~]

~~7.9.~~ The landfill gas combusted shall contain no more than 50 grains of sulfur compounds (calculated as hydrogen sulfide) per 100 cubic feet of gas. [~~District~~MBARD Rule ~~404 and Rule 412~~-~~Adopted 8/21/02~~]

~~8.10.~~ Waste Solution Group of San Benito, LLC shall limit emissions of volatile organic compounds by the use of architectural coatings which comply with the requirements of ~~District~~MBARD Rule 426. [~~District~~MBARD Rule 426]

~~9.11.~~ ~~No later than 1 year after the first report required by Condition 32 in which the Non Methane Organic Compound (NMOC) emission rate equals or exceeds 50 megagrams per year, Waste Solution Group of San Benito, LLC shall submit to the District and the EPA Administrator a collection and control system design plan prepared by a professional engineer. This plan shall meet the design requirements specified in §60.752(b)(2)(ii) [restated in Condition 10] and must include the information required by §60.752(b)(2)(i). [40 CFR 60 Subpart WWW].~~ No later than 1 year after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, Waste Solution Group of San Benito, LLC must submit a collection and control system design plan to the Administrator for approval according to the schedule in Section §60.767(c)(4) [restated in Condition 11 (D)]. The collection and control system design plan must be prepared and approved by a professional engineer and must meet the following requirements: [40 CFR 60 Subpart XXX, Section §60.767(c)]

A) The collection and control system as described in the design plan must meet the design requirements in Section §60.762(b)(2). [40 CFR 60 Subpart XXX, Section §60.767(c)(1)]

B) 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 Sections §§60.763 through §60.768 proposed by Waste Solution Group of San Benito, LLC. [40 CFR 60 Subpart XXX, Section §60.767(c)(2)]

C) The collection and control system design plan must either conform with specifications for active collection systems in Section §60.769 or include a demonstration to the Administrator's satisfaction of the sufficiency of the alternative provisions to Section §60.769. [40 CFR 60 Subpart XXX, Section §60.767(c)(3)]

D) Waste Solution Group of San Benito, LLC must submit a collection and control system design plan to the Administrator for approval within 1 year of the first NMOC emission rate report in which the NMOC emission rate equals or exceeds 34 megagrams per year, except as follows: [40 CFR 60 Subpart XXX, Section §60.767(c)(4)]

i) If Waste Solution Group of San Benito, LLC elects to recalculate the NMOC emission rate after Tier 2 NMOC sampling and analysis as provided in §60.764(a)(3) and the resulting rate is less than 34 megagrams per year, annual periodic reporting must be resumed, using the Tier 2 determined site-specific NMOC concentration, until the calculated emission rate is equal to or greater than 34 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, must be submitted, following the procedures in Section §60.767(i)(2) [restated in Condition 55(B)], within 180 days of the first calculated exceedance of 34 megagrams per year.

ii) If Waste Solution Group of San Benito, LLC elects to recalculate the NMOC emission rate after determining a site-specific methane generation rate constant  $k$ , as provided in Tier 3 in § 60.764(a)(4), and the resulting NMOC emission rate is less than 34 Mg/yr, annual periodic reporting must be resumed. The resulting site-specific methane generation rate constant  $k$  must be used in the emission rate calculation until such time as the emissions rate calculation results in an exceedance. The revised NMOC emission rate report based on the provisions of §60.764(a)(4) and the resulting site-specific methane generation rate constant  $k$  must be submitted, following the procedure specified in Section §60.767(i)(2) [restated in Condition 55(B)], to the Administrator within 1 year of the first calculated emission rate equaling or exceeding 34 megagrams per year.

iii) If Waste Solution Group of San Benito, LLC elects to demonstrate that site-specific surface methane emissions are below 500 parts per million methane, based on the provisions of §60.764(a)(6), then Waste Solution Group of San Benito, LLC must submit annually a Tier 4 surface emissions report as specified in this paragraph following the procedure specified in Section §60.767(i)(2) [restated in Condition 55(B)] until a surface emissions readings of 500 parts per million methane or greater is found. If the Tier 4 surface emissions report shows no surface emissions readings of 500 parts per million methane or greater for four consecutive quarters at a closed landfill, then the Waste Solution Group of San Benito, LLC may reduce Tier 4 monitoring from a quarterly to an annual frequency. The Administrator may request such additional information as may be necessary to verify the reported instantaneous surface emission readings. The Tier 4 surface emissions report must clearly identify the location, date and time (to nearest second), average wind speeds including wind gusts, and reading (in parts per million) of any value 500 parts per million methane or greater, other than non-repeatable, momentary readings. For location, Waste Solution Group of San Benito, LLC must determine the latitude and longitude coordinates using an instrument with an accuracy of at least 4 meters. The coordinates must be in

decimal degrees with at least five decimal places. The Tier 4 surface emission report must also include the results of the most recent Tier 1 and Tier 2 results in order to verify that the landfill does not exceed 50 Mg/yr of NMOC.

- a. The initial Tier 4 surface emissions report must be submitted annually, starting within 30 days of completing the fourth quarter of Tier 4 surface emissions monitoring that demonstrates that site-specific surface methane emissions are below 500 parts per million methane, and following the procedure specified in Section §60.767(i)(2) [restated in Condition 55(B)].
  - b. The Tier 4 surface emissions report must be submitted within 1 year of the first measured surface exceedance of 500 parts per million methane, following the procedure specified in Section §60.767(i)(2) [restated in Condition 55(B)].
- E) Waste Solution Group of San Benito, LLC must notify the Administrator that the design plan is completed and submit a copy of the plan's signature page. The Administrator has 90 days to decide whether the design plan should be submitted for review. If the Administrator chooses to review the plan, the approval process continues as described in Section §60.767(c)(6) [restated in Condition 11(F)]. However, if the Administrator indicates that submission is not required or does not respond within 90 days, Waste Solution Group of San Benito, LLC can continue to implement the plan with the recognition that Waste Solution Group of San Benito, LLC is proceeding at their own risk. In the event that the design plan is required to be modified to obtain approval, Waste Solution Group of San Benito, LLC must take any steps necessary to conform any prior actions to the approved design plan and any failure to do so could result in an enforcement action. [40 CFR 60 Subpart XXX, Section §60.767(c)(5)]
- F) Upon receipt of an initial or revised design plan, the Administrator must review the information submitted under Sections §60.767(c)(1) [restated in Condition 11(A)] through §60.767(c)(3) [restated in Condition 11(C)] of this section and either approve it, disapprove it, or request that additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be necessary. A wide variety of system designs are possible, such as vertical wells, combination horizontal and vertical collection systems, or horizontal trenches only, leachate collection components, and passive systems. If the Administrator does not approve or disapprove the design plan, or does not request that additional information be submitted within 90 days of receipt, then Waste Solution Group of San Benito, LLC may continue with implementation of the design plan, recognizing they would be proceeding at their own risk. [40 CFR 60 Subpart XXX, Section §60.767(c)(6)]
- G) If Waste Solution Group of San Benito, LLC chooses to demonstrate compliance with the emission control requirements of 40 CFR 60, Subpart XXX, using a treatment system as defined in 40 CFR 60, Subpart XXX, then Waste Solution Group of San Benito, LLC must prepare a site-specific treatment system monitoring plan as specified in Section §60.768(b)(5). [40 CFR 60 Subpart XXX, Section §60.767(c)(7)]

~~10.12.~~ 10.12. ~~No later than 30 months after the first report required by Condition 32 in which the NMOC emission rate equal or exceeds 50 megagrams per year, Waste Solutions Group of San Benito, LLC shall cause to be operated a landfill gas collection system that effectively captures the gas generated such that [40 CFR 60 Subpart WWW]:~~ Waste Solution Group of San Benito, LLC must install and start up a collection and control system that captures the gas generated within the landfill as required by Sections §60.762(b)(2)(ii)(C) [restated in this Condition, Condition 12(C)] or §60.762(b)(2)(ii)(D) [restated in this Condition, Condition 12(D)] and §60.762(b)(2)(iii) [restated in Condition 13] within 30 months after: [40 CFR 60 Subpart XXX, Sections §60.762(b)(2)(ii), §60.763, and §60.769(b)]

A) ~~the system is designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas collection system; and~~ The first annual NMOC report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the NMOC emission rate is less than 34 megagrams per year, as specified in Section §60.767(c)(4) [restated in Condition 11(D)]; or [40 CFR 60 Subpart XXX, Section §60.762(b)(2)(ii)(A)]

i) If Waste Solution Group of San Benito, LLC seeks to comply with this Condition, Condition 12(A)(i), Waste Solution Group of San Benito, LLC must construct the gas collection devices using the equipment and procedures specifications of Section §60.769(b). [40 CFR 60 Subpart XXX, Section §60.769(b)]

B) ~~landfill gas is collected from each area, cell or group of cells in which non-asbestos degradable solid waste has been placed for a period of 5 years or more for active areas or 2 years or more for closed areas; and~~ The most recent NMOC emission rate report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year based on Tier 2, if the Tier 4 surface emissions monitoring shows a surface methane emission concentration of 500 parts per million methane or greater as specified in Section §60.767(c)(4)(iii) [restated in Condition 11(D)(iii)]. [40 CFR 60 Subpart XXX, Section §60.762(b)(2)(ii)(B)]

C) ~~offsite migration of subsurface gas is minimized; and~~ The active collection system must: [40 CFR 60 Subpart XXX, Section §60.762(b)(2)(ii)(C)]

i) Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control system equipment;

ii) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of 5 years or more if active; or 2 years or more if closed or at final grade.

iii) Collect gas at a sufficient extraction rate;

iv) Be designed to minimize off-site migration of subsurface gas.

- D) ~~each wellhead is under negative pressure except under the following conditions: A passive collection system must: [40 CFR 60 Subpart XXX, Section §60.762(b)(2)(ii)(D)]~~
- i) ~~a fire or increased well temperature. Waste Solutions Group of San Benito, LLC shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in Condition 26; or Comply with the provisions specified in Sections §60.762(b)(2)(ii)(C)(1) [restated in Condition 12(C)(i)], §60.762(b)(2)(ii)(C)(2) [restated in Condition 12(C)(2), and §60.762(b)(2)(ii)(C)(3) [restated in Condition 12(C)(iii).~~
  - ii) ~~use of a geomembrane or synthetic cover. Acceptable pressure limits shall be submitted by Waste Solutions Group of San Benito, LLC in their design plan; or Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners must be installed as required under 40 CFR 258.40.~~
  - iii) ~~a decommissioned well.~~
- E) ~~the collected landfill gas temperature is less than 55°C at each operating well with a nitrogen level less than or equal to 20 percent or an oxygen level less than or equal to 5 percent; and Waste Solutions Group of San Benito, LLC must operate the collection system such that gas is collected from each area, cell, or group of cells in the MSW landfill in which solid waste has been in place for: [40 CFR 60 Subpart XXX, Section §60.763(a)]~~
- i) ~~5 years or more if active; or~~
  - ii) ~~2 years or more if closed or at final grade;~~
- F) ~~the surface methane concentration over the landfill shall not exceed 500 ppm above background. Waste Solutions Group of San Benito, LLC must operate the collection system with negative pressure at each wellhead except under the following conditions: [40 CFR 60 Subpart XXX, Section §60.763(b)]~~
- i) ~~A fire or increased well temperature. Waste Solutions Group of San Benito, LLC must record instances when positive pressure occurs in efforts to avoid a fire. These records must be submitted with the annual reports as provided in Section §60.767(g)(1) [restated in Condition 53(A)];~~
  - ii) ~~Use of a geomembrane or synthetic cover. Waste Solutions Group of San Benito, LLC must develop acceptable pressure limits in the design plan;~~
  - iii) ~~A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes must be approved by the Administrator as specified in Section §60.767(c) [restated in Condition 11];~~
- G) ~~Waste Solutions Group of San Benito, LLC must operate each interior wellhead in the~~

collection system with a landfill gas temperature less than 55 degrees Celsius (131 degrees Fahrenheit). Waste Solutions Group of San Benito, LLC may establish a higher operating temperature value at a particular well. A higher operating value demonstration must be submitted to the Administrator for approval and must include supporting data demonstrating that the elevated parameter neither causes fires nor significantly inhibits anaerobic decomposition by killing methanogens. The demonstration must satisfy both criteria in order to be approved (i.e., neither causing fires nor killing methanogens is acceptable). [40 CFR 60 Subpart XXX, Section §60.763(c)]

- H) Waste Solutions Group of San Benito, LLC must operate the collection system so that the methane concentration is less than 500 parts per million above background at the surface of the landfill. To determine if this level is exceeded, Waste Solutions Group of San Benito, LLC must conduct surface testing using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in Section §60.765(d) [restated in Condition 18]. Waste Solutions Group of San Benito, LLC must conduct surface testing around the perimeter of the collection area and along a pattern that traverses the landfill at no more than 30-meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover and all cover penetrations. Thus, Waste Solutions Group of San Benito, LLC must monitor any openings that are within an area of the landfill where waste has been placed and a gas collection system is required. Waste Solutions Group of San Benito, LLC may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan must be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the 30-meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing. [40 CFR 60 Subpart XXX, Section §60.763(d)]
- I) Waste Solutions Group of San Benito, LLC must operate the system such that all collected gases are vented to the enclosed flare designed and operated in compliance with Section §60.762(b)(2)(iii) [Condition 13]. In the event the collection or control system is not operating, the gas mover system must be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere must be closed within 1 hour of the collection or enclosed flare not operating; and [40 CFR 60 Subpart XXX, Section §60.763(e)]
- J) Waste Solutions Group of San Benito, LLC must operate the enclosed flare at all times when the collected gas is routed to the system. [40 CFR 60 Subpart XXX, Section §60.763(f)]
- K) If monitoring demonstrates that the operational requirements in Sections §60.763(b) [restated in Condition 12(F)], §60.763(c) [restated in Condition 12(G)], or §60.763(d) [restated in Condition 12(H)] are not met, corrective action must be taken as specified in Sections §60.765(a)(3) [restated in Condition 15(C)] and §60.765(a)(5) [restated in Condition 15(D) or §60.765(c) [restated in Condition 17]. If corrective actions are taken as specified in Section §60.765 [restated in Conditions 15 through 19], the monitored exceedance is not a violation of the operational requirements of Section §60.763 [restated in Conditions 12(E) through 12(K)]. [40 CFR 60 Subpart XXX, Section §60.763(g)]

~~11,13.~~ No later than 30 months after the first report required by Condition 32 in which the NMOC emission rate equal or exceeds 50 megagrams per year, the enclosed ground flare shall either reduce non-methane organic compounds (NMOC) by 98 weight percent or reduce the NMOC outlet concentration to less than 20 ppmv, dry basis as hexane at 3% oxygen. [40 CFR 60 Subpart WWW]No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC must route all the collected gas to the enclosed ground flare that meets the following requirements: [40 CFR 60 Subpart XXX, Section §60.762(b)(2)(iii)]

A) Enclosed flare must be designed and operated to reduce NMOC by 98 weight-percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume, dry basis as hexane at 3 percent oxygen. The reduction efficiency or parts per million by volume must be established by the annual source test required by Condition 25. The enclosed flare must be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in Section §60.766 [restated in Conditions 22 and 23]. [40 CFR 60 Subpart XXX, Section §60.762(b)(2)(iii)(B)]

14. No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC must operate the collection and control device installed to comply with this subpart in accordance with the provisions of 40 CFR 60 Sections §§ 60.763, 60.765, and 60.766; or the provisions of 40 CFR 63, Subpart AAAA, Sections §§ 63.1958, 63.1960, and 63.1961. Once Waste Solutions Group of San Benito, LLC begins to comply with the provisions of 40 CFR 63, Subpart AAAA, Sections §§ 63.1958, 63.1960, and 63.1961 of this chapter, Waste Solutions Group of San Benito, LLC must continue to operate the collection and control device according to those provisions and cannot return to the provisions of 40 CFR 60, Subpart XXX, Sections §§ 60.763, 60.765, and 60.766. [40 CFR 60 Subpart XXX, Section §60.762(b)(2)(iv)]

15. No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC must use the following methods to determine whether the gas collection system is in compliance with the requirements of Section §60.762(b)(2)(ii) [restated in Conditions 12(A) through 12(C)]. [40 CFR 60, Subpart XXX, Section 60.765(a)]

A) For the purposes of calculating the maximum expected gas generation flow rate from the landfill to determine compliance with Section §60.762(b)(2)(ii)(C)(1) [restated in Condition 12(C)(i)], Waste Solutions Group of San Benito, LLC must use the method specified in Section §60.765(a)(1). [40 CFR 60 Subpart XXX, Section §60.765(a)(1)]

B) For the purposes of determining sufficient density of gas collectors for compliance with Section §60.762(b)(2)(ii)(C)(2) [restated in Condition 12(C)(ii)], Waste Solutions Group of San Benito, LLC must design a system of vertical wells, horizontal collectors, or other

collection devices, satisfactory to the Administrator, capable of controlling and extracting gas from all portions of the landfill sufficient to meet all operational and performance standards. [40 CFR 60 Subpart XXX, Section §60.765(a)(2)]

C) For the purpose of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with Section §60.762(b)(2)(ii)(C)(3) [restated in Condition 12(C)(iii)], Waste Solutions Group of San Benito, LLC must measure gauge pressure in the gas collection header applied to each individual well, monthly. If a positive pressure exists, action must be initiated to correct the exceedance within 5 calendar days, except for the three conditions allowed under Section §60.763(b) [restated in Condition 12(F)]. Any attempted corrective measure must not cause exceedances of other operational or performance standards. [40 CFR 60 Subpart XXX, Section §60.765(a)(3)]

i) If negative pressure cannot be achieved without excess air infiltration within 15 calendar days of the first measurement of positive pressure, Waste Solutions Group of San Benito, LLC must conduct a root cause analysis and correct the exceedance as soon as practicable, but no later than 60 days after positive pressure was first measured. Waste Solutions Group of San Benito, LLC must keep records according to Section §60.768(e)(3) [restated in Condition 38(C)].

ii) If corrective actions cannot be fully implemented within 60 days following the positive pressure measurement for which the root cause analysis was required, Waste Solutions Group of San Benito, LLC must also conduct a corrective action analysis and develop an implementation schedule to complete the corrective action(s) as soon as practicable, but no more than 120 days following the positive pressure measurement. Waste Solutions Group of San Benito, LLC must submit the items listed in Section §60.767(g)(7) [restated in Condition 53(G)] as part of the next annual report. Waste Solutions Group of San Benito, LLC must keep records according to Section §60.768(e)(4) [restated in Condition 38(D)].

iii) If corrective action is expected to take longer than 120 days to complete after the initial exceedance, Waste Solutions Group of San Benito, LLC must submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to the Administrator, according to Sections §60.767(g)(7) [restated in Condition 53(G)] and §60.767(j) [restated in Condition 56]. Waste Solutions Group of San Benito, LLC must keep records according to Section § 60.768(e)(5) [restated in Condition 38(E)].

D) For the purpose of identifying whether excess air infiltration into the landfill is occurring, Waste Solutions Group of San Benito, LLC must monitor each well monthly for temperature as provided in Section §60.763(c) [restated in Condition 12(G)]. If a well exceeds the operating parameter for temperature, action must be initiated to correct the exceedance within 5 calendar days. Any attempted corrective measure must not cause exceedances of other operational or performance standards. [40 CFR 60 Subpart XXX, Section §60.765(a)(5)]

i) If a landfill gas temperature less than 55 degrees Celsius (131 degrees Fahrenheit)

cannot be achieved within 15 calendar days of the first measurement of landfill gas temperature greater than 55 degrees Celsius (131 degrees Fahrenheit), Waste Solutions Group of San Benito, LLC must conduct a root cause analysis and correct the exceedance as soon as practicable, but no later than 60 days after a landfill gas temperature greater than 55 degrees Celsius (131 degrees Fahrenheit) was first measured. Waste Solutions Group of San Benito, LLC must keep records according to Section §60.768(e)(3) [restated in Condition 38(C)].

ii) If corrective actions cannot be fully implemented within 60 days following the positive pressure or elevated temperature measurement for which the root cause analysis was required, Waste Solutions Group of San Benito, LLC must also conduct a corrective action analysis and develop an implementation schedule to complete the corrective action(s) as soon as practicable, but no more than 120 days following the measurement of landfill gas temperature greater than 55 degrees Celsius (131 degrees Fahrenheit) or positive pressure. Waste Solutions Group of San Benito, LLC must submit the items listed in Section §60.767(g)(7) [restated in Condition 53(G)] as part of the next annual report. Waste Solutions Group of San Benito, LLC must keep records according to Section §60.768(e)(4) [restated in Condition 38(D)].

iii) If corrective action is expected to take longer than 120 days to complete after the initial exceedance, Waste Solutions Group of San Benito, LLC must submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to the Administrator, according to Sections §60.767(g)(7) [restated in Condition 53(G)] and §60.767(j) [restated in Condition 56]. Waste Solutions Group of San Benito, LLC must keep records according to Section §60.768(e)(5) [restated in Condition 38(E)].

E) Waste Solutions Group of San Benito, LLC seeking to demonstrate compliance with Section §60.762(b)(2)(ii)(C)(4) [restated in Condition 12(C)(iv)] through the use of a collection system not conforming to the specifications provided in Section §60.769 must provide information satisfactory to the Administrator as specified in Section §60.767(c)(3) [restated in Condition 11(C)] demonstrating that off-site migration is being controlled.

16. No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, for purposes of compliance with Section §60.763(a) [restated in Condition 12(E)], Waste Solutions Group of San Benito, LLC must place each well or design component as specified in the approved design plan as provided in Section §60.767(c) [restated in Condition 11] Each well must be installed no later than 60 days after the date on which the initial solid waste has been in place for a period of: [40 CFR 60 Subpart XXX, Section §60.765(b)]

A) Five (5) years or more if active; or

B) Two (2) years or more if closed or at final grade.

17. No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC must use the following procedures for compliance with the surface methane operational standard as provided in Section §60.763(d) [restated in Condition 12(H)]: [40 CFR 60, Subpart XXX, Section §60.765(c)]

A) After installation and startup of the gas collection system, Waste Solutions Group of San Benito, LLC must monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals (or a site-specific established spacing) for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in Section §60.765(d) [restated in Condition 18]. [40 CFR 60, Subpart XXX, Section §60.765(c)(1)]

B) The background concentration must be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells. [40 CFR 60, Subpart XXX, Section §60.765(c)(2)]

C) Surface emission monitoring must be performed in accordance with section 8.3.1 of Method 21 of appendix A of 40 CFR Part 60, except that the probe inlet must be placed within 5 to 10 centimeters of the ground. Monitoring must be performed during typical meteorological conditions. [40 CFR 60, Subpart XXX, Section §60.765(c)(3)]

D) Any reading of 500 parts per million or more above background at any location must be recorded as a monitored exceedance and the actions specified in Sections §60.765(c)(4)(i) through §60.765(c)(4)(v) [restated in this Condition 17(D)] must be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements of Section §60.763(d). [restated in Condition 12(H)]. [40 CFR 60, Subpart XXX, Section §60.765(c)(4)]

i) The location of each monitored exceedance must be marked and the location and concentration recorded.

ii) Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance must be made and the location must be re-monitored within 10 calendar days of detecting the exceedance.

iii) If the re-monitoring of the location shows a second exceedance, additional corrective action must be taken and the location must be monitored again within 10 days of the second exceedance. If the re-monitoring shows a third exceedance for the same location, the action specified in Section §60.765(c)(4)(v) [restated in Condition 17(D)(v)] must be taken, and no further monitoring of that location is required until the action specified in Section §60.765(c)(4)(v) [restated in Condition 17(D)(v)] has been taken.

iv) Any location that initially showed an exceedance but has a methane concentration

less than 500 ppm methane above background at the 10-day re-monitoring specified in Sections §60.765(c)(4)(ii) [restated in Condition 17(D)(ii)] or §60.765(c)(4)(iii) [restated in Condition 17(D)(iii)] must be re-monitored 1 month from the initial exceedance. If the 1-month re-monitoring shows a concentration less than 500 parts per million above background, no further monitoring of that location is required until the next quarterly monitoring period. If the 1-month re-monitoring shows an exceedance, the actions specified in Sections §60.765(c)(4)(iii) [restated in Condition 17(D)(iii)] or §60.765(c)(4)(v) [restated in Condition 17(D)(v)] must be taken.

v) For any location where monitored methane concentration equals or exceeds 500 parts per million above background three times within a quarterly period, a new well or other collection device must be installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the Administrator for approval.

E) Waste Solutions Group of San Benito, LLC must implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis. [40 CFR 60, Subpart XXX, Section §60.765(c)(5)]

18. No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC must comply with the following instrumentation specifications and procedures to comply with the provisions in Section §60.765(c) [restated in Condition 17] or §60.764(a)(6): [40 CFR 60 Subpart XXX, Section §60.765(d)]

A) The portable analyzer must meet the instrument specifications provided in section 6 of Method 21 of 40 CFR 60, appendix A, except that “methane” replaces all references to “VOC”. [40 CFR 60 Subpart XXX, Section §60.765(d)(1)]

B) The calibration gas must be methane, diluted to a nominal concentration of 500 parts per million in air. [40 CFR 60 Subpart XXX, Section §60.765(d)(2)]

C) To meet the performance evaluation requirements in section 8.1 of Method 21 of 40 CFR 60, appendix A, the instrument evaluation procedures of section 8.1 of Method 21 of 40 CFR 60, appendix A, must be used. [40 CFR 60 Subpart XXX, Section §60.765(d)(3)]

D) The calibration procedures provided in sections 8 and 10 of Method 21 of 40 CFR 60, appendix A, must be followed immediately before commencing a surface monitoring survey. [40 CFR 60 Subpart XXX, Section §60.765(d)(4)]

19. No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, the provisions of 40 CFR 60, Subpart XXX apply at all times, including periods of startup, shutdown or malfunction. During periods of startup,

shutdown, and malfunction, you must comply with the work practice specified in Section §60.763(e) [restated in Condition 12(I)] in lieu of the compliance provisions in Section §60.765 [restated in Conditions 15, 16, 17, and 18]. [40 CFR 60 Subpart XXX, Section §60.765(e)]

20. The collection and control system may be capped, removed, or decommissioned if the following criteria are met: [40 CFR 60 Subpart XXX, Section §60.762(b)(2)(v)]

A) The landfill is a closed landfill (as defined in Section §60.761). A closure report must be submitted to the Administrator as provided in Section §60.767(e) [restated in Condition 51].

B) The collection and control system has been in operation a minimum of 15 years or Waste Solutions Group of San Benito, LLC demonstrates that the GCCS will be unable to operate for 15 years due to declining gas flow.

C) Following the procedures specified in Section §60.764(b), the calculated NMOC emission rate at the landfill is less than 34 megagrams per year on three successive test dates. The test dates must be no less than 90 days apart, and no more than 180 days apart.

21. When the John Smith Road Landfill becomes a closed landfill, as defined in 40 CFR 60, Subpart XXX, Section §60.761, Waste Solutions Group of San Benito, LLC is no longer subject to the requirements to maintain an operating permit under 40 CFR part 70 for the landfill if the landfill is not otherwise subject to the requirements of 40 CFR part 70 and either of the following conditions are met: [40 CFR 60 Subpart XXX, Section §60.762(d)]

A) The landfill was never subject to the requirement for a control system under Section §60.762(b)(2); or

B) Waste Solutions Group of San Benito, LLC meets the conditions for control system removal specified in Section §60.762(b)(2)(v) [restated in Condition 20].

~~12. No later than 30 months after the first report required by Condition 32 in which the NMOC emission rate equal or exceeds 50 megagrams per year, Waste Solutions Group of San Benito, LLC shall cause the enclosed ground flare to be operated at all times that the collected landfill gas is routed to the system. In the event that the gas collection system or the enclosed ground flare is inoperable, the gas mover system shall be shut down and all valves in the collection system and the enclosed ground flare contributing to venting of the gas to the atmosphere shall be closed within 1 hour. [40 CFR 60 Subpart WWW]~~

~~13. Conditions 11 and 12 do not apply to the enclosed ground flare during periods of start up, shutdown, or malfunction, provided that the duration of start up, shutdown, or malfunction shall not exceed 1 hour. [40 CFR 60 Subpart WWW]~~

~~14.22.~~ No later than 30 months after the first report required by Condition ~~32~~ 49 in which the NMOC emission rate equals or exceeds ~~50~~ 34 megagrams per year, Waste Solutions Group of San Benito, LLC ~~shall~~ must cause the enclosed ground flare to be equipped with ~~exhaust gas~~ a temperature monitoring devices equipped with a continuous recorders having an minimum accuracy of  $\pm 1$  percent of the temperature being measured expressed in degrees Celsius or  $\pm 0.5$  degrees Celsius, whichever is greater. [40 CFR 60 Subpart ~~WWW~~ XXX, Section §60.766(b)(1)]

~~15.23.~~ The Waste Solutions Group of San Benito, LLC ~~shall~~ must cause the operation of ~~gas flow measuring a~~ device(s) that ~~provide measurements of gas records~~ flow to the enclosed ground flare ~~or and~~ to the bypass valves if so equipped. Waste Solutions Group of San Benito, LLC must: [~~Distriet~~MBARD Rules 207 and 40 CFR 60 Subpart ~~WWW~~ XXX, Section §60.766(b)(2)]

A) Install, calibrate, and maintain a gas flow rate measuring device that must record the flow to the control device at least every 15 minutes; and

B) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism must be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

~~16.~~ ~~If the gas collection system is equipped with valves to bypass the enclosed ground flare, these bypass valves must be in a closed position with a car seal or a lock and key type configuration. [40 CFR 60 Subpart WWW]~~

~~17.~~ ~~Waste Solutions Group of San Benito, LLC shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis. [40 CFR 60 Subpart WWW]~~

~~24.~~ After the first report required by Condition 57 in which the NMOC emission rate equals or exceeds 50 megagrams per year, Waste Solutions Group of San Benito, LLC must comply with requirements of 40 CFR 63, Subpart AAAA. [40 CFR 63, Subpart AAAA]

## TESTING REQUIREMENTS AND MONITORING PROCEDURES

~~18.25.~~ Waste Solutions Group of San Benito, LLC ~~shall~~ must conduct an annual performance test to verify compliance with Conditions ~~2, 3, 6, 7, and 11~~ 2, 5, 8, 9 and 13. The testing ~~shall~~ must be conducted in accordance with ~~the Distriet~~MBARD test procedures, and the written results of the performance test ~~shall~~ must be provided to ~~the Distriet~~MBARD within ~~thirty (30)~~sixty (60) days after testing.

A complete test protocol ~~shall~~ must be submitted to ~~the Distriet~~MBARD no later than thirty (30)

days prior to testing, and ~~Distriet~~MBARD notification at least ten (10) days prior to the actual testing ~~shall~~ must be provided so that a ~~Distriet~~MBARD observer may be present.

The annual performance tests ~~shall~~ must include, but not be limited to, the determination of the following parameters: [~~Distriet~~MBARD Rules 207, 218, 412 and 40 CFR 60 Subpart ~~WWW XXX~~, Sections §60.762(b)(2)(iii)(B) and §60.764(d)]

- A) Oxides of Nitrogen as NO<sub>2</sub>: lb/MMBTU, lb/MMCF, ppmv dry @ 3% O<sub>2</sub>, and lbm/hr.
- B) Carbon Monoxide: lb/MMBTU, lb/MCF, ppmv dry @ 3% O<sub>2</sub>, and lbm/hr.
- C) Volatile Organic Compounds as CH<sub>4</sub>: lb/MMBTU, lb/MCF, ppmv, and lbm/hr.
- D) Total hydrocarbons (THC) destruction efficiency, as determined by EPA test Method 18 or 25.
- E) Oxides of Sulfur as SO<sub>2</sub>: percentage by volume.

And the following process parameters:

- F) Landfill gas rate vented to flare: SDCFM<sub>1</sub>
- G) Landfill gas heating value: BTU/SCF<sub>1</sub>
- H) Landfill gas concentration of Total Sulfur as Hydrogen Sulfide: ppmv dry and Grains per 100 SCF.
- I) Flare exhaust stack gas temperature: degrees Fahrenheit<sub>1</sub>
- J) Flare exhaust stack gas flow rate: SDCFM<sub>1</sub>

After the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, within 60 days after the date of completing each performance test, Waste Solutions Group of San Benito, LLC must submit the results of each performance test via EPA's Compliance and Emissions Data Reporting Interface (CEDRI) as required by Condition 55(A)(i). CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>).

~~19.26.~~ No testing is specified for the generic (Rule 400) opacity requirement from Condition ~~4.6~~. The Enclosed ground flare is assumed to be in compliance with the opacity requirement due to the firing of gaseous fuel. If testing is conducted for Condition ~~4.6~~, Waste Solutions Group of San Benito, LLC should conduct testing in accordance with the methodology contained in EPA Method 9 and the averaging/aggregating period contained in ~~Distriet~~MBARD Rule 400. [~~Distriet~~MBARD Rule 218 ~~Adopted 3/26/97~~]

~~20.27.~~ No testing is specified for the generic (Rule 403) particulate matter emission standard from Condition ~~5.7~~. The enclosed ground flare is assumed to be in compliance with the particulate matter emission standard due to the firing of gaseous fuel. If testing is conducted for Condition ~~5.7~~, Waste Solutions Group of San Benito, LLC should conduct testing in accordance with the methodology contained in EPA Method 5. [~~Distriet~~MBARD Rule 218 ~~Adopted 3/26/97~~]

28. When the wet suppression system is operational, Waste Solutions Group of San Benito, LLC shall perform monthly inspection to check that water is flowing to discharge spray nozzles in the wet

suppression system. Corrective action must be initiated within 24 hours and complete corrective action as expeditiously as practical if it is found that water is not flowing properly during an inspection of the water spray nozzles. [Basis: 40 CFR Part 60 Subpart 000]

29. No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC must do the following to show compliance with Section §60.762(b)(2)(ii)(C) [restated in Condition 12(C)] install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead and: [40 CFR 60 Subpart XXX, Section §60.766(a)]
- A) Measure the gauge pressure in the gas collection header on a monthly basis as provided in Section §60.765(a)(3) [restated in Condition 15(C)]; and [40 CFR 60 Subpart XXX, Section §60.766(a)(1)]
- B) Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as follows: [40 CFR 60 Subpart XXX, Section §60.766(a)(2)]
- i) The nitrogen level must be determined using Method 3C, unless an alternative test method is established as allowed by Section §60.767(c)(2) [restated in Condition 11(B)].
- ii) Unless an alternative test method is established as allowed by Section §60.767(c)(2) [restated in Condition 11(B)], the oxygen level must be determined by an oxygen meter using Method 3A, 3C, or ASTM D6522-11 (incorporated by reference, see §60.17). Determine the oxygen level by an oxygen meter using Method 3A, 3C, or ASTM D6522-11 (if sample location is prior to combustion) except that:
- a. The span must be set between 10 and 12 percent oxygen;
- b. A data recorder is not required;
- c. Only two calibration gases are required, a zero and span;
- d. A calibration error check is not required;
- e. The allowable sample bias, zero drift, and calibration drift are ±10 percent.
- iii) A portable gas composition analyzer may be used to monitor the oxygen levels provided:
- a. The analyzer is calibrated; and
- b. The analyzer meets all quality assurance and quality control requirements for Method 3A or ASTM D6522-11 (incorporated by reference, see §60.17).
- C) Monitor temperature of the landfill gas on a monthly basis as provided in Section §60.765(a)(5) [restated in Condition 15(D)]. The temperature measuring device must be calibrated annually using the procedure in 40 CFR part 60, appendix A-1, Method 2, section 10.3 such that a minimum of two temperature points, bracket within 10 percent of

all landfill absolute temperature measurements or two fixed points of ice bath and boiling water, corrected for barometric pressure, are used. [40 CFR 60 Subpart XXX, Section §60.766(a)(3)]

30. No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC must monitor surface concentrations of methane according to the procedures in Section §60.765(c) [restated in Condition 17] and the instrument specifications in Section §60.765(d) [restated in Condition 18] to demonstrate compliance with the 500 parts per million surface methane operational standard in Section §60.763(d) [restated in Condition 12(H)]. Any closed landfill that has no monitored exceedances of the operational standard in three consecutive quarterly monitoring periods may skip to annual monitoring. Any methane reading of 500 ppm or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring. [40 CFR 60 Subpart XXX, Section §60.766(f)]

31. No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, the monitoring requirements of Section §60.766(b) [restated in Conditions 22 and 23] apply at all times the affected source is operating, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities. A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures that are caused in part by poor maintenance or careless operation are not malfunctions. Waste Solutions Group of San Benito, LLC is required to complete monitoring system repairs in response to monitoring system malfunctions and to return the monitoring system to operation as expeditiously as practicable. [40 CFR 60 Subpart XXX, Section §60.766(h)]

~~21. No later than 30 months after the first report required by Condition 32 in which the NMOC emission rate equal or exceeds 50 megagrams, Waste of Solutions Group of San Benito, LLC shall cause monitoring or testing to be conducted to verify compliance with Conditions 10, 16 and 17 as follows [40 CFR 60 Subpart WWW]:~~

~~On a monthly basis:~~

~~A) Monitor the cover integrity, visually inspect the bypass valves to ensure that they are closed, and measure the gage pressure and monitor the temperature and nitrogen or oxygen content at each well head. The nitrogen level shall be determined using EPA Method 3C, or the oxygen level shall be determined using EPA Method 3A except that: 1) the span shall be set so the regulatory limit is between 20 and 50 percent of the span; 2) a data recorder is not required; 3) only two calibration gases are required, a zero and a span, and ambient air may be used as the span; 4) a calibration error check is not required; and 5) the allowable sample bias, zero drift, and calibration drift are  $\pm 10$  percent. A portable gas composition analyzer may be used to monitor the oxygen levels provided: 1) the analyzer is calibrated; and 2) The analyzer meets all quality assurance and quality control~~

requirements for Method 3A or ASTM D6522-11.

On a quarterly basis:

~~B) Monitor the surface concentrations of methane along the entire perimeter of the collection area and along a serpentine pattern within the collection area at 30 meter intervals. This surface monitoring shall be performed in accordance with section 4.3.1 of EPA Method 21, except that the probe shall be placed within 5 to 10 centimeters of the ground. The portable analyzer shall meet the instrument specifications provided in section 3 of EPA Method 21 except that "methane" shall replace all references to VOC and the instrument evaluation procedures in section 4.4 of EPA Method 21 shall be used to meet the performance evaluation requirements of section 3.1.3. The calibration procedures provided in section 4.2 of EPA Method 21 shall be followed immediately before commencing a surface monitoring survey, and the calibration gas shall be methane diluted to a nominal concentration of 500 ppm.~~

~~Any reading of 500 ppm or greater above background shall be recorded as a monitored exceedance. The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells. A monitored exceedance is not a violation of the operational requirement contained in Condition 10(F) as long as the following specified actions are taken:~~

- ~~i) The location of each monitored exceedance shall be marked and the location recorded.~~
- ~~ii) Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be re-monitored within 10 calendar days of detecting the exceedance; and~~
- ~~iii) If the re-monitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within 10 days of the second exceedance. If the re-monitoring shows a third exceedance for the same location, the action specified in section v of this condition shall be taken.~~
- ~~iv) Any location that initially showed an exceedance but has a methane concentration less than 500 ppm above background at the 10 day re-monitoring specified in section ii or iii of this condition shall be re-monitored 1 month from the initial exceedance. If the 1 month re-monitoring shows a concentration less than 500 ppm above background, no further monitoring is required until the next quarterly monitoring period. If the 1 month re-monitoring shows an exceedance, the actions specified in section iii or v of this condition shall be taken.~~
- ~~v) For any location where monitored methane concentration equals or exceeds 500 ppm above background three times within a quarterly period, a new well or other~~

~~collection device shall be installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance and a corresponding time line for installation may be submitted to the District for approval.~~

## RECORD KEEPING REQUIREMENTS

- ~~32. Waste Solutions Group of San Benito, LLC must maintain a monthly log that contains the activity/usage data, including the permit to operate (PTO) number, for each emission unit subject to the facility-wide NO<sub>x</sub> emission limit of Condition 3. The activity/usage data may include process throughput rates, fuel usage, and hours of operation. The activity/usage data shall be used to calculate the daily NO<sub>x</sub> emissions for the facility. The log shall be maintained on-site and be made available to MBARD staff upon request. [MBARD Rule 207 and Rule 218]~~
- ~~33. When the wet suppression system is operational Waste Solutions Group of San Benito, LLC must record each inspection of the water spray nozzles, including the date of each inspection and any corrective actions taken in a logbook. The logbook must be kept onsite and made available to the MBARD upon request. [40 CFR 60, Subpart 000]~~
- ~~22.34. Waste Solutions Group of San Benito, LLC shall maintain up to date records of the maximum design capacity, the current amount of solid waste in place, the year by year waste acceptance rate, and the nature, date of deposition, amount, and location of asbestos containing or nondegradable waste excluded from gas collection as provided by §60.759(a)(3)(i) as well as any nonproductive areas excluded from gas collection as provided by §60.759(a)(3)(ii). These records shall be retained on site or be available within 4 hours if stored off-site. No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC must keep for at least 5 years up-to-date, readily accessible, on-site records of the design capacity report that triggered Section §60.762(b), the current amount of solid waste in place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable. [40 CFR 60 Subpart ~~WWW~~ XXX, Section §60.768(a)]~~
- ~~23.35. Waste Solutions Group of San Benito, LLC shall maintain, readily accessible records for the life of the control equipment, the control device vendor specifications, and the following data as measured during the initial performance test or compliance determination. [40 CFR 60 Subpart ~~WWW~~]; No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC must keep up-to-date, readily accessible records for the life of the control system equipment of the following data as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring must be maintained for a minimum of 5 years. Records of the control device vendor specifications must be maintained until removal. [40 CFR 60 Subpart XXX, Section §60.768(b)]~~

- A) To demonstrate compliance with Section §60.762(b)(2)(ii) [restated in Conditions 12(A) through 12(C)]: [40 CFR 60 Subpart XXX, Section §60.768(b)(1)]
- i) The maximum expected gas generation flow rate as calculated in ~~§60.755(a)(1)~~ Section §60.765(a)(1) [restated in Condition 15 (A)]; and
  - ii) The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in ~~§60.759(a)(1)~~ §60.769(a)(1).
- B) To demonstrate compliance with Section §60.762(b)(2)(iii) [restated in Condition 13] through use of the enclosed flare: [40 CFR 60 Subpart XXX, Section §60.768(b)(2)]
- i) The average temperature measured at least every 15 minutes and averaged over the same time period of the performance test.
  - ii) The percent reduction of NMOC determined as specified in Section §60.762(b)(2)(iii)(B) [restated in Condition 13(A)] achieved by the enclosed flare.
36. No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC must keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in Section §60.766 [restated in Condition 22] as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded. [40 CFR 60 Subpart XXX, Section §60.768(c)]
- A) The following constitute exceedances that must be recorded and reported under Section §60.767(g) [restated in Condition 53]: [MBARD Rule 207 and 40 CFR 60 Subpart XXX, Section §60.768(c)(1)]
- i) For the enclosed flare, all 3-hour periods of operation during which the average temperature was more than 50 degrees Fahrenheit below the average combustion temperature during the most recent performance test, as required by Condition 3, at which compliance with Section §60.762(b)(2)(iii) [restated in Condition 13] was determined.
- B) Waste Solutions Group of San Benito, LLC must keep up-to-date, readily accessible continuous records of the indication of flow to the enclosed flare and the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under Section §60.766 [restated in Condition 23(B)]. [40 CFR 60 Subpart XXX, Section §60.768(c)(2)]
37. No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC must

keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector. [40 CFR 60 Subpart XXX, Section §60.768(d)]

A) Waste Solutions Group of San Benito, LLC must keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under Section §60.765(b) [restated in Condition 16]. [40 CFR 60 Subpart XXX, Section §60.768(d)(1)]

B) Waste Solutions Group of San Benito, LLC must keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in §60.769(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in §60.769(a)(3)(ii). [40 CFR 60 Subpart XXX, Section §60.768(d)(2)]

~~24.38.~~ Waste Solutions Group of San Benito, LLC shall keep for at least 5 years up to date, readily accessible continuous records of all data required by Condition 21. [40 CFR 60 Subpart WWW] No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC must keep for at least 5 years up-to-date, readily accessible continuous records of the following data in Sections §60.768(e)(1) through §60.768(e)(5) [restated in Conditions 38(A) through 38(E)]. If Waste Solutions Group of San Benito, LLC chooses to comply with the provisions in 40 CFR 63, Subpart AAAA, Sections §§63.1958, 63.1960, and 63.1961, as allowed in Section §60.762(b)(2)(iv) [restated in Condition 14], must keep the records in paragraph (e)(6) of this section and must keep records according to 40 CFR 63, Subpart AAAA, Sections §§63.1983(e)(1) through (5) in lieu of Sections §60.768(e)(1) through §60.768(e)(5) [restated in Conditions 38(A) through 38(E)]. [40 CFR 60 Subpart XXX, Section §60.768(e)]

A) All collection and control system exceedances of the operational standards in Section §60.763 [Conditions 12(E) through 12(K)], the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance. [40 CFR 60 Subpart XXX, Section §60.768(e)(1)]

B) Waste Solutions Group of San Benito, LLC must also keep records of each wellhead temperature monitoring value of 55 degrees Celsius (131 degrees Fahrenheit) or above, each wellhead nitrogen level at or above 20 percent, and each wellhead oxygen level at or above 5 percent. [40 CFR 60 Subpart XXX, Section §60.768(e)(2)]

C) For any root cause analysis for which corrective actions are required in Section §60.765(a)(3)(i) [restated in Condition 15(C)(i)] or Section §60.765(a)(5)(i) [restated Condition 15(D)(i)], keep a record of the root cause analysis conducted, including a description of the recommended corrective action(s) taken, and the date(s) the corrective action(s) were completed. [40 CFR 60 Subpart XXX, Section §60.768(e)(3)]

D) For any root cause analysis for which corrective actions are required in Section §60.765(a)(3)(ii) [restated in Condition 15(C)(ii)] or Section §60.765(a)(5)(ii) [restated in

Condition 15(D)(ii)], keep a record of the root cause analysis conducted, the corrective action analysis, the date for corrective action(s) already completed following the positive pressure reading or high temperature reading, and, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates. [40 CFR 60 Subpart XXX, Section §60.768(e)(4)]

E) For any root cause analysis for which corrective actions are required in Section §60.765(a)(3)(iii) [restated in Condition 15(C)(iii)] or Section §60.765(a)(5)(iii) [restated in Condition 15(D)(iii)], keep a record of the root cause analysis conducted, the corrective action analysis, the date for corrective action(s) already completed following the positive pressure reading or high temperature reading, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates, and a copy of any comments or final approval on the corrective action analysis or schedule from the regulatory agency. [40 CFR 60 Subpart XXX, Section §60.768(e)(5)]

F) If Waste Solutions Group of San Benito, LLC chooses to comply with the provisions in 40 CFR 63, Subpart AAAAA, Sections §§63.1958, 63.1960, and 63.1961, as allowed in Section §60.762(b)(2)(iv) [restated in Condition 14], must keep the records of the date upon which Waste Solutions Group of San Benito, LLC started complying with the provisions in 40 CFR 63, Subpart AAAAA, Sections §§63.1958, 63.1960, and 63.1961. [40 CFR 60 Subpart XXX, Section §60.768(e)(6)]

39. If Waste Solutions Group of San Benito, LLC seeks to demonstrate that site-specific surface methane emissions are below 500 parts per million by conducting surface emission monitoring under the Tier 4 procedures specified in §60.764(a)(6) must keep for at least 5 years up-to-date, readily accessible records of all surface emissions monitoring and information related to monitoring instrument calibrations conducted according to sections 8 and 10 of Method 21 of 40 CFR 60, appendix A, including all the items required by Section §60.768(g). [40 CFR 60 Subpart XXX, Section §60.768(g)]

40. No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC must keep for at least 5 years up-to-date, readily accessible records of all collection and control system monitoring data for parameters measured in Sections §60.766(a)(1), (2), and (3) [restated in Conditions 29]. [40 CFR 60 Subpart XXX, Section §60.768(h)]

41. Any records required to be maintained by 40 CFR 60, Subpart XXX, that are submitted electronically via the EPA's CDX may be maintained in electronic format. [40 CFR 60 Subpart XXX, Section §60.768(i)]

25.42. As applicable Waste Solutions Group of San Benito, LLC shall maintain the following general records of required monitoring information [~~District~~MBARD Rule 218-~~Adopted 3/26/97~~]:

- A) the date and time of sampling or measurements;
- B) the date(s) analyses were performed;
- C) the company or entity that performed the analyses;
- D) the analytical techniques or methods used;
- E) the results of such analyses;
- F) the operating conditions existing at the time of sampling or measurement; and
- G) the records of quality assurance for continuous monitoring systems (including, but not limited to quality control activities, audits, and calibration drift checks) and source testing methods.

26.43. Waste Solutions Group of San Benito, LLC shall maintain records on the occurrence and duration of any start-up, shutdown, or malfunction in the operation of the equipment under this permit. [~~District~~MBARD Rule 218-~~Adopted 3/26/97~~]

27.44. Waste Solutions Group of San Benito, LLC shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring, sample collection, measurement, report, and all ~~original strip~~ chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. [~~District~~MBARD Rule 218-~~Adopted 3/26/97~~]

## REPORTING REQUIREMENTS

28.45. Waste Solutions Group of San Benito, LLC shall report all breakdowns to the Air Pollution Control Officer (APCO) within 1 hour of the occurrence. This one hour period may be extended up to six hours for good cause by the APCO.

The estimated time for repair of the breakdown shall be supplied to the APCO within 24 hours of the occurrence and a written report shall be supplied to the APCO within 5 days after the occurrence has been corrected. This report shall include at a minimum [~~District~~MBARD Rule 214]:

- A) a statement that the condition or failure has been corrected and the date of the correction; and
- B) a description of the reasons for the occurrence; and
- C) a description of the corrective measures undertaken and/or to be undertaken to avoid such an occurrence in the future; and

D) an estimate of the emissions caused by the condition or failure.

~~29.46.~~ Waste Solutions Group of San Benito, LLC shall submit semiannual monitoring reports to ~~the District MBARD~~, in a ~~District MBARD~~ approved format, no later than August 15 for the period of January 1 through June 30 and no later than February 15 for the period of July 1 through December 31. [~~District MBARD~~ Rule 218-~~Adopted 3/26/97~~]

These monitoring reports shall include at a minimum:

A) the time intervals, date and magnitude of excess emissions, nature and cause of the excess (if known), corrective actions and preventative measures adopted; and

~~B) the time intervals, date and magnitude of excess emissions, nature and cause of the excess (if known), corrective actions and preventative measures adopted; and~~

~~C) B)~~ the averaging period used for data reporting corresponding to the averaging period specified in the emission test period used to determine compliance with an emission standard for the pollutant in question; and

~~D) C)~~ all information pertaining to any monitoring as required by the permit; and

~~E) D)~~ a negative declaration specifying when no excess emissions occurred.

~~30. Waste Solutions Group of San Benito, LLC shall submit an annual report, with the initial report due no later than 30 months after the first report required by Condition 32 in which the NMOC emission rate equals or exceeds 50 megagrams per year, with the following required information [40 CFR 60 Subpart WWW]:~~

~~A) the value and length of time for exceedances of applicable parameters monitored as required in Condition 10; and~~

~~B) a description and the duration of all periods when the gas stream is diverted from the Enclosed ground flare; and~~

~~C) a description and the duration of all periods when the enclosed ground flare was not operating for any period exceeding 1 hour and the length of time the enclosed ground flare was not operating; and~~

~~D) all periods when the enclosed ground flare was not operating in excess of five days; and~~

~~E) the location and concentration of each exceedance of Condition 10(F) as monitored by Condition 21(B); and~~

~~F) the date of installation and the location of each well or collection system expansion added~~

~~pursuant to Condition 21(B)(v).~~

~~In addition to the above, the initial report shall include:~~

- ~~G) the performance test required under Condition 18(D); and~~
- ~~H) a diagram of the collection systems showing collection systems positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion; and~~
- ~~I) the data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based; and~~
- ~~J) the documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material; and~~
- ~~K) the sum of gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area; and~~
- ~~L) the provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and~~
- ~~M) the provisions for the control of off-site migration.~~

~~31.47.~~ Waste Solutions Group of San Benito, LLC shall submit an annual compliance certification report to ~~the District~~MBARD and U.S. EPA, in a ~~District~~MBARD approved format, no later than February 15 for the period of January 1 through December 31 of the preceding year. [~~District~~MBARD Rule 218-~~Adopted 3/26/97~~]

This report shall include a written statement from the responsible official which certifies the truth, accuracy, and completeness of the report and shall include at a minimum:

- A) identification of each term or condition of the permit that is the basis of the certification; and
- B) the compliance status; and
- C) whether compliance was continuous or intermittent; and
- D) the method(s) used for determining the compliance status of the source, currently and over the reporting period.

48. Waste Solutions Group of San Benito, LLC must submit an amended design capacity report to the Administrator providing notification of an increase in the 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 Section §60.768(f). [40 CFR 60 Subpart XXX, Section §60.767(a)(3)]

~~32.49.~~ Waste Solutions Group of San Benito, LLC shall submit an annual emission report to the District as specified in §60.752(b)(1)(ii) until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, or the landfill is closed. [40 CFR 60 Subpart WWW] Waste Solutions Group of San Benito, LLC must submit an NMOC emission rate report following the procedure specified in Section §60.767(i)(2) [restated in Condition 55(B)] to the Administrator annually, except as provided for in Section §60.767(b)(1)(ii) [restated in Condition 49(A)(1)]. The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate. [40 CFR 60 Subpart XXX, Section §60.767(b)]

A) The NMOC emission rate report must contain an annual or 5-year estimate of the NMOC emission rate calculated using the formula and procedures provided in §60.764(a) or (b), as applicable. [40 CFR 60 Subpart XXX, Section §60.767(b)(1)]

i) If the estimated NMOC emission rate as reported in the annual report to the Administrator is less than 34 megagrams per year in each of the next 5 consecutive years, Waste Solutions Group of San Benito, LLC may elect to submit, following the procedure specified in Section §60.767(i)(2) [restated in Condition 55(B)], an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. This estimate must 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 must be provided to the Administrator. This estimate must 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 must be submitted to the Administrator. The revised estimate must cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

B) The NMOC emission rate report must include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions. [40 CFR 60 Subpart XXX, Section §60.767(b)(2)]

50. No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, if Waste Solutions Group of San Benito, LLC has already been required to submit a design plan under Section §60.767(c) [restated in Condition 11], Waste Solutions Group of San Benito, LLC must submit a revised design plan to the Administrator for approval as follows: [40 CFR 60 Subpart XXX, Section §60.767(d)]

- A) At least 90 days before expanding operations to an area not covered by the previously approved design plan. [40 CFR 60 Subpart XXX, Section §60.767(d)(1)]
- B) Prior to installing or expanding the gas collection system in a way that is not consistent with the design plan that was submitted to the Administrator according to Section §60.767(c) [restated in Condition 11]. [40 CFR 60 Subpart XXX, Section §60.767(d)(2)]

~~33.51.~~ Waste Solutions Group of San Benito, LLC shall submit a closure report to the District within 30 days of waste acceptance cessation. If a closure report has been submitted to the District, no additional wastes may be placed into the landfill without filing a notification of modification as described in 40 CFR §60.7(a)(4). [40 CFR 60 Subpart WWW]Waste Solutions Group of San Benito, LLC must submit a closure report to the Administrator within 30 days of waste acceptance cessation. The Administrator may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 40 CFR 258.60. If a closure report has been submitted to the Administrator, no additional wastes may be placed into the landfill without filing a notification of modification as described under Section §60.7(a)(4). [40 CFR 60 Subpart XXX, Section §60.767(e)]

~~34.52.~~ Waste Solutions Group of San Benito, LLC shall submit an equipment removal report to the District 30 days prior to removal or cessation of operation of the landfill gas control equipment. The equipment removal report shall contain the following [40 CFR 60 Subpart WWW]:Waste Solutions Group of San Benito, LLC must submit an equipment removal report to the Administrator 30 days prior to removal or cessation of operation of the control equipment. [40 CFR 60 Subpart XXX, Section §60.767(f)]

A) A copy of the closure report submitted in accordance with Condition 33; andThe equipment removal report must contain all of the following items: [40 CFR 60 Subpart XXX, Section §60.767(f)(1)]

i) A copy of the closure report submitted in accordance with Section §60.767(e) [restated in Condition 51];

ii) A copy of the initial performance test report demonstrating that the 15-year minimum control period has expired, unless the report of the results of the performance test has been submitted to the EPA via the EPA's CDX, or information that demonstrates that the gas collection and control system (GCCS) will be unable to operate for 15 years due to declining gas flows. In the equipment removal report, the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted may be submitted in lieu of the performance test report if the report has been previously submitted to the EPA's CDX; and

iii) Dated copies of three successive annual—NMOC emission rate reports demonstrating that the landfill is no longer producing ~~50~~ 34 megagrams or greater of NMOC per year, unless the NMOC emission rate reports have been submitted

to the EPA via the EPA's CDX. If the NMOC emission rate reports have been previously submitted to the EPA's CDX, a statement that the NMOC emission rate reports have been submitted electronically and the dates that the reports were submitted to the EPA's CDX may be submitted in the equipment removal report in lieu of the NMOC emission rate reports.

B) The Administrator may request such additional information as may be necessary to verify that all of the conditions for removal in Section §60.762(b)(2)(v) [restated in Condition 20] have been met. [40 CFR 60 Subpart XXX, Section §60.767(f)(2)]

53. No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC must submit to the Administrator, following the procedure specified in Section §60.767(i)(2) [restated in Condition 55(B)], annual reports of the recorded information in this condition, Condition 53(A) through 53(G). The initial annual report must be submitted within 180 days of installation and startup of the collection and control system and must include the initial performance test report required under §60.8, as applicable, unless the report of the results of the performance test has been submitted to the EPA via the EPA's CDX. In the initial annual report, the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted may be submitted in lieu of the performance test report if the report has been previously submitted to the EPA's CDX. For enclosed flares, reportable exceedances are defined under Section §60.768(c) [restated in Condition 36]. If complying with the operational provisions of 40 CFR 63, Subpart AAAA, Sections §§63.1958, 63.1960, and 63.1961, as allowed at Section §60.762(b)(2)(iv) [restated in Condition 14], Waste Solutions Group of San Benito, LLC must follow the semi-annual reporting requirements in 40 CFR 63, Subpart AAAA, Section §63.1981(h) in lieu of this Condition. [40 CFR 60 Subpart XXX, Section §60.767(g)]

A) Value and length of time for exceedance of applicable parameters monitored under Sections §60.766(a) [restated in Condition 29] and §60.766(b) [restated in Conditions 22 and 23]. [40 CFR 60 Subpart XXX, Section §60.767(g)(1)]

B) Description and duration of all periods when the gas stream was diverted from the control device or treatment system through a bypass line or the indication of bypass flow as specified under Section §60.766 [restated in Condition 23]. [40 CFR 60 Subpart XXX, Section §60.767(g)(2)]

C) Description and duration of all periods when the control device or treatment system was not operating and length of time the control device or treatment system was not operating. [40 CFR 60 Subpart XXX, Section §60.767(g)(3)]

D) All periods when the collection system was not operating. [40 CFR 60 Subpart XXX, Section §60.767(g)(4)]

E) The location of each exceedance of the 500 parts per million methane concentration as provided in Section §60.763(d) [restated in Condition 12(H)] and the concentration recorded at each location for which an exceedance was recorded in the previous month.

For location, Waste Solutions Group of San Benito, LLC must determine the latitude and longitude coordinates using an instrument with an accuracy of at least 4 meters. The coordinates must be in decimal degrees with at least five decimal places. [40 CFR 60 Subpart XXX, Section §60.767(g)(5)]

- F) The date of installation and the location of each well or collection system expansion added pursuant to Sections §60.765(a)(3) [restated in Condition 15(C)], §60.765(a)(5) [restated in Condition 15(D)], §60.765(b) [restated in Condition 16], and §60.765(c)(4) [restated in Condition 17(D)]. [40 CFR 60 Subpart XXX, Section §60.767(g)(6)]
- G) For any corrective action analysis for which corrective actions are required in Sections §60.765(a)(3) [restated in Condition 15(C)] or §60.765(a)(5) [restated in Condition 15(D)] and that take more than 60 days to correct the exceedance, the root cause analysis conducted, including a description of the recommended corrective action(s), the date for corrective action(s) already completed following the positive pressure or elevated temperature reading, and, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates. [40 CFR 60 Subpart XXX, Section §60.767(g)(7)]

54. No later than 30 months after the first report required by Condition 49 in which the NMOC emission rate equals or exceeds 34 megagrams per year, to comply with Section §60.762(b)(2)(iii) [restated in Condition 13], Waste Solutions Group of San Benito, LLC must include the following information with the initial performance test report required under Section §60.8: [40 CFR 60 Subpart XXX, Section §60.767(h)]

- A) A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion; [40 CFR 60 Subpart XXX, Section §60.767(h)(1)]
- B) The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based; [40 CFR 60 Subpart XXX, Section §60.767(h)(2)]
- C) The documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material; [40 CFR 60 Subpart XXX, Section §60.767(h)(3)]
- D) The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area; and [40 CFR 60 Subpart XXX, Section §60.767(h)(4)]
- E) The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and [40 CFR 60 Subpart XXX, Section §60.767(h)(5)]

F) The provisions for the control of off-site migration. [40 CFR 60 Subpart XXX, Section §60.767(h)(6)]

55. Electronic reporting. Waste Solutions Group of San Benito, LLC must submit reports electronically as follows: [40 CFR 60 Subpart XXX, Section §60.767(i)]

A) Within 60 days after the date of completing each performance test (as defined in § 60.8), Waste Solutions Group of San Benito, LLC must submit the results of each performance test according to the following procedures: [40 CFR 60 Subpart XXX, Section §60.767(i)(1)]

i) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT Web site at the time of the test, Waste Solutions Group of San Benito, LLC must submit the results of the performance test to the EPA via the CEDRI. Performance test data must be submitted in a file format generated through the use of the EPA's ERT or an alternative file format consistent with the extensible markup language (XML) schema listed on the EPA's ERT Web site, once the XML schema is available. If Waste Solutions Group of San Benito, LLC claim that some of the performance test information being submitted is confidential business information (CBI), Waste Solutions Group of San Benito, LLC must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site, including information claimed to be CBI, on a compact disc, flash drive or other commonly used electronic storage media to the EPA. The electronic media must be clearly marked as CBI and mailed to:

U.S. EPA/OAQPS/CORE CBI Office  
Attention: Group Leader, Measurement Policy Group, MD C404-02,  
4930 Old Page Rd.  
Durham, NC 27703

The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

ii) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, you must submit the results of the performance test to the Administrator at the appropriate address listed in §60.4.

B) Waste Solutions Group of San Benito, LLC must submit any required reports to the EPA via the CEDRI. Waste Solutions Group of San Benito, LLC must use the appropriate electronic report in CEDRI for this subpart or an alternate electronic file format consistent with the XML schema listed on the CEDRI Web site. If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, Waste Solutions Group of San Benito, LLC must submit the report to the Administrator at the appropriate address

listed in § 60.4. Once the form has been available in CEDRI for 90 calendar days, Waste Solutions Group of San Benito, LLC must begin submitting all subsequent reports via CEDRI. The reports must be submitted by the deadlines specified in this subpart, regardless of the method in which the reports are submitted. [40 CFR 60 Subpart XXX, Section §60.767(i)(2)]

56. After the first report required by Condition 49 in which the NMOC emission rate equal to or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC must submit the corrective action and corresponding timeline as follows. If complying with the operational provisions of 40 CFR 63, Subpart AAAA, Sections §§63.1958, 63.1960, and 63.1961, as allowed at Section §60.762(b)(2)(iv) [restated in Condition 14], Waste Solutions Group of San Benito, LLC must follow the corrective action and the corresponding timeline requirements in 40 CFR 63, Subpart AAAA, Section §63.1981(j) in lieu of this Condition. [40 CFR 60 Subpart XXX, Section §60.767(j)]

A) For corrective action that is required according to Section §60.765(a)(3)(iii) [restated in Condition 15(C)(iii)] or Section §60.765(a)(5)(iii) [restated in Condition 15(D)(iii)] and is expected to take longer than 120 days after the initial exceedance to complete, Waste Solutions Group of San Benito, LLC must submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to the Administrator as soon as practicable but no later than 75 days after the first measurement of positive pressure or temperature monitoring value of 55 degrees Celsius (131 degrees Fahrenheit). The Administrator must approve the plan for corrective action and the corresponding timeline.

B) For corrective action that is required according to Section §60.765(a)(3)(iii) [restated in Condition 15(C)(iii)] or Section §60.765(a)(5)(iii) [restated in Condition 15(D)(iii)] and is not completed within 60 days after the initial exceedance, Waste Solutions Group of San Benito, LLC must submit a notification to the Administrator as soon as practicable but no later than 75 days after the first measurement of positive pressure or temperature exceedance.

57. After the first report required by Condition 49 in which the NMOC emission rate equal to or exceeds 34 megagrams per year, Waste Solutions Group of San Benito, LLC shall calculate the NMOC emission rate every five (5) years for the landfill until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, or the landfill is closed. The NMOC emissions rate shall be calculated using the calculating procedures specified in 40 CFR 63, Section §63.1959. [MBARD Rule 218]

## **GENERAL CONDITIONS**

35-58. Waste Solutions Group of San Benito, LLC shall comply with all conditions of this federal operating permit. Any noncompliance with a permit condition constitutes a violation of the Federal Clean Air Act and is grounds for enforcement action; for permit termination, revocation and

reissuance, or modification; or for denial of a permit renewal application. [~~Distriet~~MBARD Rule 218-~~Adopted 3/26/97~~]

36.59. In an enforcement action, the fact that Waste Solutions Group of San Benito, LLC would have to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit is not a defense. [~~Distriet~~MBARD Rule 218-~~Adopted 3/26/97~~]

37.60. This permit may be modified, revoked, reopened and reissued, or terminated for cause as determined by ~~the Distriet~~MBARD. The filing of a request by Waste Solutions Group of San Benito, LLC 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. [~~Distriet~~MBARD Rule 218-~~Adopted 3/26/97~~]

38.61. This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. [~~Distriet~~MBARD Rule 218-~~Adopted 3/26/97~~]

39.62. Waste Solutions Group of San Benito, LLC shall furnish to ~~the Distriet~~MBARD, within a reasonable time, any information that ~~the Distriet~~MBARD may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, Waste Solutions Group of San Benito, LLC shall also furnish to ~~the Distriet~~MBARD copies of records required to be retained by this permit. [~~Distriet~~MBARD Rule 218-~~Adopted 3/26/97~~]

40.63. For applicable requirements that will become effective during the permit term, Waste Solutions Group of San Benito, LLC shall meet such requirements on a timely basis unless a more detailed schedule is expressly required by the applicable requirement. [~~Distriet~~MBARD Rule 218-~~Adopted 3/26/97~~]

41.64. Any document submitted to ~~the Distriet~~MBARD pursuant to this permit shall contain certification by the responsible official of truth, accuracy and completeness. All certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Waste Solutions Group of San Benito, LLC shall promptly, upon discovery, report to ~~the Distriet~~MBARD a material error or omission in these records, reports, plans, or other documents. [~~Distriet~~MBARD Rule 218-~~Adopted 3/26/97~~]

42.65. Waste Solutions Group of San Benito, LLC shall report any violation of any requirement contained in this permit to ~~the Distriet~~MBARD within 96 hours after such occurrence. The violation report shall include the time intervals, date and magnitude of excess emissions; nature and cause of the

excess (if known), corrective actions and preventive measures adopted. [~~Distriet~~MBARD Rule 218 ~~Adopted 3/26/97~~]

43.66. Upon any administrative or judicial challenge, all the emission limits, specific and general conditions, monitoring, record keeping, and reporting requirements of this permit, except those being challenged, remain valid and must be complied with. [~~Distriet~~MBARD Rule 218 ~~Adopted 3/26/97~~]

44.67. For this federal operating permit to remain valid through the permit term of five years from the date of issuance, the Waste Solutions Group of San Benito, LLC shall pay an annual emission fee based upon the requirements of ~~Distriet~~MBARD Rule 308. [~~Distriet~~MBARD Rule 218 ~~Adopted 3/26/97~~]

45.68. Waste Solutions Group of San Benito, LLC shall have available at the facility at all times a copy of this federal operating permit. [~~Distriet~~MBARD Rule 218 ~~Adopted 3/26/97~~]

46.69. For protection from enforcement action based upon an emergency, as defined in ~~Distriet~~MBARD Rule 218, the responsible official for Waste Solutions Group of San Benito, LLC shall submit to ~~the Distriet~~MBARD relevant evidence which demonstrates [~~Distriet~~MBARD Rule 218 ~~Adopted 3/26/97~~]:

- A) an emergency occurred; and
- B) that Waste Solutions Group of San Benito, LLC can identify the cause(s) of the emergency; and
- C) that the facility was being properly operated at the time of the emergency; and
- D) that all steps were taken to minimize the emissions resulting from the emergency; and
- E) within two working days of the emergency event, Waste Solutions Group of San Benito, LLC provided ~~the Distriet~~MBARD with a description of the emergency and any mitigating or corrective actions taken.

47.70. Upon presentation of credentials, Waste Solutions Group of San Benito, LLC shall allow ~~the Distriet~~MBARD, the ARB, the EPA, or an authorized representative, to perform the following [~~Distriet~~MBARD Rule 218 ~~Adopted 3/26/97~~]:

- A) enter upon the premises where the federal operating permit source is located or in which any records are required to be kept under the terms and conditions of this federal operating permit;
- B) to have access to and copy any records required to be kept under the terms and conditions

of this federal operating permit;

- C) to inspect any equipment, operation, or process described or required in this federal operating permit; and,
- D) to sample emissions from the source.

48.71. The renewal application for this permit shall be submitted at least 6 months but no greater than 18 months prior to permit expiration. [~~District~~MBARD Rule 218]

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