

JEFFERSON COUNTY DEPARTMENT OF HEALTH
AIR POLLUTION PROGRAM

MAJOR SOURCE OPERATING PERMIT

Permittee: **Eastern Area Landfill, City of Birmingham**
Location: **2787 Alton Road**
Birmingham, Alabama 35210

Permit No: **4-07-0373-03**

Issuance Date: **March 22, 2013**


Expiration Date: **March 22, 2018**

Nature of Business: **Municipal Solid Waste Landfill**

Emissions Unit No.	Description of Emissions Unit
001	Municipal Solid Waste Landfill – 4,053,982 Megagrams Design Capacity – Subject to NSPS, 40 CFR 60.750, Subpart WWW.

This Permit is issued pursuant to and is conditioned upon the compliance with the provisions of the Jefferson County Board of Health Air Pollution Control Rules and Regulations, Section 18 of the Alabama Air Pollution Control Act of 1971, Act No. 769 (Regular Session, 1971), Section 22-28-16 of the Alabama Air Pollution Control Act as amended, Orders of the Jefferson County Board of Health, Orders of the Director of the Alabama Department of Environmental Management, and any applicable local, state or federal Court Order. This Permit is subject to the accuracy of all information submitted relating to the permit application and to the conditions appended hereto. It is valid from the date of issuance until the expiration date and shall be posted or kept under file at the source location described above and shall be made readily available for inspection at any reasonable time to any and all persons who may request to see it. This Permit is not transferable.

Pursuant to the Clean Air Act (ACT), conditions of this permit are Federally enforceable by EPA, The Jefferson County Board of Health and citizens in general. Those provisions that are not required by the ACT are considered to be Jefferson County provisions and are not federally enforceable by EPA and citizens in general. Those provisions are contained in separate sections of this permit.



Jonathan Stanton, Director
Environmental Health Services

Approved: Mark E. Wilson, M.D.
Health Officer



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GENERAL PERMIT CONDITIONS

In addition to compliance with Alabama Air Pollution Control Act Number 769 (Regular Session, 1971) and Act Number 612 (Regular Session, 1982) and with all applicable Air Pollution Control Rules and Regulations, the conditions which are listed below are hereby contained in and made a part of this permit:

No.	Federally Enforceable General Permit Conditions	Regulations
1	<p>Definitions</p> <p>For the purposes of this Major Source Operating Permit, the following terms will have the meanings ascribed to in this permit:</p> <p>"40 <u>CFR</u> 60" shall be an acronym for Part 60 of Title 40 of the <u>Code of Federal Regulations</u>, as the same may be amended or revised.</p> <p>"40 <u>CFR</u> 61" shall be an acronym for Part 61 of Title 40 of the <u>Code of Federal Regulations</u>, as the same may be amended or revised.</p> <p>"40 <u>CFR</u> 63" shall be an acronym for Part 63 of Title 40 of the <u>Code of Federal Regulations</u>, as the same may be amended or revised.</p> <p>"40 <u>CFR</u> 68" shall be an acronym for Part 68 of Title 40 of the <u>Code of Federal Regulations</u>, as the same may be amended or revised.</p> <p>"40 <u>CFR</u> 82" shall be an acronym for Part 82 of Title 40 of the <u>Code of Federal Regulations</u>, as the same may be amended or revised.</p> <p>"ACT" shall mean the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.</p> <p>"Active Collection System" shall mean a gas collection system that uses gas mover equipment.</p> <p>"Active Landfill" shall mean a landfill in which solid waste is being placed or a landfill that is planned to accept waste in the future.</p> <p>"ADEM" shall mean the Alabama Department of Environmental Management.</p> <p>"Closed Landfill" shall mean a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under Section 40 <u>CFR</u> 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed.</p> <p>"Commercial Solid Waste" shall mean all types of solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential and industrial wastes.</p> <p>"Controlled Landfill" shall mean any landfill at which collection and control systems are required under Subpart WWW of 40 <u>CFR</u> 60 as a result of the nonmethane organic compounds emission rate. The landfill is considered controlled at the time a collection and control system design plan is submitted in compliance with 40 <u>CFR</u> 60.752(b)(2)(i).</p> <p>"Department" shall mean the Jefferson County Department of Health.</p> <p>"Design Capacity" shall mean the maximum amount of solid waste a landfill can accept, as specified in the construction or operating permit issued by the Department.</p>	<p>1.3 40 <u>CFR</u> 60</p>

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No.	Federally Enforceable General Permit Conditions	Regulations
1	<p><u>Definitions Continued</u></p> <p>"Disposal Facility" shall mean all contiguous land and structures, other appurtenances, and improvements on the land used for the disposal of solid waste.</p> <p>"Emissions Unit" shall mean any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 112(b) of the Act.</p> <p>"EPA" shall mean the U. S. Environmental Protection Agency.</p> <p>"Emergency" shall mean any situation arising from sudden and reasonably unforeseeable events beyond the control of the facility, including acts of God. These are situations that require immediate corrective action(s) to restore normal operation, and that cause the facility to exceed a technology based emission limitation set by the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include exceedances of the permit emission limitations caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.</p> <p>"Landfill" shall mean an area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile as those terms are defined under 40 <u>CFR</u> 257.2.</p> <p>"Major Source Operating Permit" shall mean any permit issued pursuant to Chapter 18 of the Rules and Regulations.</p> <p>"Modification" shall mean an increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its permitted design capacity as of May 30, 1991. Modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion.</p> <p>"Municipal Solid Waste Landfill" or "MSW Landfill" shall mean an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A MSW landfill may also receive other types of RCRA Subtitle D wastes (refer to 40 <u>CFR</u> 257.2) such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a MSW landfill may be separated by access roads. A MSW landfill may be publicly or privately owned. A MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion.</p> <p>"Municipal Solid Waste Landfill Emissions" or "MSW Landfill Emissions" shall mean gas generated by the decomposition of organic waste deposited in a MSW landfill or derived from the evolution of organic compounds in the waste.</p> <p>"NMOC" shall mean nonmethane organic compounds, as measured according to the provisions of 40 <u>CFR</u> 60.754.</p> <p>"Nondegradable Waste" shall mean any waste that does not decompose through chemical breakdown or microbiological activity. Examples are, but are limited to, concrete, municipal waste combustor ash, and metals.</p> <p>"NSPS" shall mean New Source Performance Standards found under 40 <u>CFR</u> 60.</p> <p>"Permittee" shall mean the holder of an operating permit issued by the Department.</p>	<p>1.3 40 <u>CFR</u> 60</p>

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No.	Federally Enforceable General Permit Conditions	Regulations
1	<p><u>Definitions Continued</u></p> <p>"Potential Major Source" shall mean any major source as defined in Part 18.1 of the Rules and Regulations whose actual emissions are less than the major source thresholds.</p> <p>"Rules and Regulations" shall mean the Jefferson County Board of Health Air Pollution Control Rules and Regulations, as the same may be amended or revised.</p> <p>"Solid Waste" shall mean any garbage or rubbish, construction/demolition debris, ash, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities or materials intended for or capable of recycling, but which have not been diverted or removed from the solid waste stream. The term "solid waste" does not include recovered material, solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to National Pollutant Discharge permits under the Federal Water Pollution Control Act 33 U. S. C. 1342, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U. S. C. 2011 et seq.). Also excluded from this definition are wastes from silvicultural operations, land application of crop residues, animal residues, animal manure and ash resulting exclusively from the combustion of fossil fuels or wood during normal agricultural operations or mining refuse as defined and regulated pursuant to the Alabama Mining Act.</p> <p>"Source" shall mean any building, structure, facility, installation, article, machine, equipment, device, or other contrivance that emits or may emit any air contaminant. Any activity, which utilizes abrasives or chemicals for cleaning, or any other purpose (such as cleaning the exterior of buildings) that emits air contaminants shall be considered a source.</p> <p>"Stationary Source" shall mean any building, structure, facility, or installation that emits or may emit any regulated air pollutant as defined in Part 18.1 of the Rules and Regulations or any pollutant listed in Appendix D of the Rules and Regulations.</p> <p>"VOC" shall be an acronym for volatile organic compound.</p>	<p>1.3 40 <u>CFR</u> 60</p>
2	<p><u>Applicability</u></p> <p>The Major Source, Municipal Solid Waste Landfill, permitted herein shall include all of the equipment and operations of the landfill, including but not limited to storage tanks, vehicles, roads, parking areas and solid waste transfer and disposal. The facility is subject to the new source review requirements of Chapter 2 and to the visible emissions and fugitive emissions restrictions of Chapter 6 of the Rules and Regulations. The facility is subject to the operating permit emissions fees of Chapter 16 and to the major source operating permit requirements of Chapter 18 of the Rules and Regulations. The landfill was modified after May 30, 1991, and is subject to the requirements of 40 <u>CFR</u> 60.750, Subpart WWW. The landfill is subject to the applicable parts of the New Source Performance Standards under 40 <u>CFR</u> 60, Subpart A.</p>	<p>Chapter 1 Chapter 2 Chapter 6 Chapter 16 Chapter 18 40 <u>CFR</u> 60</p>
3	<p><u>Basis for Permit</u></p> <p>This Operating Permit is issued based on provisions contained in all existing Jefferson County Board of Health Air Pollution Control Rules and Regulations. In the event amendments, revisions or additions are made to these Rules and Regulations, it shall be the responsibility of the permittee to comply with such new Rules and Regulations. Additions and revisions to the conditions in this Operating Permit will be made by the Jefferson County Department of Health, if necessary, to assure that the Rules and Regulations are not violated.</p>	<p>AL Act 769 AL Act 612</p>

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No.	Federally Enforceable General Permit Conditions	Regulations
4	<u>Authority</u> Nothing in this Operating Permit or conditions appended thereto shall negate any authority granted to this Department or the Health Officer pursuant to Alabama Air Pollution Control Act No. 769 (Regular Session, 1971) and Act No. 612 (Regular Session, 1982) or any regulations promulgated thereunder.	AL Act 769 AL Act 612
5	<u>Emission Reduction Plan</u> Upon notification by this Department, the permittee shall submit an Air Pollution Emission Reduction Plan in a format approved by this Department concerning air contaminant emissions reductions to be taken during declared episodes.	18.2.8(b)
6	<u>Bypass Prohibited</u> The permittee shall not bypass, without prior approval from this Department, any air pollution control device. The permittee shall not shut down any air pollution control device unless such shutdown is accompanied by the corresponding shutdown of the respective source that the device is intended to control.	18.2.8(a)
7	<u>Shutdown of Control Equipment</u> In the case of shutdown of air pollution control equipment for scheduled maintenance for a period greater than 24 hours, the intent shall be reported to this Department at least 24 hours prior to the planned shutdown in accordance with the requirements of Section 1.12.1 of the Rules and Regulations.	1.12.1
8	<u>Transfer</u> This permit is not transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another or from one person to another except as provided in Subparagraph 18.13.1(a)(5) of the Rules and Regulations.	18.2.6 18.13.1(a)(5)
9	<u>Notice of Testing</u> The permittee shall notify this Department in writing at least 2 weeks prior to the actual conduction of any source emissions test. This notice shall state the source to be tested, the proposed time of the test, the testing date(s), and the proposed testing methods and procedures.	1.9.1
10	<u>Provisions for Testing</u> The permittee shall provide each point of emission with sampling ports, ladders, stationary platforms, and other safety equipment to facilitate testing performed in accordance with procedures established by 40 CFR 60.	18.2.5 18.2.8(c) 1.10.3
11	<u>Test Results</u> The permittee shall submit the results of all emissions tests in duplicate in bound copies to this Department within a time period specified by this Department; however, not to exceed 3 weeks from the test completion date.	18.2.8(c) 1.10.4
12	<u>Maintenance of Controls</u> A. The permittee shall equip each particulate matter control device with a pressure differential measuring device to measure the pressure drop across the filter media in the control device. This device shall be installed in a location that is easily accessible for inspection by personnel of this Department. B. All air pollution control devices and capture systems for which this permit is issued shall be maintained and operated at all times in a manner so as to minimize the emissions of air contaminants. Procedures for ensuring that the above equipment is properly operated and maintained so as to minimize the emission of air contaminants shall be established and submitted to this Department for approval. C. The permittee shall conduct routine inspections on all control equipment. All inspections results and repair work performed on the pollution control device shall be recorded. These records shall be kept in a permanent form suitable for inspection in a format approved by this Department and shall be retained for 5 years after the date of the record.	18.2.8(a)

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13	<p><u>Fugitive Dust</u> The permittee shall maintain plant paved and unpaved roads and grounds in the vicinity of the source permitted herein in the following manner so that fugitive dust will not leave the permittee's property:</p> <ul style="list-style-type: none"> A. Precautions shall be taken to prevent fugitive dust emanating from plant roads, grounds, stock piles, screens, dryers, hoppers, ductwork, etc. B. Unpaved plant or haul roads and grounds will be maintained in the following manner so that dust will not become airborne: <ol style="list-style-type: none"> 1. By the application of water any time the surface of the road is sufficiently dry to allow the creation of dust emissions by the act of wind or vehicular traffic; 2. By reducing the speed of vehicular traffic to a point below that at which dust emissions are created; 3. By paving; 4. By the application of binders (chemical dust suppressants) to the road surface at any time the road surface is found to allow the creation of dust emissions; 5. By any combination of the above methods which results in the prevention of dust becoming airborne from the road surface. Other dust control methods not listed above may be used if approved by the Department. C. Paved plant roads and grounds shall be maintained in the following manner so that dust will not become airborne: <ol style="list-style-type: none"> 1. Mechanical cleaning (vacuuming); 2. Water flushing; 3. Earth or other dust-forming material that is deposited on the paved roads shall be removed at the earliest opportunity subject to safety; 4. Paving or using a chemical dust suppressant on unpaved access points; 5. Washing and dewatering tires and the underbody of trucks which enter a paved road from an unpaved road; or 6. By any combination of the above methods which results in the prevention of dust becoming airborne from the road surface. Other dust control methods not listed above may be used if approved by the Department. 	18.2.8(a) 6.2
14	<p><u>Monitoring Records</u> Records of all required monitoring shall be retained for a period of 5 years from the date of measurement including all calibration and maintenance records and all original strip-chart recordings and copies of all reports.</p>	18.5.3(b)(1)(vii)
15	<p><u>Monitoring Reports</u> Unless notified otherwise, reports of required monitoring shall be submitted to the Department by July 31st and January 31st of each year. All instances of deviations from permit requirements must be clearly identified in such reports. A responsible official as defined in the Rules and Regulations must sign all reports. The NSPS regulations under 40 <u>CFR</u> 60.750, subpart WWW, does specify reporting periods.</p>	18.5.3(c)(1)
16	<p><u>Deviations</u> Deviations from permit requirements shall be reported within 2 working days of such deviations, including those attributable to upset conditions, the probable cause of said deviations and any corrective actions or preventive measures that were taken.</p>	18.5.3(c)(2)
17	<p><u>Severability</u> In case of legal challenge to any portion of this Operating Permit, the remainder of the permit conditions shall continue in force.</p>	18.5.5
18	<p><u>Compliance</u> The permittee must comply with all conditions of the Rules and Regulations. Noncompliance with a permit will constitute a violation of the Act and the Rules and Regulations and may result in enforcement action; including but not limited to, permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.</p>	18.5.6

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No.	Federally Enforceable General Permit Conditions	Regulations
19	<u>Compliance Defense</u> The permittee shall not use as a defense in an enforcement action, that maintaining compliance with permit conditions would have required halting or reducing the permitted activity.	18.5.7
20	<u>Termination for Cause</u> This permit may be modified, revoked, reopened and reissued or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance or termination, or of a notification of a planned change or anticipated noncompliance will not stay any permit condition.	18.5.8
21	<u>Property Rights</u> No property rights of any sort or any exclusive privilege are conveyed through the issuance of this Operating Permit.	18.5.9
22	<u>Requests for Information</u> The permittee shall furnish to the Department within 30 days, or for such other reasonable time as the Department may set, any information that the Department 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 receiving a specific request, the permittee shall also furnish to the Department copies of records required to be kept by the permit.	18.5.10
23	<u>Payment of Fees</u> The permittee must have paid all fees required by the Rules and Regulations or the Operating Permit is not valid. Payment of operating permit fees required under Part 16.4 of the Rules and Regulations shall be made on or before the date specified under Section 16.5.1 of the Rules and Regulations of each year. Failure to make payment of fees within 30 days of the specified date shall cause the assessment of a late fee of three percent (3% of the original fee) per month or fraction thereof.	18.5.11 16.4 16.5
24	<u>Economic Incentives</u> No permit revision shall be required under any approved economic incentives, marketable permit emissions trading and other similar programs or processes for changes that are provided for in the Operating Permit.	18.5.12
25	<u>Alternative Operating Scenarios</u> If the permittee has applied for alternate operating scenarios and the Department deems the alternative operating scenarios identified in the application for this Operating Permit acceptable, then the permittee shall: <ul style="list-style-type: none"> A. Record the change from one operating scenario to another in a log at the permitted facility. The recording of the change shall be made contemporaneously with the change, and the log shall contain the scenario under which the facility is currently operating. B. Ensure that terms and conditions of each alternative operating scenario meets all of the requirements of this permit, as well as, the Rules and Regulations. 	18.5.13
26	<u>Entry and Inspections</u> The permittee shall allow the Department, ADEM, EPA, or authorized representative upon presentation of credentials and other documents that may be required by law to conduct the following: <ul style="list-style-type: none"> A. Enter upon the permittee's premises where a source is located or emissions related activity is conducted or where records are kept pursuant to the permit conditions; B. Review and/or copy at reasonable times any records kept pursuant to the permit conditions; C. Inspect at reasonable times any facilities, equipment, practices or operations required by the permit; and D. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements. 	18.7.2 18.2.9(d)

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27	<p><u>Compliance Certification</u></p> <p>A compliance certification shall be submitted annually within 30 days of the anniversary of the initial issue date. The permittee shall provide a means for monitoring the compliance of its air pollution sources with the emissions limitation, standards and work practices listed or referenced within this permit.</p> <p>A. The compliance certification shall include the following:</p> <ol style="list-style-type: none"> 1. The identification of each term or condition of this permit that is the basis of the certification; 2. The compliance status; 3. Whether compliance has been continuous or intermittent; 4. The method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with the Rules and Regulations; and 5. Such other facts as the Department may require to determine the compliance status of the source. <p>B. The compliance certification shall be submitted to the following two agencies:</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p>Jefferson County Department of Health Air & Radiation Protection Division P.O. Box 2648 Birmingham, Alabama 35202-2648</p> </div> <div style="width: 45%; text-align: center;"> <p>and to</p> <p>EPA Region IV Air & EPCRA Enforcement Branch 61 Forsyth Street Atlanta, GA 30303</p> </div> </div>	<p>18.7.1 18.7.5(c) 18.7.5(d) 18.7.5(e) 18.4.9</p>
28	<p><u>Reopening for Cause</u></p> <p>Under any of the following circumstances, this Operating Permit will be reopened prior to the expiration of the permit:</p> <ol style="list-style-type: none"> A. Additional applicable requirements under the Clean Air Act become applicable to the permittee with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirements. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire. B. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into this permit. C. The Department, ADEM or EPA determines that this permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of this permit. D. The Administrator, ADEM or the Department determines that this permit must be revised or revoked to assure compliance with the applicable requirements. 	<p>18.13.5</p>
29	<p><u>Changes</u></p> <p>Certain changes (per section 502 (B)(10) of the Act) can be made to this Operating Permit without a revision if no modification as defined in the Rules and Regulations would occur and the changes do not exceed the emissions allowed under this permit provided that a notice is sent to the Department 7 days in advance of the change.</p>	<p>18.13.2</p>
30	<p><u>Emergency Provision</u></p> <ol style="list-style-type: none"> A. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emissions limitation under the Operating Permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. B. Exceedances of emission limits during emergencies (as defined above) at a facility may be exempted from being violations provided that one or more of the following actions occur: <ol style="list-style-type: none"> 1. The permittee can identify the cause(s) of the emergency; 2. At the time of the emergency, the permitted facility was being properly operated; 3. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; 	<p>18.11.2</p>

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	<p><u>Emergency Provision Continued</u></p> <p>4. The permittee submitted notice of the emergency to the Health Department within 2 working days of the time when emission limitations were exceeded due to the emergency. Such notice shall include those deviations attributable to upset conditions as defined in the permit, the probable cause of said deviations, and any corrective actions or preventive measures that were taken. Within 5 working days of the emergency, a written documentation of what was reported in the notice of the emergency shall be submitted to the Department; and</p> <p>5. The permittee immediately documented the emergency exceedance in an "Emergency Log," which shall be maintained for 5 years in a form suitable for inspection upon request by a representative of the Department.</p> <p>C. The Health Officer shall be the sole determiner of whether an emergency has occurred.</p> <p>D. This provision is in addition to any emergency or upset provision contained in any applicable requirement.</p>	
31	<p><u>Nothing in this Operating Permit shall alter or affect the following:</u></p> <p>A. The provisions of section 303 of the Act (emergency orders), including the authority of the Administrator under that section;</p> <p>B. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;</p> <p>C. The applicable requirements of the acid rain program, consistent with section 408(a) of the Act; or</p> <p>D. The ability of EPA to obtain information from a source pursuant to section 114 of the Act.</p>	18.10.3
32	<p><u>Expiration</u></p> <p>A source's right to operate shall terminate upon the expiration of this Operating Permit unless a timely complete renewal application has been submitted at least 6 months, but not more than 18 months before the date of expiration or the Department has taken final action approving the source's application for renewal by the expiration date. The expiration date of this Operating Permit is printed on the first page of this permit.</p>	18.12.2(b) 18.4.3 18.5.2
33	<p><u>Minor Permit Modifications</u></p> <p>Minor permit modification procedures may be used only for those permit modifications that:</p> <p>A. Do not violate any applicable requirement;</p> <p>B. Do not involve significant changes to existing monitoring, reporting, or record keeping requirements in the permit;</p> <p>C. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;</p> <p>D. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:</p> <ol style="list-style-type: none"> 1. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I of the Act; and 2. An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Act; <p>E. Are not modifications under any provision of title I of the Act; and</p> <p>F. Are not required by Part 18.12 of this Chapter to be processed as a significant modification.</p>	18.13.3
34	<p><u>Display and Availability of Permit</u></p> <p>The permittee shall keep this Operating Permit under file or on display at all times at the site where the source is located and shall make the permit available for inspection by any and all persons who may request to see it.</p>	18.2.2
35	<p><u>Acceptance of Permit</u></p> <p>The permittee is required to bring the operation of a source within the standards of Paragraph 18.2.8(a) of the Rules and Regulations. Commencing construction or operation of the source shall be deemed acceptance of all conditions specified. An Operating Permit with revised conditions may be issued upon receipt of a new application if the permittee demonstrates that the source can operate within the standard of Paragraph 18.2.8(a) of the Rules and Regulations under the revised conditions.</p>	18.2.4 18.2.8(a)

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No.	Federally Enforceable General Permit Conditions	Regulations
36	<p><u>Construction Not In Accordance with Applications</u></p> <p>If the source permitted herein has been constructed not in accordance with the Operating Permit application and if the changes noted are of a substantial nature in that the amount of air contaminants emitted by the source may be increased or in that the effect is unknown, then the Operating Permit shall be revoked. No further application for an Operating Permit shall be accepted until the source has been reconstructed in accordance with the Operating Permit or until the permittee has proven to the Department that the change will not cause an increase in the emission of air contaminants.</p>	18.2.8(e)
37	<p><u>Revocation of Operating Permit</u></p> <p>This Operating Permit may be revoked for any of the following reasons:</p> <ul style="list-style-type: none"> A. Failure to comply with any conditions of the permit. B. Failure to establish and maintain such records, make such reports, install, use and maintain such monitoring equipment or methods; and sample such emissions in accordance with such methods at such locations, intervals and procedures as may be prescribed in accordance with Section 1.9.2 of the Rules and Regulations. C. Failure to comply with any provisions of any Department administrative order issued concerning the permitted facility. D. Failure to comply with the Rules and Regulations. E. For any other cause, after a hearing which establishes, in the judgment of the Department, that continuance of the permit is not consistent with the purpose of the Act or the Rules and Regulations. 	18.2.9
38	<p><u>Additional Information</u></p> <p>The permittee shall submit any additional information to the Department to supplement or correct an application promptly after becoming aware of the need for additional or corrected information.</p>	18.4.7
39	<p><u>Permit Shield</u></p> <p>If the permittee has requested a permit shield in the permit application and the permit shield has been granted by the Department, the permit shield under Part 18.10 of the Rules and Regulations shall not extend to minor permit modifications.</p>	18.13.3(f)
40	<p><u>Significant Modifications</u></p> <p>Significant Modifications. Modifications that are significant modifications under the PSD (Part 2.4) or nonattainment (Part 2.5) regulations or are modifications under the NSPS or NESHAPS regulations must be incorporated in the Operating Permit using the requirements for sources initially applying for an Operating Permit, including those for applications, public participation, review by affected States, review by ADEM, and review by EPA, as described in Parts 18.4 and 18.14 of the Rules and Regulations.</p>	18.13.4
41	<p><u>Schedule of Compliance</u></p> <ul style="list-style-type: none"> A. The permittee shall continue to comply with the applicable requirements with which the company has certified that it is already in compliance. B. The permittee shall comply in a timely manner with applicable requirements that become effective during the term of this permit. 	18.7.3
42	<p><u>Progress Reports</u></p> <p>If any air pollution source owned or operated by the permittee is not in compliance with the emissions limitations, standards and work practices listed or referenced within this permit, the permittee shall submit a progress report for that air pollution source. The first schedule of compliance shall be submitted within 3 months after the Operating Permit issuance date or within 3 months of the permittee or Department determining that the air pollution source is not in compliance. Subsequent reports shall be submitted every sixth month following the initial report. The progress reports shall contain the following:</p> <ul style="list-style-type: none"> A. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and/or dates when such activities, milestones or compliance were achieved; and B. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted. 	18.7.4

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No.	Federally Enforceable General Permit Conditions	Regulations
43	<u>Obnoxious Odors</u> This Operating Permit is issued with the condition that, should obnoxious odors arising from the plant operations be verified by Department inspectors, measures to abate the odorous emissions shall be taken upon a determination by this Department that these measures are technically and economically feasible.	6.2.3
44	<u>New Air Pollution Sources</u> New permit applications must be made for new sources, replacements, alterations or design changes which may result in the issuance of, or an increase in the issuance of, air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants.	2.1
45	<u>Maximum Achievable Control Technology Standards (MACT)</u> The permittee shall be subject to and comply with any or all future Federal MACT Standards that may apply to this facility immediately from the effective date of the standards. The permittee shall notify the Department in writing within 2 working days of becoming subject to a federal MACT standard pursuant to section 112 of the Act, as the same may be amended or revised.	14.5 18.4.8(h)(3) 18.7.6 Act 112(i)(3)
46	<u>Prevention of Accidental Releases</u> If any substance listed pursuant to paragraph (3) of section 112(r) is stored within the facility permitted herein, the permittee shall comply with the requirements of section 112(r) of the Act to prevent accidental releases of any substance listed pursuant to paragraph (3) of section 112(r), as the same may be amended or revised, or any other extremely hazardous substance. Prior to June 21, 1999, the permittee shall comply with the requirements of 40 <u>CFR</u> 68, Subpart G, by submitting a Risk Management Plan (RMP) for the regulated flammable substances listed in Section 40 <u>CFR</u> 68.130.	18.5.1 112 (r) 40 <u>CFR</u> 68
47	<u>Housekeeping Requirements</u> The permittee shall not cause or allow the disposal of waste VOC/HAP materials in sewers, open containers, or in any manner that would result in vaporization to the atmosphere.	2.1.3 2.1.1(g) 18.5.3(c)(2)
48	<u>Title VI Requirements (Refrigerants)</u> Any facility having appliances or refrigeration equipment, including air conditioning equipment, which use Class I or Class II ozone-depleting substances such as chlorofluorocarbons and hydrochlorofluorocarbons listed as refrigerants in 40 <u>CFR</u> 82, Subpart A, Appendices A and B, shall service, repair, and maintain such equipment according to the work practices, personnel certification requirements, and certified recycling and recovery equipment specified in 40 <u>CFR</u> 82, Subpart F. A. No person shall knowingly vent or otherwise release any Class I or Class II substance into the environment during the repair, servicing, maintenance, or disposal of any such device except as provided in 40 <u>CFR</u> 82, Subpart F. B. The responsible official shall comply with all reporting and recordkeeping requirements of 40 <u>CFR</u> 82.166. Reports shall be submitted to the U.S. EPA and the Department as required.	40 <u>CFR</u> 82 18.1.1(e)(10) 18.1.1(w)(4)
49	<u>Asbestos Demolition and Renovation</u> Asbestos demolition and renovation activities are subject to the National Emission Standard for Asbestos in 40 <u>CFR</u> 61, subpart M. To determine the applicable requirements of the standard, the permittee shall inspect the affected part of the facility permitted herein where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable asbestos containing materials, prior to commencement of the demolition or renovation operations. The permittee shall comply with all applicable sections of the standard, including notification requirements, emission control and waste disposal procedures. The permittee shall ensure that anyone performing asbestos related work at the facility permitted herein is trained and certified according to the Alabama Department of Environmental Management's regulations for Asbestos Contractor Certification.	40 <u>CFR</u> 61, 14.2.12
50	<u>Notification of Violations</u> The permittee shall submit a report to the Department within 2 working days after determining any violations of permit restrictions and any Rule or Regulation.	2.1.1(g) 2.1.3 18.5.3

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Emissions Unit Operating Permit Summary

Emissions Unit No. 001**Company:** Eastern Area Landfill, City of Birmingham**Description:** Municipal Solid Waste Landfill. Design Capacity is 4,053,982 Megagrams. Landfill is Subject to New Source Performance Standards Under 40 CFR 60.750, Subpart WWW.**Permitted Operating Schedule:** 8,760 hours per year**Pollutants Emitted:**

Pollutant	Permit Emission Limits	Applicable Standards
NonMethane Organic Compounds (NMOC)	N/A	Section 13.2.75 40 <u>CFR</u> 60.750
Fugitive Dust (PM)	N/A	Part 6.2

Pollution Control Devices: None**Periodic Emissions Monitoring:** None**Continuous Compliance Determiner:** None**EPA Reference Test Methods:** 1, 2, 3, 4, 5, 9, 18, 21 & 25 of 40 CFR 60**Reporting Requirements:** Refer to Permit Conditions 12, 13, 14, 15 & 16**Applicable Regulations:** Section 13.2.75; Chapters 2, 6, 16, 18, & 21; & 40 CFR 60.750

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No.	Federally Enforceable Permit Conditions of Emissions Unit No. 001	Regulations
	Section 1 – Applicability	
1	<p><u>Applicability</u></p> <p>The Emissions Unit No. 001, Municipal Solid Waste Landfill, permitted herein shall include all of the equipment and operations of the landfill, including but not limited to storage tanks, vehicles, roads, parking areas and solid waste transfer and disposal. The facility is subject to the new source review requirements of Chapter 2 and to the fugitive emissions restrictions of Chapter 6 of the Rules and Regulations. The facility is subject to the operating permit emissions fees of Chapter 16 and to the major source operating permit requirements of Chapter 18 of the Rules and Regulations. The landfill was expanded (modified) after May 30, 1991, and is subject to the requirements of 40 <u>CFR</u> 60, subpart WWW. The MSW landfill is subject to Section 13.2.75 of the Rules and Regulations. The landfill is subject to the applicable parts of the New Source Performance Standards under 40 <u>CFR</u> 60, subpart A.</p>	<p>Chapter 2 Chapter 6 Chapter 16 Chapter 18 13.2.75 40 <u>CFR</u> 60</p>
	Section 2 – Emission, Equipment or Production Requirements and Limitations	
2	<p><u>Design Capacity</u></p> <p>The Emissions Unit No. 001, MSW Landfill, shall not exceed the design capacity of 4,053,982 megagrams unless the permittee submits a notification of modification (horizontal or vertical expansion of MSW landfill) to the Department.</p>	<p>2.1.3 18.5 40 <u>CFR</u> 60</p>
3	<p><u>Fugitive Dust</u></p> <p>The permittee shall maintain plant paved and unpaved roads and grounds in the vicinity of the source permitted herein in the following manner so that fugitive dust will not leave the permittee's property:</p> <p>A. Precautions shall be taken to prevent fugitive dust emanating from plant roads, grounds, stock piles, screens, dryers, hoppers, ductwork, etc.</p> <p>B. Unpaved plant or haul roads and grounds will be maintained in the following manner so that dust will not become airborne:</p> <ol style="list-style-type: none"> 1. By the application of water any time the surface of the road is sufficiently dry to allow the creation of dust emissions by the act of wind or vehicular traffic; 2. By reducing the speed of vehicular traffic to a point below that at which dust emissions are created; 3. By paving; 4. By the application of binders (chemical dust suppressants) to the road surface at any time the road surface is found to allow the creation of dust emissions; or 5. By any combination of the above methods which results in the prevention of dust becoming airborne from the road surface. Other dust control methods not listed above may be used if approved by the Department. <p>C. Paved plant roads and grounds shall be maintained in the following manner so that dust will not become airborne:</p> <ol style="list-style-type: none"> 1. Mechanical cleaning (vacuuming); 2. Water flushing; 3. Earth or other dust-forming material that is deposited on the paved roads shall be removed at the earliest opportunity subject to safety; 4. Paving or using a chemical dust suppressant on unpaved access points; 5. Washing and dewatering tires and the underbody of trucks which enter a paved road from an unpaved road; or 6. By any combination of the above methods which results in the prevention of dust becoming airborne from the road surface. Other dust control methods not listed above may be used if approved by the Department. 	<p>18.2.8(a) 6.2</p>
4	<p><u>Tier 2 NMOC Emissions Calculations Less Than 50 Mg</u></p> <p>If the Tier 2 NMOC emissions are less than 50 megagrams per year, the permittee shall submit a periodic emissions report in accordance with 40 <u>CFR</u> 60.757(b)(1) and retest the site-specific NMOC concentration every 5 years using the EPA reference methods and procedures specified in 40 <u>CFR</u> 60, Appendix A.</p>	<p>2.1.3 13.2.75 18.5 40 <u>CFR</u> 60</p>

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No.	Federally Enforceable Permit Conditions of Emissions Unit No. 001	Regulations
5	<u>Tier 2 NMOC Emissions Greater Than 50 Mg</u> If the Tier 2 NMOC emissions are greater than 50 megagrams per year, the permittee shall either submit a design plan for a collection and control system in accordance with 40 <u>CFR</u> 60.752(b)(2) or recalculate NMOC emissions using the Tier 3 site-specific methane generation rate determined in accordance with 40 <u>CFR</u> 60.754(a)(4).	2.1.3 13.2.75 18.5 40 <u>CFR</u> 60
6	<u>Tier 3 NMOC Emissions Less Than 50 Mg</u> If the Tier 3 NMOC emissions are less than 50 megagrams per year, the permittee shall submit an emission report in accordance with 40 <u>CFR</u> 60.757(b)(1) and shall recalculate annually using the Tier 3 site-specific methane generation rate determined in accordance with 40 <u>CFR</u> 60.754(a)(4). The site-specific methane generation determined is used in all subsequent calculations.	2.1.3 13.2.75 18.5 40 <u>CFR</u> 60
7	<u>NMOC Emissions Greater Than 50 Mg</u> If the NMOC emission rate is greater than 50 megagrams per year, a design plan for a collection and control system shall be prepared by a professional engineer and submitted within 1 year of the date that the emission rate equaled or was greater than 50 megagrams per year, unless Tier 2 or Tier 3 testing demonstrates that the emission rate is less than 50 megagrams per year as specified in 40 <u>CFR</u> 60.757(c)(1) or 40 <u>CFR</u> 60.757(c)(2).	2.1.3 13.2.75 18.5 40 <u>CFR</u> 60
8	<u>Collection and Control System</u> If a gas collection and control system is required, the collection and control system shall be installed within thirty (30) months after the first annual report in which the NMOC emission rate equals or exceeds 50 megagrams per year, unless the Tier 2 or Tier 3 testing demonstrates the NMOC emission rate is less than 50 megagrams per year as specified in 40 <u>CFR</u> 60.757(c)(1) or 40 <u>CFR</u> 60.757(c)(2).	2.1.3 13.2.75 18.5 40 <u>CFR</u> 60
	Section 3 – Compliance and Performance Test Methods and Procedures	
9	<u>Test Methods and Procedures</u> If a MSW landfill gas collection system is required, the gas collection system shall demonstrate compliance using the methods and procedures specified in 40 <u>CFR</u> 60.755.	13.2.75 40 <u>CFR</u> 60
10	<u>Initial Performance Test</u> If a MSW landfill gas collection system is required, the initial performance test of the gas collection and control system shall be completed no later than 180 days after initial startup of the system in accordance with the test methods specified in 40 <u>CFR</u> 60.754(d).	13.2.75 40 <u>CFR</u> 60
	Section 4 – Emission Monitoring	
11	<u>Emission Monitoring and Reporting</u> The permittee shall submit a NMOC emission report initially and annually thereafter in accordance with 40 <u>CFR</u> 60.757(b)(1), and shall recalculate the NMOC rate using the formula and procedures provided in 40 <u>CFR</u> 60.754(a) and 40 <u>CFR</u> 60.754(b) as applicable.	13.2.75 40 <u>CFR</u> 60
12	<u>Emission Monitoring and Reporting</u> If the permittee submits a 5-year NMOC emission report in accordance with 40 <u>CFR</u> 60.757(b)(1), the annual MSW landfill waste acceptance rate shall be documented to determine if it exceeds the rate used in the 5-year NMOC calculations. If the acceptance rate exceeds the rate used in the report, a revised NMOC report shall be submitted based on the known acceptance rate.	13.2.75 40 <u>CFR</u> 60
13	<u>Monitoring of Collection and Control System</u> If a MSW landfill gas collection and control system is required, the monitoring of the MSW landfill gas collection and control system shall comply with the provisions of 40 <u>CFR</u> 60.756.	13.2.75 40 <u>CFR</u> 60

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No.	Federally Enforceable Permit Conditions of Emissions Unit No. 001	Regulations
	Section 5 – Recordkeeping and Reporting Requirements	
14	<u>Annual NMOC Emissions Report</u> If the MSW landfill's annual NMOC emissions rate is less than 50 megagrams per year, the permittee shall submit a NMOC emissions report in accordance with 40 <u>CFR</u> 60.757(b)(1) and shall recalculate the NMOC emissions rate annually as required in 40 <u>CFR</u> 60.752(b)(1).	13.2.75 40 <u>CFR</u> 60
15	<u>MSW Landfill Waste Acceptance Rate & NMOC Emissions Report</u> If the permittee submits a 5-year NMOC emissions report in accordance with 40 <u>CFR</u> 60.757(b)(1), the annual waste acceptance rate shall be documented to determine if it exceeds the acceptance rate used in the 5-year NMOC emissions calculations. If the waste acceptance rate exceeds the rate used in the report, a revised NMOC emission report shall be submitted based on the known waste acceptance rates.	13.2.75 40 <u>CFR</u> 60
16	<u>Design Capacity & Waste Acceptance Records</u> The permittee shall maintain on-site records of the MSW landfill's design capacity (in Mg or m ³), current waste in place and year-by-year waste acceptance rate.	13.2.75 40 <u>CFR</u> 60
17	<u>Collection and Control System Record</u> The owner or operator of a MSW landfill gas collection and control system shall maintain all records specified in 40 <u>CFR</u> 60.758.	13.2.75 40 <u>CFR</u> 60
18	<u>Annual Reporting</u> The owner or operator of a MSW landfill gas collection and control system shall submit an annual report in accordance with the requirements in 40 <u>CFR</u> 60.757(f).	13.2.75 40 <u>CFR</u> 60
19.	<u>Annual Report Requirement</u> The permittee shall submit by February 10 th of each year to this Department an annual summary report for the previous calendar year in a format approved by this Department of the following production information of the emissions unit permitted herein: <ul style="list-style-type: none"> A. The total quantity in tons (or Mg) of NMOC, VOC, and HAP emissions generated by the landfill. B. The total quantity in tons of NMOC, VOC, and HAP emissions that are emitted to the atmosphere. These NMOC, VOC, and HAP emissions are not captured by a landfill gas collection system. C. The total quantity of all combustion fuels (diesel, gasoline and natural gas) combusted within the landfill. D. The number of vehicle miles traveled within the landfill by road type (paved or unpaved). E. The vehicle type for each mile traveled for item D noted above in this condition unit. F. The actual emissions (point and fugitive) of all regulated air pollutants as defined in Chapter 18 of the Rules and Regulations. Include the products of combustion of internal engines. 	2.1.3