

**SUBCHAPTER U: STANDARD AIR PERMITS FOR MUNICIPAL SOLID
WASTE LANDFILL FACILITIES AND TRANSFER STATIONS**
§§330.981, 330.983, 330.985, 330.987, 330.989,
330.991, 330.993, 330.995
Effective October 7, 2010

§330.981. Effective Date.

The requirements of this subchapter will take effect on September 1, 2006.

Adopted March 1, 2006

Effective March 27, 2006

§330.983. Definitions.

The terms used in this subchapter have the following meanings, unless the context clearly indicates otherwise.

(1) **Bioremediation**--The biological breakdown of waste occurring at a landfill prior to placing the waste in a landfill cell. Processing may include adding supplements and oxygen to speed the natural biological processes, after which the material will meet landfill acceptance standards and can be placed in a cell. Common sources of material requiring bioremediation are transportation or pipeline accidents and spills.

(2) **Category 1 municipal solid waste landfills**--Landfills with a design capacity less than 2.5 million megagrams by mass or 2.5 million cubic meters by volume that operate in accordance with 40 Code of Federal Regulations Part 60, Subpart WWW, or Chapter 113, Subchapter D of this title (relating to Designated Facilities and Pollutants), as applicable.

(3) **Category 2 municipal solid waste landfills**--Landfills with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters and a calculated uncontrolled non-methane organic compound emission rate less than 50 megagrams per year that operate in accordance with 40 Code of Federal Regulations Part 60, Subpart WWW or Chapter 113, Subchapter D of this title (relating to Designated Facilities and Pollutants), as applicable.

(4) **Category 3 municipal solid waste landfills**--Landfills with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters and a calculated uncontrolled non-methane organic compound emission rate greater than or equal to 50 megagrams per year that operate in accordance with 40 Code of Federal Regulations Part 60, Subpart WWW, 40 Code of Federal Regulations Part 63, Subpart AAAA, or Chapter 113, Subchapter D of this title (relating to Designated Facilities and Pollutants), as applicable.

(5) **Construction**--Any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in actual emissions.

(6) **Facility**--A discrete or identifiable structure, device, item, equipment, or enclosure that constitutes or contains a stationary source, including appurtenances other than emission control equipment. A mine, quarry, well test, or road is not a facility.

(7) **Modification**--As pertaining to a municipal solid waste landfill defined in 40 Code of Federal Regulations §60.751, means an increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its permitted design capacity after May 30, 1991. Modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion.

(8) **Modification of existing facility**--Any physical change in, or change in the method of operation of, a facility in a manner that increases the amount of any air contaminant emitted by the facility into the atmosphere or that results in the emission of any air contaminant not previously emitted. The term does not include conditions listed in the definition of modification of existing facility under §116.10 of this title (relating to General Definitions).

(9) **Process**--Any action, operation, or treatment embracing chemical, commercial, industrial, or manufacturing factors such as combustion units, kilns, stills, dryers, roasters, and equipment used in connection with them, and all other methods or forms of manufacturing or processing that may emit smoke, particulate matter, gaseous matter, or visible emissions.

(10) **Project**--As pertaining to a municipal solid waste landfill defined in 40 Code of Federal Regulations §60.751, for the purposes of this subchapter means the construction or modification of a facility or a group of facilities submitted under the same registration.

(11) **Receptor**--Any off-property recreational area, commercial/industrial structure, residence, or other normally occupied structures not used solely by the owner and/or operator of the municipal solid waste landfill site.

(12) **Site**--All regulated units, facilities, equipment, structures, or sources at one street address or location that are owned or operated by the same person. Site includes any property identified in the permit or used in connection with the regulated activity at the same street address or location.

(13) **Source**--A point of origin of air contaminants, whether privately or publicly owned or operated.

(14) **Waste solidification**--The physical process used to reduce the mobility of constituents in a waste or to eliminate free liquids.

(15) **Waste stabilization**--The chemical process used to stabilize the volatility of the constituents in a waste.

§330.985. Applicability and Exceptions.

(a) This subchapter authorizes air emissions from municipal solid waste landfill sites and transfer stations that meet the conditions listed in this subchapter. Individual authorizations under this subchapter are not subject to public notice or comment or contested case hearing opportunity.

(b) This standard permit does not relieve the owner and/or operator from complying with any other applicable provisions of the Texas Health and Safety Code, Texas Water Code, rules of the Texas Commission on Environmental Quality, or any other applicable state and federal rules and regulations.

(c) An owner and/or operator may claim this standard permit for the operation, construction, or modification of a municipal solid waste landfill or a Type V transfer station including Type I, Type IAE, Type IV, and Type IVAE landfill as defined in §330.5 of this title (relating to Classification of Municipal Solid Waste Facilities), except as specified in subsection (d) of this section.

(d) Exceptions.

(1) Any project that constitutes a new major source, or major modification under the new source review requirements of the Federal Clean Air Act, Part C (Prevention of Significant Deterioration of Air Quality) or Part D (Plan Requirements for Nonattainment Areas), and the related adopted regulations are subject to the requirements of §116.110 of this title (relating to Applicability) rather than this subchapter.

(2) Separate permit authorization under Chapter 106 of this title (relating to Permits by Rule) or Chapter 116 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification) must be obtained for the following activities at a site and may not be claimed under this subchapter:

(A) incineration (not including flares or air curtain incinerators), other than that used to control landfill gas emissions, as defined in 40 Code of Federal Regulations Part 60, Subpart WWW;

(B) rock crushers not used as temporary installations exclusively for cell construction, concrete batch plants, or hot mix asphalt concrete plants;

(C) composting; and

(D) a municipal solid waste landfill site that is permitted to accept 51% or more by weight or volume of Class 1 industrial nonhazardous waste.

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§330.987. Certification Requirements.

(a) Type IV landfills are exempt from the requirements of this subsection.

(b) Certification under this subchapter constitutes an acknowledgment and agreement that the permit holder will comply with all rules, regulations, and orders of the commission issued in conformity with Texas Clean Air Act, Texas Health and Safety Code, Chapter 382, and the conditions precedent to the claiming of this standard permit. If more than one state or federal rule or regulation or permit condition are applicable, the most stringent limit or condition will govern. Acceptance includes consent to the entrance of commission employees and designated representatives of any local air pollution control agency having jurisdiction over the site into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the standard permit.

(c) A certification under this subchapter is valid for a term not to exceed ten years from the date of receipt by the Texas Commission on Environmental Quality. An owner and/or operator is required to renew a certification by no later than the expiration date of the certification. The commission will provide written notice to operators of the renewal deadline at least 180 days prior to the expiration of the certification.

(d) Two copies of the certification must be submitted to the Waste Permits Division. One copy must be submitted to the appropriate regional office, and one copy must be sent to any appropriate local air pollution control program having jurisdiction over the site. The certification must be based on the capacity of the landfill minimum of a ten-year period. The certification must include supporting documentation to demonstrate compliance with the conditions of this subchapter and any other applicable federal and state requirements, and at a minimum should include the following:

(1) the basis and quantification of emission estimates;

(2) sufficient information to demonstrate that the project will comply with all applicable conditions of this subchapter; and

(3) a description of any equipment and related processes.

(e) Certifications must be submitted as follows.

(1) Owners or operators of existing municipal solid waste landfill sites that have been modified and do not continue to meet the existing standard permit under §116.621 of this title (relating to Municipal Solid Waste Landfills) must certify.

(2) Owners or operators must submit a certification for the initial construction of a municipal solid waste landfill under this subchapter at least 120 days prior to building or installation of any equipment or structure that may emit air contaminants.

(3) Modifications to an existing municipal solid waste landfill site that results in a change in categories as listed in §330.983 of this title (relating to Definitions) must submit a certification at least 60 days after changes occurring at the site.

(f) New facilities or changes to existing facilities that do not cause a site to become ineligible for this standard permit can be authorized by meeting one of the following:

(1) independently claiming the permit by rule under Chapter 106 of this title (relating to Permits by Rule) or a standard permit under Chapter 116, Subchapter F of this title (relating to Standard Permits), including all registrations, fees, and documentation. These independent registrations must be administratively incorporated at the next standard permit certification renewal or modification; or

(2) including the claimed permit by rule or standard permit as a part of an initial or modified certification. A claimed permit by rule or standard permit included under a municipal solid waste landfill standard permit certification is exempt from the registration and fee requirements normally required of permits by rule or standard permits. The certification must include sufficient information necessary to demonstrate qualification for those authorizations. Certifications must meet the following:

(A) update the site certification within one year of constructing new facilities or modifications if the cumulative amount of emissions resulting from the new facilities or modifications is:

(i) less than five tons per year of any criteria air contaminant for sites located in a designated nonattainment area; or

(ii) less than 25 tons per year of any criteria air contaminant for sites located in an attainment area;

(B) update the site certification within 30 days of constructing new facilities or modifications if the site is not considered an existing major source in accordance with prevention of significant deterioration review or nonattainment new source review, and the cumulative amount of emissions for these changes is:

(i) greater than or equal to five tons per year of any criteria air contaminant for sites located in a designated nonattainment area; or

(ii) greater than or equal to 25 tons per year of any criteria air contaminant for sites located in attainment areas; or

(C) update the site certification at least 30 days prior to the change, including any applicable major source netting demonstration as specified in §116.150 of this title (relating to New Major Source or Major Modification in Ozone Nonattainment Areas), if the site is considered an existing major site in accordance with prevention of significant deterioration review or nonattainment new source review, and the cumulative amount of emissions for changes is:

(i) greater than or equal to five tons per year of any criteria air contaminant for sites located in a designated nonattainment area; or

(ii) greater than or equal to 25 tons per year of any criteria air contaminant for sites located in an attainment area.

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§330.989. General Requirements.

(a) An owner and/or operator of a municipal solid waste landfill site must comply with the following general requirements, as applicable:

(1) provisions of Federal Clean Air Act (FCAA), §111 (concerning Standards of Performance for New Stationary Sources) as listed under 40 Code of Federal Regulations (CFR) Part 60, promulgated by the United States Environmental Protection Agency (EPA), including, but not limited to, Subpart WWW or Chapter 113, Subchapter D of this title (relating to Designated Facilities and Pollutants);

(2) provisions of FCAA, §112 (concerning Hazardous Air Pollutants) as listed under 40 CFR Part 61, promulgated by the EPA;

(3) maximum achievable control technology standards as listed under 40 CFR Part 63, promulgated by the EPA under FCAA, §112 or as listed under Chapter 113, Subchapter C of this title (relating to National Emissions Standards for Hazardous Air Pollutants for Source Categories (FCAA, §112, 40 CFR 63)), including, but not limited to, Subpart AAAA;

(4) if subject to Chapter 101, Subchapter H, Division 3 of this title (relating to Mass Emissions Cap and Trade Program), obtain allocations to operate; and

(5) rules and regulations of the commission adopted under Texas Clean Air Act, Texas Health and Safety Code, Chapter 382, and with the intent of the Texas Clean Air Act, including the protection of health and property of the public.

(b) All representations with regard to construction plans, operating procedures, permits by rule, or standard permits claimed, and maximum emission rates in any certification for this subchapter, become conditions upon which the municipal solid waste landfill must be constructed and operated. The owner or operator must submit a revised certification for changes that vary from the original representations. If changes occur and the site remains eligible for this subchapter, the owner and/or operator of the site must follow the notification/certification procedures listed in §330.987 of this title (relating to Certification Requirements). Any change that occurs such that a site, facility, or project is no longer eligible to claim this standard permit requires proper authorization under §116.111 of this title (relating to General Application).

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§330.991. Technical and Operational Requirements for all Municipal Solid Waste Landfill Sites.

(a) Air emissions from the following stationary sources are authorized by this standard permit:

(1) recycling (e.g., crushing glass, shredding or crushing aluminum, light bulb crushing, wood chipping, or mulching);

(2) transfer stations:

(A) located at a municipal solid waste (MSW) landfill site; or

(B) not located at a landfill and store over 1,000 tons of MSW overnight, defined as sunset to sunrise, must have the waste holding area covered by a ventilated building that has a minimum 16-foot vertical exhaust of 45,000 cubic feet per minute or greater;

(3) waste solidification/stabilization operations, which must be conducted with the following conditions:

(A) when dry fine powdery materials, including, but not limited to, fly ash, cement kiln dust, hydrated lime, and fine sawdust are used for mixing in the waste solidification/stabilization process loading/unloading, transporting, and mixing, they must be controlled so as to minimize particular matter emissions. Controls to minimize particular matter emissions may include loading and storing in enclosed containers, or mixing and unloading under conditions where the materials cannot become airborne; and

(B) no site-generated visible emissions may cross the property line for a period not to exceed 30 seconds in any six-minute period, as determined by United States Environmental Protection Agency (EPA) Test Method 22;

(4) landfill cell construction, operation, and closures, including landfill gas emissions and associated capture and control equipment;

(5) landfill mist spray systems to control odor. These landfill mist spray systems will operate such that no visible emissions may cross the property line for a period not to exceed 30 seconds in any six-minute period, as determined by EPA Test Method 22;

(6) any other facility or group of facilities that meets a permit by rule under Chapter 106 of this title (relating to Permits by Rule) or a standard permit under Chapter 116, Subchapter F of this title (relating to Standard Permits) with the exception of activities listed in §330.985(d)(2) of this title (relating to Applicability and Exceptions);

(7) leachate and landfill gas condensate activities, which must be conducted as follows:

(A) leachate and/or landfill gas condensate may be recirculated on-site at a rate not to exceed 100,000 gallons per day, and in accordance with the conditions and limitations specified in §330.177 of this title (relating to Leachate and Gas Condensate Recirculation); and

(B) air emissions are authorized from leachate and/or landfill gas condensate stored in tanks or disposed in evaporation ponds that are lined in accordance with §330.331(b) of this title (relating to Design Criteria), and meet the requirements in §330.17 of this title (relating to Technical Guidelines);

(8) fuel storage tanks, which must meet the following requirements:

(A) storage and transfer of gasoline, diesel fuel, or kerosene are authorized by this standard permit;

(B) permanent gasoline tanks must be located at least 500 feet from any off-property receptor;

(C) total annual throughput of gasoline for all tanks may not exceed 20,000 gallons per year unless a vapor balance system as defined in §115.10 of this title (relating to Definitions), is used; and

(D) records of annual throughput must be maintained;

(9) tire shredding, which may be conducted at a rate not to exceed 11 tons per hour. Records of the amount of tires shredded per hour must be maintained;

(10) bioremediation pads, which must be operated such that the pad must be located at least 165 feet from any off-property receptor;

(11) the GCCS, which must be designed to route total collected landfill gas to one of the following control devices:

(A) flares that satisfy requirements and are operated in accordance with 40 CFR Part 60, Subpart WWW, as applicable;

(B) a landfill gas-fired stationary, reciprocating internal combustion engine or a landfill gas-fired turbine not used to generate electricity, that satisfies all of the requirements of §106.4(a)(1) of this title (relating to Requirements for Permitting by Rule) and §106.512 of this title (relating to Stationary Engines and Turbines);

(C) a landfill gas-fired stationary electric generating unit that satisfies all of the requirements of Chapter 116, Subchapter F of this title;

(D) a landfill gas-fired boiler, heater, or other combustion unit, not including stationary, reciprocating internal combustion engines or turbines, that satisfies the maximum heat input and nitrous oxide requirements of §106.4(a)(1) of this title and §106.183 of this title (relating to Boilers, Heaters, and Other Combustion Devices) and applicable sections of Chapter 117 of this title (relating to Control of Air Pollution from Nitrogen Compounds);

(E) a pollution control project that satisfies all the requirements of §116.617 of this title (relating to Standard Permits for Pollution Control Projects). Any facility or process added under this subsection is not considered a new production facility for the purposes of §116.617 of this title; or

(F) a gas treatment system that processes the collected gas to produce a product or by-product for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system must be subject to the requirements of 40 CFR §60.752(b)(2)(iii)(A) or (B); and

(12) a temporary rock crusher that is used exclusively for cell construction that satisfies all the requirements of the Air Quality Standard Permit for Temporary Rock Crushers.

(b) If sampling of stacks and/or process vents are required, the owner or operator must contact the appropriate regional office and any other air pollution control program having jurisdiction over the site prior to sampling to obtain the proper data forms and procedures. All sampling and testing procedures must be approved by the executive director and coordinated with the regional representatives of the commission. The owner or operator is also responsible for providing sampling facilities and conducting the sampling operations or contracting with an independent sampling consultant.

(c) The facilities covered by this standard permit may not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. Notification for emissions events and unscheduled maintenance must be made in accordance with §101.201 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements) and §101.211 of this title (relating to Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements).

(d) Owners and/or operators must monitor and control particulate matter as follows.

(1) All operations must be conducted in a manner so as to minimize any particulate matter emissions at the landfill boundary. No site-generated visible emissions, as determined by EPA Test Method 22, may not cross the property line for a period exceeding 30 seconds in any six-minute period.

(2) Roads and other areas subject to vehicle traffic must be kept clean of debris and either be watered, treated with dust-suppressant chemicals, or paved with a cohesive hard surface that is maintained intact and cleaned as necessary.

(3) All excavated areas must be watered or treated with dust-suppressant chemicals as necessary to control particulate matter emissions.

(e) Tire shredding, outdoor dry abrasive blasting, the operation of a temporary rock crusher used exclusively for cell construction, or waste solidification/stabilization when fine materials are used in the process, must not occur simultaneously (no two or more processes can occur at the same time).

(f) An MSW landfill cell that contains Class 1 industrial nonhazardous waste greater than 20% by weight or volume must have a GCCS associated with the location of the Class 1 waste, and that GCCS is subject to the provisions of §330.995 of this title (relating to Recordkeeping and Reporting Requirements for all Municipal Solid Waste Landfill Sites).

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Effective March 27, 2006

§330.993. Additional Requirements for Owners or Operators of Category 3 Municipal Solid Waste Landfills.

(a) The owner and/or operator must comply with the applicable provisions as specified in 40 Code of Federal Regulations §§60.752 - 60.759 and 40 Code of Federal Regulations Part 63, Subparts A and AAAA. The landfill gas collection and control system may be capped or removed provided that the following are met:

(1) the municipal solid waste landfill is permanently closed in accordance with Subchapter K of this chapter (relating to Closure and Post-Closure); and

(2) the conditions of 40 Code of Federal Regulations §60.752(2)(b)(v) are met, and a closure report has been submitted to the Texas Commission on Environmental Quality's Air Permits Division in accordance with 40 Code of Federal Regulations §60.757(d).

(b) Methane concentration at the surface of the municipal solid waste landfill must be monitored quarterly, as specified in 40 Code of Federal Regulations §60.755(c).

(c) The gas collection and control system must be monitored in accordance with the provisions specified in 40 Code of Federal Regulations §60.756.

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§330.995. Recordkeeping and Reporting Requirements for all Municipal Solid Waste Landfill Sites.

(a) A copy of this subchapter along with any claimed permit by rule, the applicable general conditions of Chapter 106, Subchapter A of this title (relating to General Requirements), and any claimed standard permits must be kept at the site.

(b) The operator will keep records for any permit by rule or standard permit claimed containing sufficient information to demonstrate compliance with Chapter 106, Subchapter A of this title and all applicable permit by rule or standard permit conditions. This information must include, but is not limited to, production records and operating hours.

(c) The owner or operator will maintain additional records specified in 40 Code of Federal Regulations (CFR) Part 60, Subpart WWW or 40 CFR 63, Subpart AAAA, if applicable, including:

(1) an initial design capacity report required by 40 CFR §60.757(a)(2), or an amended design capacity report required by 40 CFR §60.757(a)(3);

(2) records of the non-methane organic compound emission rates, determined annually using the procedures specified in 40 CFR §60.754(a)(1), or every five years using the procedures of 40 CFR §60.757(b)(1)(ii), as applicable, and submit the non-methane organic compound emissions rate report within 90 days of exceeding 2.5 million megagrams and 2.5 million cubic meters and annually thereafter, or every five years in accordance with 40 CFR §60.757(b); and

(3) all records in accordance with the provisions of 40 CFR §60.758, Recordkeeping Requirements.

(d) A semiannual compliance report must be submitted to the Texas Commission on Environmental Quality's Office of Compliance and Enforcement, in accordance with the provisions of 40 CFR §63.1980.

(e) Records must be maintained at the site and made available at the request of representatives of the executive director, the United States Environmental Protection Agency, or any local air pollution control program having jurisdiction over the site.

(f) Records must be retained for at least 60 months.

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