

**TITLE V PERMIT TO OPERATE**

**Permit No. SR-OP 05-04**

In accordance with the provisions of Title V of the Clean Air Act and 40 C.F.R. Part 71 and applicable rules and regulations,

Salt River Pima-Maricopa Indian Community  
Tri-Cities Landfill

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit. Terms and conditions not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act.

If all any control measures and/or equipment are not installed and properly operated and maintained, this will be considered a violation of the permit.

This permit is valid for a period of five (5) years and shall expire at midnight on the date five years after the date of issuance unless a timely and complete renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration. The permit number cited above should be referenced in future correspondence regarding this facility.

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Date

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Deborah Jordan  
Director, Air Division  
EPA Region IX

## Abbreviations and Acronyms

AFS	AIRS Facility Subsystem
AIRS	Aerometric Information Retrieval System
AR	Acid Rain
ARP	Acid Rain Program
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CFR	Code of Federal Regulations
EIP	Economic Incentives Program
gal	gallon
HAP	Hazardous Air Pollutant
hr	hour
Id. No.	Identification Number
J	joule
kg	kilogram
lb	pound
MACT	Maximum Achievable Control Technology
MVAC	Motor Vehicle Air Conditioner
Mg	megagram
MMBtu	million British Thermal Units
mo	month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO <sub>x</sub>	Nitrogen Oxides
NSPS	New Source Performance Standards
NSR	New Source Review
PM	Particulate Matter
PM <sub>10</sub>	Particulate matter less than 10 microns in diameter
ppmv	parts per million by volume
ppmw	parts per million by weight
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psia	pounds per square inch absolute
RMP	Risk Management Plan
SNAP	Significant New Alternatives Program
SO <sub>2</sub>	Sulfur Dioxide
SSM	Startup, Shutdown, and Malfunction
TSP	Total Suspended Particulate
US EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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## **I. Source Identification**

Parent Company name: Salt River Pima-Maricopa Indian Community

Parent Company Mailing Address: 10,005 East Osborn Rd.

City: Scottsdale      State: AZ      Zip: 85256

Plant Name: Tri-Cities Landfill

Plant Location: 10,005 East Osborn Rd.

City: Scottsdale      State: AZ

County: Maricopa

EPA Region: 9

Reservation: Salt River Pima-Maricopa Indian Community

Tribe: Onk Akimel Au-Authm (Pima) and Xalchidom Pii-pash (Maricopa)

Company Contact: Bobby Ramirez      Phone: (480) 850-8045

Plant Manager/Contact: same      Phone: same

Responsible Official: Joni M. Ramos      Phone: (480) 850-8000

SIC Code: 4953

AFS Plant Identification Number: 04-013-SAL02

Description of Process: landfilling of municipal solid waste

## **II. Requirements for Specific Emission Units**

### **II.A. NSPS Standards for Air Emissions [40 C.F.R. § 60.752(b)(2)(ii)]**

1. The permittee shall operate a landfill gas collection system that meets the following requirements:
  - a. the system is designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas collection system;
  - b. landfill gas is collected from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of five years or more, or two years or more if the landfill is closed or at final grade;
  - c. gas is collected at a sufficient extraction rate; and
  - d. the system is designed to minimize off-site migration of subsurface gas.
2. The permittee shall route all collected landfill gas to an open flare designed and operated in accordance with § 60.18 and § 63.11 or an enclosed combustion device which reduces NMOC 98 percent by weight or reduces the outlet NMOC concentration to less than 20 parts per million by volume, dry basis as hexane at 3 percent oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test, required under § 60.8 using the test methods specified in § 60.754(d). [40 C.F.R. § 60.752(b)(iii), 40 C.F.R. § 60.18(c) through (f), 40 C.F.R. § 63.11(b)]

### **II.B. NSPS Operational Standards for Collection and Control Systems**

1. The permittee shall operate the landfill gas collection system such that all collected gases are vented to a control system designed and operated in compliance with §60.752(b)(2)(iii). In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within 1 hour. [40 C.F.R. § 60.753(e)]
2. The permittee shall operate the landfill gas control or treatment system at all times when the collected gas is routed to the system. [40 C.F.R. § 60.753(f)]
3. The Permittee shall operate the collection system with negative pressure at each wellhead except as allowed by 40 CFR 60.753(b)(1) through (3). [40 C.F.R. § 60.753(b)]

4. The Permittee shall operate each interior wellhead in the collection system with a landfill gas temperature less than 55 o C and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent. [40 C.F.R. § 60.753(c)]
5. The nitrogen level shall be determined using Method 3C. [40 C.F.R. § 60.753(c)(1)]
6. The oxygen level shall be determined by an oxygen meter using Method 3A except that:
  - a. The span shall be set so that the regulatory limit is between 20 and 50 percent of the span;
  - b. A data recorder is not required;
  - c. Only two calibration gases are required, a zero and span, and ambient air may be used as the span; and
  - d. A calibration error check is not required;
  - e. The allowable sample bias, zero drift, and calibration drift are  $\pm 10$  percent. [40 C.F.R. § 60.753(c)(2)]

### **II.C. NSPS Compliance Provisions**

1. The provisions of NSPS subpart WWW apply at all times, except during periods of startup, shutdown, or malfunction, provided that the duration of startup, shutdown, or malfunction shall not exceed 5 days for collection systems and shall not exceed 1 hour for treatment or control devices. [40 C.F.R. § 60.755(e)]
2. The following procedures shall be used for compliance with the surface methane operational standard as provided in §60.753(d). [40 C.F.R. § 60.755(c)]
  - a. After installation of the collection system, the owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals (or a site-specific established spacing) for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in §60.753(d).
  - b. The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells.

- c. Surface emission monitoring shall be performed in accordance with section 4.3.1 of EPA Method 21, except that the probe inlet shall be placed within 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions.
- d. Any reading of 500 parts per million or more above background at any location shall be recorded as a monitored exceedance and the actions specified below shall be taken. As long as each of the specified actions are taken, the exceedance is not a violation of the operational requirements of §60.753(d).
  - (1) The location of each monitored exceedance shall be marked and the location recorded.
  - (2) Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be re-monitored within 10 calendar days of detecting the exceedance.
  - (3) If the re-monitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within 10 days of the second exceedance. If the re-monitoring shows a third exceedance for the same location, the action specified in § 60.755(c)(4)(v) shall be taken, and no further monitoring of that location is required until the action specified in § 60.755(c)(4)(v) has been taken.
  - (4) Any location that initially showed an exceedance but has a methane concentration less than 500 ppm methane above background at the 10-day re-monitoring specified in paragraph § 60.755(c)(4)(ii) or (iii) shall be re-monitored 1 month from the initial exceedance. If the 1-month re-monitoring shows a concentration less than 500 parts per million above background, no further monitoring of that location is required until the next quarterly monitoring period. If the 1-month re-monitoring shows an exceedance, the actions specified in paragraph (c)(4) (iii) or (v) shall be taken.
  - (5) For any location where monitored methane concentration equals or exceeds 500 parts per million above background three times within a quarterly period, a new well or other collection device shall be installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding

timeline for installation may be submitted to the Administrator for approval.

3. The owner or operator shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis. [40 C.F.R. §60.755(c)]

#### **II.D. Startup, Shutdown, and Malfunction Plan**

1. The permittee shall have in place a written Startup, Shutdown, and Malfunction (SSM) plan according to the provisions in 40 C.F.R. 63.6(e)(3). A copy of the SSM plan must be maintained on site. Failure to write, implement, or maintain a copy of the SSM plan is a deviation from the requirements 40 C.F.R. 63, Subpart AAAA. [40 C.F.R. § 63.1960]

#### **II.E. Monitoring and Testing Requirements**

1. The permittee shall install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead, and:
  - a. measure and record the gauge pressure at each individual well on a monthly basis;
  - b. monitor and record the nitrogen or oxygen concentration in the landfill gas on a monthly basis; and
  - c. monitor and record the temperature of the landfill gas on a monthly basis. [40 C.F.R. § 60.756(a), §60.755(a)(3), §60.755(a)(5)]
2. The permittee shall include deviations specified in the Municipal Solid Waste Landfill NESHAP in the semiannual monitoring report required by condition III.C.1. Deviations for continuous emission monitors or numerical continuous parameter monitors must be determined using a 3-hour monitoring block average. Deviations include, but are not limited to the following [40 C.F.R. § 63.1955(c); 40 C.F.R. § 63.1965(a), (b), and (c)]:
  - a. all 3-hour periods of operation during which the average combustion temperature of the enclosed combustor was more than 28° C below the average combustion temperature during the most recent performance test at which compliance with 40 C.F.R. 60.752(b)(2)(iii) was determined.

- b. when 1 hour or more of the hours during the 3-hour block averaging period does not constitute a valid hour of data. A valid hour of data must have measured values for at least three 15-minute monitoring periods within the hour.
  - c. when the Start-up, Shutdown, and Maintenance Plan is not developed, implemented, or maintained on site.
3. The permittee shall conduct performance tests to verify compliance with condition II.A.2 on an annual basis. This testing shall be conducted in accordance with EPA Method 18 or 25.  
[40 C.F.R. § 71.6(a)(3)]

## **II.F. Recordkeeping Requirements**

1. The permittee shall maintain for at least five years up-to-date, readily accessible, on-site records of the design capacity report which triggered §60.752(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.  
[40 C.F.R. § 60.758(a)]
2. The permittee shall maintain up-to-date, readily accessible records for the life of the control equipment of the following data as measured during the initial performance test or compliance determination:
- a. The maximum expected gas generation flow rate as calculated in §60.755(a)(1). The owner or operator may use another method to determine the maximum gas generation flow rate, if the method has been approved by the Administrator.
  - b. The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in §60.759(a)(1).

Records of this data from subsequent tests or monitoring shall be maintained for a minimum of five years. Records of the control device vendor specifications shall be maintained until removal of the control device.

[40 C.F.R. § 60.758(b)(1)]

3. When seeking to demonstrate compliance with 40 C.F.R. 60.752(b)(2)(iii) through use of an enclosed combustion device, the permittee shall maintain up-to-date, readily accessible records of the following [40 C.F.R. § 60.758(b)(2)]:

- a. The average combustion temperature measured at least every 15 minutes and averaged over the same time period as the performance test.
  - b. The percent reduction of NMOC determined as specified in 40 C.F.R. 60.752(b)(2)(iii)(B) achieved by the control device.
4. When seeking to demonstrate compliance with § 60.752(b)(2)(iii)(A) through use of an open flare, the permittee shall maintain up-to-date, readily accessible records of the following[40 C.F.R. § 60.758(b)(4)]:
- a. the flare type (i.e., steam-assisted, air-assisted, or nonassisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test as specified in § 60.18; and
  - b. continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame of the flare flame is absent.
5. The permittee shall maintain for at least five years up-to-date, readily accessible records of all data required by conditions II.C.2 and II.C.3.  
[40 C.F.R. § 71.6(a)(3)(i)(B) and (C); 40 C.F.R. § 71.6(a)(3)(ii); 71.6(c)(1)]

### **II.G. Compliance Schedule**

- 1. For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.  
[40 C.F.R. § 71.5(c)(8)(iii); 40 C.F.R. § 71.6(c)(3)]
- 2. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis.  
[40 C.F.R. § 71.5(c)(8)(iii); 40 C.F.R. § 71.6(c)(3)]

### **III. Facility-Wide or Generic Permit Requirements**

Conditions in Section III of the permit apply to all emissions units located at the facility

#### **III.A. Testing Requirements [40 C.F.R. § 71.6(a)(3)]**

In addition to the unit specific testing requirements derived from the applicable requirements for each individual unit contained in Section II of this permit, the permittee shall comply with the following generally applicable testing requirements as necessary to ensure that the required tests are sufficient for compliance purposes:

1. Submit to EPA a source test plan 45 days prior to any required testing. The source test plan shall include and address the following elements:
  - 1.0 Purpose of the test
  - 2.0 Source Description and Mode of Operation During Test
  - 3.0 Scope of Work Planned for Test
  - 4.0 Schedule/Dates
  - 5.0 Process Data to be Collected During Test
  - 6.0 Sampling and Analysis Procedures
    - 6.1 Sampling Locations
    - 6.2 Test Methods
    - 6.3 Analysis Procedures and Laboratory Identification
  - 7.0 Quality Assurance Plan
    - 7.1 Calibration Procedures and Frequency
    - 7.2 Sample Recovery and Field Documentation
    - 7.3 Chain of Custody Procedures
    - 7.4 QA/QC Project Flow Chart
  - 8.0 Data Processing and Reporting
    - 8.1 Description of Data Handling and QC Procedures
    - 8.2 Report Content
2. Unless otherwise specified by an applicable requirement or permit condition in Section II, all source tests shall be performed at maximum operating rates (90% to 110%) of device design capacity.
3. Only regular operating staff may adjust the processes or emission control device parameters during a compliance source test. No adjustments are to be made within two (2) hours of the start of the tests. Any operating adjustments made during a source test, that are a result of consultation during the tests with source testing personnel, equipment vendors, or consultants, may render the source test invalid.
4. During each test run and for two (2) hours prior to the test and two (2) hours after the completion of the test, the permittee shall record the following information:
  - a. Fuel characteristics and/or amount of product processed (if applicable).
  - b. Visible emissions.
  - c. All parametric data which is required to be monitored in Section II for the emission unit being tested.
  - d. Other source specific data identified in Section II such as minimum test length (e.g., one hour, 8 hours, 24 hours, etc.), minimum sample volume, other operating conditions to be monitored, correction of O<sub>2</sub>, etc.

5. Each source test shall consist of at least three (3) valid test runs and the emissions results shall be reported as the arithmetic average of all valid test runs and in the terms of the emission limit. There must be at least 3 valid test runs, unless otherwise specified.
6. Source test reports shall be submitted to EPA within 60 days of completing any required source test.

### **III.B. Recordkeeping Requirements [40 C.F.R. § 71.6 (a)(3)(ii)]**

In addition to the unit specific recordkeeping requirements derived from the applicable requirements for each individual unit and contained in Section II, the permittee shall comply with the following generally applicable recordkeeping requirements:

1. The permittee shall keep records of required monitoring information that include the following:
  - a. The date, place, and time of sampling or measurements;
  - b. The date(s) analyses were performed;
  - c. The company or entity that performed the analyses;
  - d. The analytical techniques or methods used;
  - e. The results of such analyses; and
  - f. The operating conditions as existing at the time of sampling or measurement.
2. The permittee shall retain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

### **III.C. Reporting Requirements**

1. The permittee shall submit to EPA Region 9 reports of any monitoring required under § 71.6(a)(3)(i)(A), (B), or (C) for each six month reporting period from January 1 to June 30 and from July 1 to December 31, except that the first reporting period shall begin on the effective date of this permit and end on June

30, 2006. All reports shall be submitted to EPA and shall be postmarked by the 30th day following the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with condition IV.E. [40 C.F.R. § 71.6 (a)(3)(iii)]

- a. The monitoring report must include the following:
  - (1) The company name and address,
  - (2) The beginning and ending dates of the reporting period,
  - (3) The emissions unit or activity being monitored,
  - (4) The emissions limitation or standard, including operational requirements and limitations (such as parameter ranges), specified in the permit for which compliance is being monitored,
  - (5) All instances of deviations from permit requirements, including excursions or exceedances as defined under 40 C.F.R. part 64, and the date on which each deviation occurred,
  - (6) If the permit requires continuous monitoring of an emissions limit or parameter range, the report must include the total operating time of the emissions unit during the reporting period, the total duration of excess emissions or parameter exceedances during the reporting period, and the total downtime of the continuous monitoring system during the reporting period,
  - (7) If the permit requires periodic monitoring, visual observations, work practice checks, or similar monitoring, the report shall include the total time when such monitoring was not performed during the reporting period and at the source's discretion either the total duration of deviations indicated by such monitoring or the actual records of deviations,
  - (8) All other monitoring results, data, or analyses required to be reported by the applicable requirement, and
  - (9) The name, title, and signature of the responsible official who is certifying to the truth, accuracy, and completeness of the report.
- b. Any report required by an applicable requirement that provides the same information described in paragraph III.C.1.a(1) through (9) above shall

satisfy the paragraph III.C.1.a requirement.  
[40 C.F.R. § 71.6 (a)(3)(iii)]

- c. “Deviation,” means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or record keeping established in accordance with § 71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours, each 24-hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:  
[40 C.F.R. § 71.6 (a)(3)(iii)]:

- (1) A situation when emissions exceed an emission limitation or standard;
- (2) A situation when there is an excursion of a process or control device;
- (3) A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit, or
- (4) A situation in which an exceedance or an excursion, as defined in the compliance assurance plan (40 C.F.R. Part 64), occurs.

2. The permittee shall promptly report to EPA Region 9 deviations from permit or start-up, shut-down malfunction plan requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. “Prompt” is defined as follows:

[40 C.F.R. § 71.6 (a)(3)(iii)]

- a. Any definition of “prompt” or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit; or
- b. Where the underlying applicable requirement does not define prompt or provide a timeframe for reporting deviations, reports of deviations will be submitted based on the following schedule:
  - (1) For emissions of a hazardous air pollutant or a toxic air pollutant(as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
  - (2) For emissions of any regulated pollutant excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours

in excess of permit requirements, the report must be made within 48 hours.

(3) For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report required in paragraph III.C.1.a of this permit.

3. If any of the section III.C.2.b. reporting requirements are triggered, the source must notify EPA Region 9 by telephone, facsimile, or electronic mail sent to r9.aeo@epa.gov, based on the timetable listed. A written notice, certified consistent with paragraph III.C.4 of this permit section must be submitted within 10 working days of the occurrence. All deviations reported under section III.C. must also be identified in the 6-month report required under paragraph III.C.1. [40 C.F.R. § 71.6 (a)(3)(iii)]
4. Any application form, report, or compliance certification required to be submitted by this permit shall be certified by a responsible official as to the truth, accuracy, and completeness of the submittal. All certifications shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. [40 C.F.R. § 71.5 (d)]
5. The permittee shall submit annual reports with the following information. Each report shall be postmarked by January 30 of each year and cover the previous calendar year. For enclosed combustion devices and flares, reportable exceedances are defined under §60.758(c). [40 C.F.R. § 60.757(f)]
  - a. Value and length of time for exceedance of applicable parameters monitored under §60.756(a), (b), (c), and (d).
  - b. Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under §60.756.
  - c. Description and duration of all periods when the control device was not operating for a period exceeding 1 hour and length of time the control device was not operating.
  - d. All periods when the collection system was not operating in excess of 5 days.
  - e. The location of each exceedance of the 500 parts per million methane concentration as provided in §60.753(d) and the concentration recorded at

each location for which an exceedance was recorded in the previous month.

- f. The date of installation and the location of each well or collection system expansion added pursuant to paragraphs (a)(3), (b), and (c)(4) of §60.755.
  - g. The initial report shall include:
    - (1) A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;
    - (2) The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;
    - (3) The documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;
    - (4) The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area; and
    - (5) The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and
    - (6) The provisions for the control of off-site migration.
6. The permittee shall report to EPA Region 9 any actions not consistent with the SSM Plan. The initial report shall be within two working days via telephone, facsimile, or electronic mail sent to [r9.aeo@epa.gov](mailto:r9.aeo@epa.gov), followed by a letter delivered or postmarked within seven working days after the end of the event. The letter shall contain the name, title, and signature of the responsible official who is certifying its accuracy, explaining the circumstances of the event, the reasons for not following the SSM Plan, and whether any excess emissions and or parameter monitoring exceedances are believed to have occurred.  
[40 C.F.R. § 63.10(d)(5)]

#### **III.D. NSPS and NESHAP General Provisions**

1. All requests, reports, applications, submittals, and other communications to the Administrator pursuant to 40 C.F.R. Part 60 shall be submitted in duplicate to the EPA Region 9 office at the following address:  
[40 C.F.R. § 60.4(a)]:  

Director, Air Division (Attn: AIR-1)  
EPA Region IX  
75 Hawthorne Street  
San Francisco, CA 94105
2. The permittee shall provide written notification to EPA of any reconstruction of an affected facility, or any physical or operational change to an affected facility which may increase the emission rate of any air pollutant to which a standard applies, in accordance with 40 C.F.R. 60.7.  
[40 C.F.R. § 60.7(a)]
3. The permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.  
[40 C.F.R. § 60.7(b)]
4. The permittee shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by 40 C.F.R. 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least five years following the date of such measurements, maintenance, reports and records.  
[40 C.F.R. § 71.6(a)(3)(ii), 40 C.F.R. § 60.7(f)]
5. The availability to the public of information provided to, or otherwise obtained by, the EPA Administrator under this permit shall be governed by 40 C.F.R. Part 2. (Information submitted voluntarily to the Administrator for the purposes of compliance with 40 C.F.R. 60.5 and 60.6 is governed by 40 C.F.R. 2.201 through 2.213 and not by 40 C.F.R. 2.301.)  
[40 C.F.R. § 60.9]
6. Compliance with the NMOC standard listed in condition II.A.2. of this permit shall be determined in accordance with performance tests established by 40 C.F.R. 60.8.  
[40 C.F.R. § 60.11(a)]

7. At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate this facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.  
[40 C.F.R. § 60.11(d)]
8. For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in 40 C.F.R. Part 60, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.  
[40 C.F.R. § 60.11(g)]
9. No owner or operator subject to the provisions 40 C.F.R. Part 60 or C.F.R. Part 63 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.  
[40 C.F.R. § 60.12, 40 C.F.R. § 63.4(b)]
10. With respect to compliance with all New Source Performance Standards (NSPS) of 40 C.F.R. Part 60, the permittee shall comply with the “General notification and reporting requirements” found in 40 C.F.R. 60.19.  
[40 C.F.R. § 60.19]
11. With respect to compliance with all National Emission Standards for Hazardous Air Pollutants (NESHAP) of 40 C.F.R. Part 63, the permittee shall comply with the “Notification requirements” found in 40 C.F.R. 63.9.  
[40 C.F.R. § 63.9]
12. When actions taken by the permittee during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) are consistent with the procedures specified in the startup, shutdown, and malfunction plan, the owner the permittee must keep records for that event which demonstrate that the procedures specified in the plan were followed. These records may take the form of a “checklist,” or other effective form of recordkeeping that confirms conformance with the startup, shutdown, and malfunction plan for that event. In addition, the permittee must keep records of these events as specified in

§63.10(b), including records of the occurrence and duration of each startup, shutdown, or malfunction of operation and each malfunction of the air pollution control and monitoring equipment. Furthermore, the permittee shall confirm that actions taken during the relevant reporting period during periods of startup, shutdown, and malfunction were consistent with the startup, shutdown and malfunction plan in the semiannual (or more frequent) startup, shutdown, and malfunction report required in §63.10(d)(5).

[40 C.F.R. § 63.6(e)(3)(iii)]

13. If an action taken by the permittee during a startup, shutdown, or malfunction (including an action taken to correct a malfunction) is not consistent with the procedures specified in the startup, shutdown, and malfunction plan, and the permittee exceeds any applicable emission limitation in the relevant emission standard, then the permittee must record the actions taken for that event and must report such actions within 2 working days after commencing actions inconsistent with the plan, followed by a letter within 7 working days after the end of the event, in accordance with §63.10(d)(5) (unless the owner or operator makes alternative reporting arrangements, in advance, with the Administrator).

[40 C.F.R. § 63.6(e)(3)(iv)]

## **V. Title V Administrative Requirements**

### **IV.A. Fee Payment** [40 C.F.R. § 71.6(a)(7), § 71.9(c)(6), § 71.9(h)(3), § 71.9(e)(2), § 71.9(c)(5)(i), (ii), and (iii), § 71.9(i), § 71.9(j)(1) and (2), § 71.9(j)(3).]

1. The permittee shall pay an annual permit fee in accordance with the procedures outlined below.
2. The permittee shall pay the annual permit fee by June 3 of each year.
3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency.
4. The permittee shall send fee payment and a completed fee filing form to:

Mellon Bank  
U.S. EPA Region 9  
P.O. Box 360863M  
Pittsburgh, PA 15251

5. The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment to the address listed in Section IV.E of this permit. [Permittee should note that an

annual emissions report, required at the same time as the fee calculation worksheet by § 71.9(h), has been incorporated into the fee calculation worksheet form as a convenience.]

6. Basis for calculating annual fee:
  - a. The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all “regulated pollutants (for fee calculation)” emitted from the source by the presumptive emissions fee (in dollars/ton) in effect at the time of calculation.
    - (1) “Actual emissions” means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation) emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit’s actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year.
    - (2) Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data.
    - (3) If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures.
    - (4) The term “regulated pollutant (for fee calculation)” is as defined in § 71.2.
    - (5) The presumptive fee amount is revised each calendar year to account for inflation, and it is available from EPA prior to the start of each calendar year.
  - b. The permittee shall exclude the following emissions from the calculation of fees:
    - (1) The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year;
    - (2) Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation; and
    - (3) The quantity of actual emissions (for fee calculation) of insignificant activities [defined in § 71.5(c)(11)(i)] or of insignificant emissions

levels from emissions units identified in the permittee's application pursuant to § 71.5(c)(11)(ii).

7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official. [Permittees should note that the fee calculation worksheet form already incorporates a section to help you meet this responsibility.]
8. The permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for five years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by EPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with § 71.6(a)(3)(ii).
9. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with § 71.9(1).
10. When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification.
11. A permittee who thinks an EPA assessed fee is in error and who wishes to challenge such fee, shall provide a written explanation of the alleged error to EPA along with full payment of the EPA assessed fee.

**IV.B. Blanket Compliance Statement** [40 C.F.R. § 71.6(a)(6)(i) and (ii), and sections 113(a) and 113(e)(1) of the Act, and § 51.212, § 52.12, § 52.33, § 60.11(g), and § 61.12.]

1. The permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance, including, but not limited to, violation of any applicable requirement; any permit term or condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any regulation or order issued by the permitting authority pursuant to this part constitutes a violation of the Clean Air Act and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [§ 71.6(a)(6)(i) and (ii)]
2. Determinations of deviations, continuous or intermittent compliance status, or violations of this permit, are not limited to the applicable 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 in such determinations. [Section 113(a) and 113(e)(1) of the Act, § 51.212, § 52.12, § 52.33, § 60.11(g), and § 61.12.]

#### **IV.C. Compliance Certifications** [40 C.F.R. § 71.6(c)(5)]

1. The permittee shall submit to EPA Region 9 a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, postmarked by January 30 of each year and covering the previous calendar year, except that the first certification shall cover the period from the effective date of this permit through December 31, 2006. The compliance certification shall be certified as to truth, accuracy, and completeness by the permit-designated responsible official consistent with Section IV.E. of this permit and 40 C.F.R. § 71.5(d). [40 C.F.R. § 71.6(c)(5)]
2. The certification shall include the following:
  - a. Identification of each permit term or condition that is the basis of the certification.
  - b. Identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information.
  - c. The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification.
  - d. Whether compliance with each permit term was continuous or intermittent.

#### **IV.D. Duty to Provide and Supplement Information** [40 C.F.R. § 71.6(a)(6)(v), 40 C.F.R. § 71.5(b)]

The permittee shall furnish to EPA, within a reasonable time, any information that EPA may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to

be confidential should be accompanied by a claim of confidentiality according to the provisions of 40 C.F.R. part 2, subpart B. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after this permit is issued.

**IV.E. Submissions** [40 C.F.R. § 71.5(d), C.F.R. § 71.6 and 40 C.F.R. § 71.9]

Any document required to be submitted with this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. All documents required to be submitted, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to:

EPA Region IX (Attn: AIR-1)  
75 Hawthorne Street  
San Francisco, CA 94105

**IV.F. Severability Clause** [40 C.F.R. §71.6(a)(5)]

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

**IV.G. Permit Actions** [40 C.F.R. § 71.6(a)(6)(iii)]

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**IV.H. Reopening for Cause** [40 C.F.R. § 71.7(f)]

1. EPA shall reopen and revise the permit prior to expiration under any of the following circumstances:
  - a. Additional applicable requirements under the Act become applicable to a major part 71 source with a remaining permit term of 3 or more years.

- b. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.
- c. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- d. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

**IV.I. Property Rights** [40 C.F.R. § 71.6(a)(6)(iv)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

**IV.J. Inspection and Entry** [40 C.F.R. § 71.6(c)(2)]

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized representatives from EPA to perform the following:

1. Enter upon the permittee's premises where a Part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
4. As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**IV.K. Emergency Provisions** [40 C.F.R. § 71.6(g)]

1. In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency.

To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. an emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - b. the permitted facility was at the time being properly operated;
  - c. during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
  - d. the permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements of Condition III.C.2 of this permit.
  - e. In any enforcement proceeding the permittee attempting to establish the occurrence of an emergency has the burden of proof.
2. An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

#### **IV.L. Transfer of Ownership or Operation** [40 C.F.R. § 71.7(d)(1)(iv)]

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if the EPA determines no other change in this permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA.

#### **IV.M. Off Permit Changes** [40 C.F.R. §71.6(a)(12)]

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

1. Each change is not addressed or prohibited by this permit;
2. Each change must comply with all applicable requirements and may not violate any existing permit term or condition;
3. Changes under this provision may not include changes or activities subject to any requirement under Title IV or that are modifications under any provision of Title I of the Clean Air Act;
4. The permittee must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under §71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;
5. The permit shield does not apply to changes made under this provision; and
6. The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

**IV.N. Permit Expiration and Renewal** [40 C.F.R. § 71.5(a)(1)(iii), 40 C.F.R. § 71.6(a)(11), 40 C.F.R. § 71.7(b), 40 C.F.R. § 71.7(c)(1)(i) and (ii), 40 C.F.R. § 71.8(d)]

1. This permit shall expire upon the earlier occurrence of the following events:
  - a. five (5) years elapses from the date of issuance; or
  - b. the source is issued a part 70 permit by an EPA-approved permitting authority.
2. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted on or before a date 6 months, but not more than 18 months, prior to the date of expiration of this permit.
3. If the permittee submits a timely and complete permit application for renewal, consistent with § 71.5(a)(2), but EPA has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield granted pursuant to § 71.6(f) may extend beyond the original permit term until renewal.

4. If the permittee submits a timely and complete permit application for renewal, consistent with § 71.5(a)(2), the permittee's failure to have a Part 71 permit is not a violation until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.
5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State, and tribal review.
6. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

#### **IV.O Administrative Permit Amendments [40 C.F.R. § 71.7(d)]**

1. The permittee may request the use of administrative permit amendment procedures for a permit revision that:
  - a. Corrects typographical errors.
  - b. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source.
  - c. Requires more frequent monitoring or reporting by the permittee.
  - d. Allows for a change in ownership or operational control of a source where the EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the EPA.
  - e. Incorporates into the part 71 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of §§ 71.7 and 71.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in § 71.6.

- f. Incorporates any other type of change which EPA has determined to be similar to those listed above in subparagraphs (a) through (e).

**IV.P. Minor Permit Modifications** [40 C.F.R. § 71.7(e)(1), § 71.7(e)(1)(vi)]

- 1. The permittee may request the use of minor permit modification procedures only for those modifications that:
  - a. Do not violate any applicable requirement.
  - b. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit.
  - c. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.
  - d. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
    - (1) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and
    - (2) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Clean Air Act:
      - (i) Are not modifications under any provision of title I of the Clean Air Act; and
      - (ii) Are not required to be processed as a significant modification.
- 2. Notwithstanding the list of changes eligible for minor permit modification procedures in paragraph (1) above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

3. An application requesting the use of minor permit modification procedures shall meet the requirements of § 71.5(c) and shall include the following:
  - a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
  - b. The source's suggested draft permit;
  - c. Certification by a responsible official, consistent with § 71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
  - d. Completed forms for the permitting authority to use to notify affected States as required under § 71.8.
4. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.
5. The permit shield under § 71.6(f) may not extend to minor permit modifications.

**IV.Q. Group Processing of Minor Permit Modifications.** [40 C.F.R. § 71.7(e)(2), § 71.7(e)(1)(vi)].

1. Group processing of modifications by EPA may be used only for those permit modifications:
  - a. That meet the criteria for minor permit modification procedures under paragraphs IV.I. (a) of this permit; and
  - b. That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in § 71.2, or 5 tons per year, whichever is least.

2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of § 71.5(c), and shall include the following:
  - a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.
  - b. The source's suggested draft permit.
  - c. Certification by a responsible official, consistent with § 71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.
  - d. A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subparagraph (a)(ii) above.
  - e. Completed forms for the permitting authority to use to notify affected States as required under § 71.8.
3. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.
4. The permit shield under § 71.6(f) may not extend to group processing of minor permit modifications.

**IV.R. Significant Permit Modifications** [40 C.F.R. § 71.7(e)(3), § 71.7(e)(3)(ii), § 71.5(a)(2)]

1. The permittee must request the use of significant permit modification procedures for those modifications that:
  - a. Do not qualify as minor permit modifications or as administrative amendments.

- b. Are significant changes in existing monitoring permit terms or conditions.
  - c. Are relaxations of reporting or recordkeeping permit terms or conditions.
2. Nothing herein shall be construed to preclude the permittee from making changes consistent with part 71 that would render existing permit compliance terms and conditions irrelevant.
  3. Permittees must meet all requirements of part 71 for applications for significant permit modifications. For the application to be determined complete, the permittee must supply all information that is required by § 71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change.