

**PART 71 FEDERAL OPERATING PERMIT  
STATEMENT OF BASIS**

**Salt River Pima-Maricopa Indian Community  
Tri-Cities Landfill  
Permit No. SR-ROP-11-01**

**1. Facility Information**

a. Permittee

Salt River Pima-Maricopa Indian Community (SRPMIC)  
10,005 East Osborn Rd.  
Scottsdale, AZ 85256

b. Facility location

Section 24, T2N, R5E

The Tri-Cities Landfill (TCL) site is located approximately 2.5 miles east and 1 mile south of the SRPMIC museum at 10,005 East Osborn Rd. The site is bounded by State Highway 87 on the north and the Salt River on the south.

c. Contact information

Facility Contact: Daniel Daggett, (480) 362-7628

Responsible Official: Diane Enos (President), (480) 850-8000

d. Description of operations, products

The facility is a closed, municipal solid waste solid waste treatment and disposal facility. The facility operates a landfill gas (LFG) collection system that routes captured vapors either to an onsite flare for destruction, or to the nearby Tri-Cities Landfill Energy Facility for use as fuel in stationary internal combustion engines.

e. Permitting and construction history

The facility is a closed landfill that accepted residential and commercial wastes from 1972 until October 9, 1993. The initial Part 71 permit (Permit No. SR-OP-05-04) for this facility was issued on May 25, 2006.

f. Emission-generating units and activities

**Table 1. Emission Unit Summary**

<b>Emission Unit I.D. No</b>	<b>Unit Description</b>	<b>Associated Control Equipment</b>
FL-1	Landfill Gas Flare (2,500 cfm John Zink candlestick flare)	n/a
LF-1	Landfill Gas Surface Emissions	open candlestick flare (FL-1)

**2. Tribe Information**

General

The reservation of the Salt River Pima-Maricopa Indian Community is located in Maricopa County, AZ and borders the cities of Mesa, Tempe, Scottsdale, Fountain Hills and metropolitan Phoenix. The Community consists of 52,600 acres, comprised mostly of agricultural lands. The Community is comprised of two Indian tribes, the Onk Akimel Au-Authm (Pima) and the Xalchidom Pii-pash (Maricopa).

Local air quality and attainment status

This facility is located in Maricopa County, which is currently designated as in attainment or unclassifiable for CO, NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>2.5</sub>, and Pb. Maricopa County is part of the Phoenix planning area, which has been designated as serious nonattainment for PM<sub>10</sub>.<sup>1</sup> In addition, the facility is located in a portion of Maricopa County that is part of the Phoenix-Mesa planning area, which has been designated as marginal nonattainment for the 2008 8-hr ozone standard.<sup>2</sup>

**3. Emissions**

Potential to emit (PTE) means the maximum capacity to emit any air pollutant (criteria or HAPs) under its physical and operational design. Any physical or operational limitation on the maximum capacity of TCL to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, may be treated as part of its design if the limitation is enforceable by U.S. EPA. PTE is meant to be a worst case emissions calculation and is used in many, though not all, cases to determine the applicability of federal requirements. Actual emissions may be much lower than PTE.

The uncontrolled PTE of TCL is summarized in Table 6, and is below the Part 71 major

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<sup>1</sup> <http://www.epa.gov/air/oaqps/greenbk/hnp.html#6200>

<sup>2</sup> <http://www.epa.gov/air/oaqps/greenbk/pnp.html#6201>

source thresholds for all criteria pollutants. TCL is still required to obtain a Part 71 permit per 40 CFR 60.752(b), as it is a municipal solid waste landfill (MSWL) with a design capacity greater than 2.5 million megagrams (Mg) and 2.5 million cubic meters (m<sup>3</sup>).

Landfill Gas Surface Emissions (LF-1)

Non-methane organic compound (NMOC) emission rates from the landfill were calculated using U.S. EPA’s Landfill Gas Estimation Model (LandGEM), which uses the first-order decay rate equation found in §60.754(a)(1)(i) to calculate NMOC emission rates. Because the landfill has been a closed site since 1993, and because landfill gas generation rates decline with no new waste acceptances, the peak year used for PTE was 2004, the most recent year at the time of the original permit application. Based on the values summarized below, the LandGEM model estimated a total LFG generation rate of 1,921 standard cubic feet per minute (scfm) and a total NMOC emission rate of 60 Mg/yr (66 tons per year (tpy)).

**Table 2. LandGEM Summary**

Variable	Value	Units	Notes
k	0.02	year <sup>-1</sup>	Methane generation constant (AP-42 default for dry climates)
L <sub>0</sub>	100	m <sup>3</sup> /Mg (solid waste)	Methane generation potential (AP-42 default for dry climates)
C <sub>NMOC</sub>	595	ppmv	Concentration of NMOC as hexane <sup>3</sup>
M	10.4 x10 <sup>6</sup>	Mg	Mass of solid waste in-place (2004)
M <sub>NMOC</sub>	60	Mg/yr	Total (uncontrolled) NMOC emission rate from the landfill (calculated per LandGEM)
	66	tpy	

Landfill gas surface emissions of VOC represent uncaptured VOC emissions (captured VOC emissions destroyed by the flare are included in FL-1 emissions below). The uncontrolled VOC emission rate is based on M<sub>NMOC</sub> as calculated by LandGEM and a VOC content of 39 wt% of total NMOC emissions.<sup>4</sup>

**Table 3. LF-1 Uncontrolled VOC Emissions**

Uncontrolled NMOC Generation Rate (tpy)	VOC Content of NMOC (wt%)	Uncontrolled VOC Emissions (tpy)
66.10	39%	25.78

3 AP-42 (11/98), Table 2.4-2

4 Default VOC content per AP-42 (11/98), Table 2.4-2, footnote C

Based on a vapor collection system capture efficiency of 53% (i.e., an “uncaptured” fraction of 47%), VOC emissions from the landfill are estimated to be 12.01 tpy, as seen below.<sup>5</sup>

**Table 4. VOC flowrate summary**

<b>Uncontrolled VOC Emissions (tpy)</b>	<b>Fraction wt%</b>	<b>VOC Flowrate (tpy)</b>	<b>Description</b>
25.78	0.18	4.64	Captured – vented to flare
	0.35	9.13	Captured – vented to TCLEF engines
	0.47	12.01	Uncaptured emissions (LF-1)
<b>Total</b>	<b>1.00</b>	<b>25.78</b>	

Landfill Gas Flare Emissions (FL-1)

FL-1 VOC emissions represent the fraction of VOC emissions from the landfill that are captured and vented to the flare. VOC emission estimates are based on a default AP-42 flare destruction efficiency of 99.2% and the captured VOC flowrate to the flare described noted in Table 4.<sup>6</sup>

**Table 5. FL-1 VOC Emissions**

<b>VOC flowrate to flare (tpy)</b>	<b>Flare destruction efficiency (%)</b>	<b>VOC Emissions (tpy)</b>
4.64	99.2%	0.04

FL-1 emissions of other criteria pollutants are based on an LFG flowrate to flare of 347 scfm.<sup>7</sup> NO<sub>x</sub> and CO emissions are based on John Zink manufacturer emission factors of 0.06 lb/million British thermal units (MMBtu) and 0.20 lb/MMBtu, respectively.<sup>8</sup> PM<sub>10</sub> and SO<sub>2</sub> emissions are based on AP-42 emission factor data and default values.<sup>9</sup> A summary of criteria pollutant emissions is included below.

**Table 6. FL-1 Criteria Pollutant Summary**

<b>Pollutant</b>	<b>Emission Factor</b>		<b>Emissions (tpy)</b>
	<b>Value</b>	<b>Units</b>	
NO <sub>x</sub>	0.06	lb/MMBtu	2.77
CO	0.20	lb/MMBtu	9.23
PM <sub>10</sub>	17	lb/MMSCF	0.77
SO <sub>2</sub>	46.9	ppmv	0.70
VOC	99.2%	Control efficiency	0.04

<sup>5</sup> Capture efficiency based on ratio of total actual LFG recovery (2004) to estimated LFG generation.

<sup>6</sup> AP-42 (11/98), Table 2.4-3, NMOC typical flare control efficiency.

<sup>7</sup> Based on a total LFG generation rate of 1921 scfm and 18% capture rate to the flare

<sup>8</sup> LFG heat value of 1012 Btu/scf (as methane).

<sup>9</sup> AP-42 (11/98), Table 2.4-5 (PM), and AP-42 (11/98), Section 2.4-8 (SO<sub>2</sub> concentration).

### Greenhouse Gas Emissions

In 2009, U.S EPA determined greenhouse gas (GHG) emissions to be a regulated pollutant. Under the GHG Tailoring Rule, effective January 2, 2011, new facilities with PTE GHG emissions of at least 100,000 tpy carbon dioxide equivalent (CO<sub>2</sub>e) and existing facilities with at least 100,000 tpy CO<sub>2</sub>e making changes that would increase GHG emissions by at least 75,000 tpy CO<sub>2</sub>e are required to obtain PSD permits, provided that the GHG emissions equal or exceed the mass-based statutory threshold of 100 tpy or 250 tpy as applicable. Facilities that must obtain a PSD permit anyway, to cover other regulated pollutants, must also address GHG emissions increases of 75,000 tpy CO<sub>2</sub>e or more. New and existing sources with GHG emissions above 100,000 tpy CO<sub>2</sub>e, and have GHG emissions of at least 100 tpy on a mass basis, must also obtain Part 70/71 operating permits. In addition, the Tailoring Rule requires that Part 70/71 permit applicants calculate GHG PTE in order to determine which requirements may apply to the facility.

TCL calculated its GHG PTE using the calculation methodology established in the GHG Mandatory Reporting Rule for landfills (40 CFR 98, Subpart HH). Using this methodology, TCL estimated a fugitive (uncaptured) emission rate of 5,590 metric tons of methane (CH<sub>4</sub>) and a captured flowrate of 2,544 metric tons CH<sub>4</sub> vented to the flare/engine.<sup>10</sup> Based on a methane global warming potential of 21 metric tons CO<sub>2</sub>e/metric ton CH<sub>4</sub>, this represents a fugitive emission rate of 117,390 metric tons CO<sub>2</sub>e, and a flowrate of 53,424 metric tons CO<sub>2</sub>e to the flare/engines.

Landfills do not belong to any of the listed 28 source categories, and are not subject to any of the NSPS/NESHAP regulations in place on August 7, 1980, which would require fugitive emissions to be considered when determining whether the source is a major stationary source. Fugitive emissions of GHG from the landfill are therefore excluded from the estimate of PTE. As a result, TCL has a GHG PTE of 53,424 metric tons CO<sub>2</sub>e (58,766 tpy CO<sub>2</sub>e).<sup>11</sup>

Based on this information, TCL at this time is an existing minor source for GHGs for the purposes of Part 70/71 Title V and Part 51/52 PSD permitting. TCL is closed and has not commenced any major modifications. At this time, there are no GHG-related Title V or PSD permitting requirements applicable to TCL. TCL is still, however, subject to GHG Mandatory Reporting Rule requirements, 40 CFR 98, which are not included in this permit, since they are not “applicable requirements” as defined in 40 CFR 70.2 and 71.2.

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<sup>10</sup> CY2008 estimate. Since the landfill no longer accepts waste, emissions will only decline over time, making the use of any year as the basis for GHG PTE a reasonable estimate.

<sup>11</sup> Based on the very conservative assumption that the entire portion of captured landfill gases are vented to the flare, and not sent offsite to the engines.

The PTE for TCL is presented below.

**Table 7. Facility-wide Emission Summary**

Unit	Pollutant					
	NO <sub>x</sub>	VOC	SO <sub>2</sub>	PM <sub>10</sub>	CO	HAP
FL-1	2.77	0.04	0.70	0.77	9.23	0.37
LF-1	0	12.01	0	0	0	4.23
<b>Total</b>	<b>2.77</b>	<b>12.05</b>	<b>0.70</b>	<b>0.77</b>	<b>9.23</b>	<b>4.60</b>

#### 4. Non-Applicable Requirements

- a. 40 C.F.R. Part 60, Subpart Cc, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills

Subpart Cc applies to existing MSW landfills for which construction, reconstruction or modification was commenced before May 30, 1991. Subpart Cc requirements are implemented through EPA-approved State Plans in accordance with section 111(d) of the Clean Air Act. While Subpart Cc requirements for the State of Arizona are contained in Title 18 of the Arizona Administrative Code, the Tri-Cities Landfill is located on tribal land which is not subject to the authority of AAC, Title 18. As a result, Subpart Cc does not apply.

- b. 40 C.F.R. Part 61, Subpart M, National Emission Standard for Asbestos

Subpart M section 61.151 (standard for inactive waste disposal sites), requires each owner or operator of an inactive waste disposal site that receives asbestos-containing waste material from a source covered under §61.149, 61.150, or 61.155 to meet the requirements of this section. The Tri-Cities Landfill ceased accepting waste in October 1993 and is not an active waste disposal site. Waste types that were accepted consisted of residential and commercial wastes, and did not include asbestos-containing material. As a result, Subpart M does not apply.

- c. 40 C.F.R. Part 64, Compliance Assurance Monitoring

Part 64 applies to any pollutant-specific emission unit at a major source that is required to obtain an operating permit, for any application for an initial operating permit submitted after April 18, 1998, that addresses “large emissions units,” or any application that addresses “large emissions units” as a significant modification to an operating permit, or for any application for renewal of an operating permit, if it meets all of the following criteria:

- It is subject to an emission limit or standard for an applicable regulated air pollutant
- It uses a control device to achieve compliance with the applicable emission limit or standard
- It has potential emissions, prior to the control device, of the applicable regulated air pollutant of 100 TPY or 10/25 TPY of HAP.

The Tri-Cities Landfill is subject to the VOC emission standards in NSPS Subpart WWW, and uses an active landfill gas collection system and control device to comply with these standards. As noted in Table 3, however, its uncontrolled VOC PTE is 25.78 tpy, which is below the Part 71 major source threshold of 100 tpy. As a result, CAM does not apply.

d. 40 C.F.R. Part 82, Stratospheric Ozone Protection

Part 82 contains multiple subparts that requires phase out of Class I & II substances, reductions of emissions of Class I & II substances to the lowest achievable level in all use sectors, and banning use of nonessential products containing ozone-depleting substances (Subparts A & C); control servicing of motor vehicle air conditioners (Subpart B); require Federal agencies to adopt procurement regulations which meet phase out requirements and which maximize the substitution of safe alternatives to Class I and Class II substances (Subpart D); require warning labels on products made with or containing Class I or II substances (Subpart E); maximize the use of recycling and recovery upon disposal (Subpart F); require producers to identify substitutes for ozone-depleting compounds under the Significant New Alternatives Program (Subpart G); and reduce the emissions of halons (Subpart H).

Although TCL is a closed landfill, a generic condition requiring compliance with the program is included in the permit so a permit modification would not be required if any on-site maintenance required handling of ozone depleting substances.

## 5. Applicable Requirements

- a. 40 C.F.R. Part 62, Subpart GGG, Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction Prior to May 30, 1991 and Have Not Been Modified or Reconstructed Since May 30, 1991.

Subpart GGG applies to landfills that are located in a State or portion of Indian country that does not have an EPA-approved State or Tribal plan to implement and enforce U.S. EPA's landfill Emission Guidelines codified in 40 CFR Part 60, Subpart Cc. Since there is no EPA-approved Tribal plan for the Salt River Pima-Maricopa Indian Community, Subpart GGG fills the regulatory gap by applying

the emission standards, procedures, test methods, monitoring, reporting, and recordkeeping requirements of the Subpart WWW (discussed below) to landfills in the area.

The Federal Plan requires landfill owners and operators to submit a report identifying the landfill design capacity. Large landfills with a design capacity of 2.5 million Mg and 2.5 million m<sup>3</sup> or more of waste were required to submit a nonmethane organic compounds (NMOC) emission rate report within 90 days of publication of Subpart GGG in the Federal Register. Landfills with this design capacity and which emit NMOC at a rate of 50 Mg per year or more are required to install a gas collection and control system within 30 months after the NMOC emission rate report first shows emissions of 50 Mg per year or more. The TCL emission rate exceeds these design capacity and emission rate thresholds, and it has installed a landfill gas collection and control system.

b. 40 C.F.R. Part 60, Subpart A, General Provisions

The provisions of Subpart A apply to any “affected source”, defined as any group of equipment that emits or may emit any air pollutant and is subject to a standard in 40 CFR part 60. The affected sources at the Tri-Cities Landfill include the municipal solid waste landfill (LF-1) and the landfill gas flare (FL-1)

c. 40 C.F.R. Part 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills

The provisions of Subpart WWW apply to each municipal solid waste landfill that commenced construction, reconstruction or modification on or after May 30, 1991. TCL was constructed prior to this date. However, the Subpart GGG Requirements for Municipal Solid Waste Landfills described above incorporates the emission standards, procedures, test methods, monitoring, reporting, and recordkeeping requirements of Subpart WWW.

Controlling NMOC emissions involves drilling collection wells into the landfill and routing the gas to a suitable energy recovery system or combustion device. A combustion device the controls landfill gas emissions may be a flare or a device which utilizes the energy content of the gas, such as an internal combustion engine. TCL has installed such a landfill gas collection and control system. Subpart WWW requires that the collected landfill gas be vented to a control device at all times.

A portion of the landfill gas collected by TCL is routed to a candlestick flare at the facility that is operated continuously. Pursuant to Subpart WWW, the flaring activity is regulated under the Standards of Performance for New Stationary Sources General Provisions, 40 C.F.R. Part 60 Subpart A. Among other requirements, those provisions require that the flare be operating at all times that

gases are being vented to the flare.

In addition, the remainder of the collected landfill gas is piped to the Tri-Cities Landfill Energy Facility, a facility under separate ownership that is located on a contiguous property and has a Part 71 permit issued by EPA Region 9. The Energy Facility combusts the landfill gas it receives from TCL in five internal combustion engines and an enclosed flare (thermal oxidizer). EPA considers each of the engines and the thermal oxidizer to be an “enclosed combustion device” for Subpart WWWW regulatory purposes. Enclosed combustion devices must meet reduce NMOC by 98% or reduce the NMOC outlet emissions to 20 ppm.

In such cases where landfill gas is combusted for electricity generation by a separate stationary source, EPA has determined that landfill owners and/or operators cannot avoid liability for compliance with Subpart WWWW, regardless of the specifics of their contractual relationship with the source that is receiving the landfill gas.<sup>12</sup> The landfill owners and/or operators are ultimately responsible for compliance with the control requirements of Subpart WWWW, along with the associated testing, monitoring, record-keeping, and reporting requirements in the regulation. Therefore this Part 71 permit for TCL incorporates all applicable requirements from Subpart WWWW, including the 98 weight percent NMOC reduction (or 20 ppm outlet concentration) emission limit and associated performance testing that apply to the engines and thermal oxidizer at the Energy Facility. TCL has the responsibility to ensure compliance with the Subpart WWWW requirements at both its facility and at the Energy Facility.

- e. 40 C.F.R. Part 63, Subpart AAAAA, National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills

TCL is subject to Subpart AAAAA because it accepted waste after November 8, 1987, has a design capacity greater than 2.5 million Mg and 2.5 million m<sup>3</sup>, and an annual uncontrolled NMOC emission rate that exceeds 50 Mg. This regulation requires landfill operators to continuously monitor control devices to ensure compliance with the operating conditions for landfill gas control systems. Subpart AAAAA also adds reporting requirements to ensure that any deviations will be corrected in a timely fashion. Finally, the regulation requires municipal solid waste landfills to prepare and implement a plan to control toxic air emissions during startup, shutdown, and malfunction (SSM) of their landfill gas collection and control systems and to report when this plan is not followed.

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<sup>12</sup> EPA Applicability Determination Index, Control Number 0300062.  
<http://www.epa.gov/compliance/monitoring/programs/caa/adi.html>

f. Incorporation of Applicable Requirements into Part 71 Permit

<b>Applicable Requirement</b>	<b>Condition &amp; Page in Permit</b>	<b>Description/Notes</b>
<b>40 C.F.R. 60, NSPS, Subpart A (General Provisions)</b>		
40 C.F.R. 60.4(a)	II.D.1., page 16	submit reports to EPA Regional office
40 C.F.R. 60.7(a)	II.D.2., page 16	notification of reconstruction or modification
40 C.F.R. 60.7(b)	II.D.3., page 16	records of startup, shutdown, malfunction
40 C.F.R. 60.7(f)	II.D.4., page 16	maintain monitoring records
40 C.F.R. 60.9	II.D.5., page 16	availability of information
40 C.F.R. 60.11(a)	II.D.6., page 17	compliance with non-opacity standards
40 C.F.R. 60.11(d)	II.D.7., page 16	good practice to minimize emissions
40 C.F.R. 60.11(g)	II.D.8., page 16	credible evidence
40 C.F.R. 60.12 & 63.4(b)	II.D.9., page 16	circumvention
40 C.F.R. 60.18 & 63.11(b)	II.A.2., page 5	requirements for flares
40 C.F.R. 60.19	II.D.10., page 17	general notification and reporting
<b>40 C.F.R. 63, NESHAP, Subpart A (General Provisions)</b>		
40 C.F.R. 63.9	II.D.11., page 17	notification requirements
40 C.F.R. 63.6(e)(3)(iii)]	II.D.12, pages 17-18	SSM recordkeeping
40 C.F.R. 63.6(e)(3)(iv)]	II.D.13, page 18	SSM deviation reporting
40 C.F.R. 63.10(d)(5)	II.C.6., page 16	periodic startup, shutdown and malfunction reports
40 C.F.R. 63.10(d)(5)	II.C.6., page 16	reporting actions not consistent with the SSM Plan
<b>40 C.F.R. 60, NSPS, Subpart WWW</b>		
40 C.F.R. 60.752(b)	II.A.1 & 2., page 5	collection of landfill gas
40 C.F.R. 60.753(b)	II.B.3, page 5	operate collection system with negative pressure
40 C.F.R. 60.753(c)	II.B.4, page 6	temperature, nitrogen and oxygen levels
40 C.F.R. 60.753(c)(1)	II.B.5, page 6	nitrogen test method
40 C.F.R. 60.753(c)(2)	II.B.6, page 6	oxygen test method
40 C.F.R. 60.753(e) & (f)	II.B.1 & 2., page 5	operational standards for collection and control systems
40 C.F.R. 60.755(e)	II.C.1., page 6	times when WWW provisions apply
40 C.F.R. 60.755(c)	II.C.2., page 6	determination of compliance with surface methane operational standard
40 C.F.R. 60.755(c)	II.C.3., page 7	cover integrity monitoring
40 C.F.R. 60.756(a)	II.E.1., pages 7-8	active gas collection system monitoring
40 C.F.R. 60.758(a)	II.F.1., page 8	recordkeeping
40 C.F.R. 60.758(b)(1)	II.F.2., page 8-9	recordkeeping

40 C.F.R. 60.758(b)(2)	II.F.3., page 9	recordkeeping
40 C.F.R. 60.758(b)(4)	II.F.4., page 9	recordkeeping
40 C.F.R. 60.757(f)	II.C.5., pages 14-5	annual reports
40 C.F.R. 63, NESHAP, Subpart AAAAA		
40 C.F.R. 63.1960	II.D.1., page 7	SSM plan
40 C.F.R. 63.1955(c); 40 C.F.R. 63.1965(a), (b), and (c)	II.E.2., page 8	deviation reporting

## 6. Periodic Monitoring

NSPS Subpart WWW requires that facilities that route landfill gas to enclosed combustion devices comply with an NMOC emission limit of 98 weight percent NMOC reduction or an outlet NMOC concentration of less than 20 parts per million. Since the Tri-Cities Landfill pipes a portion of the landfill gas it collects to the contiguous Tri-Cities Landfill Energy Facility, where the gas is combusted in internal combustion engines and a thermal oxidizer, the Tri-Cities Landfill must demonstrate compliance with this limit. Subpart WWW requires an initial performance test within 180 days of startup to determine compliance with this limit, but no additional testing beyond this one-time test is required by the regulation. Since Subpart WWW does not require on-going testing, EPA has determined that additional testing is necessary in order to assure compliance with the NMOC limit. This is consistent with Part 71, which requires that when an underlying applicable requirement does not require periodic testing or monitoring, title V permits must contain “periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source’s compliance with the permit” (40 C.F.R. 71.6(a)(3)(i)(B)). Therefore EPA has added an annual performance testing requirement to the permit (condition II.E.3) which we believe satisfies the timeliness, reliability, and representativeness requirements of Part 71.

## 7. Use of All Credible Evidence

Determinations of deviations, continuous or intermittent compliance status, or violations of the permit are not limited to the testing or monitoring methods required by the underlying regulations or this permit; other credible evidence (including any evidence admissible under the Federal Rules of Evidence) must be considered by the source and EPA in such determinations.

## 8. EPA Authority

Title V of the CAA requires that EPA promulgate, administer, and enforce a Federal operating permits program when a State, local, or Tribal agency does not submit an approvable program within the time frame set by title V or does not adequately administer and enforce its EPA-approved program. On July 1, 1996 (61 Fed. Reg. 34202), EPA adopted regulations codified at 40 C.F.R. Part 71 setting forth the

procedures and terms under which the Agency would administer a Federal operating permits program. These regulations were updated on February 19, 1999 (64 Fed. Reg. 8247) to incorporate EPA's approach for issuing Federal operating permits to stationary sources in Indian country.

As described in 40 C.F.R. 71.4(a), EPA will implement a part 71 program in areas where a State, local, or Tribal agency has not developed an approved part 70 program. Unlike States, Indian Tribes are not required to develop operating permits programs, though EPA encourages Tribes to do so. See, e.g., Indian Tribes: Air Quality Planning and Management (63 FR 7253, February 12, 1998) (also known as the Tribal Authority Rule). See 40 C.F.R. § 49.4. Therefore, within Indian country, it is appropriate that EPA administer and enforce a part 71 Federal operating permits program for stationary sources until Tribes receive approval to administer their own operating permits programs.

The Tri-Cities Landfill is located within the boundaries of the Salt River Pima-Maricopa Indian Community Reservation. Consequently, jurisdiction over the source lies with the Pima and Maricopa Tribes and with EPA. Since neither of these Tribes has an approved Part 70 program, EPA is issuing the permit under its Part 71 authority.

## **9. Endangered Species Act**

Pursuant to Section 7 of the Endangered Species Act (ESA), 16 U.S.C. § 1536, and its implementing regulations at 50 C.F.R. Part 402, EPA is required to ensure that any action authorized, funded, or carried out by EPA is not likely to jeopardize the continued existence of any Federally-listed endangered species or threatened species or result in the destruction or adverse modification of such species' designated critical habitat. The title V permit EPA is issuing to Salt River Pima-Maricopa Indian Community for the Tri-Cities Landfill (TCL) does not authorize the construction of new emission units, or emission increases from existing units, nor does it otherwise authorize any other physical modifications to the facility or its operations. Therefore, EPA has concluded that the issuance of this permit will have no effect on listed species or their critical habitat.

## **10. Environmental Justice**

Environmental Justice (“EJ”) is one factor that U.S. EPA considers when taking an action, such as making an Approval decision. This is done in accordance with Presidential Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which was issued on February 11, 1994. The main goal of the Executive Order is to ensure that federal agencies identify and address, as appropriate, any disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority or low-income populations. In order to evaluate and address possible EJ concerns during the permit application process,<sup>[1]</sup> U.S. EPA considers whether the facility pursuing an

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[1] An “environmental justice concern” is the actual or potential lack of fair treatment or meaningful involvement

Approval may be located in an overburdened community.<sup>[2]</sup> In overburdened communities, U.S. EPA promotes the consideration of environmental justice concerns by enhancing the community's ability to participate fully and meaningfully in the permitting process.

In accordance with US EPA Region 9's Regional Implementation Plan to Promote Meaningful Engagement of Overburdened Communities in Permitting Activities, Region 9 has reviewed demographic and environmental information about the community surrounding the facility, and other readily available information such as additional information about the facility and community, including any community concerns previously raised to Region 9.

However, this permit renewal does not allow or authorize additional air pollution from existing units, and will not result in additional health impacts. In addition, as a closed landfill that no longer actively accepts solid waste, air pollutant emissions have been consistently declining since 1994 and will continue to decline, resulting in lower impacts.

## **11. Public Participation**

### **a. Public Notice.**

As described in 40 C.F.R. § 71.11(a)(5), all Part 71 draft operating permits shall be publicly noticed and made available for public comment. The public notice of permit actions and public comment period is described in 40 C.F.R. § 71(d).

There is a 30-day public comment period for actions pertaining to a draft permit. Public notice will be given for this draft permit by mailing a copy of the notice to the permit applicant, the Salt River Pima-Maricopa Indian Community, the affected state (Arizona) and local air pollution control agencies. A copy of the notice will also be provided to all persons who have submitted a written request to be included on the mailing list. Public notice will also be published in the Arizona Republic newspaper.

### **b. Opportunity for Comment**

Members of the public may review a copy of the draft permit prepared by EPA, this statement of basis for the draft permit, the application, and all supporting materials submitted by the source at the address listed in Section 11.e, below.

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of people, including minority populations, low-income populations, and indigenous populations, in the development, implementation, or enforcement of environmental laws, regulations, and policies.

[2] The term "overburdened" describes the minority, low-income, tribal, and indigenous populations or communities in the United States that potentially experience disproportionate environmental harms and risks as a result of greater vulnerability to environmental hazards. This increased vulnerability may be attributable to an accumulation of both negative and lack of positive environmental, health, economic, or social conditions within these populations or communities.

Copies of the draft permit and statement of basis can also be obtained from EPA's website (<http://www.epa.gov/region9/air/permit/r9-permits-issued.html>), or by contacting Eugene Chen at the EPA address, phone number, or email address listed in Section 11.e, below. All documents will be available for review at the EPA Region 9 office indicated in Section 8.e. below, during regular business hours.

If you believe that any condition of the draft permit is inappropriate, you must raise all reasonably ascertainable issues and submit all arguments supporting your position during the 30-day public comment period. Any supporting documents must be included in full and may not be incorporated by reference, unless they are already part of the administrative record for this permit or consist of tribal, state or federal statutes or regulations, or other generally available referenced materials.

All comments received during the public comment period and all comments made during any public hearing will be considered in arriving at a final decision on the permit. The final permit is a public record that can be obtained by request. A statement of reasons for changes made to the draft permits and responses to comments received will be sent to all persons who commented on the draft permit.

c. Opportunity to Request a Hearing

Any person may submit a written request for a public hearing to Eugene Chen, at the address listed in Section 11.e below, by stating the nature of the issues to be raised at the public hearing. EPA shall hold a public hearing if EPA finds, on the basis of requests, a significant amount of public interest in the draft permit. If a public hearing is held, EPA will provide public notice of the hearing and any person may submit oral or written statements and data concerning the draft permit.

d. Mailing List

If you would like to be added to our mailing list to be informed of future actions on this or other CAA permits issued in Indian Country, please send your name and address to Eugene Chen at the address listed below.

e. Contact Information

Eugene Chen  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne St (AIR-3)  
San Francisco, CA 94105  
telephone: (415) 947-4304  
e-mail: [chen.eugene@epa.gov](mailto:chen.eugene@epa.gov)