



Startup, Shutdown, and Maintenance Plan

Energy Developments Brent Run

October 2018

Prepared for:
Brent Run Generating Station
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Startup, Shutdown and Malfunction Plan

Prepared in accordance with the:

National Emission Standards for Hazardous Air Pollutants

40 C.F.R. §63.6(e) (3)

Prepared for:

Facility: Energy Developments Brent Run, LLC

Address: 8335 W. Vienna Road, Montrose, Michigan 48457

Date: October 16, 2018

This document identifies the procedures for conducting startups, shutdowns or addressing malfunctions of the municipal solid waste landfill gas collection and control system in a timely and safe manner.

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1 REVISION HISTORY

This SSM Plan will be amended if equipment or processes are added that are not covered under the plan or will be revised within 45 days of non-conforming events if the procedures described herein do not adequately address any malfunction or start-up/shutdown events that occur at the facility. A copy of the original plan and all revisions/addendums will be kept on file at the facility for at least five (5) years as required by §63.6(e) (3) (v).

Date of Initial Issuance	
December 18, 2015	
Revision Dates	Reason for Revision
October 10, 2018	Name change

2 INTRODUCTION

2.1 Purpose and Scope

The purpose of this plan is to fulfill the obligations set forth in the NESHAP for Municipal Solid Waste Landfills (40 CFR 63 Subpart AAAAA) and to provide site personnel with a flexible plan to minimize emissions of hazardous air pollutants during startups, shutdowns or malfunctions. 40 CFR 63 Support AAAAA requirements are included as Appendix C of this plan. This document identifies the procedures for conducting startups, shutdowns or addressing malfunctions of the gas collection and control equipment or processes subject to this plan in a timely and safe manner. In addition, specific record-keeping and reporting procedures are described.

2.2 Facility Description

Energy Developments Brent Run, LLC (EDBR) is a landfill gas-to-energy plant, located in Montrose, Genesee County, Michigan, owned and operated by Energy Developments LLC.

EDBR has a contractual agreement with Waste Connections owner of the Brent Run Landfill, to process the LFG for the purpose of generating electricity for sale to a third party. The EDBR operations consists of a LFG treatment system and two (2) Caterpillar model (CAT) G3520C internal combustion engines, two (2) CAT 3516 internal combustion engines and one (1) CAT 3512 internal combustion engine . LFG from the landfill is piped through the LFG treatment system where the gas is filtered, dewatered, compressed and cooled. After treatment, the LFG is combusted in the engines to generate electricity for sale.

The primary control device for the landfill is the LFG treatment system.

2.3 Site Equipment Subject to this SSM Plan

The following components of the LFG treatment system are subject to this SSM Plan:

Site Equipment
LFG mover equipment (if not specifically exempted)
Continuous flow monitoring and recording equipment
Gas Treatment System

2.4 Excluded Sources

In order to properly document site personnel have followed the SSM plan as required, a single form to document all start-up, shutdown and malfunction (SSM) events has been prepared in a checklist format. Except as specifically excluded below, all components of the LFG treatment system are to follow the SSM Plan:

1. All LFG collection and control system prior to LFG entering the treatment system
2. Shutdowns of the compressors which are followed by successful re-start sequences. This is done automatically and is part of the control device's normal operating procedures.
3. All third party users of the "treated" landfill gas (12/8/2003 USEPA Guidance, Regional EPA Determinations).

The treatment facility provides treated landfill gas to five (5) internal combustion engines operated by EDBR. Because the gas is treated, it is EDBR's position that no NSPS obligations applies to EDBR's operation, per Section 60.752(b)(2)(iii)(C) and as clarified in the preamble to the May 23, 2002 proposed changes to the NSPS rule (67 FR 36476-36481). The "treated gas exclusion" has been confirmed by EPA in a number of applicability determinations, including the October 3, 2002 determination authored by Judith M. Katz, Director - USEPA Region II.

2.5 Recordkeeping and Reporting

Completed SSM forms must be kept in the site files for use in the semi-annual SSM Plan Report. Semi-annual SSM Plan reports will be submitted in accordance with 40 CFR §63.10(d) (5). Appendix A includes the reporting and recordkeeping requirement. Examples of all required forms and reports are provided in Appendix B.

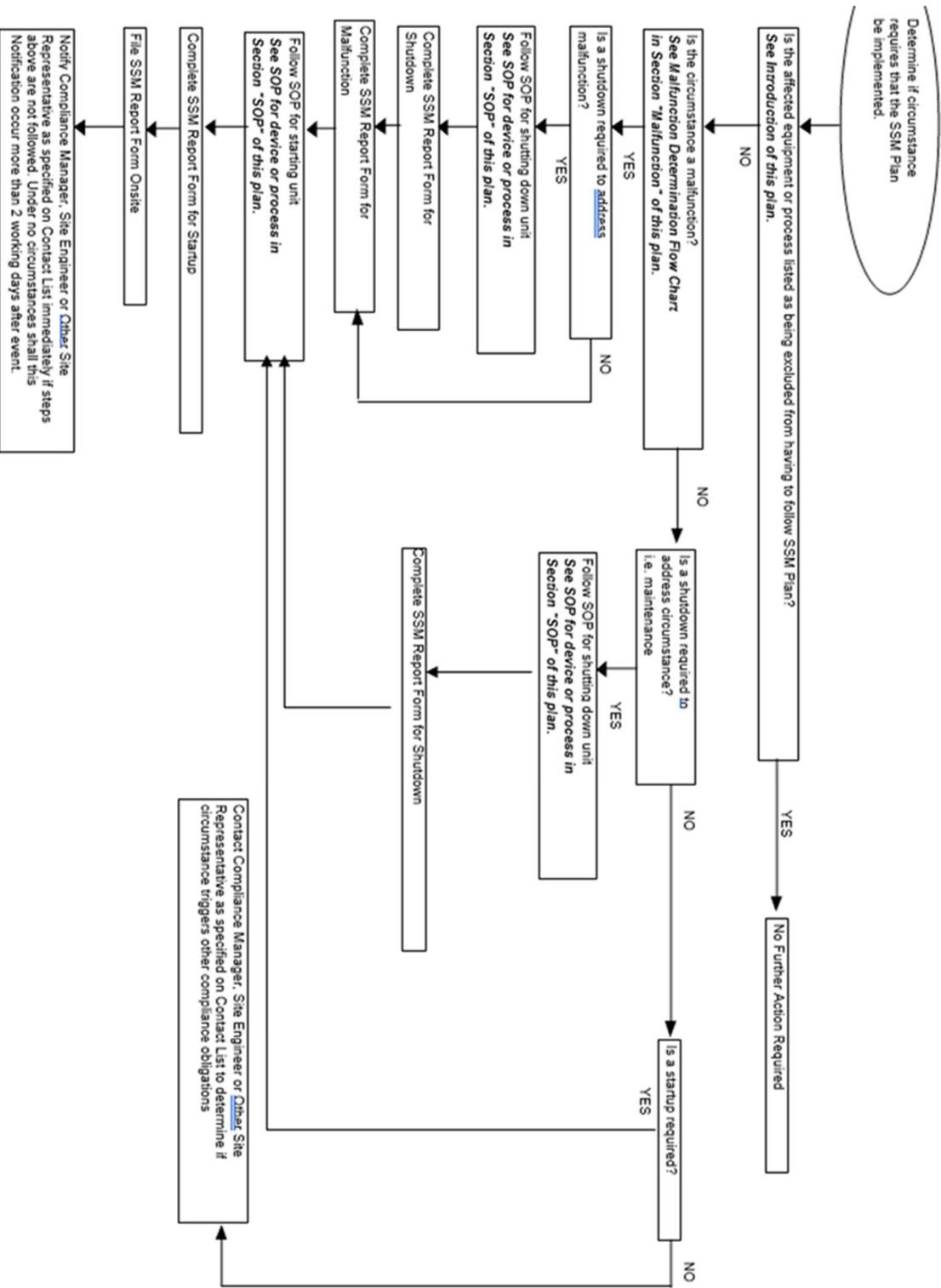
3 FACILITY COMPLIANCE PROCEDURES

3.1 GCCS Operator Responsibilities

All persons or parties undertaking the operations or maintenance of the LFG treatment system must adhere to procedures outlined in this SSM Plan as well as the standard operating procedures (SOP) for any start-up, shutdown, or malfunction defined in Section 4.0 of this plan. The following flow chart outlines the procedures to follow when the treatment system is not fully operational.

Gas Collection and Control System Operator Responsibilities

All persons or parties undertaking the operations or maintenance of the gas collection and control system must adhere to the following procedures.



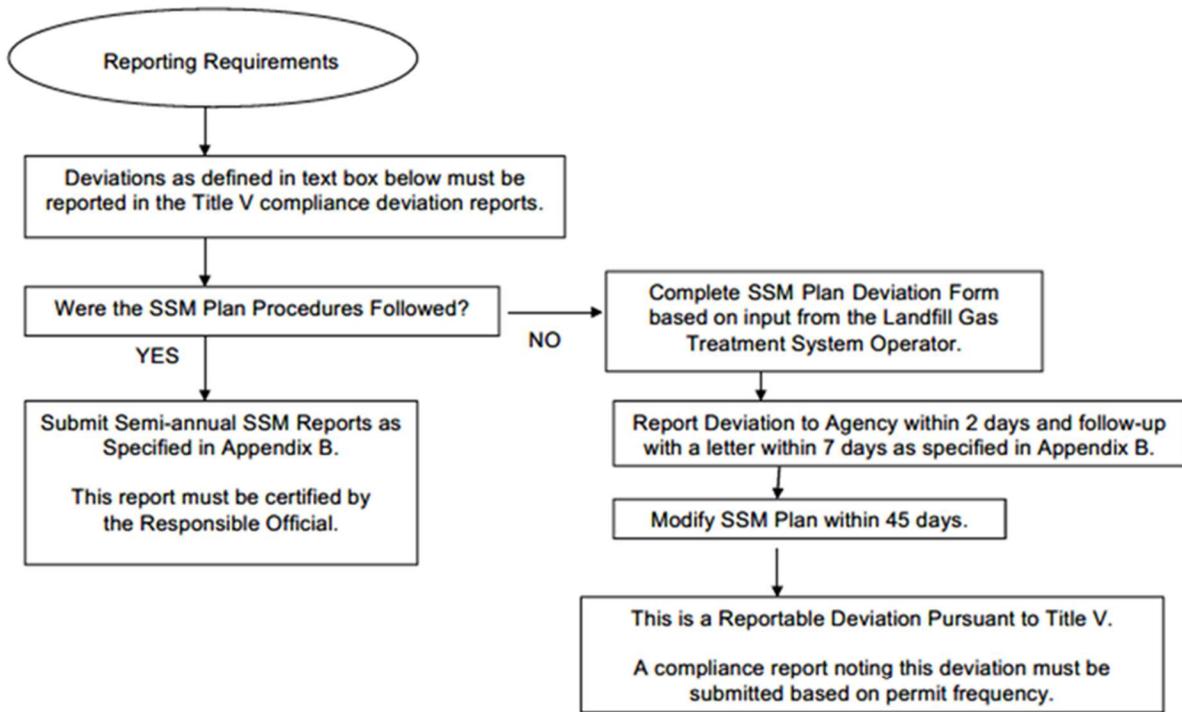
3.2 Compliance Responsibilities

All persons or parties undertaking the reporting of deviations from the SSM Plan or the Renewable Operating Permit (ROP) must adhere to procedures outlined in this SSM Plan. The following flow chart outlines how to identify when reporting is necessary and procedures for reporting of deviations from the SSM Plan.

Startup, Shutdown, Malfunction Plan –

Compliance Responsibilities

All persons or parties undertaking the reporting of deviations must adhere to the following procedures.



A Deviation Occurs When:

1. The control device operation parameter boundaries described in 40 CFR 60.758(c)(1) are exceeded, or
2. 1 hour or more of the hours during a 3-hour block averaging period does not constitute a valid hour of data. A valid hour of data must have measured values for at least three-13 minute monitoring periods within the hour, or
3. An SSM Plan is not developed, implemented, or maintained on site.

(40 CFR 63.1965)

3.3 Contacts

The following person(s) should be contacted (in order of priority) if the SSM plan was not followed, the event resulted in the continued release of landfill gas to the air, or the event was not a malfunction, startup or shutdown as specified in the plan. If unable to reach a person, contact next person on list:

Title	Company	Phone No.
Plant Operation Manager	EDBR	810-639-7889
Director N.A HSE and Compliance	EDBR	517-896-4417

4 STANDARD OPERATING PROCEDURES (SOP)

4.1 Start-up SOP

The regulatory definition of “startup” reads as follows:

“**Startup** means the setting in operation of an affected source or portion of an affected source for any purpose.” (§63.2)

The following provides a summary of typical actions for startup event:

1. Ensure there are no unsafe conditions present.
2. Ensure the system is ready to start by one or more of the following:
 - a. Valves are in correct operating position.
 - b. Levels, pressures, temperatures are within normal starting range.
 - c. Alarms are cleared.
 - d. Power is on and available to control panel and energized equipment.
 - e. Emergency Stop is de-energized.
3. Initiate start sequence.
4. Observe that system achieves normal operating ranges for levels, pressures, and temperatures.
5. Refer to Operations and Maintenance Manuals if necessary.

4.2 Shutdown SOP

The regulatory definition of “shutdown” reads as follows:

“**Shutdown** means the cessation of an affected source or portion of an affected source or portion of an affected source for any purpose.” (§63.2)

The following provides a summary of typical actions for shutdown event:

1. Ensure there are no unsafe conditions present.
2. Initiate shutdown sequence by one or more of the following:
 - a. Press Emergency Stop if necessary.
 - b. Close On/ Off switch(es) or Push On/ Off button(s).
 - c. Close adjacent valves if necessary.

3. Observe that system achieves normal shutdown ranges for levels, pressures, and temperatures.
4. Refer to Operations and Maintenance Manuals if necessary.

4.3 Malfunction SOP

The regulatory definition of “malfunction” reads as follows:

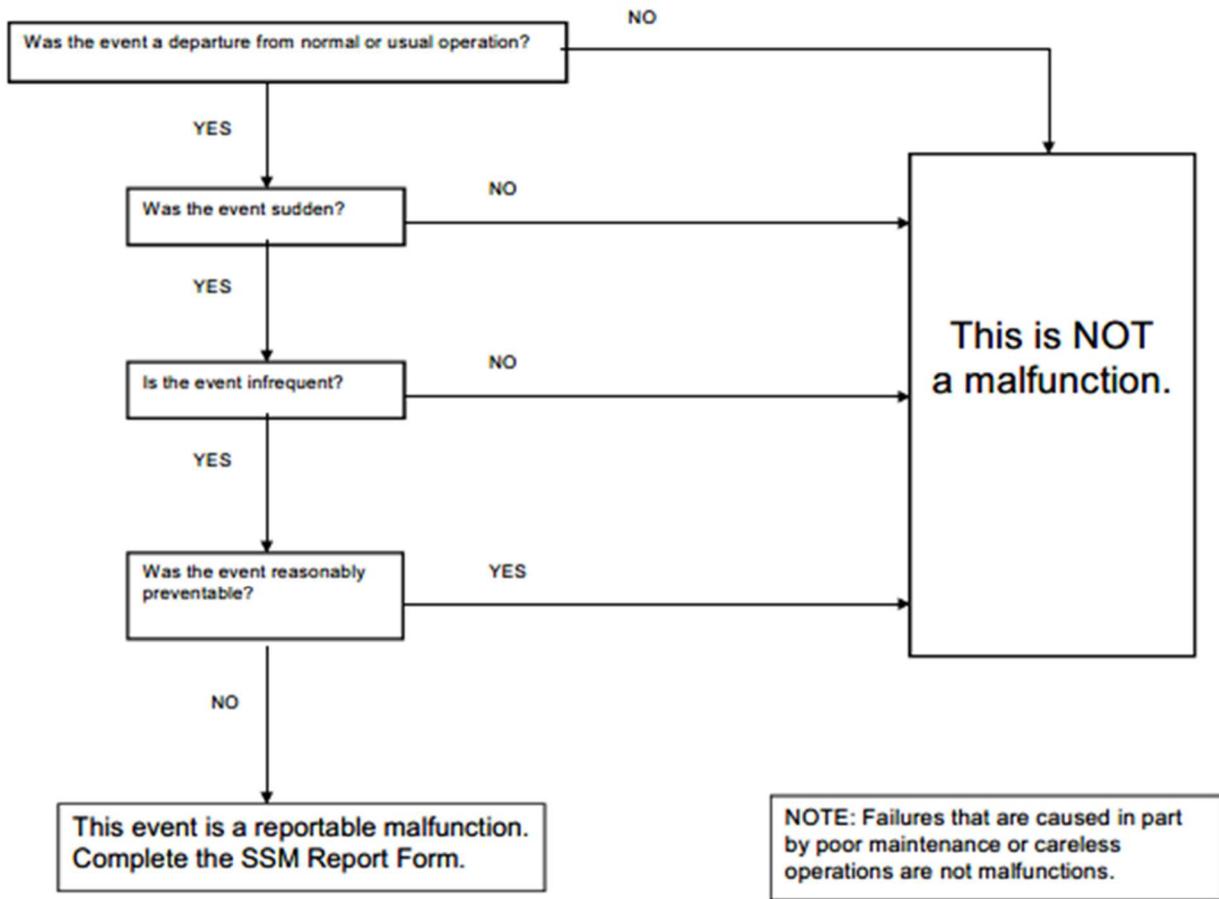
“**Malfunction** means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures caused in part by poor maintenance or careless operation are not malfunctions.” (§63.2, revised 5/30/03). Minimize/stop emission of landfill gas (if present).

The following provides a summary of typical actions for malfunction event:

1. Determine cause of malfunction.
2. Fix the malfunction.
3. Complete Section 1 and Section 2 of SSM Form. Duration is the time it takes from discovery of malfunction to Step 3 above (unless continuous monitoring records indicate malfunction started earlier).
4. Refer to the Operations and Maintenance Manuals if necessary.

The following flow chart is useful in identifying which events are considered reportable malfunctions. If an event is not considered a reportable malfunction, it may still be considered a reportable deviation per the facility’s ROP.

Is this event a malfunction?



4.4 SSM Form

All reportable start-up, shutdown and malfunction events must be documented. The following SSM Report Form is recommended. Section 1 must be completed for all events. Section 2 must also be completed for malfunction events. The back of the form contains event codes. If the proper event code is not available, use event code 99 and describe the event. When completed, the form must be signed and dated. A copy of this form must be kept on file for all events for at least five years. The SSM Report Forms will be used to assist in the preparation of the semiannual SSM Plan reports.

**Energy Developments Brent Run, LLC - Montrose, Michigan
Startup/Shutdown/Malfunction Report Form**

Section 1 - All Events

List all effected piece(s) of equipment:						
Type of Event	Military Time		Duration (hours)	Event Code (see back of form)	SOP* Followed?	
	Date/Time Start	Date/Time End			Yes	No**
<input type="checkbox"/> Startup						
<input type="checkbox"/> Shutdown						
<input type="checkbox"/> Malfunction						Complete Section 2 Below

*Standard Operating Procedure (SOP) for Flare Startups (Manual & Automatic) and Shutdowns are provided in SSM Plan

If SOP in SSM Plan was not followed, **notify personnel on contact list immediately

Section 2 - Malfunction Events Only

<input checked="" type="checkbox"/> Check one of the following for each step:			
Step	Corrective Action Procedures for All Malfunctions	Procedure completed	Procedure Not Applicable
1.	Determine if landfill gas is being released to the air (can you smell landfill gas, or measure/detect gas flow?).	<input type="checkbox"/>	
2.	If landfill gas is being released to the air, notify personnel on "Contact List".	<input type="checkbox"/>	<input type="checkbox"/>
3.	Determine if the malfunction is causing an unsafe operating condition (air entering landfill or piping, smoking, vibration, or other problem), which may harm people, the environment or the landfill gas control equipment.	<input type="checkbox"/>	
4.	If unsafe operating condition exists, or landfill gas is being released to the air, stop (if possible) landfill gas flow .	<input type="checkbox"/>	<input type="checkbox"/>
5.	If Control device or other system component is shutdown due to Step 4, follow Shutdown SOP and Complete Section 1 - "Shutdown".	<input type="checkbox"/>	<input type="checkbox"/>
6.	Determine if other personnel/resource (qualified technician, electrician, consultant or other) are needed for malfunction diagnosis.	<input type="checkbox"/>	
7.	If additional personnel needed, notify qualified personnel: +Record Contact Name: +Record Contact Date: +Record Contact Time: +Contact site representative with information recorded here	<input type="checkbox"/>	<input type="checkbox"/>
8.	Start malfunction diagnosis.	<input type="checkbox"/>	
9.	Determine if other resources are needed to fix the malfunction (qualified technician, electrician, contractor, on-site resources, manufacturer's representative, or other).	<input type="checkbox"/>	
10.	If additional resources needed, contact qualified resource: +Record Contact Name: +Record Contact Date: +Record Contact Time: +Contact site representative with information recorded here	<input type="checkbox"/>	<input type="checkbox"/>
11.	Fix the malfunction.	<input type="checkbox"/>	
12.	Once the malfunction is fixed, re-start the system per SOP if it had been shut down, and record start-up times and dates on this form.	<input type="checkbox"/>	<input type="checkbox"/>
13.	Record date that malfunction occurred, date that malfunction was repaired, and total time that system was out of service in boxes in Section 1 of this form.	<input type="checkbox"/>	
14.	Sign this form, copy it, and place it in the Start-up, Shutdown, Malfunction file.	<input type="checkbox"/>	
15.	If the procedures listed above were not followed, notify personnel on contact list immediately.	<input type="checkbox"/>	<input type="checkbox"/>

Date Form Filled Out: _____

Signature: _____

APPENDIX A
RECORD KEEPING AND REPORTING REQUIREMENTS

Recordkeeping Requirements of the Landfill NESHAP

1. Keep current SSM plan on site
2. Keep previous versions of revised SSM plans for five years
3. Maintain records of the following for each SSM event:
 - a. Occurrence and duration of start-up, shutdown or malfunction of operation (i.e. process equipment)
 - b. Occurrence and duration of each malfunction of the required air pollution control and monitoring equipment
 - c. All required maintenance performed on the air pollution control and monitoring equipment
4. Actions taken during SSM events, when such actions are different from those specified in the SSM plan
5. Demonstration of conformance of SSM events with site's SSM plan (information needed to demonstrate conformance with the SSM plan may take form of a checklist)
6. Each period during which a CMS is malfunctioning or inoperative
7. All required measurements needed to demonstrate compliance with a relevant standard (i.e. temperature and flow measurements)
8. All results of performance tests, CMS performance evaluations, and opacity and visible emissions observations
9. All CMS calibration checks
10. All adjustments and maintenance performed on CMS
11. Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements

Semiannual SSM Plan Reports

(Must be submitted by within 30 days of end of period or in accordance the facility's Title V permit.)

1. Letter report containing the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy.
2. If actions taken during an SSM event are consistent with procedures specified in the SSM plan, the owner/operator shall state this in the report.
3. If actions taken during an SSM event are not consistent with procedures specified in the SSM plan, but source did not exceed any applicable emissions limitation in the relevant emissions standard, then the semiannual report must include the following:
 - a. Number of malfunctions
 - b. Duration of malfunctions
 - c. Description of malfunctions
4. If the SSM plan was revised during the reporting period, to reflect changes in equipment or procedures at the affected source, this must be reported in the semiannual report.

Immediate Notification Reports

(Triggered if actions taken during an SSM event were not consistent with procedures specified in the SSM plan, AND the source exceeds the relevant emissions standard)

1. Record the actions taken for the event.
2. Report such actions to the Department within 2 working days after commencing actions inconsistent with the plan.
3. Follow up verbal report by a letter within 7 working days after the end of the event, in accordance with 40 CFR 63.10(d)(5).
4. Revise the SSM plan within 45 days of the non-conforming event.

APPENDIX B

SAMPLE REPORT LETTERS AND NOTIFICATION FORMS

Startup, Shutdown, and Malfunction Plan Deviation Report

Facility: _____ Date Form Completed: _____

Unit ID: _____

Event: *check the appropriate box.*

Startup

Shutdown

Malfunction

Date: _____

Time: _____

Duration: _____

Provide detailed explanation of the circumstance of the Startup, Shutdown, and Malfunction:

Provide description of corrective action:

Describe the reasons the Startup, Shutdown, Malfunction Plan was not adequate:

Describe proposed revisions to the Startup, Shutdown, and Malfunction Plan:

Were any excess emissions and/ or parameter monitoring exceedances believed to have occurred during the event? *Check the appropriate box.*

Yes

No

Name: _____

Title: _____

Signature: _____

Sample Semiannual Report Letter
(All SSM Events in Compliance with the SSM Plan)

Date

Air Agency Address

RE: Semiannual Startup, Shutdown, Malfunction (SSM) Plan Report
XXXXXX Landfill
Facility Title V Operating Permit No.
Reporting Period: _____ to _____

Dear _____:

The XXXXXX Landfill is subject to the National Emissions Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills (Landfill NESHAP – 40 CFR 63 Subpart AAAA). The NESHAP requires that a report be submitted on a semiannual basis, a report be submitted to the Administrator discussing the facility's compliance with the procedures in their SSM Plan, during SSM events (40 CFR 63.10(d)(5)).

The actions taken at the facility during all SSM events, for the reporting period listed above, were consistent with the procedures listed in the SSM Plan at the facility.

During the reporting period listed above, there (were/were not any) revisions made to the SSM Plan at the facility. (If changes were made, state why – revised to reflect new equipment, new contact numbers, etc.).

If you have any questions regarding this Semiannual SSM Plan Report, please contact me at (List Phone Number).

Sincerely,

XXXXXXXXXXXXXXXXXX

(NAME OF COMPANY/TITLE HERE)

Attachment: CAAPP 400 Form

(ATTACH A COMPLETED RESPONSIBLE OFFICIAL CERTIFICATION FORM TO THIS REPORT)

Sample Semiannual Report Letter
(One or more SSM Events NOT in Compliance with the SSM Plan)

Date

Air Agency Address

RE: Semiannual Startup, Shutdown, Malfunction (SSM) Plan Report
XXXXXXXXXX Landfill
Facility Title V Operating Permit No.
Reporting Period: _____ to _____

Dear _____:

The Facility Name Landfill is subject to the National Emissions Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills (Landfill NESHAP - 40 CFR 63 Subpart AAAA). The NESHAP requires that a report be submitted on a semiannual basis, a report be submitted to the Administrator discussing the facility's compliance with the procedures in their SSM Plan, during SSM events (40 CFR 63.10(d)(5)).

The actions taken at the facility during one or more SSM events, for the reporting period listed above, were not consistent with the procedures listed in the SSM Plan at the facility. However, the source did not exceed any of the emissions limitations in the Landfill NESHAP during these events. The attached table lists the information that must be submitted in the Semiannual SSM Plan Report in this instance.

During the reporting period listed above, there were ____ revisions made to the SSM Plan at the facility. (If changes were made, state why - revised to reflect new procedures to address non conforming event (mandatory), new equipment, new contact numbers, etc.).

If you have any questions regarding this Semiannual SSM Plan Report, please contact me at (List Phone Number).

Sincerely,

XXXXXXXXXX

(NAME OF COMPANY/TITLE HERE)

Attachment: Description of all Malfunction Events
CAAPP 400 Form

(ATTACH A RESPONSIBLE OFFICIAL CERTIFICATION FORM TO THIS REPORT)

Sample Immediate Notification Letter
(SSM Events NOT in Compliance with the SSM Plan, and Facility Experienced
Excess Emissions)

Date

Air Agency Address

RE: XXXXXXXX Landfill
Facility Title V Operating Permit No.
40 CFR 63 Subpart AAAA – Landfill NESHAP
Immediate Notification Report: Non-conforming SSM Event

Dear _____:

The XXXXXX Landfill is subject to the National Emissions Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills (Landfill NESHAP – 40 CFR 63 Subpart AAAA). 40 CFR 63.10(d)(5) of the NESHAP requires that if actions taken at the facility during a startup, shutdown or malfunction (SSM) event are not consistent with the facility's SSM Plan, and the event results in excess emissions, the Agency must be notified verbally within 2 working days after the actions are taken. A letter must be written within 7 days of the event.

Please consider this letter as the required written report for the SSM event that occurred at the facility on (list date). As required by the NESHAP, a verbal notification was made to (give name of agency, person talked to) on (list date).

In accordance with the NESHAP, the following information is required in the letter report for this event:

Record the actions taken for the event: Describe what occurred, what was done, and how it differed from the SSM plan actions.

Describe excess emissions: Discuss the type of emission, and where it came from

Revise the SSM plan within 45 days of the non-conforming event:

Give a date by which the SSM plan will be revised.

If you have any questions regarding this Immediate Notification Report, please contact me at (List Phone Number).

Sincerely,

XXXXXXXXXX

(NAME OF COMPANY HERE)

Attachment: CAAPP 400 Form

(ATTACH A RESPONSIBLE OFFICIAL CERTIFICATION FORM TO THIS REPORT)

APPENDIX C
LANDFILL NESHAP REGULATIONS

Environmental Protection Agency

§ 63.1930

(x) All documentation supporting initial notifications and notifications of compliance status required by § 63.9; and

(xi) As required by § 63.10(b)(3), records of any applicability determination, including supporting analyses.

(b) *Specific recordkeeping requirements.*

(1) In addition to the general records required by paragraph (a) of this section, the owner or operator must maintain records for 5 years from the date of each record of:

(i) Records of pressure drop across the venturi if a venturi scrubber is used.

(ii) Records of manufacturer certification that monitoring devices are accurate to within 5 percent (unless otherwise specified in this subpart) and of calibrations performed at the manufacturer's recommended frequency, or at a frequency consistent with good engineering practice, or as experience dictates.

(iii) Records of bag leak detection system output.

(iv) An identification of the date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the actions taken, and the date and time the alarm was corrected.

(v) Copy of the written maintenance plan for each air pollution control device.

(vi) Copy of the fugitive dust control plan.

(vii) Records of each maintenance inspection and repair, replacement, or other corrective action.

(2) All records for the most recent 2 years of operation must be maintained on site. Records for the previous 3 years may be maintained off site.

§ 63.1661 Delegation of authorities.

In delegating implementation and enforcement authority to a State under subpart E of this part, the Administrator retains no authorities.

EFFECTIVE DATE NOTE: At 68 FR 37360, June 23, 2003, § 63.1661 was revised effective August 22, 2003. For the convenience of the user, the revised text is set forth as follows:

§ 63.1661 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated au-

thority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to requirements in §§ 63.1650 and 63.1652 through 63.1654.

(2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

§§ 63.1662–63.1679 [Reserved]

Subpart AAAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills

SOURCE: 68 FR 2238, Jan. 16, 2003, unless otherwise noted.

WHAT THIS SUBPART COVERS

§ 63.1930 What is the purpose of this subpart?

This subpart establishes national emission standards for hazardous air pollutants for existing and new municipal solid waste (MSW) landfills. This subpart requires all landfills described in § 63.1935 to meet the requirements of 40 CFR part 60, subpart Cc or WWW and requires timely control of bioreactors. This subpart also requires such landfills to meet the startup, shutdown, and malfunction (SSM) requirements of the general provisions of this part and provides that compliance with the

§ 63.1935

operating conditions shall be demonstrated by parameter monitoring results that are within the specified ranges. It also includes additional reporting requirements.

§ 63.1935 Am I subject to this subpart?

You are subject to this subpart if you meet the criteria in paragraph (a) or (b) of this section.

(a) You are subject to this subpart if you own or operate a MSW landfill that has accepted waste since November 8, 1987 or has additional capacity for waste deposition and meets any one of the three criteria in paragraphs (a)(1) through (3) of this section:

(1) Your MSW landfill is a major source as defined in 40 CFR 63.2 of subpart A.

(2) Your MSW landfill is collocated with a major source as defined in 40 CFR 63.2 of subpart A.

(3) Your MSW landfill is an area source landfill that has a design capacity equal to or greater than 2.5 million megagrams (Mg) and 2.5 million cubic meters (m³) and has estimated uncontrolled emissions equal to or greater than 50 megagrams per year (Mg/yr) NMOC as calculated according to § 60.754(a) of the MSW landfills new source performance standards in 40 CFR part 60, subpart WWW, the Federal plan, or an EPA approved and effective State or tribal plan that applies to your landfill.

(b) You are subject to this subpart if you own or operate a MSW landfill that has accepted waste since November 8, 1987 or has additional capacity for waste deposition, that includes a bioreactor, as defined in § 63.1990, and that meets any one of the criteria in paragraphs (b)(1) through (3) of this section:

(1) Your MSW landfill is a major source as defined in 40 CFR 63.2 of subpart A.

(2) Your MSW landfill is collocated with a major source as defined in 40 CFR 63.2 of subpart A.

(3) Your MSW landfill is an area source landfill that has a design capacity equal to or greater than 2.5 million Mg and 2.5 million m³ and that is not permanently closed as of January 16, 2003.

40 CFR Ch. I (7-1-03 Edition)

§ 63.1940 What is the affected source of this subpart?

(a) An affected source of this subpart is a MSW landfill, as defined in § 63.1990, that meets the criteria in § 63.1935(a) or (b). The affected source includes the entire disposal facility in a contiguous geographic space where household waste is placed in or on land, including any portion of the MSW landfill operated as a bioreactor.

(b) A new affected source of this subpart is an affected source that commenced construction or reconstruction after November 7, 2000. An affected source is reconstructed if it meets the definition of reconstruction in 40 CFR 63.2 of subpart A.

(c) An affected source of this subpart is existing if it is not new.

§ 63.1945 When do I have to comply with this subpart?

(a) If your landfill is a new affected source, you must comply with this subpart by January 16, 2003 or at the time you begin operating, whichever is last.

(b) If your landfill is an existing affected source, you must comply with this subpart by January 16, 2004.

(c) If your landfill is a new affected source and is a major source or is collocated with a major source, you must comply with the requirements in §§ 63.1955(b) and 63.1960 through 63.1980 by the date your landfill is required to install a collection and control system by 40 CFR 60.752(b)(2) of subpart WWW.

(d) If your landfill is an existing affected source and is a major source or is collocated with a major source, you must comply with the requirements in §§ 63.1955(b) and 63.1960 through 63.1980 by the date your landfill is required to install a collection and control system by 40 CFR 60.752(b)(2) of subpart WWW, the Federal plan, or EPA approved and effective State or tribal plan that applies to your landfill or by January 13, 2004, whichever occurs later.

(e) If your landfill is a new affected source and is an area source meeting the criteria in § 63.1935(a)(3), you must comply with the requirements of §§ 63.1955(b) and 63.1960 through 63.1980 by the date your landfill is required to install a collection and control system by 40 CFR 60.752(b)(2) of subpart WWW.

(f) If your landfill is an existing affected source and is an area source meeting the criteria in § 63.1935(a)(3), you must comply with the requirements in §§ 63.1955(b) and 63.1960 through 63.1980 by the date your landfill is required to install a collection and control system by 40 CFR 60.752(b)(2) of subpart WWW, the Federal plan, or EPA approved and effective State or tribal plan that applies to your landfill or by January 16, 2004, whichever occurs later.

§ 63.1947 When do I have to comply with this subpart if I own or operate a bioreactor?

You must comply with this subpart by the dates specified in § 63.1945(a) or (b) of this subpart. If you own or operate a bioreactor located at a landfill that is not permanently closed as of January 16, 2003 and has a design capacity equal to or greater than 2.5 million Mg and 2.5 million m³, then you must install and operate a collection and control system that meets the criteria in 40 CFR 60.752(b)(2)(v) of part 60, subpart WWW, the Federal plan, or EPA approved and effective State plan according to the schedule specified in paragraph (a), (b), or (c) of this section.

(a) If your bioreactor is at a new affected source, then you must meet the requirements in paragraphs (a)(1) and (2) of this section:

(1) Install the gas collection and control system for the bioreactor before initiating liquids addition.

(2) Begin operating the gas collection and control system within 180 days after initiating liquids addition or within 180 days after achieving a moisture content of 40 percent by weight, whichever is later. If you choose to begin gas collection and control system operation 180 days after achieving a 40 percent moisture content instead of 180 days after liquids addition, use the procedures in § 63.1980(g) and (h) to determine when the bioreactor moisture content reaches 40 percent.

(b) If your bioreactor is at an existing affected source, then you must install and begin operating the gas collection and control system for the bioreactor by January 17, 2006 or by the date your bioreactor is required to install a gas collection and control sys-

tem under 40 CFR part 60, subpart WWW, the Federal plan, or EPA approved and effective State plan or tribal plan that applies to your landfill, whichever is earlier.

(c) If your bioreactor is at an existing affected source and you do not initiate liquids addition to your bioreactor until later than January 17, 2006, then you must meet the requirements in paragraphs (c)(1) and (2) of this section:

(1) Install the gas collection and control system for the bioreactor before initiating liquids addition.

(2) Begin operating the gas collection and control system within 180 days after initiating liquids addition or within 180 days after achieving a moisture content of 40 percent by weight, whichever is later. If you choose to begin gas collection and control system operation 180 days after achieving a 40 percent moisture content instead of 180 days after liquids addition, use the procedures in § 63.1980(g) and (h) to determine when the bioreactor moisture content reaches 40 percent.

§ 63.1950 When am I no longer required to comply with this subpart?

You are no longer required to comply with the requirements of this subpart when you are no longer required to apply controls as specified in 40 CFR 60.752(b)(2)(v) of subpart WWW, or the Federal plan or EPA approved and effective State plan or tribal plan that implements 40 CFR part 60, subpart Cc, whichever applies to your landfill.

§ 63.1952 When am I no longer required to comply with the requirements of this subpart if I own or operate a bioreactor?

If you own or operate a landfill that includes a bioreactor, you are no longer required to comply with the requirements of this subpart for the bioreactor provided you meet the conditions of either paragraphs (a) or (b).

(a) Your affected source meets the control system removal criteria in 40 CFR 60.752(b)(2)(v) of part 60, subpart WWW or the bioreactor meets the criteria for a nonproductive area of the landfill in 40 CFR 60.759(a)(3)(ii) of part 60, subpart WWW.

(b) The bioreactor portion of the landfill is a closed landfill as defined in

§ 63.1955

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40 CFR 60.751, subpart WWW, you have permanently ceased adding liquids to the bioreactor, and you have not added liquids to the bioreactor for at least 1 year. A closure report for the bioreactor must be submitted to the Administrator as provided in 40 CFR 60.757(d) of subpart WWW.

(c) Compliance with the bioreactor control removal provisions in this section constitutes compliance with 40 CFR part 60, subpart WWW or the Federal plan, whichever applies to your bioreactor.

STANDARDS

§ 63.1955 What requirements must I meet?

(a) You must fulfill one of the requirements in paragraph (a)(1) or (2) of this section, whichever is applicable:

(1) Comply with the requirements of 40 CFR part 60, subpart WWW.

(2) Comply with the requirements of the Federal plan or EPA approved and effective State plan or tribal plan that implements 40 CFR part 60, subpart Cc.

(b) If you are required by 40 CFR 60.752(b)(2) of subpart WWW, the Federal plan, or an EPA approved and effective State or tribal plan to install a collection and control system, you must comply with the requirements in §§ 63.1960 through 63.1985 and with the general provisions of this part specified in table 1 of this subpart.

(c) For approval of collection and control systems that include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions, you must follow the procedures in 40 CFR 60.752(b)(2). If alternatives have already been approved under 40 CFR part 60 subpart WWW or the Federal plan, or EPA approved and effective State or tribal plan, these alternatives can be used to comply with this subpart, except that all affected sources must comply with the SSM requirements in Subpart A of this part as specified in Table 1 of this subpart and all affected sources must submit compliance reports every 6 months as specified in § 63.1980(a) and (b), including information on all deviations that occurred during the 6-month reporting period.

Deviations for continuous emission monitors or numerical continuous parameter monitors must be determined using a 3 hour monitoring block average.

(d) If you own or operate a bioreactor that is located at a MSW landfill that is not permanently closed and has a design capacity equal to or greater than 2.5 million Mg and 2.5 million m³, then you must meet the requirements of paragraph (a) and the additional requirements in paragraphs (d)(1) and (2) of this section.

(1) You must comply with the general provisions specified in Table 1 of this subpart and §§ 63.1960 through 63.1985 starting on the date you are required to install the gas collection and control system.

(2) You must extend the collection and control system into each new cell or area of the bioreactor prior to initiating liquids addition in that area, instead of the schedule in 40 CFR 60.752(b)(2)(ii)(A)(2).

GENERAL AND CONTINUING COMPLIANCE REQUIREMENTS

§ 63.1960 How is compliance determined?

Compliance is determined in the same way it is determined for 40 CFR part 60, subpart WWW, including performance testing, monitoring of the collection system, continuous parameter monitoring, and other credible evidence. In addition, continuous parameter monitoring data, collected under 40 CFR 60.756(b)(1), (c)(1), and (d) of subpart WWW, are used to demonstrate compliance with the operating conditions for control systems. If a deviation occurs, you have failed to meet the control device operating conditions described in this subpart and have deviated from the requirements of this subpart. Finally, you must develop and implement a written SSM plan according to the provisions in 40 CFR 63.6(e)(3). A copy of the SSM plan must be maintained on site. Failure to write, implement, or maintain a copy of the SSM plan is a deviation from the requirements of this subpart.

§ 63.1965 What is a deviation?

A deviation is defined in § 63.1990. For the purposes of the landfill monitoring and SSM plan requirements, deviations include the items in paragraphs (a) through (c) of this section.

(a) A deviation occurs when the control device operating parameter boundaries described in 40 CFR 60.758(c)(1) of subpart WWW are exceeded.

(b) A deviation occurs when 1 hour or more of the hours during the 3-hour block averaging period does not constitute a valid hour of data. A valid hour of data must have measured values for at least three 15-minute monitoring periods within the hour.

(c) A deviation occurs when a SSM plan is not developed, implemented, or maintained on site.

§ 63.1975 How do I calculate the 3-hour block average used to demonstrate compliance?

Averages are calculated in the same way as they are calculated in 40 CFR part 60, subpart WWW, except that the data collected during the events listed in paragraphs (a), (b), (c), and (d) of this section are not to be included in any average computed under this subpart:

(a) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments.

(b) Startups.

(c) Shutdowns.

(d) Malfunctions.

NOTIFICATIONS, RECORDS, AND REPORTS

§ 63.1980 What records and reports must I keep and submit?

(a) Keep records and reports as specified in 40 CFR part 60, subpart WWW, or in the Federal plan, EPA approved State plan or tribal plan that implements 40 CFR part 60, subpart Cc, whichever applies to your landfill, with one exception: You must submit the annual report described in 40 CFR 60.757(f) every 6 months.

(b) You must also keep records and reports as specified in the general provisions of 40 CFR part 60 and this part as shown in Table 1 of this subpart. Applicable records in the general provisions include items such as SSM plans and the SSM plan reports.

(c) For bioreactors at new affected sources you must submit the initial semiannual compliance report and performance test results described in 40 CFR 60.757(f) within 180 days after the date you are required to begin operating the gas collection and control system by § 63.1947(a)(2) of this subpart.

(d) For bioreactors at existing affected sources, you must submit the initial semiannual compliance report and performance test results described in 40 CFR 60.757(f) within 180 days after the compliance date specified in § 63.1947(b) of this subpart, unless you have previously submitted a compliance report for the bioreactor required by 40 CFR part 60, subpart WWW, the Federal plan, or an EPA approved and effective State plan or tribal plan.

(e) For bioreactors that are located at existing affected sources, but do not initiate liquids addition until later than the compliance date in § 63.1947(b) of this subpart, you must submit the initial semiannual compliance report and performance tests results described in 40 CFR 60.757(f) within 180 days after the date you are required to begin operating the gas collection and control system by § 63.1947(c) of this subpart.

(f) If you must submit a semiannual compliance report for a bioreactor as well as a semiannual compliance report for a conventional portion of the same landfill, you may delay submittal of a subsequent semiannual compliance report for the bioreactor according to paragraphs (f)(1) through (3) of this section so that the reports may be submitted on the same schedule.

(1) After submittal of your initial semiannual compliance report and performance test results for the bioreactor, you may delay submittal of the subsequent semiannual compliance report for the bioreactor until the date the initial or subsequent semiannual compliance report is due for the conventional portion of your landfill.

(2) You may delay submittal of your subsequent semiannual compliance report by no more than 12 months after the due date for submitting the initial semiannual compliance report and performance test results described in 40 CFR 60.757(f) for the bioreactor. The report shall cover the time period since the previous semiannual report for the

bioreactor, which would be a period of at least 6 months and no more than 12 months.

(3) After the delayed semiannual report, all subsequent semiannual reports for the bioreactor must be submitted every 6 months on the same date the semiannual report for the conventional portion of the landfill is due.

(g) If you add any liquids other than leachate in a controlled fashion to the waste mass and do not comply with the bioreactor requirements in §§ 63.1947, 63.1955(c) and 63.1980(c) through (f) of this subpart, you must keep a record of calculations showing that the percent moisture by weight expected in the waste mass to which liquid is added is less than 40 percent. The calculation must consider the waste mass, moisture content of the incoming waste, mass of water added to the waste including leachate recirculation and other liquids addition and precipitation, and the mass of water removed through leachate or other water losses. Moisture level sampling or mass balances calculations can be used. You must document the calculations and the basis of any assumptions. Keep the record of the calculations until you cease liquids addition.

(h) If you calculate moisture content to establish the date your bioreactor is required to begin operating the collection and control system under § 63.1947(a)(2) or (c)(2), keep a record of the calculations including the information specified in paragraph (g) of this section for 5 years. Within 90 days after the bioreactor achieves 40 percent moisture content, report the results of the calculation, the date the bioreactor achieved 40 percent moisture content by weight, and the date you plan to begin collection and control system operation.

OTHER REQUIREMENTS AND INFORMATION

§ 63.1985 Who enforces this subpart?

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or tribal agency. If the EPA Administrator has delegated authority to a State, local, or tribal agency, then that agency as well as the U.S. EPA has the authority to imple-

ment and enforce this subpart. Contact the applicable EPA Regional Office to find out if this subpart is delegated to a State, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the EPA Administrator and are not transferred to the State, local, or tribal agency.

(c) The authorities that will not be delegated to State, local, or tribal agencies are as follows. Approval of alternatives to the standards in § 63.1955. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart.

§ 63.1990 What definitions apply to this subpart?

Terms used in this subpart are defined in the Clean Air Act, 40 CFR part 60, subparts A, Cc, and WWW; 40 CFR part 62, subpart GGG, and subpart A of this part, and this section that follows:

Bioreactor means a MSW landfill or portion of a MSW landfill where any liquid other than leachate (leachate includes landfill gas condensate) is added in a controlled fashion into the waste mass (often in combination with recirculating leachate) to reach a minimum average moisture content of at least 40 percent by weight to accelerate or enhance the anaerobic (without oxygen) biodegradation of the waste.

Deviation means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

- (1) Fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emissions limitation (including any operating limit) or work practice standard;
- (2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or
- (3) Fails to meet any emission limitation, (including any operating limit), or work practice standard in this subpart during SSM, regardless of whether

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or not such failure is permitted by this subpart.

Emissions limitation means any emission limit, opacity limit, operating limit, or visible emissions limit.

EPA approved State plan means a State plan that EPA has approved based on the requirements in 40 CFR part 60, subpart B to implement and enforce 40 CFR part 60, subpart Cc. An approved State plan becomes effective on the date specified in the notice published in the FEDERAL REGISTER announcing EPA's approval.

Federal plan means the EPA plan to implement 40 CFR part 60, subpart Cc for existing MSW landfills located in States and Indian country where State plans or tribal plans are not currently in effect. On the effective date of an EPA approved State or tribal plan, the Federal plan no longer applies. The Federal plan is found at 40 CFR part 62, subpart GGG.

Municipal solid waste landfill or MSW landfill means an entire disposal facility in a contiguous geographical space where household waste is placed in or

on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes (see §257.2 of this chapter) such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads. A municipal solid waste landfill may be publicly or privately owned. A municipal solid waste landfill may be a new municipal solid waste landfill, an existing municipal solid waste landfill, or a lateral expansion.

Tribal plan means a plan submitted by a tribal authority pursuant to 40 CFR parts 9, 35, 49, 50, and 81 to implement and enforce 40 CFR part 60, subpart Cc.

Work practice standard means any design, equipment, work practice, or operational standard, or combination thereof, that is promulgated pursuant to section 112(h) of the Clean Air Act.

As stated in §§63.1955 and 63.1980, you must meet each requirement in the following table that applies to you.

TABLE 1 OF SUBPART AAAA OF PART 63—APPLICABILITY OF NESHP GENERAL PROVISIONS TO SUBPART AAAA

Part 63 Citation	Description	Explanation
63.1(a)	Applicability: general applicability of NESHP in this part.	Affected sources are already subject to the provisions of paragraphs (a)(10)–(12) through the same provisions under 40 CFR, part 60 subpart A.
63.1(b)	Applicability determination for stationary sources.	
63.1(e)	Title V permitting.	
63.2	Definitions.	
63.4	Prohibited activities and circumvention	Affected sources are already subject to the provisions of paragraph (b) through the same provisions under 40 CFR, part 60 subpart A.
63.5(b)	Requirements for existing, newly constructed, and reconstructed sources.	
63.6(e)	Operation and maintenance requirements, startup, shutdown and malfunction plan provisions.	
63.6(f)	Compliance with nonopacity emission standards	Affected sources are already subject to the provisions of paragraphs (f)(1) and (2)(i) through the same provisions under 40 CFR, part 60 subpart A.
63.10(b)(2)(i)–(b)(2)(v)	General recordkeeping requirements.	
63.10(d)(5)	If actions taken during a startup, shutdown and malfunction plan are consistent with the procedures in the startup, shutdown and malfunction plan, this information shall be included in a semi-annual startup, shutdown and malfunction plan report. Any time an action taken during a startup, shutdown and malfunction plan is not consistent with the startup, shutdown and malfunction plan, the source shall report actions taken within 2 working days after commencing such actions, followed by a letter 7 days after the event.	

Part 63 Citation	Description	Explanation
63.12(a)	These provisions do not preclude the State from adopting and enforcing any standard, limitation, etc., requiring permits, or requiring emissions reductions in excess of those specified.	
63.15	Availability of information and confidentiality.	

Subpart CCCC—National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast

SOURCE: 66 FR 27884, May 21, 2001, unless otherwise noted.

WHAT THIS SUBPART COVERS

§ 63.2130 What is the purpose of this subpart?

This subpart establishes national emission limitations for hazardous air pollutants emitted from manufacturers of nutritional yeast. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations.

§ 63.2131 Am I subject to this subpart?

(a) You are subject to this subpart if you own or operate a nutritional yeast manufacturing facility that is, is located at, or is part of a major source of hazardous air pollutants (HAP) emissions.

(1) A manufacturer of nutritional yeast is a facility that makes yeast for the purpose of becoming an ingredient in dough for bread or any other yeast-raised baked product, or for becoming a nutritional food additive intended for consumption by humans. A manufacturer of nutritional yeast does not include production of yeast intended for consumption by animals, such as an additive for livestock feed.

(2) A major source of HAP emissions is any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, considering controls, any single HAP at a rate of 9.07 megagrams (10 tons) or more per year or any combination of HAP at a rate of 22.68 megagrams (25 tons) or more per year.

(b) [Reserved]

§ 63.2132 What parts of my plant does this subpart cover?

(a) This subpart applies to each new, reconstructed, or existing “affected source” that produces *Saccharomyces cerevisiae* at a nutritional yeast manufacturing facility.

(b) The affected source is the collection of equipment used in the manufacture of the nutritional yeast species *Saccharomyces cerevisiae*. This collection of equipment includes, but is not limited to, fermentation vessels (fermenters). The collection of equipment used in the manufacture of the nutritional yeast species *Candida utilis* (torula yeast) is not part of the affected source.

(c) The emission limitations in this subpart apply to fermenters in the affected source that meet all of the criteria listed in paragraphs (c)(1) through (2) of this section.

(1) The fermenters are “fed-batch” as defined in § 63.2192.

(2) The fermenters are used to support one of the last three fermentation stages in a production run, which may be referred to as “stock, first generation, and trade,” “seed, semi-seed, and commercial,” or “CB4, CB5, and CB6” stages.

(d) The emission limitations in this subpart do not apply to flask, pure-culture, yeasting-tank, or any other set-batch fermentation, and they do not apply to any operations after the last dewatering operation, such as filtration.

(e) The emission limitations in this subpart do not apply to the affected source during the production of specialty yeast (defined in § 63.2192).

(f) An affected source is a “new affected source” if you commenced construction of the affected source after October 19, 1998, and you met the applicability criteria in § 63.2131 at the time you commenced construction.