

DRAFT

**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION**

MEMORANDUM

September 19, 2023

TO: Phillip Fielder, P.E., Chief Engineer

THROUGH: Rick Groshong, Environmental Manager, Compliance and Enforcement

THROUGH: Eric L. Milligan, P.E., Engineering Manager, Engineering Section

THROUGH: David Schutz, P.E., New Source Permits Section

FROM: Ryan Buntyn, P.E., New Source Permits Section

SUBJECT: Evaluation of Permit Application No. **2023-0113-TVR4**
BFI Waste Systems of Oklahoma, LLC
Porter (51B) Landfill; Facility ID #: 3333
19960 S. 381st E. Avenue, Porter, OK
Section 12-T16N-R16E (Lat. 35.87308° Long. -95.55307°)
Directions: 2 miles west of Porter on Highway 51B (Route 2, Box 120)

SECTION I. INTRODUCTION

BFI Waste System of Oklahoma, LLC (BFI or applicant) submitted an application for renewal of the Title V operating permit for their Porter (51B) Landfill. The application was received by the Oklahoma Department of Environmental Quality (DEQ), Air Quality Division (AQD) on February 6, 2023. The facility is an active municipal solid waste landfill (SIC 4953, NAICS 562212). The facility is inactive and has suspended waste acceptance. However, the facility is a Part 70 source due to the total permitted waste capacity.

The application for this renewal Permit No. 2023-0113-TVR4 includes the five-year NMOC emissions report provided under 40 CFR §62.16714 that was submitted to DEQ on July 12, 2022. This report was reviewed by DEQ - Compliance and is also summarized in this permit memo.

SECTION II. REQUESTED CHANGES

The facility is not requesting any physical changes at the facility. However, DEQ takes this opportunity to update permit language with respect to certain rules and regulations that have been modified in the intervening years.

SECTION III. PERMIT HISTORY

The following table lists all the permitting actions for the facility since the first Part 70 operating permit.

Permits	Date Issued	Description
99-403-TV	5/29/2001	Initial Title V
2005-247-TVR	8/8/2008	First Title V Renewal
2005-247-TVR (M-1)	5/13/2011	Minor Modification to clarify Specific Conditions
2013-0083-TVR2	9/4/2013	Second Title V Renewal
2017-2054-TVR3	8/24/2018	Third Title V Renewal

SECTION IV. FACILITY DESCRIPTION

The Porter (51B) Landfill began accepting municipal solid waste (MSW) in 1988. It has a design capacity of 13,264,373 megagrams (Mg). The design capacity has not changed since the last permit was issued. The facility is permitted for solid waste and may also receive asbestos. It is not permitted for hazardous waste.

Individual waste disposal cells are excavated within the footprint of a permitted area as needed and as permitted by Land Protection Division. Details of the construction design and details of these cells are not pertinent to this permit except to the extent that the construction, operation and closure activities result in particulate matter (PM) emissions.

Solid waste is delivered to the site by vehicles and is placed in the working face of an active cell, compacted and then a soil cover is placed on the layer. Once these successive layers build to a certain level and the cell capacity is at maximum, closure or temporary closure of the cell may take place. PM is also generated by vehicle traffic. Leachate (liquid) having contamination in various forms, including organics, is generated within the cells as a result of rainwater infiltration and biodegradation of the waste. Leachate recovered from the landfill cells is pumped to an evaporation pond where small amounts of volatile organic compound (VOC) may be emitted to the atmosphere. Leak detection and monitoring wells placed at the perimeter of the permitted landfill area are used to monitor for leachate escape.

Since the design capacity of the facility is greater than the threshold of 2.5 million Mg and 2.5 million cubic meters specified in 40 CFR Part 62 Subpart OOO, the facility is a Part 70 source and subject to the requirements of that subpart. The facility is not required to install a landfill gas (LFG) collection and control system because NMOC emissions are less than the threshold of 34 g/yr. All gaseous emissions are emitted from the landfill as fugitives, as there is no control system.

SECTION V. EMISSIONS

Air emissions from the facility represented in the renewal application are VOCs and hazardous air pollutants (HAPs) from the generation of LFG within the landfill and particulate matter generated from the operation of earthmoving equipment. The following discussion was derived from AP-42, Section 2.4, Municipal Solid Waste Landfills, and information from the applicant.

Methane (CH₄) and carbon dioxide (CO₂) are the primary constituents of landfill gas, and are produced by microorganisms within the landfill under anaerobic conditions. Transformations of CH₄ and CO₂ are mediated by microbial populations that are adapted to the cycling of materials in

anaerobic environments. Landfill gas generation, including rate and composition, proceeds through four phases. The first phase is aerobic, i.e., with oxygen (O₂) available, and the primary gas produced is CO₂. The second phase is characterized by O₂ depletion, resulting in an anaerobic environment, where large amounts of CO₂ and some hydrogen (H₂) are produced. In the third phase, CH₄ production begins, with an accompanying reduction in the amount of CO₂ produced. Nitrogen (N₂) content is initially high in landfill gas in the first phase, and declines sharply as the landfill proceeds through the second and third phases. In the fourth phase, gas production of CH₄, CO₂, and N₂ becomes fairly steady. The total time and phase duration of gas generation varies with landfill conditions (i.e., waste composition, design management, and anaerobic state). The gas may undergo subsequent microbial degradation within the landfill's surface layer.

Typically, LFG also contains a small amount of non-methane organic compounds (NMOC). This NMOC fraction often contains various organic HAPs, greenhouse gases (GHG), and compounds associated with stratospheric ozone depletion. The NMOC fraction also contains VOCs. The weight fraction of VOC can be determined by subtracting the weight fractions of individual compounds that are non-photochemically reactive (i.e., negligibly-reactive organic compounds as defined in 40 CFR 51.100) if known. For this permit application, VOC is estimated as the sum of the individual constituents in LFG using default concentrations obtained from AP-42 and LFG from a landfill gas generation model.

The rate of LFG emissions from a landfill is governed by gas production and transport mechanisms. Production mechanisms involve the production of the emission constituent in its vapor phase through vaporization, biological decomposition, or chemical reaction. Transport mechanisms involve the transportation of a volatile constituent in its vapor phase to the surface of the landfill, through the air boundary layer above the landfill, and into the atmosphere. The three major transport mechanisms that enable transport of a volatile constituent in its vapor phase are diffusion, convection, and displacement. To estimate uncontrolled emissions of the various compounds present in landfill gas, total landfill gas emissions are estimated using a theoretical first-order kinetic model of methane production developed by the EPA. The model was designed to estimate LFG generation and not LFG emissions to the atmosphere. Other fates may exist for the gas generated in a landfill, including capture and subsequent microbial degradation within the landfill's surface layer. Currently, there are no data that adequately address this fate. It is generally accepted that the bulk of the gas generated will be emitted through cracks or other openings in the landfill surface.

NMOC Emissions

BFI is required to conduct a periodic evaluation of whether the facility emits 34 megagrams or more of NMOC per year for purposes of determining whether controls are required under 40 CFR Part 62, Subpart OOO and submit a report of the results.

Section 62.16714(e) of the rule requires each owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, to either comply with paragraph (b)(2) of this section for controls or demonstrate that NMOC emissions for the landfill are less than 34 megagrams per year using the procedures specified in §62.16714 and submit emissions reports. The NMOC emission must be recalculated annually,

except as provided in §62.16724(c)(3) which provides that if the estimated NMOC emission rate as reported in the annual report is less than 34 megagrams per year in each of the next 5 consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. BFI has been on the five-year frequency schedule and has submitted their updated NMOC emission rate report using the NMOC test procedures and calculation method required under §62.16718. The Tier 1 calculation requires a comparison to the 50 megagram threshold using a default values of 0.05 per year for k, 170 cubic meters per megagram for L_0 , and 4,000 parts per million by volume as hexane for the C_{NMOC} . BFI has already exceeded the threshold at this calculation Tier level and has been using the Tier 2 level which allows for the use of site-specific measured NMOC.

Samples to test for NMOC were collected from June 7 through June 9, 2022 and an average site-specific NMOC value of 150.8 ppmv as hexane was measured during the testing. The results were used in a LandGEM Landfill Gas Emissions Model, version 3.03, to project NMOC emissions that will occur during the 5 years covering the 5-year NMOC emissions report, as provided by §62.16718(a)(3)(iii), using the test methods and constants required in §62.16718 for k of 0.05 per year and for L_0 of 170 cubic meters per megagram. The report, submitted on July 13, 2022, projects the site's 5-year NMOC emission rates for the years 2022 through 2026, the 5 years following the last report which covered the previous 5 years through 2021. For future waste acceptance rates, the acceptance rate was inflated at an annual rate of 50% beginning with the 2022 acceptance rate of 214,614 megagrams. The results of the analysis demonstrate that the highest emissions are projected to be 17.3 Mg/yr NMOC in the year 2026, which is less than the 40 CFR Part 62 threshold of 34 Mg/yr.

HAP Emissions

To demonstrate that the source is not major for HAP emissions, the applicant utilizes an additional LandGEM model to determine maximum annual methane emissions, then solves for individual HAP emissions for this maximum LFG year using Equations (3) and (4), AP-42 Chapter 2.4, Municipal Solid Waste Landfills (11/98). AP-42 default constants of 0.04/year for k and 100 cubic meters per megagram for L_0 , as allowed by §62.16718(a) for PSD emissions analyses, are used in the model to calculate methane emissions. Equation (3) calculates the volumes of individual pollutants based on the relationship of a 1.82 ratio of LFG to methane and the default HAP concentrations of LFG in Table 2.4-1. BFI utilizes an assumption that methane comprises 50% of the LFG instead of 55% as in AP-42, resulting in a conservatively higher multiplier of 2 instead of 1.82 in Equation (3). Equation (4) converts the individual pollutant volumes to weight using molecular weight for each pollutant and a form of the ideal gas law.

The site is currently inactive and has suspended waste acceptance and as such, the maximum projected rate from the landfill was estimated to be in 2007. Since the landfill is inactive, the gas generation declines over the year and as such, the maximum emissions of methane from analysis are estimated to be 2,825,455 cubic meters/year, in the year 2007. Consequently, by the methodology described above, this will result in the highest levels of HAP emissions.

The following table illustrates the results of this analysis, categorized by VOC and HAP.

Hazardous Air Pollutants (From Landfill Gas)

HAP	Molecular Weight	ppmv	VOC	HAP	Emissions (TPY)
1, 1, 1-Trichloroethane (methyl chloroform)	133.41	0.48		X	0.02
1, 1, 2, 2-Tetrachloroethane	167.85	1.10	X	X	0.05
1, 1-Dichloroethane (ethylidene dichloride)	98.97	2.40	X	X	0.06
1, 1-Dichloroethene (vinylidene chloride)	96.94	0.20	X	X	0.00
1, 2-Dichloroethane (ethylene dichloride)	98.96	0.41	X	X	0.01
1, 2-Dichloropropane (propylene dichloride)	112.99	0.18	X	X	0.01
2-Propanol (isopropyl alcohol)	60.11	50.00	X		0.77
Acrylonitrile	53.06	6.30	X	X	0.09
Benzene	78.11	1.90	X	X	0.04
Bromodichloromethane	163.83	3.10	X		0.13
Butane	58.12	5.00	X		0.07
Carbon disulfide	76.13	0.58	X	X	0.01
Carbon tetrachloride	153.84	0.004	X	X	0.00
Carbonyl Sulfide	60.07	0.49	X	X	0.01
Chlorobenzene	112.56	0.25	X	X	0.01
Chloroethane (ethyl chloride)	64.52	1.30	X	X	0.02
Chloroform	119.39	0.03	X	X	0.001
Chloromethane	50.49	1.20	X	X	0.02
Dichlorobenzene	147.00	0.21	X	X	0.01
Dichlorofluormethane	102.92	2.60	X		0.07
Dichloromethane (methylene chloride)	84.94	14.0		X	0.30
Dimethyl Sulfide (methyl sulfide)	62.13	7.80	X		0.12
Ethanol	46.08	27.00	X		0.32
Ethyl Mercaptan (ethanethiol)	62.13	2.30	X		0.04
Ethylbenzene	106.16	4.6	X	X	0.12
Ethylene dibromide	187.88	0.001	X	X	0.00
Fluorotrichloromethane	137.38	0.76	X		0.03
Hexane	86.18	6.60	X	X	0.14
Mercury (total)	200.61	0.0003		X	0.00
Methyl Ethyl Ketone	72.11	7.10	X		0.13
Methyl Isobutyl Ketone	100.16	1.90	X	X	0.05
Methyl Mercaptan	48.11	2.50	X		0.03
Pentane	72.15	3.30	X		0.06
Perchloroethylene (tetrachloroethene)	165.83	3.70		X	0.16
Propane	44.09	11.00	X		0.12
t-1,2-Dichloroethane (1,2 dichloroethylene)	96.94	2.80	X		0.07
Toluene	92.13	39.00	X	X	0.92
Trichloroethylene	131.40	2.80	X	X	0.09

HAP	Molecular Weight	ppmv	VOC	HAP	Emissions (TPY)
Vinyl chloride	62.50	7.30	X	X	0.12
Xylene (isomers and mixtures)	106.16	12.00	X	X	0.32
Totals			4.07	2.58	4.55

As illustrated in the table summary, HAP emissions are below major source levels, i.e. no single HAP emissions is above 10 tons per year and the combined total is not above 25 tons per year.

Fugitive Dust Emissions

The Facility is currently inactive and has suspended waste acceptance, and as such there are no particulate emissions from earthmoving operations while the site is in suspended status.

Facility-Wide Emissions Summary

Emission Source	Emissions (TPY)	
	Total HAP	VOC
	2.58	4.07

The criteria pollutant and HAP emissions are less than major source levels. Therefore, specific conditions will require only that NMOC be limited to less 40 CFR Part 62 Subpart OOO threshold for uncontrolled LFG emissions before compliance with §62.16714(c) is required.

SECTION VI. INSIGNIFICANT ACTIVITIES

The applicant did not identify any new insignificant activities in the application. The following list is carried over from the existing permit. Recordkeeping, for activities indicated with an “*”, is required in the Specific Conditions.

- Leachate Pond (Trivial Activity)
- * Activities having the potential to emit no more than 5.0 TPY (actual) of any criteria pollutant. Appropriate records of hours, quantity, or capacity must be kept on the activity to verify insignificance.

Any activity to which a State or federal applicable requirement applies is not insignificant, even if it is included on the OAC 252-100 Appendix list.

SECTION VII. OKLAHOMA AIR POLLUTION CONTROL RULES

OAC 252:100-1 (General Provisions) [Applicable]
 Subchapter 1 includes definitions but there are no regulatory requirements.

OAC 252:100-2 (Incorporation by Reference) [Applicable]
This subchapter incorporates by reference applicable provisions of Title 40 of the Code of Federal Regulations listed in OAC 252:100, Appendix Q. These requirements are addressed in the “Federal Regulations” section.

OAC 252:100-3 (Air Quality Standards and Increments) [Applicable]
Subchapter 3 enumerates the primary and secondary ambient air quality standards and the significant deterioration increments. At this time, all of Oklahoma is in “attainment” of these standards.

OAC 252:100-5 (Registration, Emissions Inventory and Annual Operating Fees) [Applicable]
Subchapter 5 requires sources of air contaminants to register with Air Quality, file emission inventories annually, and pay annual operating fees based upon total annual emissions of regulated pollutants. Emission inventories were submitted and fees paid for previous years as required.

OAC 252:100-7 (Permits for Minor Facilities) [Not Applicable]
Subchapter 7 sets forth the permit application fees and the basic substantive requirements of permits for minor facilities. Criteria emissions and Hazardous Air Pollutants are estimated to be below major source levels, but the facility is subject to Title V permitting under 40 CFR 62 Subparts OOO.

OAC 252:100-8 (Permits for Part 70 Sources) [Applicable]
Part 5 includes the general administrative requirements for Part 70 permits. Any planned changes in the operation of the facility that result in emissions not authorized in the permit and that exceed the “Insignificant Activities” or “Trivial Activities” thresholds require prior notification to AQD and may require a permit modification. Insignificant activities refer to those individual emission units either listed in Appendix I or whose actual calendar year emissions do not exceed the following limits.

- 5 TPY of any one criteria pollutant
- 2 TPY of any one hazardous air pollutant (HAP) or 5 TPY of multiple HAPs or 20% of any threshold less than 10 TPY for a HAP that the EPA may establish by rule

The facility is subject to Title V permitting under 40 CFR Part 62 Subparts OOO since design capacity of the landfill is greater than 2.5 million megagram or 2.5 million m³. As such, a Title V (Part 70) operating permit is required.

OAC 252:100-9 (Excess Emissions Reporting Requirements) [Applicable]
Except as provided in OAC 252:100-9-7(a)(1), the owner or operator of a source of excess emissions shall notify the Director as soon as possible, but no later than 4:30 p.m. the following working day of the first occurrence of excess emissions in each excess emissions event. No later than thirty (30) calendar days after the start of any excess emission event, the owner or operator of an air contaminant source from which excess emissions have occurred shall submit a report for each excess event describing the extent of the event and the actions taken by the owner or operator in response to this event. Request for mitigation, as described in OAC 252:100-9-8, shall be

included in the excess emissions event report. Additional reporting may be required in the case of ongoing emission events and in the case of excess emissions reporting required by 40 CFR Parts 60, 61, or 63.

OAC 252:100-13 (Open Burning) [Applicable]
Open burning of refuse and other combustible material is prohibited except as authorized in the specific examples and under the conditions listed in this subchapter.

OAC 252:100-19 (Particulate Matter (PM)) [Not Applicable]
Section 19-4 regulates emissions of PM from the combustion of fuel in any new and existing fuel-burning unit, with emission limits based on maximum design heat input rating. Fuel-burning unit is defined in OAC 252:100-19 as any internal combustion engine or gas turbine, or other combustion device used to convert the combustion of fuel into usable energy. All equipment at this facility are mobile sources. There are no sources subject to the requirements of this subchapter. Section 19-12 limits particulate emissions from new and existing directly fired fuel-burning units (and/or) emission points in an industrial process based on process weight rate, as specified in Appendix G. There are no emission points subject to this requirement.

OAC 252:100-25 (Visible Emissions and Particulates) [Not Applicable]
No discharge of greater than 20% opacity is allowed except for short-term occurrences which consist of not more than one six-minute period in any consecutive 60 minutes, not to exceed three such periods in any consecutive 24 hours. In no case shall the average of any six-minute period exceed 60% opacity.

OAC 252:100-29 (Fugitive Dust) [Applicable]
No person shall cause or permit the discharge of any visible fugitive dust emissions beyond the property line on which the emissions originate in such a manner as to damage or to interfere with the use of adjacent properties, or cause air quality standards to be exceeded, or interfere with the maintenance of air quality standards. The site is inactive and has suspended waste acceptance. Under normal operating conditions, this facility doesn't cause a problem in this area.

OAC 252:100-37 (Volatile Organic Compounds) [Not Applicable]
Part 3 requires storage tanks constructed after December 28, 1974, with a capacity of 400 gallons or more and storing a VOC with a vapor pressure greater than 1.5 psia to be equipped with a permanent submerged fill pipe or with an organic vapor recovery system. The vapor pressures of diesel and the hydrocarbon products are less than 1.5 psia, therefore, Part 3 does not apply.

OAC 252:100-42 (Toxic Air Contaminants (TAC)) [Applicable]
This subchapter regulates toxic air contaminants (TAC) that are emitted into the ambient air in areas of concern (AOC). Any work practice, material substitution, or control equipment required by the Department prior to June 11, 2004, to control a TAC, shall be retained, unless a modification is approved by the Director. Since no AOC has been designated there are no specific requirements for this facility at this time.

OAC 252:100-43 (Testing, Monitoring, and Recordkeeping) [Applicable]
 This subchapter provides general requirements for testing, monitoring and recordkeeping and applies to any testing, monitoring or recordkeeping activity conducted at any stationary source. To determine compliance with emissions limitations or standards, the Air Quality Director may require the owner or operator of any source in the state of Oklahoma to install, maintain and operate monitoring equipment or to conduct tests, including stack tests, of the air contaminant source. All required testing must be conducted by methods approved by the Air Quality Director and under the direction of qualified personnel. A notice-of-intent to test and a testing protocol shall be submitted to Air Quality at least 30 days prior to any EPA Reference Method stack tests. Emissions and other data required to demonstrate compliance with any federal or state emission limit or standard, or any requirement set forth in a valid permit shall be recorded, maintained, and submitted as required by this subchapter, an applicable rule, or permit requirement. Data from any required testing or monitoring not conducted in accordance with the provisions of this subchapter shall be considered invalid. 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.

OAC 252:100-47 (Control of Emissions from Existing MSW Landfills) [Applicable]
 Existing MSW landfills having a design capacity greater than 2.5 million megagrams or 2.5 million cubic meters are required to obtain a Part 70 permit. Landfills having NMOC emissions of at least 34 Mg/yr are required to obtain a construction permit to install a collection and control system in accordance with the requirements of 40 CFR 62.16718. As discussed earlier in the memo, the facility has not reached the 34 Mg/yr threshold.

The following Oklahoma Air Pollution Control Rules are not applicable to this facility

OAC 252:100-11	Alternative Reduction	Not requested
OAC 252:100-17	Incinerators	Not in source category
OAC 252:100-19	Particulate Matter	Not type of emission unit
OAC 252:100-23	Cotton Gins	Not in source category
OAC 252:100-24	Feed & Grain Facility	Not in source category
OAC 252:100-25	Visible Emissions and Particulates	Not type of emission unit
OAC 252:100-31	Sulfur Compounds	Not type of emission unit
OAC 252:100-33	Nitrogen Oxides	Not type of emission unit
OAC 252:100-35	Carbon Monoxide	Not type of emission unit
OAC 252:100-37	Volatile Organic Compounds	Insignificant
OAC 252:100-39	Nonattainment Areas	Not in a subject area

SECTION VIII. FEDERAL REGULATIONS

PSD, 40 CFR Part 52 [Not Applicable]
 PSD does not apply. Final total emissions are less than the threshold of 250 TPY of any single regulated pollutant and the facility is not one of the listed stationary sources with an emission threshold of 100 TPY. The facility is an existing major source of GHG.

NSPS, 40 CFR Part 60 [Not Applicable]

Subpart Cf, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills. This subpart contains emission guidelines and compliance times for the control of certain designated pollutants from certain designated municipal solid waste landfills. The facility will have to meet the requirements of this subpart through 40 CFR Part 62 Subpart OOO (i.e. the FIP) or OAC 252:100-47 once the rule is revised and the state's 111(d) Plan is approved by EPA.

Subpart WWW, Municipal Solid Waste Landfills. This subpart affects each municipal solid waste landfill (MSWL) that commenced construction, reconstruction, or modification, or began accepting waste on or after May 30, 1991 but before July 18, 2014, has a design capacity greater than 2.5 million cubic meters and 2.5 million megagrams, and are not subject to more stringent requirements in an approved and effective state or federal plan that implements 40 CFR Part 60, Subpart Cf. The facility must comply with the more stringent requirements of an effective state or federal plan and no longer has any other requirements under this subpart.

Subpart XXX, Municipal Solid Waste Landfills. This subpart affects each landfill that commences construction, reconstruction, or modification after July 17, 2014. The facility has not commenced construction, reconstruction, or modification after July 17, 2014 and is not subject to this subpart.

NESHAP, 40 CFR Part 61 [Subpart M Applicable]

There are no emissions of any of the regulated pollutants: arsenic, asbestos, beryllium, benzene, coke oven emissions, mercury, radionuclides, or vinyl chloride.

Subpart M, National Emission Standard for Asbestos. Section 61.154, Standard for active waste disposal sites, requires each owner or operator of an active waste disposal site that receives asbestos-containing waste material from a source covered under §61.149, 61.150, or 61.155 to meet the requirements of this section. This facility is subject to this subpart because it receives asbestos-containing materials. The permit requires the facility to comply with all applicable requirements.

NESHAP, 40 CFR Part 62 [Subpart OOO Applicable]

Subpart OOO, Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014. This subpart establishes emission control requirements and compliance schedules for the control of designated pollutants from certain designated municipal solid waste (MSW) landfills in accordance with section 111(d) of the Clean Air Act and subpart B of 40 CFR Part 60. This facility is subject to the federal plan in 40 CFR Part 62, Subpart OOO, implementing the emission guidelines in 40 CFR Part 60, Subpart Cf. The facility will be subject to OAC 252:100-47 and the state 111(d) plan implementing the emission guidelines upon EPA approval of said plan.

NESHAP, 40 CFR Part 63 [Not Applicable]

Subpart DD, Off-Site Waste and Recovery Operations. This subpart affects facilities that locate at major source of HAPs. This facility is not a major source as defined in 40 CFR Part 63 (10 tons per year or more of any one hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants). Therefore, this facility is not subject to Subpart DD.

Subpart AAAA, Municipal Solid Waste Landfills. This subpart applies to all municipal solid waste landfills that are: (1) major sources as defined by 40 CFR Part 63.2 of Subpart A as stated

in §63.1935(a)(1); (2) collocated with a major source as stated in §63.1935(a)(2); (3) meeting the applicability thresholds of 2.5 million Mg and 2.5 million m³ and having estimated uncontrolled NMOC emissions of 50 Mg/yr as calculated as stated in §63.1935(a)(3); or (4) meeting only the design capacity threshold of 2.5 million Mg and 2.5 million m³ but have a bioreactor and are not permanently closed as of January 16, 2003 as stated in §63.1935(b)(3). The facility is not subject to this subpart because it is not a major source or collocated with a major source, the uncontrolled NMOC emissions from the site are less than 50 Mg/yr, and the facility has no bioreactor as stated in §63.1935(b)(3).

Subpart GGGGG, Site Remediation Operations. This facility is not involved with site remediation operations. This subpart affects facilities that locate at major source of HAPs. This facility is not a major source as defined in 40 CFR Part 63 (10 tons per year or more of any one hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants). Therefore, this facility is not subject to Subpart GGGGG.

CAM, 40 CFR Part 64

[Not Applicable]

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

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

VOC and HAP emissions are limited by the permit, but the second and third criteria do not apply. Therefore, the facility is not subject to this rule at this time.

Chemical Accident Prevention Provisions, 40 CFR Part 68

[Not Applicable]

This facility does not process or store more than the threshold quantity of any regulated substance (Section 112r of the Clean Air Act 1990 Amendments). More information on this federal program is available on the web page: www.epa.gov/rmp

Stratospheric Ozone Protection, 40 CFR Part 82

[Not Applicable]

This facility does not produce, consume, recycle, import, or export any controlled substances or controlled products as defined in this part, nor does this facility perform service on motor (fleet) vehicles which involves ozone-depleting substances. Therefore, as currently operated, this facility is not subject to these requirements.

SECTION IX. COMPLIANCE

Inspection and Compliance

The facility has not had a full compliance evaluation since February 25, 2010. However, inspections are not typically performed for facilities having emissions are below 50 tons per year.

Testing

LFG samples to test for NMOC were collected from June 7 through June 9, 2022, and an average site-specific NMOC value of 150.8 ppmv as hexane was measured during the testing. The results were used in a LandGEM Landfill Gas Emissions Model, version 3.02, to demonstrate that the highest NMOC emissions are projected to be 17.3 Mg/yr NMOC in the year 2026, which is less than the NSPS threshold of 34 Mg/yr.

Tier Classification and Public Review

This application has been determined to be a **Tier II** based on the request for renewal of a Part 70 Operating Permit. The applicant has submitted an affidavit that they are not seeking a permit for land use or for any operation upon land owned by others without their knowledge. The affidavit certifies that the applicant has a current lease given to accomplish the permitted purpose.

The applicant published a “DEQ Notice of Filing a Tier II Application” in the *Wagoner County American-Tribune*, a weekly newspaper published in the city of Wagoner, Wagoner County, on February 8, 2023. The notice stated that the application was available for public review at the Wagoner City Public Library located at 302 N. Main, Wagoner, Oklahoma or the Air Quality Division’s main office. The applicant will publish an “Oklahoma Department of Environmental Quality Notice of Tier II Draft Permit.” The notice will state that the permit is available for public review at the Wagoner City Public Library located at 302 N. Main, Wagoner, Oklahoma or the Air Quality Division’s main office. EPA and Tribal nations will be notified of the draft permit.

This site is not within 50 miles of the Oklahoma border. Information on all permit actions is available for review by the public in the Air Quality section of the DEQ Web page: www.deq.ok.gov/.

If the Administrator does not object in writing during the 45-day EPA review period, any person that meets the requirements of OAC 252:100-8-8(j) may petition the Administrator within 60 days after the expiration of the Administrator's 45-day review period to make such objection. Any such petition shall be based only on objections to the permit that the petitioner raised with reasonable specificity during the public comment period provided for in 27A O.S. § 2-14-302.A.2., unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. If the Administrator objects to the permit as a result of a petition filed under OAC 252:100-8-8(j), the DEQ shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to an EPA objection. If the DEQ has issued a permit prior to receipt of an EPA objection under OAC 252:100-8-8(j), the DEQ will modify, terminate, or revoke such permit, and shall do so consistent with the procedures in 40 CFR §§ 70.7(g)(4) or (5)(i) and (ii) except in unusual circumstances. If the DEQ revokes the permit, it may thereafter issue only a revised permit that satisfies EPA's objection. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

Fee Paid

Title V Operating Permit renewal fee of \$7,500.

Environmental Justice Review

Environmental Justice is a federal initiative. Industrial facilities tend to be built on the cheapest land available. The surrounding population tends to be low-income citizens, and there tends to be a higher proportion of minorities in that surrounding area. Those low-income / minority citizens experience the highest impacts of air pollution coming from the adjacent industrial facilities.

Environmental justice is the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no population bears a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations or from the execution of federal, state, and local laws; regulations; and policies. Meaningful involvement requires effective access to decision makers for all, and the ability in all communities to make informed decisions and take positive actions to produce environmental justice for themselves.

The following pages detail how the Department of Energy (DOE) implements environmental justice within the Department.

- Community Engagement Initiatives
- DOE Environmental Justice Documents and Publications
- DOE Environmental Justice Frequently Asked Questions
- DOE Environmental Justice Strategy Updates/Revisions
- History of Environmental Justice at the Department of Energy
- Place-based Initiatives
- Resources to Overburdened, Underserved, and Economically Distressed Communities
- Youth/Student Opportunities

EPA has prepared a screening tool, EJSCREEN, which incorporates census data to show the demographics adjacent to a facility. Eleven criteria have been identified to determine whether a disproportionate impact is occurring on nearby minority populations. When those impacts exceed the 80% percentile, additional public participation is warranted.

The indexes in the EJ Screening tool to be considered are the following:

- Particulate Matter 2.5
- Ozone
- Diesel Particulate Matter
- Air Toxic Cancer Risk
- Air Toxic Respiratory Hazard Index
- Traffic Proximity
- Lead Paint, this addresses lead paint based on number of homes built <1960

- Superfund proximity
- Risk management plan (RMP) facility proximity
- Hazardous waste proximity
- Underground storage tanks (UST) and leaking UST (LUST)

The following table shows the EJSCREEN finding for a 1.0 mile buffer surrounding the location of the plant.

Criterion	Screening Level of Concern	State Percentile	USA Percentile
PM _{2.5}	80 th Percentile	46	73
Ozone	80 th Percentile	12	40
Diesel Particulate Matter	80 th Percentile	37	22
Air Toxic Cancer Risk	80 th Percentile	17	35
Air Toxic Respiratory Hazard Index	80 th Percentile	11	31
Traffic Proximity	80 th Percentile	18	10
Lead Paint	80 th Percentile	44	38
Superfund Proximity	80 th Percentile	25	13
Risk Management Plan Facility Proximity	80 th Percentile	7	8
Hazardous Waste Proximity	80 th Percentile	20	8
Underground storage tanks (UST) and leaking UST (LUST)	80 th Percentile	13	22
Wastewater Discharge	80 th Percentile	78	62
People of Color	80 th Percentile	65	58

All criteria are below the screening levels of concern.

SECTION X. SUMMARY

Ambient air quality standards are not threatened at this site. There are no active Air Quality compliance or enforcement issues concerning this facility. Issuance of the permit is recommended, contingent on public, tribal, and EPA review.

DRAFT

**PERMIT TO OPERATE
AIR POLLUTION CONTROL FACILITY
SPECIFIC CONDITIONS**

**BFI Waste Systems of Oklahoma, LLC
Porter (51B) Landfill**

Permit Number 2023-0113-TVR4

The permittee is authorized to operate in conformity with the specifications submitted to Air Quality on February 6, 2023. The Evaluation Memorandum dated September 19, 2023, explains the derivation of applicable permit requirements and estimates of emissions; however, it does not contain operating limitations or permit requirements. Continuing operations under this permit constitutes acceptance of, and consent to, the conditions contained herein.

1. The permittee shall be authorized to operate this facility continuously (24 hours per day, every day of the year). [OAC 252:100-8-6(a)]
2. Compliance with 40 CFR §62.16714 is required if actual NMOC emissions exceed 34 Mg/yr. [OAC 252:100-8-6(a)]
3. The facility is subject to 40 CFR Part 62, Subpart OOO, Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014. The permittee shall comply with all applicable standards contained therein, including but not limited to:
[40 CFR Part 62, §62.16710 – §62.16730]
 - a. The permittee shall calculate the NMOC emission rate for the landfill using the procedures specified in §62.16718 and compare the calculated NMOC emission rate to the standard of 34 megagrams per year. The NMOC emission rate shall be recalculated annually.
 - b. For a calculated NMOC emission rate greater than the standard of 34 megagrams per year, the permittee shall comply with §62.16712 or determine a site-specific NMOC concentration and recalculate the NMOC emission rate using the procedures as specified in §62.16718.
 - (1) If the resulting NMOC emission rate calculated using the site-specific NMOC concentration is less than 34 megagrams per year, the permittee shall:
 - (i) Submit a periodic estimate of the emission rate report as specified in §62.16724(c) and
 - (ii) Recalculate the NMOC emission rate annually using the methods specified in §62.16724(a).
 - (2) If the resulting NMOC emission rate calculated using the site-specific NMOC concentration is equal to or greater than 34 megagrams per year, the permittee shall either:
 - (i) Submit a collection and control system design plan prepared by a professional engineer to the Administrator within 1 year as specified in §62.16724(d), except for exemptions allowed under §62.16711(g)(3);
 - (ii) calculate NMOC emissions using a higher tier in §62.16718;

- (iii) or conduct a surface emission monitoring demonstration using the procedures specified in §62.16718(a)(6).
- (3) If the NMOC mass emission rate as calculated using the site-specific NMOC concentration and site-specific methane generation rate constant is equal to or greater than 34 megagrams per year, the permittee shall comply with §62.16712.
- (4) If the NMOC mass emission rate as calculated using the site-specific NMOC concentration and the site-specific methane generation rate constant is less than 34 megagrams per year, the permittee shall:
 - (i) Submit a periodic estimate of the emission rate report as specified in §62.16724(c) and
 - (ii) Recalculate the NMOC emission rate annually with the equations in §62.16714(e).
 - (iii) The calculation of the methane generation rate constant is performed only once, and the value obtained is used in all subsequent annual NMOC emission rate calculations.
- c. The permittee shall submit an annual report of the NMOC emission rate to the Air Quality Division of the Department of Environmental Quality. If the estimated NMOC emission rate in the annual report is less than 34 megagrams per year in each of the next 5 consecutive years, the permittee may elect to submit an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. The NMOC emission rate report shall:
 - (1) Contain an annual or 5-year estimate of the NMOC emission rate calculated using the formula and procedure as specified in §62.16724(j)(2), as applicable.
 - (2) Include all the data, calculations, sample reports, and measurements used to estimate the annual or 5-year emissions.
- d. The permittee shall keep for at least 5 years up-to-date, readily accessible, on-site records of the following information:
 - (1) Maximum design capacity. [§62.16726]
 - (2) Current amount of solid waste in-place. [§62.16724(a)(2)]
 - (3) Year-by-year waste acceptance rate. [§62.16724(c)(3)]
- 4. The facility is subject to NESHAP (National Emission Standards for Hazardous Air Pollutants), 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos. The permittee shall comply with all applicable standards contained therein, including but not limited to: [40 CFR Part 61, §61.140 - §61.157]
 - a. §61.140 Applicability.
 - b. §61.141 Definitions.
 - c. §61.151 Standard for inactive waste disposal sites for asbestos mills and manufacturing and fabricating operations.
 - d. §61.153 Reporting.
 - e. §61.154 Standard for active waste disposal sites.
 - (1) There must be no visible emissions to the outside air from any active waste disposal site where asbestos-containing waste has been deposited or [§61.154(a)]
 - (i) At the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, the asbestos-containing waste material that

- has been deposited at the site during the operating day or previous 24-hour period shall be covered with at least 15 centimeters (6 inches) of compact non-asbestos-containing material. [§61.154(c)(1)]
- (ii) Use an alternative emissions control method that has received prior written approval by DEQ. [§61.154(d)]
- (2) For all asbestos-containing waste material received, the permittee shall:
- (i) Maintain waste shipment records including following information: [§61.154(e)(1)]
 - (A) The name, address, and telephone number of the waste generator.
 - (B) The name, address, and telephone number of the transporter(s).
 - (C) The quantity of the asbestos-containing waste material in cubic meters (cubic yards).
 - (D) The presence of improperly enclosed or uncovered waste, or any asbestos-containing waste material nor sealed in leak-tight containers. Report in writing to the local, State, or EPA regional office.
 - (E) The date of receipt.
 - (ii) As soon as possible (less than 30 days) after receipt of the waste, send a copy of the signed waste shipment record to the waste generator. [§61.154(e)(2)]
 - (iii) Upon discovering a discrepancy between the quantity of waste designated on the waste shipment records and quantity actually received, attempt to reconcile the discrepancy with the waste generator. [§61.154(e)(3)]
 - (iv) Retain a copy of all records and reports for at least two years. [§61.154(e)(4)]
- (3) Maintain, until closure, records of the location, depth and area, and quantity in cubic meters (cubic yards) of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area. [§61.154(f)]
- (4) Upon closure, comply with all the provisions of §61.151. [§61.154(g)]
- (5) Submit to DEQ, upon closure of the facility, a copy of records of asbestos waste disposal locations and quantities. [§61.154(h)]
- (6) Furnish upon request, and make records available during normal business hours for inspection by DEQ personnel. [§61.154(i)]
- (7) Notify the DEQ in writing at least 45 days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at a waste disposal site and is covered. [§61.154(j)]
- (i) Scheduled starting and completion dates.
 - (ii) Reason for disturbing the waste.
 - (iii) Procedures to be used to control emissions during the excavation, storage, transport, and ultimate disposal of the excavated asbestos-containing waste material
 - (iv) Location of any temporary storage site and the final disposal site.
- f. §61.156 Cross-reference to other asbestos regulations.
- g. §61.157 Delegation of authority.
5. The permittee shall take reasonable precautions to minimize fugitive dust from traffic on paved/unpaved road and all activities. These precautions shall include, but are not limited to: [OAC 252:100-29-3]

- a. The use, where possible, of water or chemicals for control of dust in the grading of roads, driveways and parking lots or the clearing of land.
 - b. The application of water or suitable chemicals or some other covering on surfaces that can create air-borne dusts under normal conditions.
 - c. The covering or wetting of open-bodied trucks, trailers, or railroad cars when transporting dusty materials in areas where the general public must have access.
 - d. The planting and maintenance of vegetative ground cover as necessary.
6. The following records shall be maintained on-site to verify Insignificant Activities.
[OAC 252:100-8-6(a)(3)(B)]
- a. Activities having the potential to emit no more than 5.0 TPY (actual) of any criteria pollutant. List the activity with estimated actual annual emissions.
7. The permittee shall maintain records of operations as listed below. These records shall be retained on-site or at a local field office for a period of at least five years following dates of recording, and shall be made available to regulatory personnel upon request.
[OAC 252:100-8-6 (a)(3)(B)]
- a. Records as required by Federal Plan, 40 CFR Part 62 Subpart OOO.
 - b. Records as required by NESHAP, 40 CFR Part 61, Subpart M.
8. No later than 30 days after each anniversary date of the issuance of the original Title V permit for this facility (No. 99-403-TV, May 29, 2001), the permittee shall submit to Air Quality Division of DEQ, with a copy to the US EPA, Region 6, a certification of compliance with the terms and conditions of this permit.
[OAC 252:100-8-6 (c)(5)(A) & (D)]
9. No later than 30 days after each six (6) month period, after the date of the issuance of the original Part 70 operating permit (No. 99-403-TV, May 29, 2001), the permittee shall submit to AQD a report of the results of any required monitoring. All instances of deviations from permit requirements since the previous report shall be clearly identified in the report.
[OAC 252:100-8-6 (a)(3)(C)(i) and (ii)]
10. If the facility applies through the Oklahoma DEQ Land Protection Division for an expansion to the permitted volume design capacity of the landfill, the facility shall apply for an Air Quality major source construction permit prior to beginning construction on the horizontal or vertical expansion.
[OAC 252:100-8-4(a)(1)(B)]
11. This permit supersedes all previous operating permit issued by Air Quality for this facility, which are now canceled. This condition does not apply to permits issued by other divisions of the DEQ or other regulatory agencies.



PERMIT

AIR QUALITY DIVISION
STATE OF OKLAHOMA
DEPARTMENT OF ENVIRONMENTAL QUALITY
707 N. ROBINSON, SUITE 4100
P.O. BOX 1677
OKLAHOMA CITY, OKLAHOMA 73101-1677

Permit No. 2023-0113-TV4

BFI Waste Systems of Oklahoma, LLC,

having complied with the requirements of the law, is hereby granted permission to operate the Porter (51B) Landfill located 2 miles west of Porter, Oklahoma on Highway 51B, in Section 12, T16N, R16E, Wagoner County, Oklahoma,

subject to standard conditions dated June 21, 2016 and specific conditions, both attached

This permit shall expire five years from the date of issuance, except as Authorized under Section VIII of the Standard Conditions.

Division Director, Air Quality Division

Date

**MAJOR SOURCE AIR QUALITY PERMIT
STANDARD CONDITIONS
(June 21, 2016)**

SECTION I. DUTY TO COMPLY

A. This is a permit to operate / construct this specific facility in accordance with the federal Clean Air Act (42 U.S.C. 7401, et al.) and under the authority of the Oklahoma Clean Air Act and the rules promulgated there under. [Oklahoma Clean Air Act, 27A O.S. § 2-5-112]

B. The issuing Authority for the permit is the Air Quality Division (AQD) of the Oklahoma Department of Environmental Quality (DEQ). The permit does not relieve the holder of the obligation to comply with other applicable federal, state, or local statutes, regulations, rules, or ordinances. [Oklahoma Clean Air Act, 27A O.S. § 2-5-112]

C. The permittee shall comply with all conditions of this permit. Any permit noncompliance shall constitute a violation of the Oklahoma Clean Air Act and shall be grounds for enforcement action, permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application. All terms and conditions are enforceable by the DEQ, by the Environmental Protection Agency (EPA), and by citizens under section 304 of the Federal Clean Air Act (excluding state-only requirements). This permit is valid for operations only at the specific location listed.

[40 C.F.R. §70.6(b), OAC 252:100-8-1.3 and OAC 252:100-8-6(a)(7)(A) and (b)(1)]

D. 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 the permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in assessing penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continuing operations. [OAC 252:100-8-6(a)(7)(B)]

SECTION II. REPORTING OF DEVIATIONS FROM PERMIT TERMS

A. Any exceedance resulting from an emergency and/or posing an imminent and substantial danger to public health, safety, or the environment shall be reported in accordance with Section XIV (Emergencies). [OAC 252:100-8-6(a)(3)(C)(iii)(I) & (II)]

B. Deviations that result in emissions exceeding those allowed in this permit shall be reported consistent with the requirements of OAC 252:100-9, Excess Emission Reporting Requirements. [OAC 252:100-8-6(a)(3)(C)(iv)]

C. Every written report submitted under this section shall be certified as required by Section III (Monitoring, Testing, Recordkeeping & Reporting), Paragraph F. [OAC 252:100-8-6(a)(3)(C)(iv)]

SECTION III. MONITORING, TESTING, RECORDKEEPING & REPORTING

A. The permittee shall keep records as specified in this permit. These records, including monitoring data and necessary support information, shall be retained on-site or at a nearby field office for a period of at least five years from the date of the monitoring sample, measurement, report, or application, and shall be made available for inspection by regulatory personnel upon request. Support information includes all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Where appropriate, the permit may specify that records may be maintained in computerized form.

[OAC 252:100-8-6 (a)(3)(B)(ii), OAC 252:100-8-6(c)(1), and OAC 252:100-8-6(c)(2)(B)]

B. Records of required monitoring shall include:

- (1) the date, place and time of sampling or measurement;
- (2) the date or dates analyses were performed;
- (3) the company or entity which performed the analyses;
- (4) the analytical techniques or methods used;
- (5) the results of such analyses; and
- (6) the operating conditions existing at the time of sampling or measurement.

[OAC 252:100-8-6(a)(3)(B)(i)]

C. No later than 30 days after each six (6) month period, after the date of the issuance of the original Part 70 operating permit or alternative date as specifically identified in a subsequent Part 70 operating permit, the permittee shall submit to AQD a report of the results of any required monitoring. All instances of deviations from permit requirements since the previous report shall be clearly identified in the report. Submission of these periodic reports will satisfy any reporting requirement of Paragraph E below that is duplicative of the periodic reports, if so noted on the submitted report.

[OAC 252:100-8-6(a)(3)(C)(i) and (ii)]

D. If any testing shows emissions in excess of limitations specified in this permit, the owner or operator shall comply with the provisions of Section II (Reporting Of Deviations From Permit Terms) of these standard conditions.

[OAC 252:100-8-6(a)(3)(C)(iii)]

E. In addition to any monitoring, recordkeeping or reporting requirement specified in this permit, monitoring and reporting may be required under the provisions of OAC 252:100-43, Testing, Monitoring, and Recordkeeping, or as required by any provision of the Federal Clean Air Act or Oklahoma Clean Air Act.

[OAC 252:100-43]

F. Any Annual Certification of Compliance, Semi Annual Monitoring and Deviation Report, Excess Emission Report, and Annual Emission Inventory submitted in accordance with this permit shall be certified by a responsible official. This certification shall be signed by a responsible official, and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

[OAC 252:100-8-5(f), OAC 252:100-8-6(a)(3)(C)(iv), OAC 252:100-8-6(c)(1), OAC 252:100-9-7(e), and OAC 252:100-5-2.1(f)]

G. Any owner or operator subject to the provisions of New Source Performance Standards (“NSPS”) under 40 CFR Part 60 or National Emission Standards for Hazardous Air Pollutants (“NESHAPs”) under 40 CFR Parts 61 and 63 shall maintain a file of all measurements and other information required by the applicable general provisions and subpart(s). These records shall be maintained in a permanent file suitable for inspection, shall be retained for a period of at least five years as required by Paragraph A of this Section, and shall include records of the occurrence and duration of any start-up, shutdown, or malfunction in the operation of an affected facility, any malfunction of the air pollution control equipment; and any periods during which a continuous monitoring system or monitoring device is inoperative.

[40 C.F.R. §§60.7 and 63.10, 40 CFR Parts 61, Subpart A, and OAC 252:100, Appendix Q]

H. The permittee of a facility that is operating subject to a schedule of compliance shall submit to the DEQ a progress report at least semi-annually. The progress reports shall contain dates for achieving the activities, milestones or compliance required in the schedule of compliance and the dates when such activities, milestones or compliance was achieved. The progress reports shall also contain an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted. [OAC 252:100-8-6(c)(4)]

I. All testing must be conducted under the direction of qualified personnel by methods approved by the Division Director. All tests shall be made and the results calculated in accordance with standard test procedures. The use of alternative test procedures must be approved by EPA. When a portable analyzer is used to measure emissions it shall be setup, calibrated, and operated in accordance with the manufacturer’s instructions and in accordance with a protocol meeting the requirements of the “AQD Portable Analyzer Guidance” document or an equivalent method approved by Air Quality. [OAC 252:100-8-6(a)(3)(A)(iv), and OAC 252:100-43]

J. The reporting of total particulate matter emissions as required in Part 7 of OAC 252:100-8 (Permits for Part 70 Sources), OAC 252:100-19 (Control of Emission of Particulate Matter), and OAC 252:100-5 (Emission Inventory), shall be conducted in accordance with applicable testing or calculation procedures, modified to include back-half condensables, for the concentration of particulate matter less than 10 microns in diameter (PM₁₀). NSPS may allow reporting of only particulate matter emissions caught in the filter (obtained using Reference Method 5).

K. The permittee shall submit to the AQD a copy of all reports submitted to the EPA as required by 40 C.F.R. Part 60, 61, and 63, for all equipment constructed or operated under this permit subject to such standards. [OAC 252:100-8-6(c)(1) and OAC 252:100, Appendix Q]

SECTION IV. COMPLIANCE CERTIFICATIONS

A. No later than 30 days after each anniversary date of the issuance of the original Part 70 operating permit or alternative date as specifically identified in a subsequent Part 70 operating permit, the permittee shall submit to the AQD, with a copy to the US EPA, Region 6, a certification of compliance with the terms and conditions of this permit and of any other applicable requirements which have become effective since the issuance of this permit.

[OAC 252:100-8-6(c)(5)(A), and (D)]

B. The compliance certification shall describe the operating permit term or condition that is the basis of the certification; the current compliance status; whether compliance was continuous or intermittent; the methods used for determining compliance, currently and over the reporting period. The compliance certification shall also include such other facts as the permitting authority may require to determine the compliance status of the source. [OAC 252:100-8-6(c)(5)(C)(i)-(v)]

C. The compliance certification shall contain a certification by a responsible official as to the results of the required monitoring. This certification shall be signed by a responsible official, and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete." [OAC 252:100-8-5(f) and OAC 252:100-8-6(c)(1)]

D. Any facility reporting noncompliance shall submit a schedule of compliance for emissions units or stationary sources that are not in compliance with all applicable requirements. This schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the emissions unit or stationary source is in noncompliance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the emissions unit or stationary source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based, except that a compliance plan shall not be required for any noncompliance condition which is corrected within 24 hours of discovery.

[OAC 252:100-8-5(e)(8)(B) and OAC 252:100-8-6(c)(3)]

SECTION V. REQUIREMENTS THAT BECOME APPLICABLE DURING THE PERMIT TERM

The permittee shall comply with any additional requirements that become effective during the permit term and that are applicable to the facility. Compliance with all new requirements shall be certified in the next annual certification. [OAC 252:100-8-6(c)(6)]

SECTION VI. PERMIT SHIELD

A. Compliance with the terms and conditions of this permit (including terms and conditions established for alternate operating scenarios, emissions trading, and emissions averaging, but excluding terms and conditions for which the permit shield is expressly prohibited under OAC 252:100-8) shall be deemed compliance with the applicable requirements identified and included in this permit. [OAC 252:100-8-6(d)(1)]

B. Those requirements that are applicable are listed in the Standard Conditions and the Specific Conditions of this permit. Those requirements that the applicant requested be determined as not applicable are summarized in the Specific Conditions of this permit. [OAC 252:100-8-6(d)(2)]

SECTION VII. ANNUAL EMISSIONS INVENTORY & FEE PAYMENT

The permittee shall file with the AQD an annual emission inventory and shall pay annual fees based on emissions inventories. The methods used to calculate emissions for inventory purposes shall be based on the best available information accepted by AQD.

[OAC 252:100-5-2.1, OAC 252:100-5-2.2, and OAC 252:100-8-6(a)(8)]

SECTION VIII. TERM OF PERMIT

A. Unless specified otherwise, the term of an operating permit shall be five years from the date of issuance. [OAC 252:100-8-6(a)(2)(A)]

B. A source's right to operate shall terminate upon the expiration of its permit unless a timely and complete renewal application has been submitted at least 180 days before the date of expiration. [OAC 252:100-8-7.1(d)(1)]

C. A duly issued construction permit or authorization to construct or modify will terminate and become null and void (unless extended as provided in OAC 252:100-8-1.4(b)) if the construction is not commenced within 18 months after the date the permit or authorization was issued, or if work is suspended for more than 18 months after it is commenced. [OAC 252:100-8-1.4(a)]

D. The recipient of a construction permit shall apply for a permit to operate (or modified operating permit) within 180 days following the first day of operation. [OAC 252:100-8-4(b)(5)]

SECTION IX. SEVERABILITY

The provisions of this permit are severable and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

[OAC 252:100-8-6 (a)(6)]

SECTION X. PROPERTY RIGHTS

A. This permit does not convey any property rights of any sort, or any exclusive privilege. [OAC 252:100-8-6(a)(7)(D)]

B. This permit shall not be considered in any manner affecting the title of the premises upon which the equipment is located and does not release the permittee from any liability for damage to persons or property caused by or resulting from the maintenance or operation of the equipment for which the permit is issued. [OAC 252:100-8-6(c)(6)]

SECTION XI. DUTY TO PROVIDE INFORMATION

A. The permittee shall furnish to the DEQ, upon receipt of a written request and within sixty (60) days of the request unless the DEQ specifies another time period, any information that the DEQ may request to determine whether cause exists for modifying, reopening, revoking, reissuing,

terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the DEQ copies of records required to be kept by the permit.

[OAC 252:100-8-6(a)(7)(E)]

B. The permittee may make a claim of confidentiality for any information or records submitted pursuant to 27A O.S. § 2-5-105(18). Confidential information shall be clearly labeled as such and shall be separable from the main body of the document such as in an attachment.

[OAC 252:100-8-6(a)(7)(E)]

C. Notification to the AQD of the sale or transfer of ownership of this facility is required and shall be made in writing within thirty (30) days after such sale or transfer.

[Oklahoma Clean Air Act, 27A O.S. § 2-5-112(G)]

SECTION XII. REOPENING, MODIFICATION & REVOCATION

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

[OAC 252:100-8-6(a)(7)(C) and OAC 252:100-8-7.2(b)]

B. The DEQ will reopen and revise or revoke this permit prior to the expiration date in the following circumstances:

[OAC 252:100-8-7.3 and OAC 252:100-8-7.4(a)(2)]

- (1) Additional requirements under the Clean Air Act become applicable to a major source category three or more years prior to the expiration date of this permit. No such reopening is required if the effective date of the requirement is later than the expiration date of this permit.
- (2) The DEQ or the EPA determines that this permit contains a material mistake or that the permit must be revised or revoked to assure compliance with the applicable requirements.
- (3) The DEQ or the EPA determines that inaccurate information was used in establishing the emission standards, limitations, or other conditions of this permit. The DEQ may revoke and not reissue this permit if it determines that the permittee has submitted false or misleading information to the DEQ.
- (4) DEQ determines that the permit should be amended under the discretionary reopening provisions of OAC 252:100-8-7.3(b).

C. The permit may be reopened for cause by EPA, pursuant to the provisions of OAC 100-8-7.3(d).

[OAC 100-8-7.3(d)]

D. The permittee shall notify AQD before making changes other than those described in Section XVIII (Operational Flexibility), those qualifying for administrative permit amendments, or those defined as an Insignificant Activity (Section XVI) or Trivial Activity (Section XVII). The notification should include any changes which may alter the status of a “grandfathered source,” as defined under AQD rules. Such changes may require a permit modification.

[OAC 252:100-8-7.2(b) and OAC 252:100-5-1.1]

E. Activities that will result in air emissions that exceed the trivial/insignificant levels and that are not specifically approved by this permit are prohibited. [OAC 252:100-8-6(c)(6)]

SECTION XIII. INSPECTION & ENTRY

A. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized regulatory officials to perform the following (subject to the permittee's right to seek confidential treatment pursuant to 27A O.S. Supp. 1998, § 2-5-105(17) for confidential information submitted to or obtained by the DEQ under this section):

- (1) enter upon the permittee's premises during reasonable/normal working hours where a 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 and using reasonable safety practices, 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 Oklahoma Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit.

[OAC 252:100-8-6(c)(2)]

SECTION XIV. EMERGENCIES

A. Any exceedance resulting from an emergency shall be reported to AQD promptly but no later than 4:30 p.m. on the next working day after the permittee first becomes aware of the exceedance. This notice shall contain a description of the emergency, the probable cause of the exceedance, any steps taken to mitigate emissions, and corrective actions taken.

[OAC 252:100-8-6 (a)(3)(C)(iii)(I) and (IV)]

B. Any exceedance that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to AQD as soon as is practicable; but under no circumstance shall notification be more than 24 hours after the exceedance. [OAC 252:100-8-6(a)(3)(C)(iii)(II)]

C. 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 this 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. [OAC 252:100-8-2]

D. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that: [OAC 252:100-8-6 (e)(2)]

- (1) an emergency occurred and the permittee can identify the cause or causes of the emergency;

- (2) the permitted facility was at the time being properly operated;
- (3) during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit.

E. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [OAC 252:100-8-6(e)(3)]

F. Every written report or document submitted under this section shall be certified as required by Section III (Monitoring, Testing, Recordkeeping & Reporting), Paragraph F. [OAC 252:100-8-6(a)(3)(C)(iv)]

SECTION XV. RISK MANAGEMENT PLAN

The permittee, if subject to the provision of Section 112(r) of the Clean Air Act, shall develop and register with the appropriate agency a risk management plan by June 20, 1999, or the applicable effective date. [OAC 252:100-8-6(a)(4)]

SECTION XVI. INSIGNIFICANT ACTIVITIES

Except as otherwise prohibited or limited by this permit, the permittee is hereby authorized to operate individual emissions units that are either on the list in Appendix I to OAC Title 252, Chapter 100, or whose actual calendar year emissions do not exceed any of the limits below. Any activity to which a State or Federal applicable requirement applies is not insignificant even if it meets the criteria below or is included on the insignificant activities list.

- (1) 5 tons per year of any one criteria pollutant.
- (2) 2 tons per year for any one hazardous air pollutant (HAP) or 5 tons per year for an aggregate of two or more HAP's, or 20 percent of any threshold less than 10 tons per year for single HAP that the EPA may establish by rule.

[OAC 252:100-8-2 and OAC 252:100, Appendix I]

SECTION XVII. TRIVIAL ACTIVITIES

Except as otherwise prohibited or limited by this permit, the permittee is hereby authorized to operate any individual or combination of air emissions units that are considered inconsequential and are on the list in Appendix J. Any activity to which a State or Federal applicable requirement applies is not trivial even if included on the trivial activities list.

[OAC 252:100-8-2 and OAC 252:100, Appendix J]

SECTION XVIII. OPERATIONAL FLEXIBILITY

A. A facility may implement any operating scenario allowed for in its Part 70 permit without the need for any permit revision or any notification to the DEQ (unless specified otherwise in the permit). When an operating scenario is changed, the permittee shall record in a log at the facility the scenario under which it is operating. [OAC 252:100-8-6(a)(10) and (f)(1)]

B. The permittee may make changes within the facility that:

- (1) result in no net emissions increases,
- (2) are not modifications under any provision of Title I of the federal Clean Air Act, and
- (3) do not cause any hourly or annual permitted emission rate of any existing emissions unit to be exceeded;

provided that the facility provides the EPA and the DEQ with written notification as required below in advance of the proposed changes, which shall be a minimum of seven (7) days, or twenty four (24) hours for emergencies as defined in OAC 252:100-8-6 (e). The permittee, the DEQ, and the EPA shall attach each such notice to their copy of the permit. For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change. The permit shield provided by this permit does not apply to any change made pursuant to this paragraph. [OAC 252:100-8-6(f)(2)]

SECTION XIX. OTHER APPLICABLE & STATE-ONLY REQUIREMENTS

A. The following applicable requirements and state-only requirements apply to the facility unless elsewhere covered by a more restrictive requirement:

- (1) Open burning of refuse and other combustible material is prohibited except as authorized in the specific examples and under the conditions listed in the Open Burning Subchapter. [OAC 252:100-13]
- (2) No particulate emissions from any fuel-burning equipment with a rated heat input of 10 MMBTUH or less shall exceed 0.6 lb/MMBTU. [OAC 252:100-19]
- (3) For all emissions units not subject to an opacity limit promulgated under 40 C.F.R., Part 60, NSPS, no discharge of greater than 20% opacity is allowed except for: [OAC 252:100-25]
 - (a) Short-term occurrences which consist of not more than one six-minute period in any consecutive 60 minutes, not to exceed three such periods in any consecutive 24 hours. In no case shall the average of any six-minute period exceed 60% opacity;
 - (b) Smoke resulting from fires covered by the exceptions outlined in OAC 252:100-13-7;
 - (c) An emission, where the presence of uncombined water is the only reason for failure to meet the requirements of OAC 252:100-25-3(a); or
 - (d) Smoke generated due to a malfunction in a facility, when the source of the fuel producing the smoke is not under the direct and immediate control of the facility and the immediate constriction of the fuel flow at the facility would produce a hazard to life and/or property.
- (4) No visible fugitive dust emissions shall be discharged beyond the property line on which the emissions originate in such a manner as to damage or to interfere with the use of

adjacent properties, or cause air quality standards to be exceeded, or interfere with the maintenance of air quality standards. [OAC 252:100-29]

- (5) No sulfur oxide emissions from new gas-fired fuel-burning equipment shall exceed 0.2 lb/MMBTU. No existing source shall exceed the listed ambient air standards for sulfur dioxide. [OAC 252:100-31]
- (6) Volatile Organic Compound (VOC) storage tanks built after December 28, 1974, and with a capacity of 400 gallons or more storing a liquid with a vapor pressure of 1.5 psia or greater under actual conditions shall be equipped with a permanent submerged fill pipe or with a vapor-recovery system. [OAC 252:100-37-15(b)]
- (7) All fuel-burning equipment shall at all times be properly operated and maintained in a manner that will minimize emissions of VOCs. [OAC 252:100-37-36]

SECTION XX. STRATOSPHERIC OZONE PROTECTION

A. The permittee shall comply with the following standards for production and consumption of ozone-depleting substances: [40 CFR 82, Subpart A]

- (1) Persons producing, importing, or placing an order for production or importation of certain class I and class II substances, HCFC-22, or HCFC-141b shall be subject to the requirements of §82.4;
- (2) Producers, importers, exporters, purchasers, and persons who transform or destroy certain class I and class II substances, HCFC-22, or HCFC-141b are subject to the recordkeeping requirements at §82.13; and
- (3) Class I substances (listed at Appendix A to Subpart A) include certain CFCs, Halons, HBFCs, carbon tetrachloride, trichloroethane (methyl chloroform), and bromomethane (Methyl Bromide). Class II substances (listed at Appendix B to Subpart A) include HCFCs.

B. If the permittee performs a service on motor (fleet) vehicles when this service involves an ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all applicable requirements. Note: The term “motor vehicle” as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term “MVAC” as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or the system used on passenger buses using HCFC-22 refrigerant. [40 CFR 82, Subpart B]

C. The permittee shall comply with the following standards for recycling and emissions reduction except as provided for MVACs in Subpart B: [40 CFR 82, Subpart F]

- (1) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to § 82.156;
- (2) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to § 82.158;
- (3) Persons performing maintenance, service, repair, or disposal of appliances must be

- certified by an approved technician certification program pursuant to § 82.161;
- (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with record-keeping requirements pursuant to § 82.166;
 - (5) Persons owning commercial or industrial process refrigeration equipment must comply with leak repair requirements pursuant to § 82.158; and
 - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to § 82.166.

SECTION XXI. TITLE V APPROVAL LANGUAGE

A. DEQ wishes to reduce the time and work associated with permit review and, wherever it is not inconsistent with Federal requirements, to provide for incorporation of requirements established through construction permitting into the Source's Title V permit without causing redundant review. Requirements from construction permits may be incorporated into the Title V permit through the administrative amendment process set forth in OAC 252:100-8-7.2(a) only if the following procedures are followed:

- (1) The construction permit goes out for a 30-day public notice and comment using the procedures set forth in 40 C.F.R. § 70.7(h)(1). This public notice shall include notice to the public that this permit is subject to EPA review, EPA objection, and petition to EPA, as provided by 40 C.F.R. § 70.8; that the requirements of the construction permit will be incorporated into the Title V permit through the administrative amendment process; that the public will not receive another opportunity to provide comments when the requirements are incorporated into the Title V permit; and that EPA review, EPA objection, and petitions to EPA will not be available to the public when requirements from the construction permit are incorporated into the Title V permit.
- (2) A copy of the construction permit application is sent to EPA, as provided by 40 CFR § 70.8(a)(1).
- (3) A copy of the draft construction permit is sent to any affected State, as provided by 40 C.F.R. § 70.8(b).
- (4) A copy of the proposed construction permit is sent to EPA for a 45-day review period as provided by 40 C.F.R. § 70.8(a) and (c).
- (5) The DEQ complies with 40 C.F.R. § 70.8(c) upon the written receipt within the 45-day comment period of any EPA objection to the construction permit. The DEQ shall not issue the permit until EPA's objections are resolved to the satisfaction of EPA.
- (6) The DEQ complies with 40 C.F.R. § 70.8(d).
- (7) A copy of the final construction permit is sent to EPA as provided by 40 CFR § 70.8(a).
- (8) The DEQ shall not issue the proposed construction permit until any affected State and EPA have had an opportunity to review the proposed permit, as provided by these permit conditions.
- (9) Any requirements of the construction permit may be reopened for cause after incorporation into the Title V permit by the administrative amendment process, by DEQ as provided in OAC 252:100-8-7.3(a), (b), and (c), and by EPA as provided in 40 C.F.R. § 70.7(f) and (g).

- (10) The DEQ shall not issue the administrative permit amendment if performance tests fail to demonstrate that the source is operating in substantial compliance with all permit requirements.

B. To the extent that these conditions are not followed, the Title V permit must go through the Title V review process.

SECTION XXII. CREDIBLE EVIDENCE

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any provision of the Oklahoma implementation plan, 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. [OAC 252:100-43-6]

BFI Waste Systems of Oklahoma, LLC
Attn: Ronda Spring, Environmental Manager
1741 N. Portland
Newcastle, OK 73065

Re: Permit No. **2023-0113-TVR4**
Porter (51B) Landfill
Section 12-T16N-R16E, Wagoner County, Oklahoma

Dear Ms. Spring:

Enclosed is the permit authorizing operation of the referenced facility. Please note that this permit is issued subject to standard and specific conditions, which are attached. These conditions must be carefully followed since they define the limits of the permit and will be confirmed by periodic inspections.

Also note that you are required to annually submit an emissions inventory for this facility. An emissions inventory must be completed on approved AQD forms and submitted (hardcopy or electronically) by March 1st of every year. Any questions concerning the form or submittal process should be referred to the Emissions Inventory Staff at (405)-702-4100.

Thank you for your cooperation in this matter. If we may be of further service, please contact Ryan Buntyn at (405) 702-4185.

Sincerely,

DRAFT

Phillip Fielder
Chief Engineer
AIR QUALITY DIVISION

BFI Waste Systems of Oklahoma, LLC
Attn: Ronda Spring, Environmental Manager
1741 N. Portland
Newcastle, OK 73065

Re: Permit No. **2023-0113-TVR4**
Porter (51B) Landfill
Section 12-T16N-R16E, Wagoner County, Oklahoma

Dear Ms. Spring:

Air Quality has received the permit application for the referenced facility and completed initial review. This application has been determined to be a **Tier II** application. In accordance with 27A O.S. 2-14-301 and 302 and OAC 252:4-7-13(c), the enclosed draft permit is now ready for public review. The requirements for public review of the draft permit include the following steps, which **you** must accomplish:

1. Publish at least one legal notice (one day) in at least one newspaper of general circulation within the county where the facility is located (Instructions enclosed);
2. Submit sample notice and provide date of publication to **AQD 5 days prior to notice publishing**;
3. Provide for public review, for a period of 30 days following the date of the newspaper announcement, a copy of the application and draft permit at a convenient location (preferentially at a public location) within the county of the facility;
4. Send AQD a signed affidavit of publication for the notice(s) from Item #1 above within 20 days of publication of the draft permit. Any additional comments or requested changes you have for the draft permit or the application should be submitted within 30 days of publication.

Thank you for your cooperation. If you have any questions, please refer to the permit number above and contact me or the permit writer at (405) 702-4213.

Sincerely,



Phillip Fielder, P.E.
Chief Engineer
AIR QUALITY DIVISION

NOTICE OF DRAFT PERMIT TIER II or TIER III AIR QUALITY PERMIT APPLICATION

APPLICANT RESPONSIBILITIES

Permit applicants are required to give public notice that a Tier II or Tier III draft permit has been prepared by DEQ. The notice must be published in one newspaper local to the site or facility. Note that if either the applicant or the public requests a public meeting, this must be arranged by the DEQ.

1. Complete the public notice using the samples provided by AQD below. Please use the version applicable to the requested permit action;
Version 1 – Traditional NSR process for a construction permit
Version 2 – Enhanced NSR process for a construction permit
Version 3 – initial Title V (Part 70 Source) operating permit, Title V operating permit renewal, Significant Modification to a Title V operating permit, and any Title V operating permit modification incorporating a construction permit that followed Traditional NSR process
2. Determine appropriate newspaper local to facility for publishing;
3. Submit sample notice and provide date of publication to AQD 5 days prior to notice publishing;
4. Upon publication, a signed affidavit of publication must be obtained from the newspaper and sent to AQD within 20 days of publication.

REQUIRED CONTENT (27A O.S. § 2-14-302 and OAC 252:4-7-13(c))

1. A statement that a Tier II or Tier III draft permit has been prepared by DEQ;
2. Name and address of the applicant;
3. Name, address, driving directions, legal description and county of the site or facility;
4. The type of permit or permit action being sought;
5. A description of activities to be regulated, including an estimate of emissions from the facility;
6. Location(s) where the application and draft permit may be reviewed (a location in the county where the site/facility is located must be included);
7. Name, address, and telephone number of the applicant and DEQ contacts;
8. Any additional information required by DEQ rules or deemed relevant by applicant;
9. A 30-day opportunity to request a formal public meeting on the draft permit.

SAMPLE NOTICE:

Version 3 – For initial Title V operating permit, Title V operating permit renewal, Significant Modification to a Title V operating permit, and any Title V operating permit modification incorporating requirements of a construction permit that followed Traditional NSR process

DEQ NOTICE OF TIER ...II or III... DRAFT PERMIT

A Tier ...II or III... application for an air quality ...type of permit or permit action being sought (e.g., significant modification to a Title V permit or Title V/Title V renewal permit)... has been filed with the Oklahoma Department of Environmental Quality (DEQ) by applicant, ...name and address.

The applicant requests approval to ...brief description of purpose of application... at the ...site/facility name ... [proposed to be] located at ...physical address (if any), driving directions, and legal description including county....

**In response to the application, DEQ has prepared a draft operating permit [modification] (Permit Number: ...xxxx-xxxx-x...), which may be reviewed at ...locations (one must be in the county where the site/facility is located)... or at the Air Quality Division's main office (see address below). The draft permit is also available for review under Permits for Public Review on the DEQ Web Page:
<http://www.deq.ok.gov/>**

This draft permit would authorize the facility to emit the following regulated pollutants: (list each pollutant and amounts in tons per year (TPY)) [For facility modifications only, either add: , which represents (identify the emissions change involved in the modification), or add: . The modification will not result in a change in emissions]

The public comment period ends 30 days after the date of publication of this notice. Any person may submit written comments concerning the draft permit to the Air Quality Division contact listed below or as directed through the corresponding online notice. [Modifications only, add: Only those issues relevant to the proposed modification(s) are open for comment.] A public meeting on the draft permit [modification] may also be requested in writing at the same address. Note that all public meetings are to be arranged and conducted by DEQ staff.

In addition to the public comment opportunity offered under this notice, this draft permit is subject to U.S. Environmental Protection Agency (EPA) review, EPA objection, and petition to EPA, as provided by 40 CFR § 70.8.

If the Administrator (EPA) does not object to the proposed permit, the public has 60 days following the Administrator's 45-day review period to petition the Administrator to make such an objection as provided in 40 CFR 70.8(d) and in OAC 252:100-8-8(j).

**Information on all permit actions including draft permits, proposed permits, final issued permits and applicable review timelines are available in the Air Quality section of the DEQ Web page:
<http://www.deq.ok.gov/>.**

For additional information, contact ...names, addresses and telephone numbers of contact persons for the applicant, or contact DEQ at: Chief Engineer, Air Quality Division, 707 N. Robinson, Suite 4100, P.O. Box 1677, Oklahoma City, OK, 73101-1677. Phone No. (405) 702-4100.

Department of Environmental Quality (DEQ)
Air Quality Division (AQD)
Acronym List
9-10-21

ACFM	Actual Cubic Feet per Minute	GDF	Gasoline Dispensing Facility
AD	Applicability Determination	GEP	Good Engineering Practice
AFRC	Air-to-Fuel Ratio Controller	GHG	Greenhouse Gases
API	American Petroleum Institute	GR	Grain(s) (gr)
ASTM	American Society for Testing and Materials	H₂CO	Formaldehyde
		H₂S	Hydrogen Sulfide
BACT	Best Available Control Technology	HAP	Hazardous Air Pollutants
BAE	Baseline Actual Emissions	HC	Hydrocarbon
BBL	Barrel(s)	HCFC	Hydrochlorofluorocarbon
BHP	Brake Horsepower (bhp)	HFR	Horizontal Fixed Roof
BTU	British thermal unit (Btu)	HON	Hazardous Organic NESHAP
		HP	Horsepower (hp)
C&E	Compliance and Enforcement	HR	Hour (hr)
CAA	Clean Air Act	I&M	Inspection and Maintenance
CAM	Compliance Assurance Monitoring	IBR	Incorporation by Reference
CAS	Chemical Abstract Service	ICE	Internal Combustion Engine
CAAA	Clean Air Act Amendments	LAER	Lowest Achievable Emission Rate
CC	Catalytic Converter	LB	Pound(s) [Mass] (lb, lbs, lbm)
CCR	Continuous Catalyst Regeneration	LB/HR	Pound(s) per Hour (lb/hr)
CD	Consent Decree	LDAR	Leak Detection and Repair
CEM	Continuous Emission Monitor	LNG	Liquefied Natural Gas
CFC	Chlorofluorocarbon	LT	Long Ton(s) (metric)
CFR	Code of Federal Regulations	M	Thousand (Roman Numeral)
CI	Compression Ignition	MAAC	Maximum Acceptable Ambient Concentration
CNG	Compressed Natural Gas	MACT	Maximum Achievable Control Technology
CO	Carbon Monoxide or Consent Order	MM	Prefix used for Million (Thousand-Thousand)
COA	Capable of Accommodating	MMBTU	Million British Thermal Units (MMBtu)
COM	Continuous Opacity Monitor	MMBTUH	Million British Thermal Units per Hour (MMBtu/hr)
D	Day	MMSCF	Million Standard Cubic Feet (MMscf)
DEF	Diesel Exhaust Fluid	MMSCFD	Million Standard Cubic Feet per Day
DG	Demand Growth	MSDS	Material Safety Data Sheet
DSCF	Dry Standard (At Standard Conditions) Cubic Foot (Feet)	MWC	Municipal Waste Combustor
		MWe	Megawatt Electrical
EGU	Electric Generating Unit	NA	Nonattainment
EI	Emissions Inventory	NAAQS	National Ambient Air Quality Standards
EPA	Environmental Protection Agency	NAICS	North American Industry Classification System
ESP	Electrostatic Precipitator	NESHAP	National Emission Standards for Hazardous Air Pollutants
EUG	Emissions Unit Group	NH₃	Ammonia
EUSGU	Electric Utility Steam Generating Unit	NMHC	Non-methane Hydrocarbon
FCE	Full Compliance Evaluation	NGL	Natural Gas Liquids
FCCU	Fluid Catalytic Cracking Unit	NO₂	Nitrogen Dioxide
FEL	Federally Enforceable Limit(s)	NO_x	Nitrogen Oxides
FESOP	Federally Enforceable State Operating Permit	NOI	Notice of Intent
FIP	Federal Implementation Plan		
FR	Federal Register		
GACT	Generally Achievable Control Technology		
GAL	Gallon (gal)		

NSCR	Non-Selective Catalytic Reduction	SIP	State Implementation Plan
NSPS	New Source Performance Standards	SNCR	Selective Non-Catalytic Reduction
NSR	New Source Review	SO₂	Sulfur Dioxide
		SO_x	Sulfur Oxides
O₃	Ozone	SOP	Standard Operating Procedure
O&G	Oil and Gas	SRU	Sulfur Recovery Unit
O&M	Operation and Maintenance		
O&NG	Oil and Natural Gas	T	Tons
OAC	Oklahoma Administrative Code	TAC	Toxic Air Contaminant
OC	Oxidation Catalyst	TEG	Triethylene Glycol
		THC	Total Hydrocarbons
PAH	Polycyclic Aromatic Hydrocarbons	TPY	Tons per Year
PAE	Projected Actual Emissions	TRS	Total Reduced Sulfur
PAL	Plant-wide Applicability Limit	TSP	Total Suspended Particulates
Pb	Lead	TV	Title V of the Federal Clean Air Act
PBR	Permit by Rule		
PCB	Polychlorinated Biphenyls	µg/m³	Micrograms per Cubic Meter
PCE	Partial Compliance Evaluation	US EPA	U. S. Environmental Protection Agency
PEA	Portable Emissions Analyzer		
PFAS	Per- and Polyfluoroalkyl Substance	VFR	Vertical Fixed Roof
PM	Particulate Matter	VMT	Vehicle Miles Traveled
PM_{2.5}	Particulate Matter with an Aerodynamic Diameter <= 2.5 Micrometers	VOC	Volatile Organic Compound
		VOL	Volatile Organic Liquid
PM₁₀	Particulate Matter with an Aerodynamic Diameter <= 10 Micrometers	VRT	Vapor Recovery Tower
		VRU	Vapor Recovery Unit
POM	Particulate Organic Matter or Polycyclic Organic Matter	YR	Year
ppb	Parts per Billion		
ppm	Parts per Million	2SLB	2-Stroke Lean Burn
ppmv	Parts per Million Volume	4SLB	4-Stroke Lean Burn
ppmvd	Parts per Million Dry Volume	4SRB	4-Stroke Rich Burn
PSD	Prevention of Significant Deterioration		
psi	Pounds per Square Inch		
psia	Pounds per Square Inch Absolute		
psig	Pounds per Square Inch Gage		
RACT	Reasonably Available Control Technology		
RATA	Relative Accuracy Test Audit		
RAP	Regulated Air Pollutant or Reclaimed Asphalt Pavement		
RFG	Refinery Fuel Gas		
RICE	Reciprocating Internal Combustion Engine		
RO	Responsible Official		
ROAT	Regional Office at Tulsa		
RVP	Reid Vapor Pressure		
SCC	Source Classification Code		
SCF	Standard Cubic Foot		
SCFD	Standard Cubic Feet per Day		
SCFM	Standard Cubic Feet per Minute		
SCR	Selective Catalytic Reduction		
SER	Significant Emission Rate		
SI	Spark Ignition		
SIC	Standard Industrial Classification		

September 19, 2023

Cherokee Nation
Attn: Chuck Hoskins, Jr. Principal Chief
P.O. Box 948
Tahlequah, OK 74465

Re: Permit Application No. **2023-0113-TV4**
BFI Waste Systems of Oklahoma, LLC
Porter (51B) Landfill; Facility ID #: 3333
Section 12-T16N-R16E (Lat. 35.87308° Long. -95.55307°)
Date Received: February 6, 2023

Dear Mr. Hoskins:

The Oklahoma Department of Environmental Quality (ODEQ), Air Quality Division (AQD), has received the Tier II/Tier III application referenced above. A Tier II/III application requires the facility provide a 30-day public comment period on the draft Tier II/III permit and a 20-day public comment period on a proposed Tier III permit at a public location within the county of the facility. The process requires the facility to notify the public by newspaper notice in a newspaper in the county of the proposed project. Since the proposed project falls within your Tribal jurisdiction, AQD is providing this direct notice. This letter notification is in addition to the newspaper notice.

Copies of draft permits and comment opportunities are also provided to the public on the ODEQ website at the following location:

<https://www.deq.ok.gov/air-quality-division/air-permits/public-participation-issued-permits/>

If you prefer a copy of the draft and/or proposed permit, or direct notification by letter for any remaining public comment opportunities, if applicable, on the referenced permit action, please notify me by e-mail at phillip.felder@deq.ok.gov, or by letter at:

Department of Environmental Quality, Air Quality Division
Attn: Phillip Fielder, Chief Engineer
707 N Robinson
Oklahoma City, OK, 73102

Thank you for your cooperation. If you have any questions, I can also be contacted at (405) 702-4185.

Sincerely,



Phillip Fielder, P.E.
Chief Engineer
AIR QUALITY DIVISION

September 19, 2023

Muscogee Creek Nation
Attn: David Hill, Principal Chief
P.O. Box 580
Okmulgee, OK 74447

Re: Permit Application No. **2023-0113-TV4**
BFI Waste Systems of Oklahoma, LLC
Porter (51B) Landfill; Facility ID #: 3333
Section 12-T16N-R16E (Lat. 35.87308° Long. -95.55307°)
Date Received: February 6, 2023

Dear Mr. Hill:

The Oklahoma Department of Environmental Quality (ODEQ), Air Quality Division (AQD), has received the Tier II/Tier III application referenced above. A Tier II/III application requires the facility provide a 30-day public comment period on the draft Tier II/III permit and a 20-day public comment period on a proposed Tier III permit at a public location within the county of the facility. The process requires the facility to notify the public by newspaper notice in a newspaper in the county of the proposed project. Since the proposed project falls within your Tribal jurisdiction, AQD is providing this direct notice. This letter notification is in addition to the newspaper notice.

Copies of draft permits and comment opportunities are also provided to the public on the ODEQ website at the following location:

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Sincerely,



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Chief Engineer
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