

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

North American Industry Classification System (NAICS):

562212 Solid Waste Landfill

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

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 includes grammatical, stylistic and other non-substantive revisions to correct citation errors and to update language for administrative consistency. 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 General Operating Permit Procedural Requirements

Before the issuance of a renewal or significant revision to a GOP by the executive director, the GOP must comply with the procedural requirements specified in 30 TAC Chapter 122, Subchapter F, 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 United States Environmental Protection Agency (EPA) review. Once issued, the GOP is subject to a 60-day public petition period during which members of the public may petition EPA to object to the GOP, discussed further below.

On August 16, 2024, a notice of opportunity for public comment on the draft GOP was published in the *Texas Register*, on the TCEQ Air Permits Division (APD) web page at: www.tceq.texas.gov/permitting/air/nav/air_genoppermits.html,

and in newspapers of the largest general circulation in the Dallas and Houston metropolitan areas¹. The notice was provided in Spanish on the TCEQ APD webpage linked above and in Spanish-language publications in the Austin, Dallas, and Houston areas. The public comment period was from August 16, 2024, through September 16, 2024, and offered the public an opportunity to review and submit comments on the draft GOP. A hybrid virtual and in-person public hearing on the draft GOP was held in Austin on September 16, 2024, at 2:00 p.m. in Building F, room 2210 at the commission's central office located at 12100 Park 35 Circle, Austin, Texas. 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. Comments were received and those comments are addressed in the Response to Comments section of this document.

Following the public comment period, the EPA 45-day review period began on October 15, 2024, and ended on November 29, 2024. During this time, EPA had the opportunity to comment on and object to the proposed GOP issuance. No comments or objections were received from EPA.

The executive director is issuing the GOP after responding to comments consistent with 30 TAC §122.345 (Notice of Proposed Final Action) and 30 TAC §122.508 (Public Notice for General Operating Permits).

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). Any person who will be affected by a decision of the executive director to issue the GOP may petition EPA to make an objection. Petitions shall be based only on objections to the GOP that are raised with reasonable specificity during the public comment period, unless the petitioner demonstrates in the petition to EPA that it was not possible to have raised 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. After receiving the petition, 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).

¹ In addition, TCEQ made a good faith effort to publish the notice in Austin. The Austin American Statesman provided an affidavit of publication but subsequently informed us that the notice was not published as certified.

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 (GOP applications) will be 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

GOP Number 517 is 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 the state and federal rules listed below are required to be permitted under a Title V permit and may apply to operate under GOP Number 517:

- Title 40 Code of Federal Regulation (40 CFR) Part 60, Subpart WWW (Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014);
- 40 CFR Part 60, Subpart XXX (Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014);
- 40 CFR Part 63, Subpart AAAA (National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills);
- 30 TAC Chapter 113, Subchapter D, Division 1 (Municipal Solid Waste Landfills); or
- 40 CFR Part 62, Subpart OOO (Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014).

The 40 CFR Part 62, Subpart OOO, is added to MSWL GOP Number 517 due to EPA promulgating new regulations for municipal solid waste landfills that commenced construction, reconstruction, or modification after July 17, 2014. Municipal solid waste landfills operating under this GOP are subject to these regulations in addition to other specified applicable requirements.

To find the 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 Revisions

Punctuation, acronyms, numbering, title references, typographical errors, and other changes for clarification or improved readability have been updated throughout the documents and are not specifically listed below. These administrative changes do not require permit holders to apply for a new ATO.

The qualification criteria that sites must meet to be eligible to operate under this GOP are established under section (a) of the GOP. The qualification criteria specify the limitations of a GOP. Qualification criteria are used to exclude the types of emission units that are not commonly found at sites that would use the GOP or for emission units with applicable requirements slightly different from many of the other sites. Owners or operators of emission units excluded by qualification criteria must apply for a site operating permit (SOP) for those emission units or the entire site. Alternative means of compliance, alternative means of control, alternative emission limitations or standards, alternative monitoring, compliance plans, or equivalent requirements that must be approved by the executive director or the administrator of EPA, typically are not codified in a GOP due to the need for specific provisions.

Specific amendments for section (a):

- 517(a)(1) is amended to update language for administrative consistency.

Specific amendments for section (b):

- 517(b)(5) is added to clarify the recordkeeping requirements of 30 TAC §122.144(1). Succeeding items under 517(b)(5) are renumbered.
- Renumbered 517(b)(6) is amended to clarify that the ATO permit holders shall submit reports to the appropriate TCEQ regional office.
- Renumbered 517(b)(7)(B) is amended to update language for administrative consistency.
- Renumbered 517(b)(9)(A) is amended to include specific citations 30 TAC §116.110(a)(2), (4), and (5) that apply in 30 TAC Chapter 116 for administrative consistency.
- Renumbered 517(b)(9)(B) is amended to clarify that the New Source Review (NSR) authorizations include the Permits by Rule (PBR) identified in the PBR Supplemental Tables.
- Renumbered 517(b)(12)(C) is amended to remove Bexar County ozone nonattainment area.
- Renumbered 517(b)(12)(D) is amended to include Bexar County ozone nonattainment area.
- Renumbered 517(b)(13) is amended to update language for administrative consistency.
- Renumbered 517(b)(13)(E) is amended to remove Bexar County ozone nonattainment area.
- Renumbered 517(b)(13)(F) is amended to remove Bexar County ozone nonattainment area.
- Renumbered 517(b)(30) is amended to provide the correct title to 40 CFR Part 60, Subpart A (General Provisions).
- Renumbered 517(b)(36) is amended to update language for administrative consistency.
- Renumbered 517(b)(42)(D) is updated to correct the citation §101.302(i) to §101.302(g).
- Renumbered 517(b)(44) is amended to update language for administrative consistency.

Section (c) of GOP Number 517 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.

The applicable requirements codified in section (c) of the draft GOP Number 517 are revised due to newly promulgated or amended regulations, or corrections; and tables are updated to incorporate amendments to regulations, correct errors, and for consistency with the existing decision support system.

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 are updated for consistency with the existing decision support system updates to applicable requirements:

- 517(c)(4) for 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) was updated to incorporate the amendments to the regulation;
- 517(c)(5) for Storage Vessels affected by 30 TAC Chapter 115, Subchapter B, Division 1 (Storage of Volatile Organic Compounds) and located in the Bexar County, Houston/Galveston/Brazoria, Beaumont/Port Arthur, El Paso, or Dallas/Fort Worth areas was updated to incorporate the amendments to the regulation;

- 517(c)(7) for Storage Vessels affected by 30 TAC Chapter 115, Subchapter B, Division 1 (Storage of Volatile Organic Compounds) and located in Aransas, Calhoun, Matagorda, San Patricio, or Travis County was updated to incorporate the amendments to the regulation;
- 517(c)(9) for Flares affected by 30 TAC Chapter 111 (Control of Air Pollution from Visible Emissions and Particulate Matter) was updated to add Periodic Monitoring text;
- 517(c)(10) for Stationary Vents affected by 30 TAC Chapter 115, Subchapter B, Division 2 (Vent Gas Control) and located in the Bexar County, Houston/Galveston/Brazoria, Beaumont/Port Arthur, El Paso, or Dallas/Fort Worth areas was updated to incorporate the amendments to the regulation;
- 517(c)(12) for Stationary Vents affected by 30 TAC Chapter 115, Subchapter B, Division 2 (Vent Gas Control) and located in Aransas, Calhoun, Matagorda, San Patricio, or Travis County was updated to incorporate the amendments to the regulation;
- 517(c)(14) for Water Separators affected by 30 TAC Chapter 115, Subchapter B, Division 3 (Water Separation) and located in the Bexar County, Houston/Galveston/Brazoria, Beaumont/Port Arthur, El Paso, or Dallas/Fort Worth areas was updated to incorporate the amendments to the regulation;
- 517(c)(16) for Water Separators affected by 30 TAC Chapter 115, Subchapter B, Division 3 (Water Separation) and located in Aransas, Calhoun, Matagorda, San Patricio, or Travis County was updated to incorporate the amendments to the regulation;
- 517(c)(17) for Degreasing Processes affected by 30 TAC Chapter 115, Subchapter E, Division 1 (Degreasing Processes) and located in Bexar County, Houston/Galveston/Brazoria, Beaumont/Port Arthur, El Paso, or Dallas/Fort Worth areas was updated to incorporate the amendments to the regulation;
- 517(c)(20) for Municipal Solid Waste Landfills affected by 40 CFR 60, Subpart WWW was updated to include a negative applicability index number;
- 517(c)(23) for Loading and Unloading Operations affected by 30 TAC Chapter 115, Subchapter C, Division 1 (Loading and Unloading of Volatile Organic Compounds) and located in the Bexar County, Houston/Galveston/Brazoria, Beaumont/Port Arthur, El Paso, or Dallas/Fort Worth areas was updated to correct citation errors and to incorporate the amendments to the regulation;
- 517(c)(24) for Loading and Unloading Operations affected by 30 TAC Chapter 115, Subchapter C, Division 1 (Loading and Unloading of Volatile Organic Compounds) and located in a covered attainment county as defined in 30 TAC §115.10 (Definitions) was updated to correct citation errors and to incorporate the amendments to the regulation;
- 517(c)(25) for Degreasing Processes affected by 30 TAC Chapter 115, Subchapter E, Division 1 (Degreasing Processes) and located in Gregg, Nueces, or Victoria County was updated to incorporate the amendments to the regulation;
- 517(c)(27) for Surface Coating Processes affected by 30 TAC Chapter 115, Subchapter E, Division 2 (Surface Coating Processes) and located in the Bexar County, Houston/Galveston/Brazoria, Beaumont/Port Arthur, El Paso, or Dallas/Fort Worth areas was updated to incorporate the amendments to the regulation;
- 517(c)(41) for Municipal Solid Waste Landfills affected by 40 CFR 63, Subpart AAAA was updated to incorporate amendments to the regulation;
- 517(c)(45) for Boilers 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) was updated to correct citation errors;
- 517(c)(47) for Stationary Combustion Turbines affected by 40 CFR Part 63, Subpart YYYY (National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines) was updated to incorporate amendments to the regulation;

- 517(c)(48) for Stationary Reciprocating Internal Combustion Engines affected by 40 CFR Part 63, Subpart ZZZZ (National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines) was updated to incorporate amendments to the regulation;
- 517(c)(50) for Diesel or Dual-fuel Stationary Internal Combustion Engines affected by 30 TAC Chapter 117, Subchapter B, Division 3 (Houston-Galveston-Brazoria Ozone Nonattainment Area Major Sources) and located in the Houston/Galveston/Brazoria area was updated to incorporate the amendments to the regulation (this update did not require citations to change within Table 50 due to the grouping of citations);
- 517(c)(52) for Diesel Engines affected by 30 TAC Chapter 117, Subchapter B, Division 4 (Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Major Sources) and in the Dallas/Fort Worth area was updated to incorporate the amendments to the regulation (this update did not require citations to change within Table 52 due to the grouping of citations);
- 517(c)(53) for Stationary Spark Ignited Internal Combustion Engines affected by 40 CFR Part 60, Subpart JJJJ (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines) was updated to incorporate amendments to the regulation;
- 517(c)(54) for Compression Ignited Internal Combustion Engines affected by 40 CFR Part 60, Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines) was updated to incorporate amendments to the regulation;
- 517(c)(55) for Stationary Gas Turbines affected by 40 CFR Part 60, Subpart KKKK (Standards of Performance for Stationary Combustion Turbines) was updated to incorporate amendments to the regulation;
- 517(c)(58) for Industrial Cleaning Solvents affected by 30 TAC Chapter 115, Subchapter E, Division 6 (Industrial Cleaning Solvents) and located in the Bexar County, Houston/Galveston/Brazoria, or Dallas/Fort Worth areas was updated to incorporate the amendments to the regulation;
- 517(c)(59) for Control Requirements for Surface Coating Processes affected by 30 TAC Chapter 115, Subchapter E, Division 5 (Surface Coating Processes) was updated to incorporate the amendments to the regulation;
- 517(c)(62) for Process Heaters affected by 40 CFR Part 63, Subpart DDDDD was updated to correct citation errors; and
- 517(c)(63) for Municipal Solid Waste Landfills affected by 40 CFR Part 60, Subpart XXX was updated to incorporate amendments to the regulation.

No previously existing permit tables are removed from the GOP.

The following new permit tables are added in the GOP:

- 517(c)(64) Municipal Solid Waste Landfills affected by 40 CFR Part 62, Subpart OOO (Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014). Municipal solid waste sites with portable facilities may be potentially subject to this subpart. Therefore, this table is proposed to be added to the GOP.
- 517(c)(65) Gas-Fired Stationary Internal Combustion Engines affected by 30 TAC Chapter 117, Subchapter B, Division 2 and located in Bexar County. Gas-Fired Stationary Internal Combustion Engines located in Bexar County may be subject to this subpart. Therefore, this table is proposed to be added to the GOP.
- 517(c)(66) Stationary Gas Turbines affected by 30 TAC Chapter 117, Subchapter B, Division 2 and located in Bexar County. Stationary Gas Turbines located in Bexar County may be subject to this subpart. Therefore, this table is proposed to be added to the GOP.

Compliance Assurance Monitoring

Section (d) includes compliance assurance monitoring (CAM) applicability criteria and section (e) contains the CAM option tables. The executive director included 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.

Changes were made to Compliance Assurance Monitoring Option Section (d) to provide clarity and improve readability for the permit holder.

No changes were made to Compliance Assurance Monitoring Option Tables (e).

Periodic Monitoring

Section (f) includes the periodic monitoring applicability criteria and additional monitoring requirements. Formatting changes were made to add numbering (1)-(3) and (f)(3) was changed to add additional information to provide clarity and improve readability for the permit holder.

Section (g) contains the Periodic Monitoring (PM) Option Tables. The executive director included periodic monitoring options from the "Periodic Monitoring Guidance Document" appropriate for an MSWL site. The guidance is available on the website: www.tceq.texas.gov/permitting/air/guidance/titlev/tv_fop_guidance.html. No changes have been made to Section (g).

All index numbers and their correlating applicable requirements in the GOP tables have been 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 to provide additional monitoring and recordkeeping requirements.

Note that the periodic monitoring 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. If periodic monitoring is needed, applicants are required to specify the periodic monitoring option that is applicable to the emission unit and the corresponding applicable requirement. The periodic monitoring options are found in the following permit tables which contain index numbers the term "Periodic Monitoring" to denote the additional monitoring requirements.

- 517(c)(1) - Stationary Gas Turbines 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) and located in Houston/Galveston/Brazoria, Beaumont-Port Arthur ozone nonattainment area, Dallas/Fort Worth, or El Paso area.
- 517(c)(6) - Storage Vessels affected by 30 TAC Chapter 115, Subchapter B, Division 1 and located in Gregg, Nueces, or Victoria County.
- 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.

- 517(c)(10) - Stationary Vents affected by 30 TAC Chapter 115, Subchapter B, Division 2 (Vent Gas Control) and located in the Houston/Galveston/Brazoria, Beaumont/Port Arthur, Dallas/Fort Worth ozone nonattainment area, or the El Paso area.
- 517(c)(11) - Stationary Vents affected by 30 TAC Chapter 115, Subchapter B, Division 2 and located in Nueces or Victoria County.
- 517(c)(12) - Stationary Vents affected by 30 TAC Chapter 115, Subchapter B, Division 2 and located in Aransas, Bexar, Calhoun, Matagorda, San Patricio, or Travis County.
- 517(c)(13) - Incinerators affected by 40 CFR Part 60, Subpart E (Standards of Performance for Incinerators).
- 517(c)(14) - VOC Water Separators affected by 30 TAC Chapter 115, Subchapter B, Division 3 (Water Separation) in the Houston/Galveston/Brazoria, Beaumont/Port Arthur, Dallas/Fort Worth ozone nonattainment area, or the El Paso area.
- 517(c)(15) - VOC Water Separators affected by 30 TAC Chapter 115, Subchapter B, Division 3 and located in Gregg, Nueces, or Victoria County.
- 517(c)(16) - VOC Water Separators affected by 30 TAC Chapter 115, Subchapter B, Division 3 and located in Aransas, Bexar, Calhoun, Matagorda, San Patricio, or Travis County.
- 517(c)(17) - Cold Cleaning Degreasing Operations affected by 30 TAC Chapter 115, Subchapter E, Division 1 (Degreasing Processes) in the Houston/Galveston/Brazoria, Beaumont/Port Arthur, Dallas/Fort Worth ozone nonattainment area or the El Paso area and in Bexar, Comal, Guadalupe, Wilson, Bastrop, Caldwell, Hays, Travis, and Williamson Counties.
- 517(c)(19) - Municipal Solid Waste Landfills affected by 40 CFR 61, Subpart M (National Emission Standards for Asbestos).
- 517(c)(25) - Cold Cleaning Degreasing Operations affected by 30 TAC Chapter 115, Subchapter E, Division 1 and located in Gregg, Nueces, or Victoria County.
- 517(c)(30) - Liquid Fuel-Fired Heaters affected by 30 TAC Chapter 112 (Control of Air Pollution from Sulfur Compounds).
- 517(c)(56) - Stationary Vents affected by 30 TAC Chapter 111, Subchapter A, Division 1 (Visible Emissions).

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)
Prevention of Significant Deterioration (PSD)	No
Nonattainment NSR	No
Minor NSR	Yes
40 CFR Part 60 Standards of Performance for New Stationary Sources	Yes
40 CFR Part 61 National Emission Standards for Hazardous Air Pollutants	Yes
40 CFR Part 62 Approval and Promulgation of State Plans for Designated Facilities and Pollutants	Yes
40 CFR Part 63 National Emission Standards for Hazardous Air Pollutants for Source Categories	Yes
Federal Clean Air Act (FCAA), Title IV Acid Deposition Control	No
FCAA, Title V Permits	Yes
FCAA, Title VI Stratospheric Ozone Protection	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 index numbers and 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. TCEQ Air Permits Division (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, and 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, 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. Depending on the products that are stored, the tank may need to comply with two distinct sets of requirements.

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 PBR codified into the GOP Number 517 include:

- 30 TAC §106.142 (Rock Crushers);
- 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 §106.265 (Hand-held and Manually Operated Machines);
- 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 §106.452 (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:

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

Compliance Status

To be eligible to qualify for an authorization to operate under a GOP, all units operating under a GOP must be certified to be in compliance at the time of initial issuance of the authorization to operate (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/permitting/air/forms/titlev/comp/tv_comp_forms.html

Owners or operators needing information regarding annual compliance certifications or deviation reports should contact the TCEQ Office of Compliance and Enforcement, Program Support Section, at (512) 239-0400 or the Small Business and Local Government Assistance program at 1-800-447-2827.

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; and
- OP-UA44 - Municipal Solid Waste Landfill/Waste Disposal Site Attributes.

Hearing and Commenters

The draft GOP was subject to a 30-day comment period from August 16, 2024, through September 16, 2024, during which time, any person was eligible to submit written comments on the draft GOP. A hybrid virtual and in-person public hearing on the draft GOP was held in Austin on September 16, 2024, at 2:00 p.m. in Building F, room 2210 at the commission's central office located at 12100 Park 35 Circle, Austin, Texas. No attendees made formal comments during the hearing. Written public comments were received from Harris County Pollution Control Services and Weaver Consultants Group during the public comment period and are responded to in the Response to Comments section.

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 EPA 45-day review period began on October 15, 2024, and ended on November 29, 2024, during which time EPA had the opportunity to comment on and object to the GOP's issuance. No comments or objections were received from EPA.

Response to Comments

The public comment period closed on September 16, 2024. The commission received written comments from Harris County Pollution Control Services and Weaver Consultants Group. The commission did not receive any oral testimony during the public hearing.

Comment 1

Harris County Pollution Control Services (PCS) is concerned that Municipal Solid Waste Landfills (MSWLs) in post-closure care are not explicitly addressed in this or another General Operating Permit (GOP). PCS states their concern is Municipal Solid Waste Landfills in post-closure care might be (or become) a Major Source of air pollution.

PCS recommends that MSWLs in post-closure care are explicitly included in this GOP, including requirements for compliance with 30 Texas Administrative Code (TAC) Chapter 330, Subchapter K.

Response 1

Applicable New Source Review (NSR) authorizations are identified in the GOP. Specifically, MSWL GOP No. 517 term (b)(9)(F)(vi) references 30 TAC Chapter 330, Subchapter U (Standard Air Permits for Municipal Solid Waste Landfill Facilities and Transfer Stations). 30 TAC Chapter 330, Subchapter U includes a provision for capped or removed municipal solid waste landfill gas collection and control systems that are permanently closed in accordance with 30 TAC Chapter 330, Subchapter K. Additionally, GOP 517 Table 41 (40 CFR Part 63, Subpart AAAA) includes requirements for landfills which have not accepted waste since November 8, 1987 (Index Number 514-41-001).

Comment 2

Weaver Consultants Group (WCG) requested TCEQ verify that no changes were made to GOP Index Tables 50 and 52, and if no changes were made, to remove those two tables from the list of permit tables updated within the Statement of Basis.

Response 2

The 30 TAC Chapter 117 rule amendments to Subchapter B, Division 3 and Division 4 were incorporated into Tables 50 and 52. Due to the grouping of citations, which is noted by the [G] preceding the citation, there were no changes to Tables 50 and 52. The Statement of Basis (SOB) has been updated to clarify that the table citations have not changed.

Comment 3

WCG requested that TCEQ format the tables to print landscape on 11x17 paper with a fixed width of 1 page and the appropriate column header row repeated on each page.

Response 3

TCEQ appreciates the suggestion, but we are unable to implement the requested changes due to time constraints and resource limitations. The existing format of the Excel file has been designed to be viewed electronically and to ensure consistency with other GOP tables.

Comment 4

WCG stated that several regulatory citations are separated by a series of spaces and listed GOP Tables 41, 62, and 63 as examples. WCG requested the formatting be updated to use ALT+ENTER instead of spaces so that the regulatory citations line up regardless of column width.

Response 4

TCEQ appreciates the comment and has corrected the formatting inconsistencies.

Comment 5

WCG identified formatting inconsistencies in Table 5 (30 TAC Chapter 115, Subchapter B, Division 1 and located in Houston-Galveston-Brazoria, Beaumont-Port Arthur ozone nonattainment area, Bexar County, Dallas-Fort Worth, or El Paso area), Column A, Rows 79 – 165 and requested the table be updated to coincide with the counties listed in Row 78.

Response 5

TCEQ appreciates the comment and has corrected the formatting inconsistencies.

Comment 6

WCG requested updates to Table 41 (40 CFR 63, Subpart AAAA), in the Control Device column. Specifically, WCG requested that references to “Other Combustion Device” be replaced with “Enclosed Combustion Device” to be consistent with §63.1959(b)(2)(iii)(B). WCG also requested that the current language “Control Device Other than Flare or Enclosed Combustion Device: Reduce NMOC by 98 wt%” be updated to add “or Treatment System” after “Enclosed Combustion Device” to further clarify applicability as specified in §63.1961(d).

Response 6

TCEQ appreciates the comment and has updated previously used references of “Other Combustion Device” to “Enclosed Combustion Device”. Additionally, the phrase “or Gas Treatment System” has been added to “Control Device other than Flare or Enclosed Combustion Device: Reduce NMOC by 98 wt%” to clarify the control method will be a control device other than a flare, gas treatment system or enclosed combustion device used to reduce NMOC by 98 wt%.

Comment 7

WCG requested updates to Table 41 (40 CFR 63, Subpart AAAA), in the Regulatory Requirements column. Specifically, WCG requested that citation §63.1959(b)(2)(iii)(B)(2) be revised to §63.1959(b)(2)(iii)(A) for enclosed combustion devices (or other control system designed and operated to reduce NMOC by 98 wt %). WCG also requested the removal of citation §63.1959(b)(2)(iii)(B)(2) and addition of citation §63.1959(b)(2)(iii)(C) for “Gas Treatment System” control devices with NMOC Emission Rate ≥ 50 .

Response 7

TCEQ appreciates the comment and has removed the citation §63.1959(b)(2)(iii)(B)(2) for “Open Flare” and “Gas Treatment System” control devices. However, the citation for “Open Flare” was not revised and the citation for “Gas Treatment System” was not added because those recommended citations are already included.

Comment 8

WCG requested updates to GOP Table 41 (40 CFR 63, Subpart AAAAA) in the Monitoring and Testing and Reporting columns. Specifically, WCG requested the addition of §63.1961(e) for monitoring GCCS alternative parameters in the Monitoring and Testing column. In the Reporting column, WCG requested the addition of §63.1981(d)(2)-(3), (e) for GCCS design plan alternatives and revised design plan. WCG also requested removal of §63.1959(e)(1) from the Reporting column for control devices other than “Open Flare”.

Response 8

TCEQ appreciates the comment; however, citations §63.1961(e) and 63.1981(d)(2)-(3) were not added because §§63.1961(e) and 63.1981(d)(2)-(3) require approval from the Administrator. Alternative monitoring that must be approved by the executive director or the administrator of EPA, are not codified in a GOP due to the need for specific provisions. Citation §63.1959(e) was not removed in the “Other Combustion Device”, “Gas Treatment System”, and “Control Device other than Flare or Enclosed Combustion Device: Reduce NMOC by 98 wt%” rows because §63.1959(e) references §63.1959(c) which is applicable. Citation §63.1981(e) was not added because it is already included in the table.

Comment 9

WCG requested changes to locations throughout Table 41 (40 CFR 63, Subpart AAAAA). Specifically, WCG notes that in the last four columns of the table, a comma is located after the citation number and before the subsection reference (e.g. “63.1964, (a)-(b)”). WCG requested that the additional commas be removed.

Response 9

TCEQ appreciates the comment; however, citations §§63.1964 and 63.1981 are written in such a way to imply that the introductory rule text directly after the section heading is applicable along with the citations listed after the comma. For example, “§63.1964, (a)-(b)” means that the introductory text of §63.1964 is applicable as well as §63.1964(a) and §63.1964(b).

Comment 10

WCG requested changes to Emission Rate column of Table 63 (40 CFR 60, Subpart XXX). Specifically, WCG requests removal of “Methane Concentration < 500 ppm” from rows reading “NMOC Concentration > 34” because it is irrelevant to determining applicable requirements once a site is subject to the rule.

Response 10

TCEQ appreciates the comment and has removed the text “Methane Concentration < 500 ppm” from the table in rows reading “NMOC Concentration > 34”.

Comment 11

WCG requested changes to the Control Device column of Table 63 (40 CFR 60, Subpart XXX). Specifically, WCG requested the addition of “or Treatment System” after “Enclosed Combustion Device” in rows 15 and 24 to clarify applicability as specified in §60.766(d).

Response 11

TCEQ appreciates this comment. The intent of the text “Control Device other than Flare or Enclosed Combustion Device” was to also exclude “Gas Treatment System”; therefore, “Gas Treatment System” was added to clarify the control device is not a flare, enclosed combustion device, or gas treatment system.

Comment 12

WCG requested changes to the “Regulatory Requirements” column of Table 63 (40 CFR 60, Subpart XXX). Specifically, WCG noted that citation §60.769(a)(2) was removed from the table and requested that it be readded to row 11 for Open Flare because it contains requirements for a sufficient density of gas collection devices.

Response 12

TCEQ appreciates this comment and has reinstated citation §60.769(a)(2) for active control systems using an open flare.

Comment 13

WCG requested changes to the “Monitoring and Testing” column of Table 63 (40 CFR 60, Subpart XXX). Specifically, WCG requested removal of §60.765(c)(7) from row 11 for Open Flare because the citation does not exist. Additionally, WCG requested the addition of §60.765(d) to all rows with “NMOC Concentration \geq 34”.

Response 13

TCEQ appreciates this comment and has removed citation §60.765(c)(7). Citation §60.765(d) was added in the rows with an NMOC concentration greater than or equal to 34 Mg/year.

Comment 14

WCG requested changes to the Recordkeeping column of Table 63 (40 CFR 60, Subpart XXX). Specifically, WCG requested the following changes.

- Removal of citation §60.766(b)(4) from row 11 for Open Flare because it applies to enclosed combustors.
- Removal of citation §60.766(c)(4) because it is an incorrect citation. WCG recommended replacing with §60.766(c) or §60.766(c)(1).
- Removal of citation §60.767(c)(7) from all Monitoring and Testing and Recordkeeping cells that are not for a “Gas Treatment System” control device because it is not applicable to other control device types.
- Removal of citation §60.768(c)(1) from row 11 for Open Flare because it applies to enclosed combustors and boilers/process heaters.
- Addition of citation §60.768(c)(4) to row 11 for Open Flare because it concerns continuous records of flame for non-enclosed flare.

Response 14

TCEQ appreciates these comments and recommendations. Citations §§60.766(b)(4) and 60.766(c)(4) were removed from the rows using “Open Flare”. The commentor requested that §60.766(c) or (c)(1) be added; however, the citations are already present in the Monitoring/Testing column.

Citation §60.767(c)(7) was removed from all rows except for the “Gas Treatment System” row.

Citation §60.768(c)(1) is only applicable to enclosed combustors; therefore, it was removed from the “Open Flare”, “Gas Treatment System”, and “Control Device other than Flare, Gas Treatment System, or Enclosed Combustion Device” rows.

Citation §60.768(c)(4) was added to the rows for “Open Flare”.

Comment 15

WCG requested changes to the Reporting column of Table 63 (40 CFR 60, Subpart XXX). Specifically, WCG requested the addition of §60.767(k), pertaining to liquids recirculation, to all rows corresponding to the Emission Rate column entry “NMOC Concentration \geq 34”.

Response 15

TCEQ appreciates this comment and has added citation §60.767(k) in the rows with NMOC concentrations greater than or equal to 34 Mg/year. The grouping notation [G] was also added to citation §60.767(k) in the Tier 1, Tier 2, and Tier 3 rows.

Comment 16

WCG requested changes to the Control Device column of Table 64 (40 CFR 62, Subpart OOO). Specifically, WCG requested the addition of “or Treatment System” to “Enclosed Combustion Device” in rows 29-31 to ensure applicability is aligned with §62.16722(d).

Response 16

TCEQ appreciates this comment and has made a revision similar to the suggested revision. The intent of the text “Control Device other than Flare or Enclosed Combustion Device: Reduce NMOC by 98 wt%” was to also exclude “Gas Treatment System”; therefore, “Gas Treatment System” was added to clarify the control device is not a flare, enclosed combustion device, or gas treatment system.

Comment 17

WCG requested changes to the Optional Provisions column of Table 64 (40 CFR 62, Subpart OOO). Specifically, WCG requested removal of the rows stating, “MSWLF is complying with both the provisions of §§62.16716, 62.16720, and 62.16722 and the provisions of §§63.1958, 63.1960, and 63.1961”. WCG commented that these additional citations are already covered by Subpart AAAA requirements and are therefore duplicative and unnecessary.

Response 17

TCEQ appreciates this comment; however, the rows remain because 40 CFR Part 62, Subpart OOO allows for this compliance option.

Comment 18

WCG requested changes to the Regulatory Requirements column of Table 64 (40 CFR 62, Subpart OOO). Specifically, WCG requested the following.

- Replacement of citation §62.16712(e), which does not exist, with §62.16714(e) in rows 7 – 9.
- Addition of §62.16716 to rows 12, 18, 24, and 30.
- Revision of §63.1958 to §63.1960 in rows 30 – 31, to §63.1958(a)(4), (a)(4)(i)(A)-(B), (a)(4)(i)(D), (a)(5), [G](b), (c) and §63.1958(c)(4), (c)(4)(i), (c)(4)(v), (c)(5), (e)(1)-(2).

Response 18

TCEQ appreciates the comment and has removed citations §§62.16712(e)(1), (e)(1)(ii), and (e)(1)(ii)(A) from the Tier 1, Tier 2, Tier 3 (rows 7 – 9 noted by the commenter) and additionally in Tier 4 rows. However, the citations were not replaced with §62.16714(e) because the citation is already included in the row.

The commentator requested that §62.16716 citations be added to the rows in which MACT AAAA is used as an “Optional Provision” (rows 12, 18, 24, and 30 noted by the commenter); however, §62.16716 is already included in the row. Therefore, additional citations are not needed because of the MACT AAAA compliance option.

In rows with Index Numbers 517-64-027 and 517-64-028 (rows 30 – 31 noted by the commenter), citations §§63.1958(a)(4), (a)(4)(i)(A)-(B), (a)(4)(i)(D), (a)(5), [G](b), (c), (c)(4), (c)(4)(i), (c)(4)(v), (c)(5), and (e)(1)-(2) were removed and §§63.1960(a)(4), (a)(4)(i)(A)-(B), (a)(4)(i)(D), (a)(5), [G](b), (c), (c)(4), (c)(4)(i), (c)(4)(v), (c)(5), and (e)(1)-(2) were added.

Comment 19

WCG requested changes to the Monitoring and Testing column of Table 64 (40 CFR 62, Subpart OOO). Specifically, WCG requested addition of §62.16722(e) to rows 11 – 31 regarding GCCS alternatives.

Response 19

TCEQ appreciates this comment; however, citation §63.16722(e) was not added because these requirements require approval from the Administrator. Alternative monitoring that must be approved by the executive director or the administrator of EPA, are not codified in a GOP due to the need for specific provisions.

Comment 20

WCG requested changes to the Reporting column of Table 64 (40 CFR 62, Subpart OOO). Specifically, WCG requests the addition of §62.16724(d)(2), (3) to rows 11 – 31 regarding GCCS design plan alternatives.

Response 20

TCEQ appreciates the comment; however, citations §63.16724(d)(2)-(3) were not added because these requirements require approval from the Administrator. Alternative monitoring that must be approved by the executive director or the administrator of EPA, are not codified in a GOP due to the need for specific provisions.

Comment 21

WCG requested changes to locations throughout Table 64 (40 CFR 62, Subpart OOO). Specifically, WCG notes that in the last four columns of the table, a comma is located after the citation number and before the subsection reference (e.g. “62.16716, [G](a)”). WCG requested the additional comments be removed.

Response 21

TCEQ appreciates the comment; however, citations §§62.16712, 62.16716, 62.16718, and 62.16724 are written in such a way to imply that the introductory rule text directly after the section heading is applicable along with the citations listed after the comma. For example, “§62.16716, [G](a)” means that the introductory text of §63.16716 is applicable as well as §62.16716(a). The [G] indicates that the entirety of §62.16716(a), including both §62.16716(a)(1) and §62.16716(a)(2), is applicable.