

Statement of Basis of the Federal Operating Permit

Municipal Solid Waste Landfill

General Operating Permit

Permit Number 517

Standard Industrial Classification (SIC) Code:

4953 Refuse Systems

Operating Permit Basis of Determination

Description of the Project

The Texas Commission on Environmental Quality (TCEQ) executive director issues a revised and renewed Municipal Solid Waste Landfill (MSWL) General Operating Permit (GOP) Number 517. The MSWL GOP is issued by the TCEQ executive director under the requirements in Title 30 Texas Administrative Code (30 TAC) Chapter 122, Subchapter F (General Operating Permits). The GOP contains revisions resulting from new and amended federal and state rules, which will be applicable requirements under the Federal Operating Permit Program. The GOP also contains revisions to correct typographical errors, and to update language for administrative preferences. The specific revisions are described in the section Description of the General Operating Permit Proposed Revisions. This GOP fulfills the obligation to renew the corresponding MSWL GOP Number 517 every five years as required by 30 TAC §122.501(General Operating Permits).

Description of the GOP Procedural Requirements

The TCEQ executive director issues GOP 517, which included a 30-day public comment period, a notice and comment hearing, an affected state review, and a 45-day U.S. Environmental Protection Agency (EPA) review. The GOP will be subject to a 60-day public petition period, during which the public may petition the EPA to object to the GOP.

On November 7, 2014, an opportunity for public comment and hearing on the draft GOP was published in the *Texas Register*, the TCEQ Air Permits Division (APD) web site, and in a newspaper of the largest general circulation in the Austin, Dallas, and Houston metropolitan areas. The comment period was November 7, 2014 through December 8, 2014, and offered 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) had the opportunity to comment on the draft GOP. No comments were received.

The EPA 45-day review period followed the public comment period. The EPA review began on December 18, 2014, and ended on February 1, 2015. The EPA had the opportunity to comment on, or objected to the proposed GOP issuance. Comments were received from the EPA, and those comments are addressed in the Hearing and Commenters section of this document. The executive director may issue the GOP after responding to any EPA comments.

From the date of issuance, March 16, 2015, the GOP is subject to public petition for 60 days from the date of issuance, as specified in 30 TAC § 122.360 (Public Petition). 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. Petitions must be filed with the EPA on or before May 15, 2015. After receiving the petition, the EPA may object to the issuance of the GOP only if it is not in compliance with the applicable requirements. or the requirements of 30 TAC Chapter 122 (Federal Operating Permits Program). 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 (ATO) 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 ATOs under a GOP without further public notice.

Description of the Facility

TCEQ issues GOP Number 517 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 Title 40 Code of Federal Regulation (40 CFR) Part 60, Subpart WWW (Standards of Performance for Municipal Solid Waste Landfills), 40 CFR Part 63, Subpart AAAA (National Emission Standards For Hazardous Air Pollutants: Municipal Solid Waste Landfills), 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 GOP Number 517.

For thresholds by which sources are classified as major, see our Texas State Implementation Plan web page at www.tceq.texas.gov/airquality/sip. Different thresholds apply to different sites, based on the attainment status of the county in which the site is located.

Description of the General Operating Permit Proposed Revisions

Section (a):

- 517(a)(1) was removed guidance for permit holders who no longer qualify for this GOP to submit an application for a site-operating permit.
- Previous 517(a)(2), stating that the site and each emission unit located at the site are subject to only the applicable requirements codified in this GOP, was removed. Succeeding items under 517(a) were renumbered.

Section (b):

- Section (b)(2) was amended to remove the reference to 30 TAC § 122.146 (Compliance Certification Terms and Conditions).
- A new section (b)(3) was added to address the requirements of 30 TAC § 122.146 for certification of compliance.
- Section (b)(4) was amended to include the name of the commission, Texas Commission on Environmental Quality, prior to the acronym TCEQ.
- Section (b)(5) was amended to remove language specifying where reports should be submitted. Guidance on the Office of Compliance and Enforcement (OCE) portion of the TCEQ website now specifies that information.
- Section (b)(7) was amended to replace the word “commission” with “TCEQ.”
- Section (b)(8)(B) was amended to remove language specifying which New Source Review (NSR) authorizations are allowed under the GOP. Qualification criteria of section (a) specify this requirement.

- Section (b)(8)(D)(xi) was amended to correct spelling of Start-Up.
- Section (b)(8)(E) was amended to remove language specifying information contained in the registration.
- New sections (b)(8)(F), (b)(8)(F)(i) and (b)(8)(F)(ii) were added to address maintenance of records necessary to demonstrate compliance with emission limitations or standards that are specified in Permits By-Rule (PBR) or Standard Permits.
- Section (b)(8)(G) was amended to remove language specifying information contained in the registration.
- Section (b)(8)(G)(i) was amended to specify the name of the Air Quality Standard Permit for Air Quality Pollution Control Projects.
- Section (b)(8)(G)(iv) was amended to specify and correct the name of the Air Quality Standard Permit for Temporary Rock and Concrete Crushers.
- Section (b)(8)(G)(v) was amended to specify and correct the name of the Air Quality Standard Permit for Electric Generating Units for facilities located in the East Texas region.
- Section (b)(8)(G)(vi) was amended to specify and correct the name of the Air Quality Standard Permit for Electric Generating Units for facilities located in the West Texas region.
- Section (b)(8)(G)(vii) was amended to specify and correct the name of the Air Quality Standard Permit for Boilers.
- Section (b)(9) was revised by removing terms relating to 30 TAC §111.111(a)(1)(A) applicability. Emission sources applicable to §111.111(a)(1)(A) are required to submit GOP Table (c)(56) or indicate in the authorization to operate (ATO) application that the emission source is complying with the opacity limitation in §111.111(a)(1)(B).
- Section (b)(9)(A)(iv)(e)(b) was amended to add language specifying the timing of opacity observations.
- Section (b)(9)(B) was amended to specify which stationary vents at the site are covered by the term and the opacity limit to which the vents are subject.
- Section (b)(9)(B)(iv)(e)(b) was amended to add language specifying the timing of opacity observations.
- Section (b)(9)(C)(iii)(d)(b) was amended to add language specifying the timing of opacity observations.
- Section (b)(9)(D)(iii)(d)(b) was amended to add language specifying the timing of opacity observations.
- New sections (b)(10), (b)(10)(A), (b)(10)(B), (b)(10)(C), and (b)(10)(D), were added to address air curtain incinerators subject to the requirements of 30 TAC Chapter 113, Subchapter D, Division 5 (Emission Guidelines And Compliance Times For Other Solid Waste Incineration Units That Commenced Construction On Or Before December 9, 2004).
- Section (b)(11)(A) was amended to remove references to the Houston/Galveston and Dallas/Fort Worth areas.
- A new section (b)(11)(D) was added to address requirements in the Houston/Galveston and Dallas/Fort Worth areas for pressure vessels storing VOC.

- Section (b)(13) was amended to add a reference to the construction date for motor vehicle fuel dispensing facilities.
- Section (b)(13)(A) was amended to remove the reference to Emission Specification and add a reference to Decommissioning of Stage II Vapor Recovery Equipment. Title 30 TAC Chapter 115, Subchapter C, Division 4 (Control Of Vehicle Refueling Emissions (Stage II) At Motor Vehicle Fuel Dispensing Facilities) would be amended to remove old section 115.241 (Emission Specifications) and a new section 115.241 (Decommissioning of Stage II Vapor Recovery Equipment) would be added.
- Section (b)(13)(F) was removed from the GOP. The rule section being referenced was repealed.
- Section (b)(18) was amended to remove the reference to cleaning of transport vessels.
- Existing sections (b)(18)(A) through (b)(18)(G) was removed and replaced with new sections (b)(18)(A) through (b)(18)(O).
- Section (b)(19) was amended to remove the reference to the Houston/Galveston area and the reference to 30 TAC § 117.350 (Initial Control Plan Procedures).
- New section (b)(20) was added to address the requirements for the initial control plan requirements of 30 TAC § 117.350 for the Houston/Galveston/Brazoria area.
- Section (b)(21) was amended to remove the references to 30 TAC § 117.9010 (Compliance Schedule for Dallas-Fort Worth Ozone Nonattainment Area Major Sources), the reference to 30 TAC § 117.9020 (Compliance Schedule for Houston-Galveston-Brazoria Ozone Nonattainment Area Major Sources, and the reference to 30 TAC § 117.9030(a) (Compliance Schedule For Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Major Sources).
- New section (b)(22) was added to address the requirements of 30 TAC § 117.9020 for the Houston/Galveston/Brazoria Ozone Nonattainment Area.
- New section (b)(23) was added to address the requirements of 30 TAC § 117.9030(b) for the Dallas/Fort Worth Eight-Hour Ozone Nonattainment Area.
- Section (b)(29) was amended to add “For” to the beginning of the section.
- Section (b)(31) was removed from the GOP. The requirements are now captured in new section (b)(10).
- Section(b)(33) was added to include a reference to 30 TAC Chapter 113, Subchapter C (National Emission Standards for Hazardous Air Pollutants for Source Categories) for emission units subject to a subpart in 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories).
- New section (b)(34) was added to address the requirements of 40 CFR Part 63, Subpart CCCCC (National Emission Standards For Hazardous Air Pollutants For Source Category: Gasoline Dispensing Facilities) for gasoline dispensing facilities with a throughput of less than 10,000 gallons per month.
- Section (b)(41)(B) was amended to add language pertaining to notification and update reference to the rule citation.
- Section (b)(41)(C) was amended to update reference to the rule citation.

- Section (b)(41)(D) was removed from the GOP.
- Section (b)(41)(E) was amended to update reference to the rule citation.
- Section (b)(44) was amended to add language concerning the issuance of the authorization to operate under the GOP.
- New section (b)(44)(H) was added for the requirements of 40 CFR Part 70 and 30 TAC Chapter 122 for documentation of required inspections for compliance assurance monitoring.

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 “How to Read a General Operating Permit” located at www.tceq.texas.gov/assets/public/permitting/air/Title_V/General/howto_gops.pdf.

Most of the applicable requirements codified in section (c) of the draft GOP Number 517 were revised due to newly promulgated or amended regulations.

Permit holders operating under an index number in a permit table that is proposed to be revised may need to update their applications if applicability determinations and the determination of basis affecting the emission units change. The following permit tables contain modifications or corrections:

- GOP Number 517(c) –All tables were updated for consistency with the existing decision support system.

No previously existing permit tables were removed from the GOP.

The following new permit tables were added in the GOP.

- 517(c)(45) - Boilers and process heaters affected by 40 CFR Part 63, Subpart DDDDD (National Emission Standards For Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters).
- 517(c)(56) - Stationary vents affected by 30 TAC Chapter 111, Subchapter A, Division 1 (Visible Emissions).
- 517(c)(57) - Boilers and process heaters affected by 40 CFR Part 63, Subpart JJJJJJ (National Emission Standards For Hazardous Air Pollutants For Industrial, Commercial, And Institutional Boilers Area Sources).
- 517(c)(58) - Industrial Cleaning Solvents applicable to 30 TAC Chapter 115, Subchapter E, Division 6 (Industrial Cleaning Solvents).
- 517(c)(59) - Surface coating processes affected by 30 TAC Chapter 115, Subchapter E, Division 2 (Surface Coating Processes).
- 517(c)(60) - Stationary gas fired internal combustion engines affected by 30 TAC Chapter 117, Subchapter E, Division 4 (East Texas Combustion).

Periodic Monitoring

Section (f) includes the periodic monitoring applicability criteria and additional monitoring requirements. Section (g) contains the Periodic Monitoring Option Tables. The executive director has made an effort to include all possible periodic monitoring options from the “Periodic Monitoring Guidance Document” appropriate for a MSWL site. The guidance is available on the website: www.tceq.texas.gov/permitting/air/guidance/titlev/tv_fop_guidance.html.

The following changes were made to the Periodic Monitoring:

- The monitoring options for stationary gas turbines with a control device other than water or steam injection (Options PMG-LF-N-043 through PMG-LF-051) were revised to specify monitoring of fuel consumption and NO_x concentration, which will provide an adequate assurance of compliance with a NO_x emission limit.

All index numbers and their correlating applicable requirements in the GOP tables were evaluated to determine if they provide sufficient periodic monitoring. Index numbers determined to have insufficient periodic monitoring were identified by placing the words “Periodic Monitoring” in the monitoring and testing column of its set of applicable requirements.

It is important to note that the option numbers listed may not be in sequential order. This is because these monitoring options are those included in the “Periodic Monitoring Guidance Document” and not all of those were necessary in this GOP. Permit holders must review the applications for each of their sites and determine if an application for additional periodic monitoring is required. The following permit tables contain index numbers, which will require additional periodic monitoring:

- 517(c)(1) - Storage Vessels affected by 40 CFR Part 60, Subpart GG (Standards of Performance for Stationary Gas Turbines).
- 517(c)(2) - Storage Vessels affected by 40 CFR Part 60, Subpart K (Standards of Performance For Storage Vessels For Petroleum Liquids For Which Construction, Reconstruction, Or Modification Commenced After June 11, 1973, And Prior To May 19, 1978).
- 517(c)(3) - Storage Vessels affected by 40 CFR Part 60, Subpart Ka (Standards Of Performance For Storage Vessels For Petroleum Liquids For Which Construction, Reconstruction, Or Modification Commenced After May 18, 1978, And Prior To July 23, 1984).
- 517(c)(4) - Storage Vessels affected by 40 CFR Part 60, Subpart Kb (Standards of Performance For Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) For Which Construction, Reconstruction, Or Modification Commenced After July 23, 1984).
- 517(c)(5) - Storage Vessels affected by 30 TAC Chapter 115, Subchapter B, Division 1 (Storage of Volatile Organic Compounds).
- 517(c)(6) - Storage Vessels affected by 30 TAC Chapter 115, Subchapter B, Division 1.
- 517(c)(7) - Storage Vessels affected by 30 TAC Chapter 115, Subchapter B, Division 1.
- 517(c)(10) - Stationary Vents affected by 30 TAC Chapter 115, Subchapter B, Division 2 (Vent Gas Control).
- 517(c)(11) - Stationary Vents affected by 30 TAC Chapter 115, Subchapter B, Division 2.
- 517(c)(12) - Stationary Vents affected by 30 TAC Chapter 115, Subchapter B, Division 2.
- 517(c)(13) - Incinerators affected by 40 CFR Part 60, Subpart E (Standards Of Performance For Incinerators).

- 517(c)(14) - Water Separators affected by 30 TAC Chapter 115, Subchapter B, Division 3 (Water Separation).
- 517(c)(15) - Water Separators affected by 30 TAC Chapter 115, Subchapter B, Division 3.
- 517(c)(16) - Water Separators affected by 30 TAC Chapter 115, Subchapter B, Division 3.
- 517(c)(17) - Cold Cleaning Degreasing Operations affected by 30 TAC Chapter 115, Subchapter E, Division 1 (Degreasing Processes).
- 517(c)(19) - Municipal Solid Waste Landfills affected by 40 CFR 61, Subpart M (National Emission Standard For Asbestos).
- 517(c)(25) - Cold Cleaning Degreasing Operations affected by 30 TAC Chapter 115, Subchapter E, Division 1.
- 517(c)(30) - Liquid Fuel-Fired Heaters affected by 30 TAC Chapter 112 (Sulfur Compounds).
- 517(c)(56) - Stationary Vents affected by 30 TAC Chapter 111, Subchapter A, Division 1.

Compliance Assurance Monitoring

Section (d) includes compliance assurance monitoring (CAM) applicability criteria and section (e) contains the CAM option tables. The executive director has made an effort to include all possible pre-approved CAM options from the "Compliance Assurance Monitoring Guidance Document" appropriate for a MSWL site. The guidance is available on the website: www.tceq.texas.gov/permitting/air/guidance/titlev/tv_fop_guidance.html.

The following changes were made to the CAM section:

- The monitoring options for non-selective catalytic reduction (catalytic converters) control devices (CAM options CMG-LF-CC-001 through CMG-LF-CC-076) were expanded to add options for demonstrating compliance with a carbon monoxide (CO) emission limitation and to add other monitoring options that are consistent with the "Compliance Assurance Monitoring Guidance Document" for emission units using catalytic converter control devices.

Origin of Monitoring Options

The CAM and periodic monitoring options developed by the executive director are based on federal and state regulations, historical NSR permits and EPA guidance and training.

Federal Regulatory Applicability Determinations

The following chart summarizes the applicability of the principal air pollution regulatory programs that may apply to areas permitted under 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 ¹	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.texas.gov/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 APD 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.

¹ National Emission Standards For Hazardous Air Pollutants

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 authorizations are incorporated by reference in the GOP application and are enforceable under it.

The GOP Number 517 only covers sites containing emission units authorized by PBR and Standard Permits and codified into this GOP. The PBRs codified into the GOP Number 517 include:

- 30 TAC § 106.102 (Comfort Heating);
- 30 TAC § 106.103 (Air Conditioning and Ventilation Systems);
- 30 TAC § 106.142 (Rock Crushers);
- 30 TAC § 106.148 (Material Unloading);
- 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 § 106.244 (Ovens, Barbecue Pits, and Cookers);
- 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 § 106.265 (Hand-held and Manually Operated Machines);
- 30 TAC § 106.266 (Vacuum Cleaning Systems);
- 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 § 106.511 (Portable and Emergency Engines and Turbines);
- 30 TAC § 106.512 (Stationary Engines and Turbines);
- 30 TAC § 106.533 (Remediation); and
- 30 TAC § 106.534 (Municipal Solid Waste Landfills and Transfer Stations).

The standard permits codified into the GOP Number 517 include:

- 30 TAC §116.617 (State Pollution Control Project Standard Permit);
- 30 TAC §116.621 (Municipal Solid Waste Landfill);
- Air Quality Standard Permit for Air Quality Pollution Control Projects;
- Air Quality Standard Permit for Electric Generating Units for facilities located in the East Texas region;
- Air Quality Standard Permit for Electric Generating Units for facilities located in the West Texas region;
- Air Quality Standard Permit for Boilers;
- Air Quality Standard Permit for Temporary Rock and Concrete 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 ATO and at a renewal of the 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 to the executive director and the EPA administrator no later than 30 days after the end of the certification period.

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. Reports submitted under 30 TAC § 101.201 (Emissions Event Reporting and Recordkeeping Requirements), and 30 TAC § 101.211 (Scheduled Maintenance, Startup 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. These forms are available at www.tceq.texas.gov/field/acguide.html. Owners or operators needing information regarding annual compliance certifications or deviation reports should contact the TCEQ Office of Compliance and Enforcement, Field Operations Program Support Section, at (512) 239-0400 or the Small Business Assistance program at 1-800-447-2827. Additional resources can also be found at www.tceq.texas.gov/assistance/industry/oil-and-gas/oilgas.html.

Available Unit Attribute Forms

The following is a list of unit attribute forms applicable to 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

Hearing and Commenters

The draft GOP was subject to a 30-day comment period, during which time, any person was eligible to submit written comments on the draft GOP. A notice and hearing was held in Austin on December 4, 2014 at 2:00 p.m. in 201S, Building E of the TCEQ offices, located at 12100 Park 35 Circle, Austin. No attendees appeared at the hearing. No comments were received during the public comment period.

Simultaneous with the public comment period, affected states (Arkansas, Colorado, Kansas, Louisiana, New Mexico, and Oklahoma) had the opportunity to comment on the draft GOP. No comments were received from affected states.

The following three written comments were received from the EPA during the EPA 45-day review period.

Comment 1

Page 3, Section (b)(8)(D)(i)-(xxxii) – Was an analysis prepared to demonstrate why each Permit by Rule (PBR) may be applicable under this GOP? For example, 30 TAC § 106.433 applies to surface coating or stripping facilities, excluding vehicle repair and refinishing shops. How did TCEQ determine that this PBR was relevant to this GOP action?

Response 1

Based on public outreach and previous reviews of MSWL sites during the initial MSWL GOP rulemaking it was determined that these are facilities that could be located at an MSWL site. For example, 30 TAC § 106.433 could be used for coating or stripping operations to prevent corrosion of landfill equipment, such as waste disposal canisters and land moving equipment.

Comment 2

Page 3, Section (b)(8)(D)(ix-x) and (xii) – General PBRs at 30 TAC § 106.261, 106.262, and 106.264, were incorporated by reference. Please clarify for the permitting record what types of facilities (units) and the associated emission activities does the TCEQ anticipate would be authorized under the referenced PBRs?

Response 2

Types of facilities that could be authorized under 30 TAC §§ 106.261-262 are fugitive emissions from recycling facilities, such as tire shredding, and oil and drilling mud pits from oil and gas fields. Replacement facilities under 30 TAC § 106.264 could consist of storage tanks, fugitive components, engines, and flares. Texas' general PBR rules (Chapter 106, Subchapter A) are approved as part of the SIP. In addition, Subchapter A is a defined applicable requirement under Chapter 122 and the EPA-approved Texas operating permit program.² Subchapter A includes applicability, requirements for permitting by rule, registration of emissions, recordkeeping and references to standard exemptions and exemptions from permitting. Additionally, PBR authorizations can apply to distinct, insignificant sources of emissions (i.e. engine, production process, etc.) at a Title V site.

² Texas Health & Safety Code (THSC) § 382.05196 and implementing rules in 30 TAC Chapter 106, relating to PBRs, prohibit an owner or operator of a facility from using a PBR to authorize a major stationary source or major modification. This does not preclude the use of a PBR for non-major changes at a major stationary source, as that term is defined in federal law.

Comment 3

The proposed GOP does not explain TCEQ's enforcement authority for violations of the permit. EPA requests that TCEQ include a provision stating any noncompliance with the permit constitutes a violation of the SIP, state law and in some instances federal law, and is grounds for an enforcement action, for permit suspension, revocation or revisions, or for denial of a permit renewal application. In addition, the permit must contain reporting requirements for noncompliance with permit terms.

Response 3

The Executive Director (ED) disagrees that the proposed GOP does not provide enforcement authority by TCEQ for violations of the permit. GOP term and condition (b)(2) references the General Terms and Conditions of 30 TAC § 122.143. This section includes 30 TAC § 122.143(4), which states:

The permit holder shall comply with all terms and conditions codified in the permit and any provisional terms and conditions required to be included with the permit. Except as provided for in paragraph (5) of this section, **any noncompliance with either the terms or conditions codified in the permit or the provisional terms and conditions, if any, constitutes a violation of the FCAA and the TCAA and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.** It shall not be a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to comply with the permit terms and conditions of the permit {emphasis added}.

This language was also included in the cover letter that was made available during public notice. The cover letter serves as a permit face that will be signed and dated by the ED (or his designee) upon issuance of the GOP.

In response to the GOP containing reporting requirements for noncompliance with permit terms, GOP term and condition (b)(2) also references the reporting requirements of 30 TAC § 122.145. This section includes 30 TAC §§ 122.145(2)(A)-(D) which are requirements for deviation reports. A deviation, as defined in 30 TAC § 122.10(6), is "Any indication of noncompliance with a term or condition of the permit as found using compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information." The deviation reports are required to be submitted to the ED at least every six months after permit issuance or at the frequency required by an applicable requirement that requires more frequent reporting. For these reasons, the ED believes that the GOP satisfies the requirements of Texas's SIP approved Title V program and 40 CFR § 70.6(a)(6)(i) relating to grounds for enforcement actions and § 70.6(a)(2)(iii)(A) relating to deviation reporting.

Other Changes

During final preparation of the GOP documents, the language was adopticized, and the following changes were made to correct citations.

Statement of Basis, under the heading Description of the Facility: 40 CFR Part 63, Subpart AAAA originally contained a typo citing "Standards of Performance for Small Municipal Waste Combustion Units for Which Construction Is Commenced After August 30, 1999 or for Which Modification or Reconstruction Is Commenced After June 6, 2001" as the title. This reference has been updated to the correct title of "National Emission Standards For Hazardous Air Pollutants: Municipal Solid Waste Landfills."

Terms, paragraph (b)(36): requirement citation was corrected to 30 TAC § 122.146, from 30 TAC § 122.143(4).