



**ALBUQUERQUE/BERNALILLO COUNTY  
AIR QUALITY CONTROL BOARD  
TITLE V OPERATING PERMIT #0537-M1-RN1  
FACILITY CDS #35/001/00144  
FACILITY ID: FA0003911; RECORD ID: PR0008766**



Issued to: City of Albuquerque  
Solid Waste Management Department  
4600 Edith Blvd. NE  
Albuquerque, New Mexico 87107

Certified Mail #7009 3410 0000 0604 4293  
Return Receipt Requested

**Responsible Official:** Mr. Lawrence Rael, Chief Operations Officer

The Albuquerque Environmental Health Department (Department) and the Albuquerque/Bernalillo County Air Quality Control Board (A/BCAQCB); pursuant to the Federal Clean Air Act (CAA, also known herein as the Federal Act); the New Mexico Air Quality Control Act, NMSA 1978, as amended 74-2-4, 74-2-5.C; the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994, 9-5-1-4; the Joint air quality Control Board Ordinance, Bernalillo County Ordinance 94-5; A/BCAQCB Regulation Title 20, New Mexico Administrative Code (NMAC), Chapter 11 (20.11 NMAC), Part 41 (20.11.41 NMAC), Authority-To-Construct; Part 42 (20.11.42 NMAC), Operating Permits; hereby issues Operating Permit #0537-M1-RN1 to **City of Albuquerque Solid Waste Management Department** (Company or Permittee) is hereby authorized to operate the following processes at:

Facility/Location	Process Description	SIC	NAICS
<b>Cerro Colorado Landfill 18000 Cerro Colorado SW Albuquerque, NM 87121 UTMN: 3877730 UTME: 328950</b>	<b>Solid Waste Landfill</b>	<b>4953</b>	<b>562212 562219 562920</b>

This Operating Permit has been issued based on the review of the application received by the Albuquerque Environmental Health Department (Department), Air Quality Division (Division) on June 9, 2017 which was deemed complete on August 11, 2017, and on the National Ambient Air Quality Standards, New Mexico Ambient Air Quality Standards, and Air Quality Control Regulations for Albuquerque/Bernalillo County, as amended. This Permit places enforceable limitations and standards on processes at the Facility. The term of this Permit is five (5) years. This permit will expire on **January xx, 2024** which is five years from the date of issuance, pursuant to 20.11.42.12.(C) NMAC. **Application for renewal of this Permit is due January xx, 2023 which is (12) months prior to the date of expiration, pursuant to 20.11.42.12.A.(2).(a).(ii) NMAC.** This Permit supersedes Title V Permit #0537-M1 issued on June 12, 2012.

Pursuant to the New Mexico Air Quality Control Act, NMSA 1978, as amended, all terms and conditions in this Permit are enforceable by the Department, including any provisions designed to limit this Facility's emissions. Furthermore, pursuant to 20.11.42.12.C.(1).(e) NMAC, all terms and conditions are enforceable under the Federal Act by the Administrator of the United States Environmental Protection Agency (EPA) and citizens, unless the term or condition is specifically designated in this Permit as not being enforceable under the Federal Act.

Issued on the \_\_\_\_ day of \_\_\_\_\_, 2019

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Isreal Tavarez, Environmental Health Manager  
Air Quality Protection Programs  
Air Quality Division  
Environmental Health Department  
City of Albuquerque

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## Definition of Abbreviations and Acronyms

<b><u>Abbreviation/Acronym</u></b>	<b><u>Definition</u></b>
A/BCAQCB --	The Albuquerque/Bernalillo County Air Quality Control Board
Administrator --	The Administrator of the United States Environmental Protection Agency
CAA --	The Federal Clean Air Act
CEMS--	Continuous Emissions Monitoring System
Department - -	The City of Albuquerque Environmental Health Department/Air Quality Division
EPA - -	United States Environmental Protection Agency
Facility - -	Cerro Colorado Landfill and the Owner/Operator or Responsible Official
Federal Act - -	The Federal Clean Air Act
HAP - -	Hazardous Air Pollutant
hp - -	Horsepower
kW - -	Kilowatt
lb/hr - -	Pound per Hour
NAICS - -	North American Industrial Classification System
NESHAP - -	National Emission Standards for Hazardous Air Pollutants
NMSA - -	New Mexico Statutes Annotated
NMAC - -	New Mexico Administrative Code
NMOC--	Non-methane Organic Compounds
11.20 NMAC - -	New Mexico Administrative Code, Title 20, Chapter 11
PM- -	Particulate Matter
PM <sub>10</sub> - -	Particulate Matter, 10 microns or less
PM <sub>2.5</sub> - -	Particulate Matter, 2.5 microns or less
ppm - -	Parts per million
PTE - -	Potential to emit
SIC - -	Standard Industrial Classification
TPY - -	Tons per year
TSP - -	Total Suspended Particulate
μg/m <sup>3</sup> - -	Micrograms per cubic meter

## **INTRODUCTION**

This facility is a municipal solid waste landfill. The major processes associated with the facility are as follows: 1) disposal of municipal solid waste in the landfill cells; 2) recycling at the Intermediate Processing Facility (IPF); 3) treatment and disposal of soils contaminated with petroleum hydrocarbons at the land farm; 4) fleet gasoline filling station; 5) processing of green waste, including yard waste and wood, to produce compost, wood chips and bark.

Pursuant to 20.11.42.12.C.(1).(a) NMAC, the Department specifies, with this permit, terms and conditions upon the operation of this facility to assure compliance with all applicable requirements, as defined in 20.11.42 NMAC at the time this permit is issued or as specified by the schedule of compliance contained herein.

### **Permit Shield**

Pursuant to 20.11.42.12.C.(9) NMAC, compliance with the conditions of this permit shall be deemed to be in compliance with any applicable requirements existing as of the date of permit issuance and identified in Table 1. The requirements in Table 1 are applicable to this facility with specific requirements identified for individual emission units. Emission units with no applicable requirements are not shown in Table 1. The Department has determined that the requirements in Table 1A as identified in the permit application are applicable to this source, but they are regulations that are pending review from the EPA and are therefore non-applicable under the federal permit shield. The Department has determined that the requirements in Table 2 as identified in the permit application are not applicable to this source.

This permit shield does not extend to administrative amendments, to minor permit modifications, to changes made under section 502(b)(10) of the federal Act, or to permit terms for which notice has been given to reopen or revoke all or part.

The Department deems compliance applicable conditions of this Operating Permit to be in compliance with Authority to Construct (ATC) Permits #0653-M1-RV1, #1801, and #2185 and Air Quality Construction Permits #1685-M1-1AR and #1713-3AR.

**Table 1: APPLICABLE REQUIREMENTS FOR THIS FACILITY**

<b>Applicable Requirements</b>	<b>Federally Enforceable</b>	<b>Entire Facility</b>	<b>Emission Unit #</b>
20.11.2 NMAC – Fees This regulation establishes annual emissions fees for sources with source registrations, authority-to-construct permits, and Title V operation permits.	X	X	
20.11.5 NMAC – Visible Air Contaminants This regulation limits visible emissions from stationary sources.	X	X	
20.11.8 NMAC - Ambient Air Quality Standards This regulation adopts the Federal and State ambient air quality standards.	X	X	
20.11.20 NMAC - Fugitive Dust Control This regulation requires each person shall use reasonably available control measures or any other effective control measures during active operations or on inactive disturbed surface areas, as necessary to prevent the release of fugitive dust, whether or not the person is required by 20.11.20 NMAC to obtain a fugitive dust control permit. The use of reasonable precautions to prevent particulate matter that is generated from becoming airborne, requires permits for disturbances exceeding ¾ acre, and requires controls on dirt roads.	X	X	

20.11.21 NMAC Open Burning This regulation addresses permitting for conditionally allowed open burning.	X	X	
20.11.40 NMAC - Source Registration This regulation addresses registration of stationary air pollution sources.	X		2
20.11.41 NMAC – Construction Permits This regulation addresses pre-construction permitting of stationary air pollution sources.	X		5, 6, 7a, 7b, 9
20.11.42 NMAC - Operating Permits This regulation addresses permitting of Title V major sources.	X	X	
20.11.47 NMAC – Emissions Inventory This regulation requires sources to provide an emissions inventory to the Division on an annual basis.	X	X	
20.11.49 NMAC - Excess Emissions This regulation pertains to any source whose operation results in an emission of a regulated air pollutant, including fugitive emissions, in excess of the quality, rate, opacity or concentration specified by an air quality regulation or permit condition.	X	X	
20.11.63 NMAC - New Source Performance Standards for Stationary Sources This regulation pertains to the national performance standards for stationary sources and incorporates the federal NSPS regulations.	X		7b
20.11.64 NMAC - Emission Standards for Hazardous Air Pollutants for Stationary Sources This regulation pertains to the national performance standards for stationary sources and incorporates the federal NESHAP/MACT regulations.	X		9
20.11.71 NMAC - Municipal Solid Waste Landfills This regulation addresses the requirements for existing and new solid waste landfills.	X		4, 5
20.11.90 NMAC – Source Surveillance; Administration and Enforcement	X	X	
40 CFR 50 National Ambient Air Quality Standards This regulation adopts Federal ambient air quality standards.	X	X	
40 CFR 60 Subpart A - General Provisions	X		4, 5, 7b
40 CFR 60 Subpart Cc – Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills. The provisions of this subpart are applicable to existing municipal solid waste landfills for which construction was commenced before May 30, 1991.	X		4, 5
40 CFR 60 Subpart IIII – <u>Standards of Performance for Stationary Compression Ignition Internal Combustion Engines</u> The provisions of this subpart are applicable to manufacturers, owners and operators of stationary compression ignition (CI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (3) of this section 60.4200. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.	X		7b
40 CFR 63 Subpart A - General Provisions	X		7b, 9

40 CFR 63 Subpart ZZZZ – <u>National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines</u> The provisions of this subpart are applicable to owners and operators of a stationary reciprocating internal combustion engine (RICE) at a major or area source of HAP emissions as specified in section 63.6585.	X		7b
40 CFR 63 Subpart CCCCCC – <u>National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities</u> The provisions of this subpart are applicable to existing gasoline dispensing facilities.	X		9
40 CFR 98 Subpart HH – Mandatory Greenhouse Gas Reporting: – Municipal Solid Waste Landfills This Facility is a listed source category under 40 CFR 98.2(a)(1) – A facility that contains any source category that is listed in Table A-3 of this subpart in any calendar year starting in 2010 – “Municipal solid waste landfills that generate CH <sub>4</sub> in amounts equivalent to 25,000 metric tons CO <sub>2</sub> e or more per year, as determined according to subpart HH of this part.”	X		5

### Total Emissions

The total emissions from this facility, excluding insignificant or trivial activities, are shown in the following table. Emission limitations for individual units are shown in section 3.2.

**Table 2: Total Regulated Pollutant Emissions from Entire Facility Table**

Pollutant	Emissions (tons per year)
Total Suspended Particulates (TSP)	976.7
Particulate Matter (PM <sub>10</sub> )	316.1
Particulate Matter (PM <sub>2.5</sub> )	40.1
Non-methane organic compounds (NMOC)	> 55*
Nitrogen Oxides (NO <sub>x</sub> )	32.3
Carbon Monoxide (CO)	116.5
Volatile Organic Compounds (VOC)	38.7
Nitrogen Oxides (NO <sub>x</sub> ) + Non-Methane Hydrocarbons (NMHC)**	2.05
Sulfur Dioxide (SO <sub>2</sub> )	6.74
Hazardous Air Pollutants (HAPs)	9.3

\*This is the regulatory threshold set by 40 CFR 60 Subpart Cc (50 megagrams/yr) and is not intended to represent actual NMOC emissions from the facility.

\*\* NO<sub>x</sub> + NMHC emissions encompass a process engine that is subject to 40 CFR 60 Subpart IIII.

### Insignificant Activities Emissions from Entire Facility (for information only, not an enforceable condition):

Activities that meet the criteria of being insignificant or de minimis pursuant to this paragraph, do not trigger modification requirements under 20.11.41 NMAC or 20.11.42 NMAC are shown in the table below. The listed insignificant activities emissions in the below table are in addition to the listed Potential-To-Emit (PTE) and are for informational purposes only. Pursuant to Albuquerque/Bernalillo County Air Quality Control Regulations Title 20, Chapter 11, Part 42 (Part 42), Operating Permits, the Director of the Environmental Health Department (Department) may list certain activities located at major source as insignificant based on the activities' actual limitations, emission rates, or production rates and approved by the Administrator of the US Environmental Protection Agency (EPA). However, the Department may not consider any activity for which applicable requirements apply as insignificant, regardless of whether the activity meets the criteria as approved by EPA. The Facility is not required to notify the Department of changes that qualify under this section; however, the Facility shall maintain sufficient records to demonstrate compliance with the provisions of this section.

**Table 3: Insignificant Activities Table**

<b>Emission Units/Process</b>	<b>Pollutant/Parameter</b>
Cold solvent cleaning machine, motor oil and anti-freeze	Purchase of product $\leq$ 10 tpy single HAP
Storage tanks, vessels, and containers holding or storing low vapor pressure ( $\leq$ 10 mmHg) liquid substances	VOC $\leq$ 1 tpy PTE
Leachate collection pond	VOC, HAP $\leq$ 1 tpy PTE
Fuel Equipment Leaks	VOC $\leq$ 1 tpy PTE
Grounds and building maintenance	VOC $\leq$ 1 tpy PTE
Pollution control equipment maintenance	VOC $\leq$ 1 tpy PTE
Exhaust emissions from forklifts, courier vehicles, front end loaders, grader carts and maintenance trucks	VOC $\leq$ 1 tpy PTE
General office activities	VOC $\leq$ 1 tpy PTE

### **PERMIT TERMS AND CONDITIONS**

#### **1.0 GENERAL CONDITIONS**

**1.1** The following permit terms and conditions are placed upon the Permittee in accordance with 20.11.42.12.B.(2) NMAC and 20.11.42.12.C.(1).(b) NMAC.

**1.1.1** The permittee shall abide by all terms and conditions of this Permit, except as allowed under section 502(b)(10) of the federal Act. Any Permit noncompliance is grounds for enforcement action and significant or repetitious noncompliance may result in termination of this Permit. Additionally, noncompliance with federally enforceable conditions of this Permit constitutes a violation of the federal Act.

**1.1.2** It shall not be a defense for the permittee in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

**1.1.3** If the Department determines that cause exists to modify, reopen and revise, revoke and reissue, or terminate this Permit, this shall be done in accordance with 20.11.42.13.F NMAC.

**1.1.4** The permittee shall furnish any information the Department requests in writing to determine if cause exists for reopening and revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. This information shall be furnished within the time period specified by the Department. Additionally, the permittee shall furnish, upon request by the Department, copies of records required by the permit to be maintained by the permittee.

**1.1.5** A request by the permittee that this Permit be modified, revoked and reissued, or terminated, or a notification by the permittee of planned changes or anticipated noncompliance, shall not stay any conditions of this Permit.

**1.1.6** This Permit does not convey property rights of any sort, or any exclusive privilege.

**1.2** The issuance of this Permit, or the filing or approval of a compliance plan, does not relieve the permittee from civil or criminal liability for failure to comply with the state or federal Acts, or any applicable state or federal regulation or law. This condition is pursuant to 20.11.42.12.C.(1).(f) NMAC and New Mexico Air Quality Control Act NMSA 1978 74-2-2 through 74-2-23.

**1.3** Severability Clause - If any section, paragraph, sentence, clause or word of this Permit is for any reason held to be unconstitutional or otherwise invalid by any court, the decision shall not affect the validity of remaining provisions of Permit #0537-M1-RN1. This condition is pursuant to 20.11.42.12.C.(1).(a).(iv) NMAC.

**1.4** The permittee shall pay fees to the Department consistent with the fee schedule in 20.11.02 NMAC - Permit Fees. The fees will be assessed and invoiced separately from this Permit. This condition is pursuant to 20.11.42.12.C.(1).(a).(v) NMAC.

**1.5** A responsible official (as defined in 20.11.42 NMAC) shall certify the accuracy, truth and completeness of every report and compliance certification submitted to the Department as required by this Permit. These certifications shall be part of each document. This condition is pursuant to 20.11.42.12.A.(5) NMAC.

**1.6** Revocation or termination of this Permit by the Department terminates the permittee's right to operate this facility. This condition is pursuant to 20.11.42.2.B.(2) NMAC.

**1.7** Upon request by the Department, the permittee shall submit an emissions inventory for this facility. This condition is pursuant to 20.11.42.12.C.(1).(a) NMAC and 20.11.47.14 NMAC.

**1.8** The source will continue to comply with all applicable requirements. For applicable requirements that will become effective during the term of the permit, the source will meet such requirements on a timely basis. This condition is pursuant to 20.11.42.12.C.(6).(c) NMAC.

**1.9** The conditions of Authority-to-Construct Permits #0653-M1-RV1, #1801 and #2185 and Air Quality Construction Permits #1685-M1-1AR and #1713-3AR are incorporated into this permit in addition to all other applicable requirements including emission limits.

**1.10** During any asbestos demolition or renovation work, the Division must be notified and proper permits shall be obtained and CFR Title 40, Part 61 Subpart M would apply.

**1.11** The permittee shall operate this facility in such manner that all applicable requirements and the requirements of 20.11.42 NMAC are met regardless of what scenario the facility is operating under. This condition is pursuant to 20.11.42.12.C.(1)(c) NMAC.

## **2.0 FACILITY INFORMATION**

The following conditions are placed upon the permittee pursuant to 20.11.42.12.C.(1).(g) NMAC.

**2.1** All of the process equipment authorized for this facility is listed in the table(s) shown below (emission units that were identified as insignificant are not included):

**TABLE 4: PROCESS EQUIPMENT TABLE**

<b>Emission Unit Number</b>	<b>Unit Description</b>	<b>Manufacturer</b>	<b>Model Number</b>	<b>Serial Number</b>	<b>Date of Manufacture</b>	<b>Date of Equipment Installation</b>	<b>Rated Process Rate</b>	<b>Unit Subject To NSPS</b>
2	Emergency Diesel Generator	John Deer	4024HF285	PE4024L079481	12/2011	02/07/2012	80 hp	Y
5	Landfill Gas Flare	LFG Specialists, Inc.	CF1030I8	1877	11/2004	11/2004	2130 ft <sup>3</sup> /min	Y
6	Horizontal Grinder	Vermeer	HG525	101	6/2001	6/2001	30 tons/hr	N
	Diesel Engine/Generator	Caterpillar	C-15	BEM01019	8/2000	6/2001	525 hp	N
7a	Trammel Screen	Wildcat	516 Cougar	1W9SS40107F351505	2007	6/2008	100 tons/hr	N
7b	Diesel Engine/Generator	John Deere	4045H	PE4024T116015	2007	6/2008	99 hp	Y



**TABLE 5: OTHER EQUIPMENT TABLE**

Emission Unit Number	Unit Description	Date of Installation	Rated Process Rate	Unit Subject To NSPS
1	Soil Land Farm	1990	5200 tpy <sup>1</sup> remediation of soils	N
3	Access Roads (Unpaved)	1990	N/A	N
4	Landfill Cells	1990	N/A	Y
8	Site Wind Erosion	1990	N/A	N
9	Gasoline Fueling Station	9/1995	15,000 gallons/yr	N
10	Access Roads (Paved)	1990	N/A	N

<sup>1</sup> Based on emissions calculations submitted for air dispersion model

**2.2** All the pollution control equipment required for this facility is listed in the tables shown below. Each emission point is identified by the same number that was assigned to it in the permit application:

**Table 6: Emission Control Equipment Table**

Emission Unit Number	Type of Control Equipment	Control Equipment Manufacturer & Model	Efficiency	Activity
3	Water truck	-	67.24% by weight	Traveling
4	Water truck	-	67.24% by weight traveling	Traveling Grading
	Water truck	-	40% by weight	Scraping Bulldozing Compacting
5	NMOC collection and control system	See paragraph 2.2.2	-	-

**2.2.1** The water trucks are designed to control fugitive dust emissions from the access roads and the landfill cells.

**2.2.2** The NMOC collection and control system shall be used to capture gas generated by the landfill and shall be routed to a control system that meets the requirements of 40 CFR 60.752(b)(2)(ii).

### **3.0 REQUIREMENTS FOR INDIVIDUAL EMISSIONS UNITS**

Information regarding applicable requirements, emission limits, operational limitations and requirements, work practices, and monitoring, testing and recordkeeping requirements is provided below for each emissions unit or set of similar units.

**3.1** Applicable Requirements for this facility are shown in Table 1. For the emission units found in the “Process Equipment” table in Section 2.1, these units are subject to the unit-specific requirements that are referenced in Table 9 and in the following sections: emission limits, operational requirements, emissions monitoring and testing requirements, recordkeeping and reporting requirements. This condition is pursuant to 20.11.42.12.C.(1).(a) NMAC.

**3.1.1** Emission Unit #4 is subject to the Federal New Source Performance Standards (NSPS), Code of Federal Regulations (CFR), Title 40, Part 60, Subpart Cc - Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, and Subpart A - General Provisions. The facility is an existing municipal solid waste landfill for which construction was commenced before May 30, 1991. Accordingly, Unit #4 shall comply with all applicable requirements of 40 CFR Part 60, Subparts A and Cc.

**3.1.2** Emission Unit #5 is subject to Federal New Source Performance Standards (NSPS), Code of Federal Regulations (CFR), Title 40, Part 60, Subpart A, §60.18 – General Control Device Requirements. The permittee shall comply with the specific requirements of 40 CFR Part 60, Subpart A, §60.18, and the control system requirements found in 40 CFR Part 60, Subpart Cc - Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills.

**3.1.3** Emission Units #2 and #7b are subject to the Federal New Source Performance Standards (NSPS), Code of Federal Regulations (CFR), Title 40, Part 60, Subpart IIII - Standards of Performance for Compression Ignition Internal Combustion Engines, and Subpart A - General Provisions. Units #2 and #7b were ordered after July 11, 2005 and manufactured after April 1, 2006. Accordingly, Units #2 and #7b shall comply with all applicable requirements of 40 CFR Part 60, Subparts A and IIII.

**3.1.4** Emission Unit #9 is subject to the National Emissions Standards for Hazardous Air Pollutants (NESHAP), Code of Federal Regulations (CFR), Title 40, Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities, and Subpart A - General Provisions. Unit #9 shall comply with all applicable requirements of 40 CFR Part 63, Subparts A and CCCCCC.

**3.1.5** This equipment located at the facility is restricted to operate under the following conditions and have been placed in the Title V Permit based on air dispersion modeling of the facility at this location to demonstrate compliance with the National Ambient Air Quality Standards and New Mexico Ambient Air Quality Standards for NO<sub>2</sub>, CO, SO<sub>2</sub>, PM<sub>2.5</sub>, PM<sub>10</sub>, and TSP.

3.1.5.1 The facility must have a fence or some other barrier that restricts access to the property.

3.1.5.2 The entrance road must be paved to the location of the contaminated soil land farm. Both parts of the entrance road segments are labeled as 1A and 1B in Figure 5-1: Particulate Emissions – Scenario 1, Figure 5-2: Particulate Emissions – Scenario 2, and/or Figure 5-3: Particulate Emissions – Scenario 3 within the Air Dispersion Modeling Report submitted by Cerro Colorado in conjunction with the application for Title V Permit 537-M1-RN1. Also, both parts of the entrance road segments are also labeled as 1A and 1B in figures #3 through #5 (TSP Scenarios #1, #2, and #3) of the AQP Modeling Report and/or the labeled. Please reference both of these forms of the six figures in Appendix A.

3.1.5.3 The haul road that extends southward from the main road almost to the landfill gas flare must be paved. This road is labeled as segment #2 in figures #3 through #5 of the modeling submitted with the application for Title V Permit 537-M1-RN1.

3.1.5.4 For the initial 750 feet of the entrance road, *i.e.* from the entrance itself to about 100 feet past the Scale House, at least one of the control measures specified in 20.11.20.23.B.(1)-(3) NMAC shall be utilized to prevent visible emissions of fugitive dust.

3.1.5.5 Emission Unit #1 (contaminated soil landfarm) is restricted to operate only during the hours of 8:00 AM to 5:00 PM, 7 days per week.

3.1.5.6 Emission Units #7a and #7b (Trommel screen plus engine) are restricted to operate only during the hours of 7:00 AM to 6:00 PM, Monday through Saturday.

3.1.5.7 Emission Unit #6 (horizontal wood grinder engine) is restricted to operate only during the hours of 7:00 AM to 6:00 PM, Monday through Saturday.

3.1.5.8 Emission Units #3, #4, and #10 (borrow pit, landfill working area, and all haul roads) are restricted to operate only during the hours of 6:00 AM to 6:00 PM, 7 days per week.

3.1.5.9 Emission Units #2, #6, and #7b (diesel engines) must be set back 300 feet from the fence (property line) that

restricts access to the property.

3.1.5.10 Emission Unit #5 (landfill gas flare) may operate 24 per day, 7 days per week, and 365 days per year.

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### 3.2 Emissions Limits

**3.2.1** For the emission units found in the “Process Equipment” table found in Section 2.1, these units are subject to the following emissions limits during normal operation:

**TABLE 7: EMISSIONS LIMIT TABLE**

Unit Number	NMHC + NO <sub>x</sub> lb/hr	NMHC + NO <sub>x</sub> tpy	NO <sub>x</sub> lb/hr	NO <sub>x</sub> tpy	CO lb/hr	CO tpy	SO <sub>2</sub> lb/hr	SO <sub>2</sub> tpy	VOC lb/hr	VOC tpy	TSP lb/hr	TSP tpy	PM <sub>10</sub> lb/hr	PM <sub>10</sub> tpy	PM <sub>2.5</sub> lb/hr	PM <sub>2.5</sub> tpy	HAP lb/hr	HAP tpy
1	--	--	--	--	--	--	--	--	7.39	32.37	2.15	2.08	0.92	1.00	0.023	0.16	--	--
2	0.62	0.15	--	--	0.66	0.16	0.15	0.04	--	--	0.05	0.01	0.05	0.01	0.05	0.01	--	--
3	--	--	--	--	--	--	--	--	--	--	219.9	477.6	78.07	169.6	7.10	15.43	--	--
4	--	--	--	--	--	--	--	--	--	--	107.5	194.5	32.30	58.46	3.36	6.09	--	--
5	--	--	4.8	20.9	26.0	113.9	1.1	4.7	1.4	6.1	--	--	1.1	4.8	--	--	2.1	9.3
6	--	--	7.2	11.40	0.71	1.12	1.07	1.69	0.10	0.16	0.20	0.32	0.20	0.32	0.20	0.32	--	--
7a	--	--	--	--	--	--	--	--	--	--	1.0	1.6	1.0	1.6	1.0	1.6	--	--
7b	1.2	1.9	--	--	0.82	1.3	0.2	0.31	--	--	0.07	0.11	0.07	0.11	0.07	0.11	--	--
8	--	--	--	--	--	--	--	--	--	--	16.83	73.72	7.96	34.86	1.20	5.26	--	--
9	--	--	--	--	--	--	--	--	0.07	0.10	--	--	--	--	--	--	--	--
10	--	--	--	--	--	--	--	--	--	--	109.3	226.8	21.85	45.35	5.36	11.13	--	--
<b>Total</b>	<b>1.82</b>	<b>2.05</b>	<b>12.0</b>	<b>32.3</b>	<b>28.2</b>	<b>116.5</b>	<b>2.52</b>	<b>6.74</b>	<b>8.96</b>	<b>38.7</b>	<b>457.1</b>	<b>976.7</b>	<b>143.5</b>	<b>316.1</b>	<b>18.36</b>	<b>40.1</b>	<b>2.1</b>	<b>9.3</b>

**3.2.1.1** Emission Units #2, 6 and 7b shall not cause or allow visible air emissions from any stationary diesel powered engine to exceed 20 percent opacity for any six (6) minute timed average. During the first twenty (20) minutes of cold start-up, the visible emissions shall not exceed 40 percent opacity for any (6) minute timed average. No increase of load shall be applied so as to cause an emission having an opacity greater than 40 percent during any time interval. This condition is pursuant to 20.11.5.13.C NMAC.

**3.2.1.2** Emission Unit #5 shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours pursuant to 40 CFR 60.18(c)(1).

**3.2.1.3** Pursuant to 20.11.5.12 NMAC, Emission Units #6 (wood chipper/grinder) and 7a (trammel screen) shall not cause or allow fugitive emissions that exceed 20 percent opacity, 6 minute time-averaged.

**3.2.1.4** For Emission Units 6 and 7b, the NO<sub>x</sub> and CO lb/hr emission limits shall be based on a 3-hour average.

**3.2.1.5** For Emission Unit #6, the SO<sub>2</sub>, VOC, TSP, PM<sub>10</sub> and PM<sub>2.5</sub> lb/hr emission rates are for informational purposes and shall be used to determine tpy emissions.

**3.2.1.6** In accordance with 40CFR 60, Subpart IIII §60.4205(b), Emission Unit #7b shall comply with the emission standards in 40 CFR 89.112(a) for the maximum permitted engine power. Unit #7b shall not exceed the more stringent of the allowable CO, NMHC+NO<sub>x</sub>, and PM emission standards in 40 CFR 89.112(a) for the maximum permitted engine power or the pound per hour (lb/hr) and opacity emission limits as specified in Condition I.2(c) of Construction Permit 1685-M1-1AR and Condition I.2(a) of ATC Permit #2185.

**3.2.1.7** In accordance with 40 CFR 60, Subpart IIII §60.4205(b), owners and operators of 2007 model year and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new nonroad CI engines in §60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE.

**3.2.1.8** For Unit #2, compliance with CO, NMHC+NO<sub>x</sub>, TSP, PM<sub>10</sub>, and PM<sub>2.5</sub> pound per hour (lb/hr) emissions limits, shall be shown by meeting the certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 for all pollutants beginning in model year 2007, applicable with CFR Title 40 Part 60 Subpart IIII §60.4202(a)(2) through §60.4205(b) and through §60.4211(c).

**3.2.1.9** For Emission Unit #7b, compliance with CO, NO<sub>x</sub>+NMHC, TSP, PM<sub>10</sub>, and PM<sub>2.5</sub> lb/hr emissions limits, shall be shown by meeting the requirements of CFR Title 40 Part 60 Subpart IIII §60.4211(c).

### **3.2.2 Landfill Cell Emission Requirements**

**3.2.2.1** Emission Unit #4 is subject to the following emission requirements during normal operation: The permittee shall comply with the requirements set forth in 20.11.71 NMAC, the State plan produced by the Department in accordance with 40 CFR 60.33c(a).

**3.2.2.2** In accordance with 40 CFR 60.750 Emission Unit #4 shall be subject to the requirements found in 40 CFR 60 Subpart WWW if a modification is triggered as defined by 40 CFR 60.751 – Definitions. Physical or operational changes made to an existing municipal solid waste landfill solely to comply with Subpart Cc of this part are not considered construction, reconstruction, or modification for the purposes of 40 CFR 60.750.

**3.2.2.3** Every person shall use reasonably available control measures or other effective measures on an ongoing basis to prevent or abate fugitive dust, if the fugitive dust may with reasonable probability injure human health or animal or plant life or as may unreasonably interfere with the public welfare, visibility or the reasonable use of property, pursuant to 20.11.20.6. NMAC, Objective, Fugitive Dust Control.

### **3.2.3 Access Road Emission Requirements**

**3.2.3.1** Vehicle traffic areas and haul roads shall be maintained and controlled pursuant to 20.11.20.12.A. NMAC, General Provisions, Fugitive Dust Control. That is, the owner/operator shall "...use reasonably available control measures or any other effective control measure to prevent a violation of the national ambient air quality standards and meet the objective established in 20.11.20.6 NMAC, whether or not the person has been issued a fugitive dust control permit. No person shall allow fugitive dust, track out, or transported material from any active operation, open storage pile, paved or unpaved roadway or disturbed surface area, or inactive disturbed surface area to be carried beyond the property line, right-of-way, easement or any other area under control of the person generating or allowing the fugitive dust if the fugitive dust will: 1) adversely affect the health, public welfare or safety of the residents of Bernalillo county; or 2) impair visibility or the reasonable use of property; or 3) be visible longer than a total of 15 minutes in any one hour observation period...To mitigate fugitive dust, all inactive disturbed surface areas must be stabilized and maintained in stable condition by the owner, operator, or person responsible for maintenance of the disturbed surface..."

Condition 3.2 is pursuant to 40CFR50, 40CFR60, 20.11.42.12.C.(1).(a), (g) and (h) NMAC and Air Quality Construction Permit #1713-3AR.

### **3.3 Operational Requirements**

**3.3.1** Emission Unit #1 shall not process more than 5,200 tons of contaminated soil per year based on a 12-month rolling total.

**3.3.2** Emission Unit #2 shall be restricted to a maximum of 500 hours of operation based on a 12-month rolling total, and shall only be operated during loss of commercial power and as required by the manufacturer for engine exercising/maintenance. Pursuant to CFR Title 40 Part 60 Subpart III §60.4211(f), Unit #2 shall be limited to 100 hours per year of maintenance checks and readiness testing. The unit may operate up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial agreement with another entity. For owners and operators of emergency engines, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, is prohibited.

**3.3.3** Emission Unit #2 shall meet the diesel fuel requirements as required by CFR Title 40 Part 60 Subpart III §60.4207(b).

**3.3.4** The permittee shall operate and maintain Emission Unit #2 according to the manufacturer's written instructions, or procedures developed by the permittee that have been approved by the manufacturer. In addition, the permittee may only change those settings that are allowed by the manufacturer. The permittee must also meet the requirements of CFR Title 40 part 89, 94, and/or 1068 as they apply. This condition is Pursuant to CFR Title 40 Part 60 Subpart III §60.4211.

**3.3.5** Condition I.1.i)iv. (AQCP #1685-M1-1AR) – In accordance with 40CFR 63, Subpart ZZZZ §63.6590(c), an affected source that is a new or reconstructed stationary RICE located at an area source “must meet the requirements of this part by meeting the requirements of 40 CFR Part 60 Subpart III, for compression ignition engines.” The permittee shall comply with the specific requirements of Subpart III applicable to new stationary compression ignition internal combustion engines meeting the definition of a new engine.

**3.3.6** Emission Unit #5 is subject to the applicable design and operational requirements found in 40 CFR 60.18(c) through (f) and 40 CFR 60.753.

**3.3.7** Emission Unit #6 shall operate only between 7:00 AM to 6:00 PM, 11 hours per day, 6 days per week, 52 weeks per year, not to exceed 3168 hours of operation per year. Only clean, non-contaminated or treated wood shall be processed through the grinder. Other waste such as tree cuttings, grass clippings, plant waste, waste straw, and other bedding material are allowed.

**3.3.8** Emission Unit #7b shall meet the diesel fuel requirements as required by CFR Title 40 Part 60 Subpart III §60.4207(b).

**3.3.9** Emission Unit #7b shall be operated and maintained according to the manufacturer's written instructions, or procedures developed by the permittee that have been approved by the manufacturer.

**3.3.10** Emission Unit #7b shall be restricted to a maximum of 3150 hours of operation based on a 12-month rolling total, and shall only be operated to power the trammel screen and as required by the manufacturer for engine exercising/maintenance.

**3.3.11** Emission Unit #9 must not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. In accordance with 63.11116(a) measures must be taken to minimize gasoline spills, clean up spills as expeditiously as practicable, cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use and minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

3.3.12 This equipment located at the facility is restricted to operate under the following conditions and have been placed in the Title V Permit based on air dispersion modeling of the facility at this location to demonstrate compliance with the National Ambient Air Quality Standards and New Mexico Ambient Air Quality Standards for NO<sub>2</sub>, CO, SO<sub>2</sub>, PM<sub>2.5</sub>, PM<sub>10</sub>, and TSP.

3.3.12.1 The facility must have a fence or some other barrier that restricts access to the property.

3.3.12.2 The entrance road must be paved to the location of the contaminated soil land farm. Both parts of the entrance road segments are labeled as 1A and 1B in Figure 5-1: Particulate Emissions – Scenario 1, Figure 5-2: Particulate Emissions – Scenario 2, and/or Figure 5-3: Particulate Emissions – Scenario 3 within the Air Dispersion Modeling Report submitted by Cerro Colorado in conjunction with the application for Title V Permit 537-M1-RN1. Also, both parts of the entrance road segments are also labeled as 1A and 1B in figures #3 through #5 (TSP Scenarios #1, #2, and #3) of the AQP Modeling Report and/or the labeled. Please reference both of these forms of the six figures in Appendix A. Please reference both of these forms of the figures in Appendix A.

3.1.5.3 The haul road that extends southward from the main road almost to the landfill gas flare must be paved. This road is labeled as segment #2 in figures #3 through #5 of the modeling submitted with the application for Title V Permit 537-M1-RN1.

3.1.5.4 For the initial 750 feet of the entrance road, *i.e.* from the entrance itself to approximately 100 feet past the Scale House, at least one of the control measures specified in 20.11.20.23.B.(1)-(3) NMAC shall be utilized to prevent visible emissions of fugitive dust.

3.1.5.5 Emission Unit #1 (contaminated soil landfarm) is restricted to operate only during the hours of 8:00 AM to 5:00 PM, 7 days per week.

3.1.5.6 Emission Units #7a and #7b (Trommel screen plus engine) are restricted to operate only during the hours of 7:00 AM to 6:00 PM, Monday through Saturday.

3.1.5.7 Emission Unit #6 (horizontal wood grinder engine) is restricted to operate only during the hours of 7:00 AM to 6:00 PM, Monday through Saturday.

3.1.5.8 Emission Units #3, #4, and #10 (borrow pit, landfill working area, and all haul roads) are restricted to operate only during the hours of 6:00 AM to 6:00 PM, 7 days per week.

3.1.5.9 Emission Units #2, #6, and #7b (diesel engines) must be set back 300 feet from the fence (property line) that restricts access to the property.

3.1.5.10 Emission Unit #5 (landfill gas flare) may operate 24 per day, 7 days per week, and 365 days per year.

Condition 3.3 is pursuant to 20.11.42.12.C.(1).(a), (g) and (h) NMAC, 40 CFR 60 and 40 CFR 63 and Authority-to-Construct Permits #0653-M1-RV1, #1801 and #2185 and Air Quality Construction Permits #1685-M1-1AR and #1713-3AR. And modeling dispersion given with application.

### **3.4 Emissions Monitoring and Testing Requirements**

The following monitoring and/or testing requirements (except those requirements involving direct sampling of exhaust from an emission unit and except those requirements that originate in an applicable requirement) shall be used as indicators of compliance with applicable requirements and emission limits. Monitoring that indicates a facility may not be in compliance with those applicable requirements will require additional monitoring and/or testing of the affected emission units to be determined by the Department, and may result in a determination of non-

compliance with the applicable requirement. Failure to perform the monitoring or testing required by this Permit is non-compliance with this Permit.

**3.4.1** Emission Units #1, 2, 3, 4, 5, 6, 7b, 9 and 10 are subject to the following emissions monitoring requirements:

**TABLE 8: MONITORING REQUIREMENTS TABLE**

<b>Emission Unit #</b>	<b>Parameters to Monitor</b>	<b>To Comply With</b>	<b>Monitoring Required</b>	<b>Monitoring Method and Frequency</b>
1	Contaminated soil tonnage	Emission limits specified in 3.2.1	Soil loading recordkeeping	See paragraph 3.4.1.1
2, 7b	Hours of Operation	Emission limits specified in 3.2.1	Monitoring	See paragraph 3.4.1.2
2	Hours of Operation	Emission limits specified in 3.2.1	Monitoring	See paragraph 3.4.1.3
6	Hours of Operation	Emission limits specified in 3.2.1	Monitoring	See paragraph 3.4.1.4
7b	Hours of Operation	Emission limits specified in 3.2.1	Monitoring	See paragraph 3.4.1.5
3, 10	Visible emissions	20NMAC11.20	Operations	See paragraph 3.4.1.6
4, 5	NMOC	40 CFR §60.754 and §60.756	Operations	See paragraph 3.4.1.7
5	NMOC	40 CFR §60.18	Operations	See paragraph 3.4.1.8
6	Visible emissions	20NMAC11.20	Operations	See paragraph 3.4.1.9
9	Gasoline Throughput	40 CFR §63.11116	Operations	See paragraph 3.4.1.10
5	Net Heating Value and Exit Velocity	40 CFR 60.18(f)(3) and (4)	Testing	See paragraph 3.4.2.1
5	Visible emissions	40 CFR 60.18(f)(1)	Testing	See paragraph 3.4.2.2
5	Frequency of Testing	Key Division Policy	Testing	See paragraph 3.4.2.3
All	Approval Written Test Protocol	Key Division Policy	Testing	See paragraph 3.4.2.4
All	Approval Written Test Protocol	Key Division Policy	Testing	See paragraph 3.4.2.5
All	Test at 90% Capacity	Key Division Policy	Testing	See paragraph 3.4.2.6
All	Submit Compliance Testing Results	Key Division Policy	Testing	See paragraph 3.4.2.7



- 3.4.1.1** The permittee shall monitor the amount of contaminated soil loading for Emission Unit #1.
- 3.4.1.2** Install a non-resettable hour meter prior to the startup of Units #2 and 7b. These conditions are pursuant to CFR Title 40 Part 60 Subpart IIII §60.4209(a).
- 3.4.1.3** The permittee shall monitor the annual hours of operation for Unit #2.
- 3.4.1.4** The permittee shall monitor the hours of operation for Emission Unit #6.
- 3.4.1.5** The permittee shall monitor the annual hours of operation for Emission Unit #7b using the hour meter installed on the units-
- 3.4.1.6** The permittee shall employ “reasonable precautions” as defined by 20.11.20 NMAC to effectively limit transported material or emissions of particulate matter.
- 3.4.1.7** In accordance with 40 CFR 60.34c, Emission Units #4 and 5 shall comply with the test methods and procedures of 40 CFR 60.754(b) and 40 CFR 60.754(d) and the monitoring requirements of 40 CFR 60.756.
- 3.4.1.8** The permittee shall comply with the monitoring requirements found in 40 CFR 60.18(d) for Emission Unit #5. In addition the presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame pursuant to 40 CFR 60.18(f)(2).
- 3.4.1.9** The permittee shall monitor fugitive emissions from processed material storage piles and plant operations at Emission Unit #6, to ensure compliance with 20.11.20.12 NMAC.
- 3.4.1.10** The permittee shall monitor the monthly throughput of the aboveground gasoline storage tank of Emission Unit #9.
- 3.4.2** Emission Units #1, 2, 3, 4, 5, 6, 7b, 9 and 10 are subject to the following emissions testing requirements:
- 3.4.2.1** Annual compliance tests for Unit #5 shall be conducted to determine the net heating value of the gas being combusted and the exit velocity determined as required by 40 CFR 60.18(f)(3) and (4) and shall be conducted within 365 days of the previous test. The owner or operator shall notify the Division at least fifteen (15) days prior to the test date and allow a representative of the Division to be present at the test. (20.11.41.21 NMAC and CFR Title 40, Subpart A “General Provisions”). The compliance tests shall be conducted in accordance with EPA methods contained in Appendix A of the CFR, Title 40, Part 60, unless otherwise approved by the Division.
- 3.4.2.2** For Unit #5, monthly observations for visible emissions shall be conducted at least once every 30 days pursuant to the requirements of 40 CFR 60.18(f)(1).
- 3.4.2.3** For Unit #5, the frequency of compliance testing for any emission unit may be reduced by the Division if the source has shown continual compliance with the emission limits stated in Condition 2 and inspections of the source have demonstrated compliance with all conditions of this permit. The permittee may submit to the Division a written petition for a request to waive any compliance test imposed by the division. The petition must be approved by the Division prior to waiving a compliance test.
- 3.4.2.4** For all compliance testing, the permittee shall provide for the Division's approval a written test protocol at least fifteen (15) days prior to the anticipated test date. The protocol shall describe the test methods to be used (including sampling locations), and shall describe data reduction procedures. Any variation from the established sampling and analytical procedures or from facility operating conditions shall be presented for Division approval.

3.4.2.5 For all compliance testing, the test protocol and compliance test report shall conform to the standard format specified by the Division.

3.4.2.6 For all compliance testing, the tests shall be conducted at ninety (90%) percent of the unit's permitted capacity or greater to demonstrate compliance with the permitted emission limits. Compliance testing at other than 90% production levels shall be performed at the Division's request and/or approval.

3.4.2.7 For all tests, one copy of the compliance test results shall be submitted to the Division Enforcement Section within thirty (30) days after the completion of testing.

**3.4.3** When requested by the Department, the permittee shall provide schedules of testing and monitoring activities.

Condition 3.4 is pursuant to 20.11.42.12.C.(3) NMAC, 40 CFR 60, 40 CFR 63 and Authority-to-Construct Permits #0653-M1-RV1, #1801 and #2185 and Air Quality Construction Permits #1685-M1-1AR and #1713-3AR.

#### **4.0 RECORDKEEPING**

**4.1** The permittee shall follow the record keeping requirements listed below and provide any other information the Department may request to demonstrate the accuracy of the monitoring.

**TABLE 9: RECORDKEEPING TABLE**

<b>Emission Unit #</b>	<b>Type of Data or Parameter Recorded</b>	<b>Recording Frequency</b>
1	Contaminated soil tonnage	See Paragraph 4.1.1
2	Operating Hours	See Paragraph 4.1.2
6, 7b	Operating Hours	See Paragraph 4.1.3
4, 5	NMOC	See Paragraph 4.1.4
5	NMOC	See Paragraph 4.1.5
9	Gasoline Throughput	See Paragraph 4.1.6

**4.1.1** The permittee shall maintain a record of the amount of contaminated soil loading for Emission Unit #1 in any given 12-month period.

**4.1.2** The permittee shall maintain an accurate monthly log for Unit #2 hours of operation, both as a monthly total and as a 12-month rolling total.

**4.1.3** The permittee shall maintain a record of monthly hours of operation of Emission Units ~~#2~~, 6 and 7b.

**4.1.4** In accordance with 40 CFR 60.35c, the permittee shall comply with the recordkeeping requirements of 40 CFR 60.758 for Emission Units #4 and 5.

**4.1.5** The permittee shall comply with the general recordkeeping requirements found in 40 CFR 98.3 for Emission Unit #5. Maintain records of Greenhouse Gas emissions as specified in 40 CFR 98.347. The permittee shall comply with the recordkeeping requirements of 40 CFR 98.3(g) and §98.347.

**4.1.6** The permittee shall maintain monthly throughput records for the aboveground gasoline storage tank of Emission Unit #9.

Conditions of 4.1 are pursuant to 20.11.42.12.C.(3).(a) and (4).(a) NMAC, 40 CFR 60, 40 CFR 63, 40 CFR 98 and Authority-to-Construct Permits #0653-M1-RV1, #1801 and #2185 and Air Quality Construction Permits #1685-M1-1AR1 and #1713-3AR.

**4.2** All sampling and measured data required by this Permit for the emissions units in this facility shall be recorded. The minimum information to be included in these records is:

- 4.2.1** the date, place as defined in the Permit, and time of sampling or measurements;
- 4.2.2** the date(s) analyses were performed;
- 4.2.3** the company or entity that performed the analyses;
- 4.2.4** the analytical techniques or methods used;
- 4.2.5** the results of such analyses; and
- 4.2.6** the operating conditions existing at the time of sampling or measurement.

Conditions of 4.2 are pursuant to 20.11.42.12.C.(4).(a) NMAC.

**4.3** The permittee shall keep copies of all monitoring and measurement data, equipment calibration and maintenance records, original strip charts for Continuous Emission Monitoring instruments if used, other supporting information, and reports required by this Permit for at least five (5) years from the time the data was gathered or the reports written. Each record shall show clearly to which emissions unit and/or piece of monitoring equipment it applies, and the date the data was gathered. This condition is pursuant to 20.11.42.12.C.(4).(b) NMAC.

**4.4** The permittee shall keep a record describing off permit changes made at this source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under this Permit, and the emissions resulting from those changes. This condition is pursuant to 20.11.42.12.C.(8).(b) NMAC.

## **5.0 REPORTING**

**5.1** Reports of all required monitoring activities for this facility shall be submitted to the Department on the following schedule. This condition is pursuant to 20.11.42.12.C.(5).(a) NMAC.

**TABLE 10: REPORTING REQUIREMENTS TABLE**

<b>Emission Unit #</b>	<b>Report Content</b>	<b>Schedule of Monitoring Activity Report Submittal</b>
1	See paragraph 5.1.1	Within 45 days following the end of every 6 month period following the date of permit issuance.
2, 6, 7b	See paragraph 5.1.2	Within 45 days following the end of every 6 month period following the date of permit issuance.
4, 5	See paragraph 5.1.3	Within 45 days following the end of every 6 month period following the date of permit issuance.
5	See paragraph 5.1.4	No later than March 31 of each calendar year for emissions from the previous calendar year.
9	See paragraph 5.1.5	Within 45 days following the end of every 6 month period following the date of permit issuance.

**5.1.1** Report the amount of contaminated soil loading for Emission Unit #1 in any given 12-month period.

**5.1.2** Report the monthly hours of operation of Emission Units #2, 6 and 7b.

**5.1.3** In accordance with 40 CFR 60.35c, comply with any relevant reporting requirements of 40 CFR 60.757 for Emission Units #4 and 5.

**5.1.4** The permittee shall comply with the general reporting requirements found in 40 CFR 98.3 for Emissions Unit #5. Annual Greenhouse Gas emissions reports shall comply with 40 CFR 98.346. The annual report shall comply with the data reporting requirements specified in 40 CFR 98.346.

**5.1.5** Report the monthly throughput of the aboveground gasoline storage tank of Emission Unit #9.

**5.2** The permittee shall submit reports of all deviations (including emergencies) from permit requirements to the Department when they occur. The permittee shall communicate initial notice of the deviation to the Department within twenty-four (24) hours of the start of the first business day following the start of the occurrence via telephone or facsimile. Within ten (10) calendar days of the start of the first business day following the start of the occurrence, written notice using the Excess Emissions Form (attached to this Permit) shall be submitted to the Department. This condition is pursuant to 20.11.42.12.C.(5)(b) NMAC.

**5.2.1** A deviation report that results in excess emissions shall also include the specific notification requirements of 20.11.49.15 NMAC.

Conditions of 5.1 and 5.2 are pursuant to 20.11.42.12.C.(5) NMAC and 20.11.49.15 NMAC.

## **6.0 COMPLIANCE**

**6.1** The permittee shall submit compliance certification reports certifying the compliance status of this facility with respect to all applicable requirements. These reports shall be made on copies of the Compliance Certification Report Form (attached to this Permit) and submitted to the Department and to EPA every 12 months, commencing 12 months following the date of issuance of this Permit. This report is due no later than 30 days after each anniversary of the date of permit issuance. This condition is pursuant to 20.11.42.12.C.(5)(c) NMAC.

**6.2** The permittee shall allow representatives of the Department, upon presentation of credentials and other documents as may be required by law, to do the following:

**6.2.1** enter the permittee's premises where a source or emission unit is located, or where records that are required by this Permit to be maintained are kept,

**6.2.2** have access to and copy, at reasonable times, any records that are required by this Permit to be maintained,

**6.2.3** inspect any facilities, equipment (including monitoring and air pollution control equipment), work practices or operation regulated or required under the Permit,

**6.2.4** sample or monitor any substances or parameters for the purpose of assuring compliance with this Permit or applicable requirements or as otherwise authorized by the federal Act.

Conditions of 6.2 are pursuant to 20.11.42.12.C.(6)(a) NMAC.

**6.3** A copy of this Permit shall be kept at the permitted facility and shall be made available to Department personnel for inspection upon request. This condition is pursuant to 20.11.42.12.C.(6)(c) NMAC.

## **6.4 Compliance Plan**

**6.4.1** Compliance Activities: The permittee shall perform the following activities in order to bring the permitted facility into compliance with the requirements of 20.11.40 NMAC - Source Registration, 20.11.41 NMAC - Authority-To-Construct, 20.11.42 NMAC - Operating Permits and 40 CFR 60.

**6.4.1.1** The permittee shall complete the design and construction of Phase B by December 31, 2012, as outlined in the Gas Collection and Control System Master Plan submitted to the Department as part of the Title V application on

September 30, 2011.

**6.4.2** The permittee shall submit certified compliance schedule progress reports to the Department every six (6) months from the date of issuance of this permit. These progress reports shall, at a minimum contain the following information:

- 6.4.2.1** Identification of all achieving activities and milestones required by every applicable requirement,
- 6.4.2.2** Scheduled dates for achieving activities, milestones or compliance,
- 6.4.2.3** Actual dates that activities, milestones or compliance were achieved,
- 6.4.2.4** Explanation of any actual or anticipated schedule slips,
- 6.4.2.5** Statement of any preventive or corrective measures that were put into place,
- 6.4.2.6** All other information required by the Department.

Conditions of 6.4 are pursuant to 20.11.42.12.C.(6)(b) NMAC.

## **7.0 EMERGENCIES**

**7.1** An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the permittee, including acts of God, which situation requires immediate corrective action to restore normal operation of the facility or emissions unit, and that causes exceedances of emissions limits specified in this Permit. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, or careless or improper operation.

**7.2** This provision is in addition to any emergency or upset provision contained in any applicable requirement.

**7.3** The permittee shall identify and report all emergencies to the Department in accordance with Condition 5.2 of this Permit.

**7.4** In any enforcement proceeding, the permittee has the burden of proof in seeking to establish the occurrence of an emergency.

Conditions of 7.0 are pursuant to 20.11.42.12.E.(1) and E.(4) NMAC.

## **8.0 PERMIT REOPENING AND REVOCATION**

**8.1** This Permit will be reopened and revised when any one of the following conditions occurs, and may be revoked and reissued when 8.1.3 or 8.1.4 occurs:

**8.1.1** Additional requirements under the federal Act become applicable to this source three (3) or more years before the expiration date of this Permit. If the effective date of the requirement is later than the expiration date of this Permit, then the permit is not required to be reopened unless the original permit or any of its terms and conditions has been extended due to the Department's failure to take timely action on a request by the permittee to renew this Permit.

**8.1.2** Additional requirements, including excess emissions requirements, become applicable to this source under Title IV of the federal Act (the acid rain program). Upon approval by the Administrator, excess emissions offset plans will be incorporated into this Permit.

**8.1.3** The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the terms and conditions of the permit.

**8.1.4** The Department or the Administrator determines that the permit must be revised or revoked and reissued to assure compliance with an applicable requirement.

Conditions of 8.1 are pursuant to 20.11.42.13.F.(1)(a) NMAC.

**8.2** Proceedings to reopen or revoke this Permit shall affect only those parts of this Permit for which cause to reopen or revoke exists. Emissions units for which permit conditions have been revoked shall not be operated until new permit conditions have been issued for them. This condition is pursuant to 20.11.42.13.F.(1)(b) NMAC.

## **9.0 STRATOSPHERIC OZONE**

The permittee shall comply with the standards for recycling and emissions reductions pursuant to 40CFR82, Subpart F:

- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to subsection 82.156.
- b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to subsection 82.158.
- c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to subsection 82.161.

This condition is pursuant to 20.11.42.12.C.(1)(a) NMAC.

**10.0 CERTIFICATION** A responsible official, as defined in 20.11.42 NMAC shall certify the accuracy, truth, and completeness of every report and compliance certification submitted to the Division or to the EPA as required by any permit condition or applicable requirement. This condition is pursuant to 20.11.42.12.A.(5) NMAC.

## **11.0 CONFIDENTIAL INFORMATION**

**11.1** Any records, reports, or information obtained by the Department shall be available to the public, except upon the Facility's ability to demonstrate to the Department that records, reports, or information, or particular sections thereof, would divulge confidential business records, methods, or processes entitled to protection as a trade secret. However, emission data will not be treated as confidential information. Confidential information, upon request, shall be disclosed to any officer, employee, or other authorized representative of the Department, the New Mexico Environment Department, or the EPA, or during any relevant proceedings under the A/BCAQCB Regulations, the Air Quality Control Act, or the Federal Act. (74-2-11 NMSA)

**11.2** All confidentially claims made regarding material submitted to the Department under 20.11.42.12.B NMAC shall be reviewed in accordance with the provisions of the Joint Air Quality Board Ordinances pursuant to the New Mexico Air Quality Control Act, 74-2-11 NMSA 1978, and the New Mexico Inspection of Public Records Act, 14-2-1 et seq. NMSA 1978.

**11.3** In the case where an applicant or Facility has submitted information to the Department under a claim of confidentiality, the Department may also require the applicant or Facility to submit a copy of such information directly to the Administrator. 20.11.42.12.B NMAC.

**11.4** An operating permit is a public record, and not entitled to protection under Section 114(c) of the Federal Act.

Conditions of 11.0 are pursuant to 20.11.42 NMAC and 74-2-11 NMSA.

## **12.0 AIRBORNE PARTICULATE MATTER**

**12.1** The permittee shall be subject to the requirements found in 20.11.20 NMAC – Fugitive Dust Control if it is engaged with new construction or site modification involving active operations that result in disturbed surface areas or involve bulk material handling to prevent or abate injury to human health and animal and plant life and to prevent or abate unreasonable interference with public welfare, visibility and the reasonable use of property.

**12.2** Each person shall use reasonably available control measures or any other effective control measure to prevent a violation of the national ambient air quality standards and meet the objective established in 20.11.20.6 NMAC, whether or not the person has been issued a fugitive dust control permit. No person shall allow fugitive dust, track out, or transported material from any active operation, open storage pile, paved or unpaved roadway or disturbed surface area, or inactive disturbed surface area to be carried beyond the property line, right-of-way, easement or any other area under control of the person generating or allowing the fugitive dust if the fugitive dust will: 1) adversely affect the health, public welfare or safety of the residents of Bernalillo county; or 2) impair visibility or the reasonable use of property; or 3) be visible longer than a total of 15 minutes in any one hour observation period using the visible fugitive dust detection method in 20.11.20.26 NMAC or an equivalent method approved in writing by the department. To mitigate fugitive dust, all inactive disturbed surface areas must be stabilized and maintained in stable condition by the owner, operator, or person responsible for maintenance of the disturbed surface. Failure to comply with this condition shall be a violation of 20.11.20 NMAC.

Conditions of 12.0 are pursuant to 20.11.20 NMAC.

## **13.0 CREDIBLE EVIDENCE**

**13.1** Notwithstanding any other provisions of any applicable rule or regulation or requirement of this permit that state specific methods that may be used to assess compliance with applicable requirements, pursuant to 40 CFR Part 70 and EPA's Credible Evidence Rule, 62 Fed. Reg. 8314 (Feb. 24, 1997), 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 shall be considered for purposes of Title V compliance certifications. Furthermore, for purposes of establishing whether or not a person has violated or is in violation of any emissions limitation or standard or permit condition, nothing in this permit shall preclude the use, including the exclusive use, by any person of any such credible evidence or information.

## 14.0 ANNUAL FEES

**14.1** Condition 14 has been placed in the permit in accordance with 40 CFR Part 70.9 to allow the Division to determine compliance with the terms and conditions of the permit. Compliance will be based on the receipt of the annual emissions fee due each year to the Division pursuant to 40 CFR Part 70.9. Every owner or operator of a source that is required to obtain a source registration, an Authority-to-Construct, an operating permit, or a preconstruction permit shall pay an annual emissions fee pursuant to 40 CFR Part 70.9, 20.11.40 NMAC, 20.11.41 NMAC, 20.11.42 NMAC, 20.11.60 NMAC, 20.11.61 NMAC, or 20.11.62 NMAC.

**Table 11: Facility Wide Fee Pollutants  
(Tons Per Year)**

<b>Fee Pollutant</b>	<b>Facility Wide Fee Pollutant Totals in Tons per Year (TPY)</b>
Carbon Monoxide (CO)	117
Oxides of Nitrogen (NO <sub>x</sub> )*	34
Total Suspended Particulate Matter (TSP)	977
Oxides of Sulfur (SO <sub>x</sub> )	7
Volatile Organic Compounds (VOC)	39
Hazardous Air Pollutants (HAP)	9
<b>Facility Wide Fee Pollutants Totals (TPY)</b>	<b>1183</b>

\* NO<sub>x</sub> emissions include NMHC+NO<sub>x</sub> emissions from a process engine that is subject to 40 CFR 60 Subpart IIII and the standard is based on a NMHC+NO<sub>x</sub> Standard

## **APPEAL PROCEDURES**

Any person who participated in this permitting action before the Department and who is adversely affected by the action taken by the Department concerning this Permit, may file a petition for a hearing before the Albuquerque/Bernalillo County Air Quality Control Board ("board"). The petition must be made in writing to the board within thirty (30) days from the date notice is given of the Department's action. This petition must specify the portions of the permitting action to which the petitioner objects and certify that a copy of the petition has been mailed or hand-delivered as required by 20.11.42.13.D.(1)(b) NMAC; a copy of the permitting action for which review is sought must be attached to the petition. Upon receipt of the appeal notice, the petitioner must mail or deliver a copy of the petition to the Department, and to the applicant or permittee if the petitioner is not the applicant/permittee. Requests for a hearing shall be sent to:

Secretary, Albuquerque/Bernalillo County Air Quality Control Board  
One Civic Plaza  
400 Marquette, NW  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Unless a timely request for a hearing is made, the decision of the Department will be final. If a timely request for hearing is made, the board will hold a hearing within ninety (90) days of receipt of the petition in accordance with the New Mexico Air Quality Control Act NMSA 1978 74-2-7 and 20.11.42.13.D(1)(c) NMAC.

Any person who is adversely affected by an administrative action taken by the board pursuant to 20.11.42.13.D.(1) NMAC may appeal to the Court of Appeals in accordance with New Mexico Air Quality Control Act NMSA 1978 74-2-9. Petitions for judicial review must be filed no later than thirty (30) days after the administrative action. This condition is pursuant to 20.11.42.13.D.(2) NMAC and New Mexico Air Quality Control Act NMSA 1978 74-2-9.



## **SUBMITTAL OF REPORTS AND CERTIFICATIONS**

Compliance notifications, monitoring results and reports, emissions sampling and measurement data, monitoring activity reports, compliance schedule progress reports, test protocols, excess emission forms, and test reports, if any and any other compliance status information required by this Permit shall be certified by the responsible official and submitted to:

Compliance Officer, Quality Assurance Section  
Albuquerque Environmental Health Department  
Air Quality Division

**Mailing Address:**  
P. O. Box 1293  
Albuquerque, NM 87103

**Physical Address:**  
1 Civic Plaza NW  
City/County Building  
3rd Floor, Room 3047  
Phone: (505) 768-1930  
Fax: (505) 768-1977

EPA Address -- All correspondence to the EPA required by this Permit shall be sent to the following address:

Director, Compliance Assurance and Enforcement Division  
U.S. EPA, Region 6  
1445 Ross Ave., Suite 700  
Dallas, TX 75202

Questions about this Permit should be referred to Regan Eyerman of the Permitting Section of the Air Quality Division in Albuquerque at (505) 767-5625.

**Appendix A.** Figure 5-1: Particulate Emissions – Scenario 1, Figure 5-2: Particulate Emissions – Scenario 2, and Figure 5-3: Particulate Emissions – Scenario 3 from within the Air Dispersion Modeling Report submitted by Cerro Colorado in conjunction with the application for Title V Permit 537-M1-RN1 and Figures #3 through #5 (TSP Scenarios #1, #2, and #3) of the AQP Modeling Report.

## Appendix A

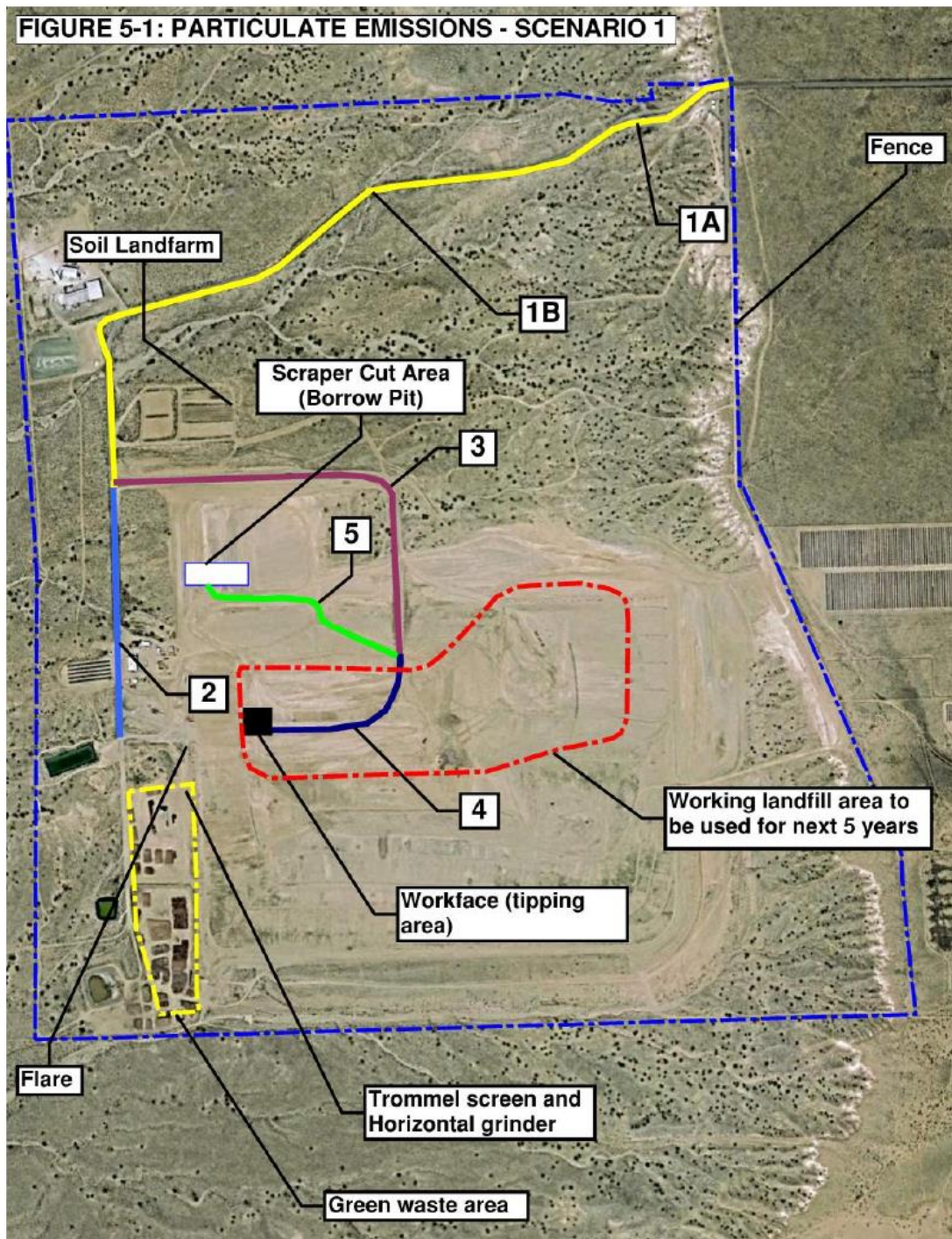




FIGURE 5-2: PARTICULATE EMISSIONS - SCENARIO 2

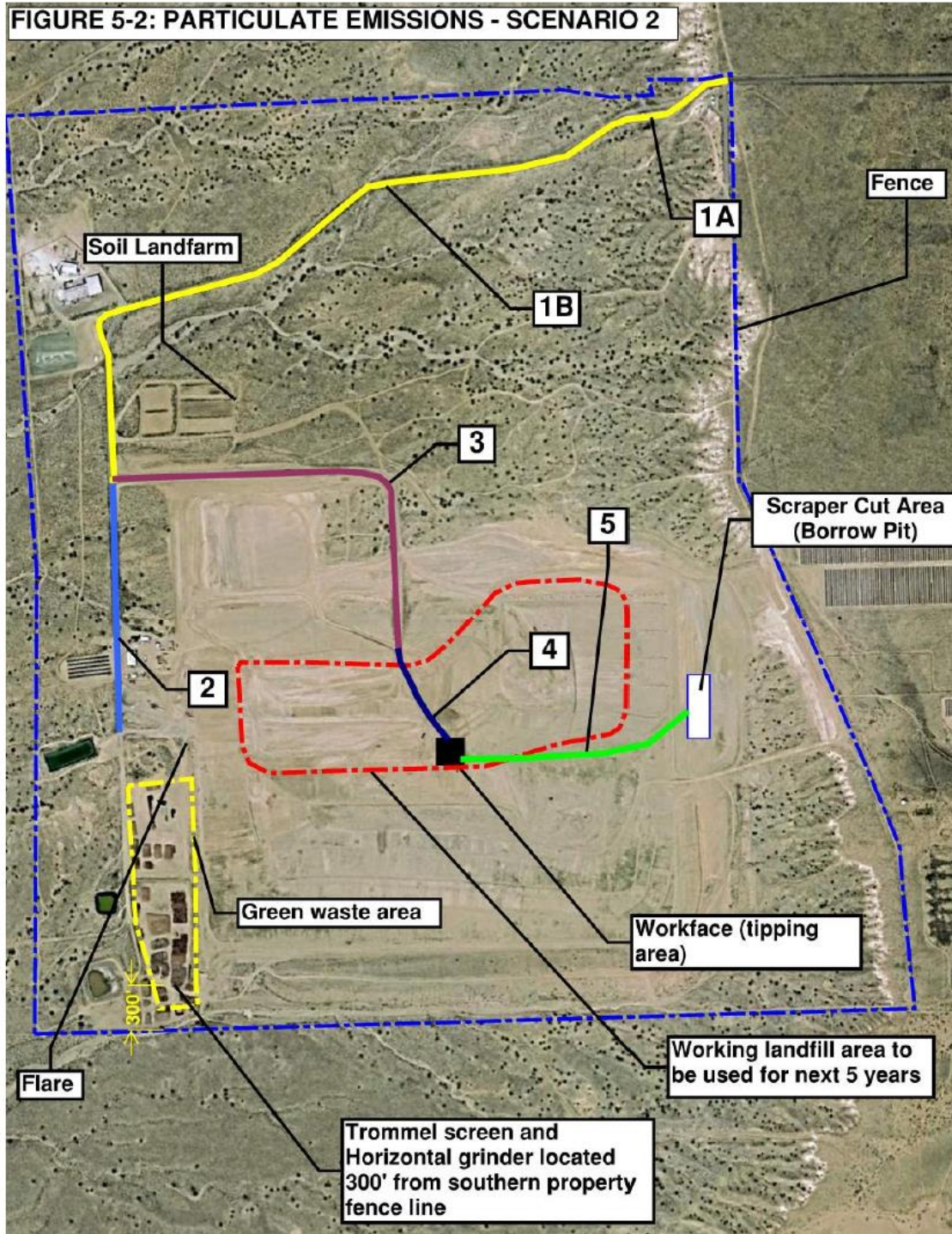
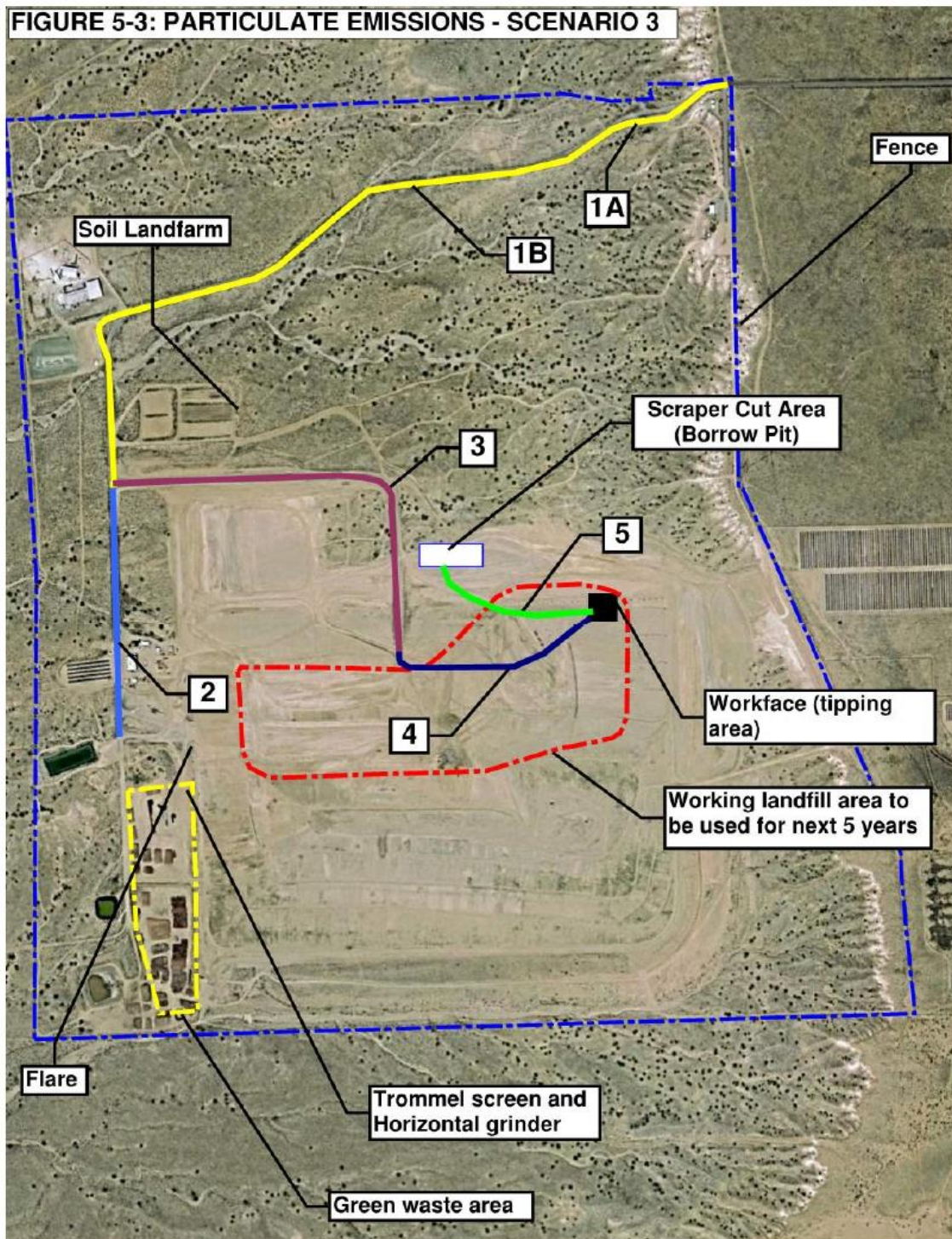




FIGURE 5-3: PARTICULATE EMISSIONS - SCENARIO 3





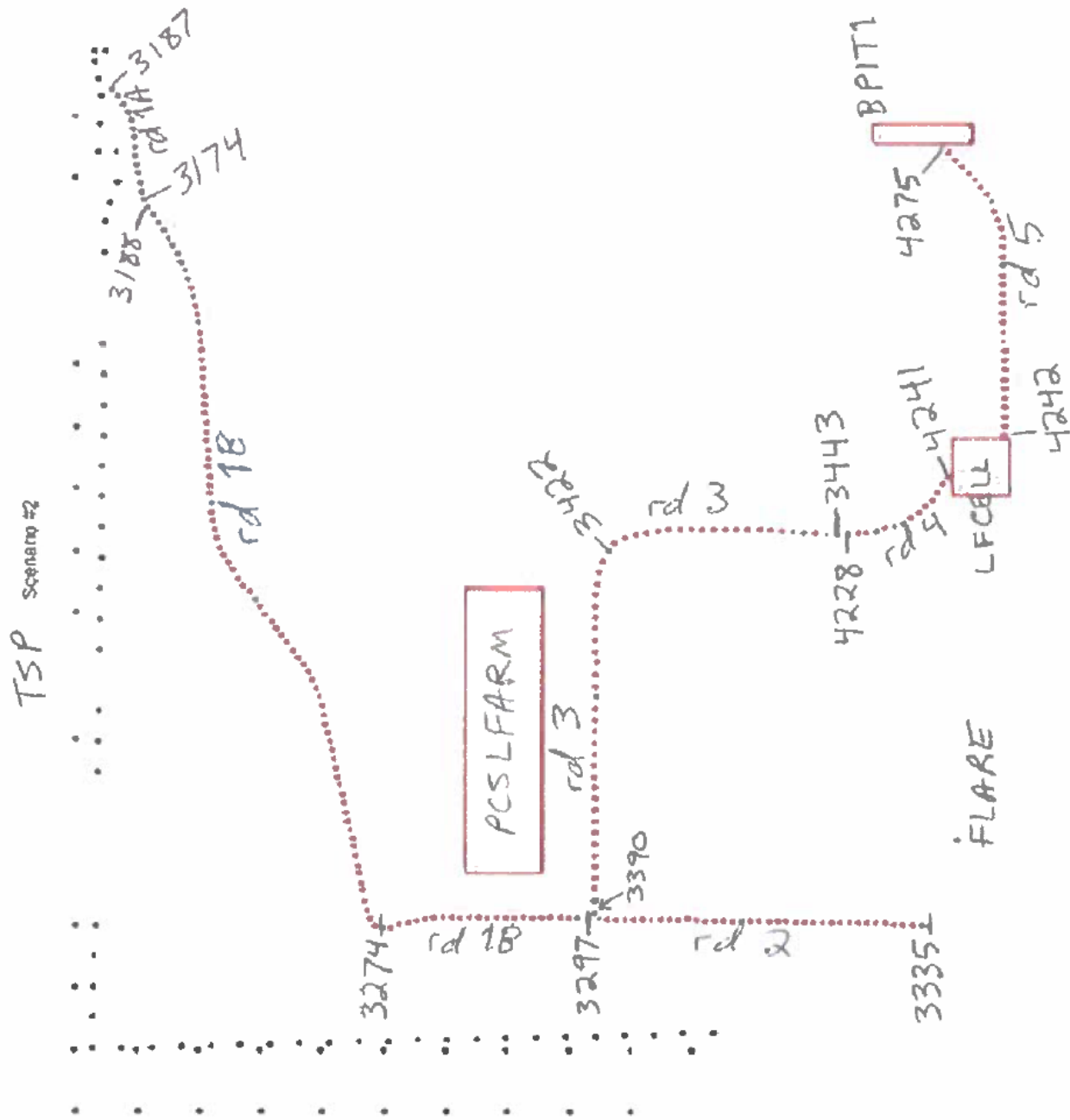


Figure 4: scenario #2 for location of LFCELL and BPIT

[illegible]

**Figure 5: scenario #3 for location of LFCELL and BPIT**

- Attachments:**
- 1) Deviation From Title V Permit Requirements and Emergency Notification Form
  - 2) Compliance Certification Report Form

**ATTACHMENT “1”**

**Cerro Colorado Landfill**

**Deviation From Title V Permit Requirements and Emergency Notification Form**



**ATTACHMENT “2”**

**Cerro Colorado Landfill**

**Compliance Certification Report Form**