

Statement of Basis of the Federal Operating Permit
Municipal Solid Waste Landfill Sites Located in Texas:
General Operating Permit

Permit Number 517

Standard Industrial Classification (SIC) Code:
4953 Refuse Systems

This Statement of Basis sets forth the legal and factual basis for the draft permit conditions. It contains sections including a Facility Description, Federal Regulatory Applicability Determinations, Operational Flexibility, New Source Review Requirements, Compliance Assurance Monitoring and Periodic Monitoring, and Compliance Status.

OPERATING PERMIT BASIS OF DETERMINATION

DESCRIPTION OF THE PROJECT

The Texas Commission on Environmental Quality (TCEQ or commission) executive director is proposing to revise and renew the Municipal Solid Waste Landfill (MSWL) General Operating Permit (GOP). The final MSWL GOP will be issued by the TCEQ executive director under the requirements in Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122 or Chapter 122), Subchapter F (General Operating Permits). The proposed GOP contains revisions resulting from new and amended federal and state rules which will be applicable requirements under the Federal Operating Permit Program. The specific revisions will be described in the section **DESCRIPTION OF THE GENERAL OPERATING PERMIT PROPOSED REVISIONS**. This GOP issuance fulfills the obligation to renew the corresponding MSWL GOP every 5 years as required by § 122.501 (General Operating Permits).

DESCRIPTION OF THE GOP PROCEDURAL REQUIREMENTS

Before the issuance of a renewal or significant revision to a GOP by the executive director, the GOP must comply with the Chapter 122, Subchapter F procedural requirements, including a 30-day public comment period with an opportunity to request a notice and comment hearing, an affected state review, and a 45-day EPA review. Once issued, the GOP will be subject to a 60-day public petition period during which the public may petition EPA to object to the GOP.

Before issuance, an opportunity for public comment and hearing on the draft GOP will be published in the *Texas Register*, the TCEQ Air Permits Division (APD) Internet site, and in a newspaper of the largest general circulation in the Austin, Dallas, and Houston metropolitan areas. The comment period offers the public an opportunity to review and submit comments on the draft GOP. Simultaneous with the public comment period, affected states (Arkansas, Colorado, Kansas, Louisiana, New Mexico, and Oklahoma) have the opportunity to comment on the draft GOP. Following the public comment period, the EPA 45-day review period begins during which time the EPA may object to the proposed GOP issuance. The executive director may issue the GOP after responding to any EPA comments.

The GOP will be subject to public petition for 60 days from the date of issuance, as specified in 30 TAC § 122.360 (Public Petition). If the EPA does not file an objection with the executive director during the EPA review period, any person affected by a decision of the executive director to issue the GOP may petition the EPA to make an objection. Petitions shall be based only on objections to the GOP that were raised with reasonable specificity during the public comment period, unless the petitioner demonstrates in the petition to the EPA that it was not possible to raise the objections within the public comment period, or that the grounds for the objection arose after the public comment period. The petition shall identify all objections. A copy of the petition shall be provided to the executive director by the petitioner. The executive director shall have 90 days from the receipt of an EPA objection to resolve any objection and, if necessary, terminate or revise the GOP.

Applications for an authorization to operate under a GOP are reviewed by the executive director to ensure that the site qualifies for the GOP. Individual GOP applications are not subject to public notice, affected state review, EPA review, and public petition requirements, because these procedural requirements occur during the development of the GOPs by the executive director. After the application review process is complete, the executive director approves authorizations to operate under a GOP without further public notice.

DESCRIPTION OF THE FACILITY

The MSWL GOP Permit Number 517 was developed for use by Title V major and minor source landfills, engaged in the collection and disposal of nonhazardous waste. Minor source landfills which are subject to 40 CFR Part 60, Subpart WWW, 40 CFR Part 63, Subpart AAAA, or 30 TAC Chapter 113, Subchapter D, Division 1 (Municipal Solid Waste Landfills) are required to be permitted under a Title V permit and may apply to operate under the MSWL GOP Permit Number 517.

The following table demonstrates the thresholds by which sources are classified as major. Different thresholds apply to different sites, based on the attainment status of the county in which the site is located.

County and [O3 Nonattainment Status]	Major Source Thresholds (tpy)								
	VOC	NO _x	SO ₂	PM-10 ¹	CO	Pb	HAP ²	HAPs ³	Other
Bexar, Comal, Guadalupe [Basic]	100	100	100	100	100	100	10	25	100
Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller ⁵ [Severe]	25	25	100	100	100	100	10	25	100
Collin, Dallas, Denton and Tarrant ⁶ [Serious]	50	50	100	100	100	100	10	25	100
Ellis, Johnson, Kaufman, Parker, Rockwall ⁷ [Moderate]	100	100	100	100	100	100	10	25	100
Harding, Jefferson, and Orange ⁴ [Serious]	50	50	100	100	100	100	10	25	100
All Other Texas Counties ⁸ [Unclassified or Attainment]	100	100	100	100	100	100	10	25	100

Notes:

1. Particulate matter (PM) may be used as a surrogate to demonstrate that PM-10 levels are below the major source threshold. For example, if data demonstrates that PM is less than 100 tpy, the data can be used to demonstrate that PM-10 is less than 100 tpy. However, if PM levels are greater than or equal to 100 tpy, then additional data must be provided to demonstrate that PM-10 levels are less than 100 tpy.
2. TPY limit of any single HAP. Elemental lead is not included in lead compounds per FCAA §112(b)(7).
3. Any combination of HAP.
4. The BPA area was reclassified to serious for the 1-hr ozone standard before the 1 hour standard was revoked.
5. The October 31, 2008 8-hr ozone reclassification made the major source thresholds equal to the 1-hr thresholds.
6. Per the Dec. 22, 2006 partial vacatur of the Phase one, 8-hr ozone rule.
7. Counties added for the 8-hr ozone rule (NAAQS = 0.08).
8. El Paso; Serious (50tpy) for VOC under 1-hr ozone; Moderate (100 tpy) partial for PM₁₀ under 8-hr.

Section (a) of the draft MSWL GOP establishes the qualification criteria that owners or operators of sites must meet in order to be eligible to operate under this GOP. The qualification criteria are consistent with the limitations of a GOP. Since a GOP authorizes the operation of multiple sites and cannot contain compliance provisions or a schedule for a specific site, owners or operators must apply for a site operating permit (SOP) that contains a compliance schedule if the site or units at the site are out of compliance at the time of application submittal. Qualification criteria are also used to identify emission units (including equipment, processes, or operations) to be excluded from coverage by a GOP to minimize the size and complexity of the GOP. Additionally, qualification criteria are used to exclude the types of emission units that are not commonly found sites that would use the GOP or for emission units with applicable requirements slightly different from many of the other sites. Alternative means of compliance, alternative means of control, alternative emission limitations or standards, or equivalent requirements that must be approved by the executive director or the Administrator of the EPA, typically, are not codified in a GOP due to the need for specific provisions. Owners or operators of emission units excluded by qualification criteria or having applicable requirements not codified in the GOP must apply for an SOP for those emission units or the entire site.

DESCRIPTION OF THE GENERAL OPERATING PERMIT PROPOSED REVISIONS

The executive director is requesting comments on all the proposed revisions that will be listed in this document. Three new subparts to 40 CFR Part 60 should be given particular attention: Subpart IIII, Compression Ignited Internal Combustion Engines; Subpart JJJJ, Spark Ignited Internal Combustion Engines, and Subpart KKKK, Stationary Gas Turbines. The requirements are indexed in Section (c) of this GOP as tables 53, 54, and 55 respectively. The new subparts cover a variety of engine applications, heat input, horsepower, and displacement, not all of which will be applicable to MSW landfill operations. In order to reduce the complexity of the GOP, the executive director appreciates comments on those engine applications which are not used at landfills.

The executive director is proposing these specific amendments for section (b):

1. Section (b)(5)(F) would be amended to require compliance with the Boiler Standard Permit (if applicable) which was issued on November 3, 2006.
2. New sections (b)(8)(E) and (F) would be added providing an exemption for ozone attainment counties and for Bastrop, Bexar, Caldwell, Comal, Guadalupe, Hays, Travis, Williamson, and Wilson Counties from Stage 1 gasoline vapor recovery requirements in 30 TAC Chapter 115, Subchapter C, Division 2, Filling of Gasoline Storage Vessels (Stage 1) for Motor Vehicle Fuel Dispensing Stations based on gasoline throughput and compliance dates. The following requirements are not subject to the exemption: 30 TAC §115.222(3), which prohibits gasoline leaks; §115.222(7), which requires that a gasoline tanker be kept vapor tight during loading, cleaning, or degassing; §115.224(1), which requires inspections for visible leaks and vapors at fuel dispensing facilities; §115.226(2)(C), which requires monthly records of gasoline throughput.
3. Section(b)(14)(C) would be amended to add the following sections of 30 TAC Chapter 115, Control of Air Pollution from Volatile Organic Compounds concerning degassing or cleaning of volatile organic compound (VOC) transport vessels: §115.545(11), concerning test methods; §115.547(2), allowing exemptions for vessels of certain maximum capacities; and §115.549, concerning compliance schedules for specified counties.

4. Sections (b)(15) - (17) would be amended to change citations referencing 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds. The proposed change is a result of the reorganization of Chapter 117 in June 2007 and does not change the substance of the applicable requirements. Section (17) is also amended to add requirements from 30 TAC Chapter 115 concerning minor source boilers, process heaters, and reciprocating engines.
5. New sections (18) and (19) would be added specifying requirements of 30 TAC Chapter 117 applicable to minor sources (boilers, process heaters, and reciprocating engines) of NOx in the Houston/Galveston/Brazoria ozone nonattainment area.
6. A new section (20) would be added specifying the requirements of 30 TAC Chapter 117 to stationary internal combustion reciprocating engines for fugitive emission control at petroleum refineries subject to 30 TAC Chapter 115, Subchapter D, Division 2 in Gregg, Nueces, and Victoria Counties.
7. A new section (21) would be added specifying the requirements of 30 TAC Chapter 117 to stationary internal combustion reciprocating engines for fugitive emission control at petroleum refineries not subject to 30 TAC Chapter 115, Subchapter D, Division 2 in Gregg, Nueces, and Victoria Counties.
8. A new section (b)(20) would be added to list applicable requirements from 40 CFR, Part 60, Subpart FFFF for air curtain incinerators. Subsequent sections would be re-numbered.
9. A new subparagraph (b)(29)(F) would be added citing the requirements of 30 TAC § 101.305, Emission Reductions Achieved Outside the United States. This new requirement regulates the generation and use of emission reduction credits.
10. A new subparagraph (b)(30)(E) would be added citing the requirements of 30 TAC § 101.375, Emission Reductions Achieved Outside the United States. This new requirement regulates the generation and use of discrete emission reduction credits.

Section (c) of the GOP contains permit tables that provide a codification of applicable requirements, including regulatory monitoring, testing, recordkeeping, and reporting requirements, for units covered by the GOP. Additional information relating to permit tables may be found in the APD guidance document entitled “federal Operating Permit Application.”

Updates to the tables are based on rule amendments and correction of errors. The following permit tables contain modifications or corrections. Three new tables would be added to incorporate 40 CFR, Part 60 Subparts IIII, JJJJ, and KKKK. Existing table (c)(21) would be deleted because on-site incineration of municipal solid waste is not authorized under this GOP with the exception of air curtain incinerators burning clean wood waste and meeting the requirements of 40 CFR, Part 60, Subparts EEEE or FFFF. Amendments to the tables are shown with new language in highlight and underline, deletions are shown with strikeout.

GOP 517(c)(1) - Stationary Gas Turbines affected by 40 CFR 60, Subpart GG (Standards of Performance for Stationary Gas Turbines). The table would be amended to account for the February 24, 2006 Federal Register notice specifying that turbines not using water or steam injection are not required to use continuous monitoring.

GOP 517(c)(4) - Storage Vessels affected by 40 CFR 60, Subpart Kb (Standards of Performance for Volatile Organic Liquid Storage Vessels [Including Petroleum Liquid Storage Vessels] for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984). Index number (8) is corrected to be consistent with an identical requirement in GOP 511, Oil and Gas General Operating Permit.

GOP 517(c)(5) - Storage Vessels affected by 30 TAC Chapter 115, Subchapter B, Division 1 and located in the Houston/Galveston, Beaumont/Port Arthur, Dallas/Fort Worth ozone nonattainment area , or the El Paso area. Index number (2) is amended to correct a citation reference to 30 TAC Chapter 115. Index number (3) is not required and is deleted. The table is expanded to include new index numbers 46 – 50. These ne indexes codify requirements for storage vessels in the Houston/Galveston/Brazoria area effective January 1, 2009.

GOP 517(c)(6) - Storage Vessels affected by 30 TAC Chapter 115, Subchapter B, Division 1 and located in Gregg, Nueces, or Victoria County. Index numbers (2) and (27) are amended to correct a citation reference to 30 TAC Chapter 115. Index numbers (3) and (28) are not required and are deleted.

GOP 517(c)(7) - Storage Vessels affected by 30 TAC Chapter 115, Subchapter B, Division 1 and located in Aransas, Bexar, Calhoun, Matagorda, San Patricio, or Travis County. Index number (1) is amended to correct a citation reference to 30 TAC Chapter 115. Index number (2) is not required and is deleted.

GOP 517(c)(18) - requirements for Municipal Solid Waste Landfills affected by 30 TAC Chapter 115, Subchapter B, Division 5, (Municipal Solid Waste Landfills) in the Houston/Galveston, Beaumont/Port Arthur, Dallas/Fort Worth ozone nonattainment areas, or the El Paso area. The title of this table is changed to specify applicability to Dallas, Tarrant, Denton, and Collin counties.

GOP 517(c)(19) - requirements for Active Waste Disposal Sites affected by 40 CFR 61, Subpart M (National Emission Standards for Asbestos). The headings of the regulatory categories are changed to cite the correct conditions under 40 CFR, Part 61, Subpart M concerning application of ground cover and the presence of visible emissions related to asbestos control.

GOP 517(c)(20) - requirements for Active Waste Disposal Sites affected by 40 CFR 60, Subpart WWW (Standards of Performance for Municipal Solid Waste Landfills). The table is amended to add a citation to 40 CFR, § 60.754 requiring testing of flares.

GOP 517(c)(21) - requirements for Incinerators affected by 30 TAC Chapter 111. This table will be deleted because on-site incineration of municipal solid waste is not authorized under this GOP with the exception of air curtain incinerators burning clean wood waste.

GOP 517(c)(22) - requirements for Stationary Gas Turbines affected by 30 TAC Chapter 117, Subchapter B, Division 3 and located in the Houston/Galveston ozone nonattainment area. The citations to 30 TAC Chapter 117 are amended to new section numbers resulting from the June 14, 2007 re-organization of the chapter.

GOP 517(c)(26) - requirements for Gas Fired Stationary Internal Combustion Engines affected by 30 TAC Chapter 117, Subchapter B, Division 3 and located in the Houston/Galveston ozone nonattainment area. The citations to 30 TAC Chapter 117 are amended to new section numbers resulting from the June 14, 2007 re-organization of the chapter.

GOP 517(c)(29) - requirements for Existing Municipal Solid Waste Landfills affected by 30 TAC Chapter 113, Subchapter D, Division 1 (Municipal Solid Waste Landfills), as defined in 30 TAC §113.2060(2). The table is amended to add a citation to 40 CFR, §60.754 requiring testing of flares.

GOP 517(c)(31) - requirements for Stationary Gas Turbines affected by 30 TAC Chapter 117, Subchapter B, Division 1 and located in the Beaumont/Port Arthur ozone nonattainment area. The citations to 30 TAC Chapter 117 are amended to new section numbers resulting from the June 14, 2007 re-organization of the chapter.

GOP 517(c)(32) - requirements for Gas Fired Stationary Internal Combustion Engines affected by 30 TAC

Chapter 117, Subchapter B, Division 1 and located in Beaumont/Port Arthur ozone nonattainment area. The citations to 30 TAC Chapter 117 are amended to new section numbers resulting from the June 14, 2007 re-organization of the chapter.

GOP 517(c)(33) - requirements for Stationary Gas Turbines affected by 30 TAC Chapter 117, Subchapter B, Division 3 and located in the Dallas/Fort Worth eight-hour ozone nonattainment area. The citations to 30 TAC Chapter 117 are amended to new section numbers resulting from the June 14, 2007 re-organization of chapter.

GOP 517(c)(34) - requirements for Gas Fired Stationary Internal Combustion Engines affected by 30 TAC Chapter 117, Subchapter B, Division 4 and located in Dallas/Fort Worth ozone nonattainment area. The citations to 30 TAC Chapter 117 are amended to new section numbers resulting from the June 14, 2007 re-organization of the chapter. The reference to Dallas, Tarrant, Denton, and Collin Counties in the title of the table is deleted leaving the reference to the Dallas/Fort Worth area which also includes Ellis, Johnson, Kaufman, Parker, and Rockwall Counties in the 8-hour ozone nonattainment area.

GOP 517(c)(35) - requirements for Boilers affected by 30 TAC Chapter 117, Subchapter B, Division 1 and located in the Houston/Galveston area. The citations to 30 TAC Chapter 117 are amended to new section numbers resulting from the June 14, 2007 re-organization of the chapter. Index numbers 2 – 5 concerning reasonably available control technology (RACT) are deleted as RACT is no longer applicable in the Houston/Galveston/Brazoria area.

GOP 517(c)(36) - requirements for Heaters affected by 30 TAC Chapter 117, Subchapter B, Division 1 and located in the Houston/Galveston area. The citations to 30 TAC Chapter 117 are amended to new section numbers resulting from the June 14, 2007 re-organization of the chapter. Index numbers 2 – 5 concerning reasonably available control technology (RACT) are deleted as RACT is no longer applicable in the Houston/Galveston/Brazoria area.

GOP 517(c)(37) - requirements for Boilers affected by 30 TAC Chapter 117, Subchapter B, Division 4 and located in the Beaumont/Port Arthur area. The citations to 30 TAC Chapter 117 are amended to new section numbers resulting from the June 14, 2007 re-organization of the chapter.

GOP 517(c)(38) - requirements for Heaters affected by 30 TAC Chapter 117, Subchapter B, Division 4 and located in the Beaumont/Port Arthur area. The citations to 30 TAC Chapter 117 are amended to new section numbers resulting from the June 14, 2007 re-organization of the chapter.

GOP 517(c)(39) - requirements for Boilers affected by 30 TAC Chapter 117, Subchapter B, Division 4 and located in the Dallas/Fort Worth ozone nonattainment area. The citations to 30 TAC Chapter 117 are amended to new section numbers resulting from the June 14, 2007 re-organization of the chapter. The reference to Dallas, Tarrant, Denton, and Collin Counties in the title of the table is deleted leaving the reference to the Dallas/Fort Worth area which also includes Ellis, Johnson, Kaufman, Parker, and Rockwall Counties in the 8-hour ozone nonattainment area.

GOP 517(c)(40) - requirements for Heaters affected by 30 TAC Chapter 117, Subchapter B, Division 4 and located in the Dallas/Fort Worth ozone nonattainment area. The citations to 30 TAC Chapter 117 are amended to new section numbers resulting from the June 14, 2007 re-organization of the chapter. The reference to Dallas, Tarrant, Denton, and Collin Counties in the title of the table is deleted leaving the reference to the Dallas/Fort Worth area which also includes Ellis, Johnson, Kaufman, Parker, and Rockwall Counties in the 8-hour ozone nonattainment area.

GOP 517(c)(41) - requirements for Active Waste Disposal Sites affected by 40 CFR 63, Subpart AAAA (National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills). The table is

amended to add a citation to 40 CFR, § 60.754 requiring testing of flares.

GOP 517(c)(44) - this table concerning Gas Fired Stationary Internal Combustion Engines affected by 30 TAC Chapter 117, Subchapter B, Division 3 and located in Ellis, Johnson, Kaufman, Parker and Rockwall Counties will be deleted. These counties are now contained within the Dallas/Ft. Worth eight-hour ozone nonattainment area and do not require a separate table.

GOP 517(c)(45) – this table which codifies requirements of 40 CFR 63 Subpart DDDDD concerning boilers will be deleted because the federal rule was vacated.

GOP 517(c)(46) – this table which codifies requirements of 40 CFR 63 Subpart DDDDD concerning heaters will be deleted because the federal rule was vacated.

GOP 517(c)(48) - requirements for Stationary Reciprocating Internal Combustion Engines affected by 40 CFR Part 63, Subpart ZZZZ (National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines). The table is amended to account for the inclusion of area sources on January 18, 2008. Index numbers 8 and 13-19 are corrected to refer to Table 6.7 in 40 CFR § 63.6640(a).

GOP 517(c)(49) - requirements for Electric Generating Facilities affected by 30 TAC Chapter 117, Subchapter B, Division 3 in the Houston/Galveston ozone nonattainment area. The citations to 30 TAC Chapter 117 are amended to new section numbers resulting from the June 14, 2007 re-organization of the chapter.

GOP 517(c)(50) - requirements for Diesel or Dual-fuel Stationary Internal Combustion Engines affected by 30 TAC Chapter 117, Subchapter B, Division 3 in the Houston/Galveston ozone nonattainment area. The citations to 30 TAC Chapter 117 are amended to new section numbers resulting from the June 14, 2007 re-organization of the chapter.

GOP 517(c)(51) - requirements for Diesel or Dual-fuel Stationary Internal Combustion Engines affected by 30 TAC Chapter 117, Subchapter B, Division 1 in the Beaumont/Port Arthur ozone nonattainment area. The citations to 30 TAC Chapter 117 are amended to new section numbers resulting from the June 14, 2007 re-organization of the chapter.

GOP 517(c)(52) - requirements for Diesel or Dual-fuel Stationary Internal Combustion Engines affected by 30 TAC Chapter 117, Subchapter B, Division 4 in the Dallas/Fort Worth ozone nonattainment area. The citations to 30 TAC Chapter 117 are amended to new section numbers resulting from the June 14, 2007 re-organization of the chapter. Index number 1 is deleted and the remaining indexes are made applicable to the nine counties in the Dallas/Fort Worth 8-hour ozone nonattainment area. (Dallas, Tarrant, Denton, Collin, Ellis, Johnson, Kaufman, Parker and Rockwall)

GOP 517(c)(53) – a new table for this GOP revision that indexes the requirements of 40 CFR, Part 60, Subpart IIII. This federal rule (effective July 11, 2006) sets emission standards, monitoring, and recordkeeping requirements for Compression Ignited Internal Combustion Engines.

GOP 517(c)(54) - a new table for this GOP revision that indexes the requirements of 40 CFR, Part 60, Subpart JJJJ. This federal rule (effective January 18, 2008) sets emission standards, monitoring, and recordkeeping requirements for Spark Ignited Internal Combustion Engines.

GOP 517(c)(55) - a new table for this GOP revision that indexes the requirements of 40 CFR, Part 60, Subpart KKKK. This federal rule (effective July 6, 2006) sets emission standards, monitoring, and recordkeeping requirements for Stationary Gas Turbines.

COMPLIANCE ASSURANCE MONITORING

One of the proposed amendments to GOP 517 specifies that stationary gas turbines not using water or steam injection are not required to use continuous monitoring. The compliance assurance tables would be amended to include new monitoring options based on those used at individual site operating permits. Major sources would be required to measure and record fuel consumption and levels of nitrogen oxide emissions four times per hour. Minor sources would make these measurements daily. These options are added to the periodic monitoring option tables in section (g) under option numbers PMG-LF-N-043, 044, and 045. These additions are based on industry submitted and TCEQ approved monitoring options.

FEDERAL REGULATORY APPLICABILITY DETERMINATIONS

The following chart summarizes the applicability of the principal air pollution regulatory programs that may apply to areas permitted under MSWL GOP Number 517.

Regulatory Program	Applicability (Yes/No)
PSD	No
Nonattainment NSR	No
State NSR	Yes
40 CFR Part 60	Yes
40 CFR Part 61	Yes
40 CFR Part 63	Yes
Title IV	No
Title V	Yes
Title VI	Yes

The permit tables include the applicability determinations for the emission units based on the index number(s) and all relevant units attribute information. Each combination of unit attributes information form the basis of the applicability determination. The unit attribute information is a description of the physical properties of an emission unit which is used to determine the requirements to which the permit holder must comply. For more information about the descriptions of the unit attributes specific Unit Attribute Forms may be viewed at www.tceq.state.tx.us/permitting/air/nav/air_all_ua_forms.html.

A list of unit attribute forms is included at the end of this document. Some examples of unit attributes include construction date; product stored in a tank; boiler fuel type; etc. Generally, multiple attributes are needed to determine the requirements for a given emission unit and index number. Attributes that demonstrate that an applicable requirement applies will be the factual basis for the specific citations in an applicable requirement that apply to a unit for that index number. The TCEQ Air Permits Division has developed the GOP permit tables for determining applicability of state and federal regulations based on the unit attribute information.

The attributes for each unit and corresponding index number provide the basis for determining the specific legal citations in an applicable requirement that apply, including emission limitations or standards, monitoring, recordkeeping, and reporting. Each Permit table can be interpreted as a series of paths for determining applicable regulatory requirements and monitoring/reporting/recordkeeping/testing requirements. Starting on the left side of a permit table, proceed down the first column to the attribute describing the unit. After finding the correct attribute, move directly to the right and into the next attribute column. This move will provide a subset of attributes based on the previous attribute. Choose the correct attribute from this subset and, again, move directly to the right, into the next attribute column, and choose the next correct attribute subset. Continue this process until the index number and corresponding applicable requirements, which are unique to the attribute path, are reached. The index number will be entered on the UA form next to the corresponding unit identification number.

OPERATIONAL FLEXIBILITY

When an emission unit has multiple operating scenarios, it will have a different index number associated with each operating condition. This means that units are permitted to operate under multiple operating conditions. The applicable requirements for each operating condition are determined by a unique set of unit attributes. For example, a tank may store two different products at different points in time. The tank may, therefore, need to comply with two distinct sets of requirements, depending on the product that is stored.

NEW SOURCE REVIEW REQUIREMENTS

NSR permits are incorporated by reference in the GOP application and are enforceable under it. Each individual application to operate under a GOP can be found in the main TCEQ file room, located on the first floor of Building E, 12100 Park 35 Circle, Austin, Texas.

The MSWL GOP Number 517 only covers sites containing emission units authorized by PBR and standard permits and codified into this GOP. The PBRs and standard permits codified in this GOP include the version effective as of the date of this GOP issuance and all previous versions. The PBRs codified into the MSWL GOP Number 517 include:

- 30 TAC § 106.181 (Used Oil Combustion Units);
- 30 TAC § 106.183 (Boilers, Heaters, and Other Combustion Devices);
- 30 TAC § 106.227 (Soldering, Brazing, Welding);
- 30 TAC § 106.261 (Facilities (Emission Limitations));
- 30 TAC § 106.262 (Facilities (Emission and Distance Limitations));
- 30 TAC § 106.263 (Routine Maintenance, Start-Up and Shutdown of Facilities, and Temporary Maintenance Facilities);
- 30 TAC § 106.264 (Replacements of Facilities);
- 30 TAC § 106.411 (Steam or Dry Cleaning Equipment);
- 30 TAC § 106.412 (Fuel Dispensing);
- 30 TAC § 106.433 (Surface Coat Facility);
- 30 TAC § 106.436 (Auto Body Refinishing Facility);
- 30 TAC § 106.451 (Wet Blast Cleaning);
- 30 TAC § 106.452 (Dry Abrasive Cleaning);
- 30 TAC § 106.454 (Degreasing Units);
- 30 TAC § 106.472 (Organic and Inorganic Liquid Loading and Unloading);
- 30 TAC § 106.473 (Organic Liquid Loading and Unloading);
- 30 TAC § 106.476 (Pressurized Tanks or Tanks Vented to Control);

- 30 TAC § 106.478 (Storage Tank and Change of Service);
- 30 TAC § 106.491 (Dual-Chamber Incinerators);
- 30 TAC § 106.492 (Flares);
- 30 TAC § 106.496 (Air Curtain Incinerators);
- 30 TAC § 106.512 (Stationary Engines and Turbines);
- 30 TAC § 106.533 (Water and Soil Remediation); and
- 30 TAC § 106.534 (Municipal Solid Waste Landfills and Transfer Stations).

The standard permits codified into the MSWL GOP Number 517 include:

- 30 TAC § 116.617 Standard Permits for Pollution Control Project;
- Air Quality Standard Permit for Electric Generating Units;
- Air Quality Standard Permit for Temporary Rock Crushers; and
- 30 TAC Chapter 330, Subchapter U: Standard Air Permits for Municipal Solid Waste Landfill Facilities and Transfer Stations.

COMPLIANCE STATUS

All owners and operators operating under a GOP must report all units in compliance at the time of initial issuance of the authorization to operate (ATO). After an initial ATO is issued, the owner or operator must certify compliance with the terms and conditions of the permit for at least every 12-month period following the initial issuance of the ATO. Annual compliance certifications should be submitted no later than 30 days after the end of the certification period. A copy of the compliance certification will be made accessible to the EPA.

Additionally, the owner or operator shall report, in writing, all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for the deviations for each emission unit covered by a GOP. A deviation report should be submitted for at least each six-month period after permit issuance or at the frequency required by an applicable requirement which requires more frequent reporting. However, no report is required if no deviations occurred over the six-month reporting period. The deviation reports should be submitted no later than 30 days after the end of each reporting period. It is also important to note that reports submitted under 30 TAC § 101.201, Emissions Event Reporting and Recordkeeping Requirements, and 30 TAC § 101.211, Scheduled Maintenance, Start-up and Shutdown Reporting and Recordkeeping Requirements, do not substitute for deviation reports. Annual compliance certification and deviation reporting forms were developed and are maintained by the TCEQ Office of Compliance and Enforcement. Owners or operators needing information regarding annual compliance certifications or deviation reports should contact the TCEQ Office of Compliance and Enforcement, Field Operations Division, at (512) 239-0400.

AVAILABLE UNIT ATTRIBUTE FORMS

The following is a list of unit attribute forms applicable to MSWL GOP Number 517 applications:

- OP-UA2 - Stationary Reciprocating Internal Combustion Engine Attributes
- OP-UA3 - Storage Tank/Vessel Attributes
- OP-UA4 - Loading/Unloading Operations Attributes
- OP-UA5 - Process Heater/Furnace Attributes
- OP-UA6 - Boiler/Steam Generator/Steam Generating Unit Attributes
- OP-UA7 - Flare Attributes
- OP-UA11 - Stationary Turbine Attributes
- OP-UA14 - Water Separator Attributes
- OP-UA15 - Emission Point/Stationary Vent/Distillation Operation/Process Vent Attributes
- OP-UA16 - Solvent Degreasing Machine Attributes

OP-UA18 - Surface Coating Operations Attributes
OP-UA35 - Incinerator Attributes
OP-UA44 - Municipal Solid Waste Landfill/Waste Disposal Site Attributes

PUBLIC HEARING

The draft GOP is subject to a 30-day comment period. During the comment period, any person may submit written comments on the draft GOP. A hearing will be held in Austin on December 7, 2009 in Building B, Room 201A at 1:30 p.m. at the commission's central office, located at 12100 Park 35 Circle. The hearing will be structured for the receipt of oral or written comments by interested persons. Individuals may present statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, a TCEQ staff member will be available to discuss the draft GOP 30 minutes prior to the hearing and will also be available to answer questions after the hearing. The GOP documents can be accessed at www.tceq.state.tx.us/permitting/air/nav/titlev_news.html or www.tceq.state.tx.us/permitting/air/nav/air_genopermits.html

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the TCEQ at (512) 239-4900. Requests should be made as far in advance as possible.

SUBMITTAL OF COMMENTS

Written comments may be mailed to Beecher Cameron, Office of Permitting and Registration, Air Permits Division, MC 163, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-1070. All comments should reference the draft MSWL GOP. Comments must be received by 5:00 p.m. December 11, 2009. To inquire about the submittal of comments or for further information, contact Beecher Cameron with the Office of Permitting and Registration, Air Permits Division, at (512) 239-1495.