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State of



Maryland

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Lieutenant Governor

DEPARTMENT OF THE ENVIRONMENT

Air and Radiation Administration
1800 Washington Boulevard, Suite 720
Baltimore, MD 21230

Construction Permit

Part 70
 Operating Permit

PERMIT NO. 24-043-0466

DATE ISSUED November 1, 2018

PERMIT FEE To be paid in accordance with COMAR 26.11.02.19B

EXPIRATION DATE October 31, 2023

LEGAL OWNER & ADDRESS
Washington County Department of Solid Waste and Watershed Programs
16232 Elliott Parkway
Williamsport, MD 21795
Attn: David A. Mason, P.E., Deputy Director

SITE
Forty West Landfill
12630 Earth Care Road
Hagerstown, MD 21740
Washington County
A.I. #23243

SOURCE DESCRIPTION

One Municipal Solid Waste Landfill.

This source is subject to the conditions described on the attached pages.

Kerwin A. M...
Program Manager

Angela Branca
Director, Air and Radiation Administration

**FORTY WEST LANDFILL
12630 EARTH CARE ROAD
HAGERSTOWN, MD 21740
PART 70 OPERATING PERMIT NO. 24-043-0466**

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SECTION I SOURCE IDENTIFICATION

1. DESCRIPTION OF FACILITY

The Forty West Landfill (FWL) is a municipal solid waste (MSW) landfill located at 12630 Earth Care Road, Hagerstown, Maryland, serving Washington County. The facility is owned by Washington County and operated by the Washington County Environmental Management Division - Department of Solid Waste (WCEMD-DSW). The landfill began operation in November 2000 and is expected provide over 33 years of disposal capacity (through 2033). The SIC code for the landfill is 4953.

The FWL property is approximately 427 acres, including 189 acres of disposal area, designed to contain 15 cells for waste disposal. MSW currently received, is placed in Cell Nos. 2, 3, and 4. To date, the landfill has accepted approximately 1,729, 782 tons.

The FWL has a design capacity of 10 million megagrams (approximately 11 million tons) of MSW, which exceeds the threshold of 2.5 million Mg (2.8 million tons) and 2.5 million cubic meters. Therefore, FWL is subjected to the 40 CFR 60, Subpart WWW and COMAR 26.11.03.02 requirements and is required to apply for a Title V operating permit.

EPA promulgated national emission standards for hazardous air pollutants for existing and new municipal solid waste (MSW) landfills- 40 CFR Part 63 - Subpart AAAA. FWL is subject to these MACT requirements because it is a MSW landfill that has accepted waste since November 8, 1987 and is an area source landfill that has a design capacity equal to or greater than 2.5 million cubic meters that was not permanently closed as of January 16, 2003. FWL must comply with the MACT requirements, if the facility NMOC emissions exceed 50 Mg/year.

Currently, FWL has no active or passive landfill gas (LFG) vents installed. Although the design capacity of the facility makes it subject to the State of Maryland EG regulations (COMAR 26.11.19.20 – “Control of Landfill Gas Emissions from Municipal Solid Waste Landfills”) - the facility has demonstrated via Tier 2 testing (April 2012 and in March and April 2017) that gas emissions are below the control threshold of 50 Mg/yr or even the 34 Mg/year of NMOC emissions under the new subpart Cf and will not exceed this threshold until the end of its useful life. Site-specific average NMOC concentration was 336 ppmv as hexane, based on the Tier 2 testing in 2012. From the determined average NMOC concentration, the actual emissions for the calendar year 2012 were 15.83 tons per year. In 2017, the result of the Tier 2 testing showed that the site-specific average NMOC concentration was 103.19 ppmv as hexane. From the determined average NMOC concentration, the modeled emissions for the calendar year 2017 were 6.99 tons per year. The facility will be required to conduct another Tier 2 testing in April 2022 (within 5

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years) during the term of the Part 70 Permit to demonstrate that it is still below the threshold.

In view of the recent Tier 2 testing result, it is unlikely that NMOC emissions rate will exceed the 50 Mg/yr or 34 Mg/yr threshold during the next five years, and will not require the installation of collection and control systems at the landfill as stipulated in the regulation. In fact, the maximum potential emissions of NMOC in calendar year 2033 are estimated at 17.03 tons/year.

The facility maintains a leachate collection and disposal program. The leachate from the operating cells drain by gravity to sumps and is automatically pumped from these collection sumps to two (2) leachate holding tanks (218,000 gallons for Tank No. 1, and 280,000 gallons for Tank No. 2). Leachate from these tanks is transported off site for disposal at a publicly owned treatment works (POTW) facility.

FWL is also subject to the requirements of COMAR 26.11.03.02 and required to apply for a Title V operating permit. The current Title V permit for FWL will expire on October 31, 2018. On November 28, 2017, the Department received a Part 70 renewal permit application for the Forty West Landfill. An administrative completeness review was conducted and the application was deemed to be complete. The completeness determination letter was sent to the Permittee on December 20, 2017 granting the Forty West Landfill an application shield.

Table 1: Actual Emissions

Year	NO _x (TPY)	SO _x (TPY)	PM ₁₀ (TPY)	CO (TPY)	VOC (TPY)
2017	0.00	0.00	0.81	3.09	7.00
2016	0.00	0.00	0.81	2.98	21.97
2015	0.00	0.00	0.80	2.86	21.13
2014	0.00	0.00	0.80	2.80	20.71
2013	0.00	0.00	0.81	2.73	20.17

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2. FACILITY INVENTORY LIST

Table 2: Emission Unit Identification

MDE Registration Number	Emissions Unit Number	Emissions Unit Description	Date of Registration
9-0173	EU-01	Active municipal solid waste landfill with a maximum design capacity of 10 million megagrams (approximately 11 million tons) of MSW equipped with a leachate collection system.	November 1, 2000

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SECTION II GENERAL CONDITIONS

1. DEFINITIONS

[COMAR 26.11.01.01] and [COMAR 26.11.02.01]

The words or terms in this Part 70 permit shall have the meanings established under COMAR 26.11.01 and .02 unless otherwise stated in this permit.

2. ACRONYMS

ARA	Air and Radiation Administration
BACT	Best Available Control Technology
Btu	British thermal unit
CAA	Clean Air Act
CAM	Compliance Assurance Monitoring
CEM	Continuous Emissions Monitor
CFR	Code of Federal Regulations
CO	Carbon Monoxide
COMAR	Code of Maryland Regulations
EPA	United States Environmental Protection Agency
FR	Federal Register
gr	grains
HAP	Hazardous Air Pollutant
MACT	Maximum Achievable Control Technology
MDE	Maryland Department of the Environment
MVAC	Motor Vehicle Air Conditioner
NESHAPS	National Emission Standards for Hazardous Air Pollutants
NO _x	Nitrogen Oxides
NSPS	New Source Performance Standards
NSR	New Source Review
OTR	Ozone Transport Region
PM	Particulate Matter
PM10	Particulate Matter with Nominal Aerodynamic Diameter of 10 micrometers or less
ppm	parts per million
ppb	parts per billion
PSD	Prevention of Significant Deterioration
PTC	Permit to construct
PTO	Permit to operate (State)
SIC	Standard Industrial Classification
SO ₂	Sulfur Dioxide
TAP	Toxic Air Pollutant

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tpy	tons per year
VE	Visible Emissions
VOC	Volatile Organic Compounds

3. EFFECTIVE DATE

The effective date of the conditions in this Part 70 permit is the date of permit issuance, unless otherwise stated in the permit.

4. PERMIT EXPIRATION

[COMAR 26.11.03.13B (2)]

Upon expiration of this permit, the terms of the permit will automatically continue to remain in effect until a new Part 70 permit is issued for this facility provided that the Permittee has submitted a timely and complete application and has paid applicable fees under COMAR 26.11.02.16.

Otherwise, upon expiration of this permit the right of the Permittee to operate this facility is terminated.

5. PERMIT RENEWAL

[COMAR 26.11.03.02B (3)] and [COMAR 26.11.03.02E]

The Permittee shall submit to the Department a completed application for renewal of this Part 70 permit at least 6 months, but not more than 12 months, before the expiration of the permit. Upon submitting a completed application, the Permittee may continue to operate this facility pending final action by the Department on the renewal.

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall submit such supplementary facts or corrected information no later than 10 days after becoming aware that this occurred. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a completed application was submitted, but prior to the release of a draft permit. This information shall be submitted to the Department no later than 20 days after a new requirement has been adopted.

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6. CONFIDENTIAL INFORMATION

[COMAR 26.11.02.02G]

In accordance with the provisions of the State Government Article, Sec. 10-611 et seq., Annotated Code of Maryland, all information submitted in an application shall be considered part of the public record and available for inspection and copying, unless the Permittee claims that the information is confidential when it is submitted to the Department. At the time of the request for inspection or copying, the Department will make a determination with regard to the confidentiality of the information. The Permittee, when requesting confidentiality, shall identify the information in a manner specified by the Department and, when requested by the Department, promptly provide specific reasons supporting the claim of confidentiality. Information submitted to the Department without a request that the information be deemed confidential may be made available to the public. Subject to approval of the Department, the Permittee may provide a summary of confidential information that is suitable for public review. The content of this Part 70 permit is not subject to confidential treatment.

7. PERMIT ACTIONS

[COMAR 26.11.03.06E (3)] and [COMAR 26.11.03.20(A)]

This Part 70 permit may be revoked or reopened and revised for cause. The filing of an application by the Permittee for a permit revision or renewal; or a notification of termination, planned changes or anticipated noncompliance by the facility, does not stay a term or condition of this permit.

The Department shall reopen and revise, or revoke the Permittee's Part 70 permit under the following circumstances:

- a. Additional requirements of the Clean Air Act become applicable to this facility and the remaining permit term is 3 years or more;
- b. The Department or the EPA determines that this Part 70 permit contains a material mistake, or is based on false or inaccurate information supplied by or on behalf of the Permittee;
- c. The Department or the EPA determines that this Part 70 permit must be revised or revoked to assure compliance with applicable requirements of the Clean Air Act; or

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- d. Additional requirements become applicable to an affected source under the Federal Acid Rain Program.

8. PERMIT AVAILABILITY

[COMAR 26.11.02.13G]

The Permittee shall maintain this Part 70 permit in the vicinity of the facility for which it was issued, unless it is not practical to do so, and make this permit immediately available to officials of the Department upon request.

9. REOPENING THE PART 70 PERMIT FOR CAUSE BY THE EPA

[COMAR 26.11.03.20B]

The EPA may terminate, modify, or revoke and reissue a permit for cause as prescribed in 40 CFR §70.7(g)

10. TRANSFER OF PERMIT

[COMAR 26.11.02.02E]

The Permittee shall not transfer this Part 70 permit except as provided in COMAR 26.11.03.15.

11. REVISION OF PART 70 PERMITS – GENERAL CONDITIONS

[COMAR 26.11.03.14] and [COMAR 26.11.03.06A (8)]

- a. The Permittee shall submit an application to the Department to revise this Part 70 permit when required under COMAR 26.11.03.15 -.17.
- b. When applying for a revision to a Part 70 permit, the Permittee shall comply with the requirements of COMAR 26.11.03.02 and .03 except that the application for a revision need include only information listed that is related to the proposed change to the source and revision to the permit. This information shall be sufficient to evaluate the proposed change and to determine whether it will comply with all applicable requirements of the Clean Air Act.

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- c. The Permittee may not change any provision of a compliance plan or schedule in a Part 70 permit as an administrative permit amendment or as a minor permit modification unless the change has been approved by the Department in writing.
- d. A permit revision is not required for a change that is provided for in this permit relating to approved economic incentives, marketable permits, emissions trading, and other similar programs.

12. SIGNIFICANT PART 70 OPERATING PERMIT MODIFICATIONS

[COMAR 26.11.03.17]

The Permittee may apply to the Department to make a significant modification to its Part 70 Permit as provided in COMAR 26.11.03.17 and in accordance with the following conditions:

- a. A significant modification is a revision to the federally enforceable provisions in the permit that does not qualify as an administrative permit amendment under COMAR 26.11.03.15 or a minor permit modification as defined under COMAR 26.11.03.16.
- b. This permit does not preclude the Permittee from making changes, consistent with the provisions of COMAR 26.11.03, that would make the permit or particular terms and conditions of the permit irrelevant, such as by shutting down or reducing the level of operation of a source or of an emissions unit within the source. Air pollution control equipment shall not be shut down or its level of operation reduced if doing so would violate any term of this permit.
- c. Significant permit modifications are subject to all requirements of COMAR 26.11.03 as they apply to permit issuance and renewal, including the requirements for applications, public participation, and review by affected states and EPA, except:
 - (1) An application need include only information pertaining to the proposed change to the source and modification of this permit, including a description of the change and modification, and any new applicable requirements of the Clean Air Act that will apply if the change occurs;
 - (2) Public participation, and review by affected states and EPA, is limited to only the application and those federally enforceable terms and

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conditions of the Part 70 permit that are affected by the significant permit modification.

- d. As provided in COMAR 26.11.03.15B(5), an administrative permit amendment may be used to make a change that would otherwise require a significant permit modification if procedures for enhanced preconstruction review of the change are followed that satisfy the requirements of 40 CFR 70.7(d)(1)(v).
- e. Before making a change that qualifies as a significant permit modification, the Permittee shall obtain all permits-to-construct and approvals required by COMAR 26.11.02.
- f. The Permittee shall not make a significant permit modification that results in a violation of any applicable requirement of the Clean Air Act.
- g. The permit shield in COMAR 26.11.03.23 applies to a final significant permit modification that has been issued by the Department, to the extent applicable under COMAR 26.11.03.23.

13. MINOR PERMIT MODIFICATIONS

[COMAR 26.11.03.16]

The Permittee may apply to the Department to make a minor modification to the federally enforceable provisions of this Part 70 permit as provided in COMAR 26.11.03.16 and in accordance with the following conditions:

- a. A minor permit modification is a Part 70 permit revision that:
 - (1) Does not result in a violation of any applicable requirement of the Clean Air Act;
 - (2) Does not significantly revise existing federally enforceable monitoring, including test methods, reporting, record keeping, or compliance certification requirements except by:
 - (a) Adding new requirements,
 - (b) Eliminating the requirements if they are rendered meaningless because the emissions to which the requirements apply will no longer occur, or

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- (c) Changing from one approved test method for a pollutant and source category to another;
 - (3) Does not require or modify a:
 - (a) Case-by-case determination of a federally enforceable emissions standard,
 - (b) Source specific determination for temporary sources of ambient impacts, or
 - (c) Visibility or increment analysis;
 - (4) Does not seek to establish or modify a federally enforceable permit term or condition for which there is no corresponding underlying applicable requirement of the Clean Air Act, but that the Permittee has assumed to avoid an applicable requirement to which the source would otherwise be subject, including:
 - (a) A federally enforceable emissions standard applied to the source pursuant to COMAR 26.11.02.03 to avoid classification as a Title I modification; and
 - (b) An alternative emissions standard applied to an emissions unit pursuant to regulations promulgated under Section 112(i)(5) of the Clean Air Act
 - (5) Is not a Title I modification; and
 - (6) Is not required under COMAR 26.11.03.17 to be processed as a significant modification to this Part 70 permit.
- b. Application for a Minor Permit Modification

The Permittee shall submit to the Department an application for a minor permit modification that satisfies the requirements of COMAR 26.11.03.03 which includes the following:

- (1) A description of the proposed change, the emissions resulting from the change, and any new applicable requirements that will apply if the change is made;
- (2) The proposed minor permit modification;

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- (3) Certification by a responsible official, in accordance with COMAR 26.11.02.02F, that:
 - (a) The proposed change meets the criteria for a minor permit modification, and
 - (b) The Permittee has obtained or applied for all required permits-to-construct required by COMAR 26.11.03.16 with respect to the proposed change;
 - (4) Completed forms for the Department to use to notify the EPA and affected states, as required by COMAR 26.11.03.07-.12.
- c. Permittee's Ability to Make Change
- (1) For changes proposed as minor permit modifications to this permit that will require the applicant to obtain a permit to construct, the permit to construct must be issued prior to the new change.
 - (2) During the period of time after the Permittee applies for a minor modification but before the Department acts in accordance with COMAR 26.11.03.16F(2):
 - (a) The Permittee shall comply with applicable requirements of the Clean Air Act related to the change and the permit terms and conditions described in the application for the minor modification.
 - (b) The Permittee is not required to comply with the terms and conditions in the permit it seeks to modify. If the Permittee fails to comply with the terms and conditions in the application during this time, the terms and conditions of both this permit and the application for modification may be enforced against it.
- d. The Permittee is subject to enforcement action if it is determined at any time that a change made under COMAR 26.11.03.16 is not within the scope of this regulation.
- e. Minor permit modification procedures may be used for Part 70 permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, but only to the extent that the minor permit modification procedures are explicitly provided for in regulations approved by the EPA as part of the Maryland SIP or in other applicable requirements of the Clean Air Act.

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14. ADMINISTRATIVE PART 70 OPERATING PERMIT AMENDMENTS

[COMAR 26.11.03.15]

The Permittee may apply to the department to make an administrative permit amendment as provided in COMAR 26.11.03.15 and in accordance with the following conditions:

- a. An application for an administrative permit amendment shall:
 - (1) Be in writing;
 - (2) Include a statement certified by a responsible official that the proposed amendment meets the criteria in COMAR 26.11.03.15 for an administrative permit amendment, and
 - (3) Identify those provisions of this part 70 permit for which the amendment is requested, including the basis for the request.

- b. An administrative permit amendment:
 - (1) Is a correction of a typographical error;
 - (2) Identifies a change in the name, address, or phone number of a person identified in this permit, or a similar administrative change involving the Permittee or other matters which are not directly related to the control of air pollution;
 - (3) requires more frequent monitoring or reporting by the Permittee;
 - (4) Allows for a change in ownership or operational control of a source for which the Department determines that no other revision to the permit is necessary and is documented as per COMAR 26.11.03.15B(4);
 - (5) Incorporates into this permit the requirements from preconstruction review permits or approvals issued by the Department in accordance with COMAR 26.11.03.15B(5), but only if it satisfies 40 CFR 70.7(d)(1)(v);
 - (6) Incorporates any other type of change, as approved by the EPA, which is similar to those in COMAR 26.11.03.15B(1)—(4);

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- (7) Notwithstanding COMAR 26.11.03.15B(1)—(6), all modifications to acid rain control provisions included in this Part 70 permit are governed by applicable requirements promulgated under Title IV of the Clean Air Act; or
 - (8) Incorporates any change to a term or condition specified as State-only enforceable, if the Permittee has obtained all necessary permits-to-construct and approvals that apply to the change.
- c. The Permittee may make the change addressed in the application for an administrative amendment upon receipt by the Department of the application, if all permits-to-construct or approvals otherwise required by COMAR 26.11.02 prior to making the change have first been obtained from the Department.
 - d. The permit shield in COMAR 26.11.03.23 applies to administrative permit amendments made under Section B (5) of COMAR 26.11.03.15, but only after the Department takes final action to revise the permit.
 - e. The Permittee is subject to enforcement action if it is determined at any time that a change made under COMAR 26.11.03.15 is not within the scope of this regulation.

15. OFF-PERMIT CHANGES TO THIS SOURCE

[COMAR 26.11.03.19]

The Permittee may make off-permit changes to this facility as provided in COMAR 26.11.03.19 and in accordance with the following conditions:

- a. The Permittee may make a change to this permitted facility that is not addressed or prohibited by the federally enforceable conditions of this Part 70 permit without obtaining a Part 70 permit revision if:
 - (1) The Permittee has obtained all permits and approvals required by COMAR 26.11.02 and .03;
 - (2) The change is not subject any requirements under Title IV of the Clean Air Act;
 - (3) The change is not a Title I modification; and

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- (4) The change does not violate an applicable requirement of the Clean Air Act or a federally enforceable term or condition of the permit.

- b. For a change that qualifies under COMAR 26.11.03.19, the Permittee shall provide contemporaneous written notice to the Department and the EPA, except for a change to an emissions unit or activity that is exempt from the Part 70 permit application, as provided in COMAR 26.11.03.04. This written notice shall describe the change, including the date it was made, any change in emissions, including the pollutants emitted, and any new applicable requirements of the Clean Air Act that apply as a result of the change.

- c. Upon satisfying the requirements of COMAR 26.11.03.19, the Permittee may make the proposed change.

- d. The Permittee shall keep a record describing:
 - (1) Changes made at the facility that result in emissions of a regulated air pollutant subject to an applicable requirement of the Clean Air Act, but not otherwise regulated under this permit; and
 - (2) The emissions resulting from those changes.

- e. Changes that qualify under COMAR 26.11.03.19 are not subject to the requirements for Part 70 revisions.

- f. The Permittee shall include each off-permit change under COMAR 26.11.03.19 in the application for renewal of the part 70 permit.

- g. The permit shield in COMAR 26.11.03.23 does not apply to off-permit changes made under COMAR 26.11.03.19.

- h. The Permittee is subject to enforcement action if it is determined that an off-permit change made under COMAR 26.11.03.19 is not within the scope of this regulation.

16. ON-PERMIT CHANGES TO SOURCES

[COMAR 26.11.03.18]

The Permittee may make on-permit changes that are allowed under Section 502(b) (10) of the Clean Air Act as provided in COMAR 26.11.03.18 and in accordance with the following conditions:

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- a. The Permittee may make a change to this facility without obtaining a revision to this Part 70 permit if:
- (1) The change is not a Title I modification;
 - (2) The change does not result in emissions in excess of those expressly allowed under the federally enforceable provisions of the Part 70 permit for the permitted facility or for an emissions unit within the facility, whether expressed as a rate of emissions or in terms of total emissions;
 - (3) The Permittee has obtained all permits and approvals required by COMAR 26.11.02 and .03;
 - (4) The change does not violate an applicable requirement of the Clean Air Act;
 - (5) The change does not violate a federally enforceable permit term or condition related to monitoring, including test methods, record keeping, reporting, or compliance certification requirements;
 - (6) The change does not violate a federally enforceable permit term or condition limiting hours of operation, work practices, fuel usage, raw material usage, or production levels if the term or condition has been established to limit emissions allowable under this permit;
 - (7) If applicable, the change does not modify a federally enforceable provision of a compliance plan or schedule in this Part 70 permit unless the Department has approved the change in writing; and
 - (8) This permit does not expressly prohibit the change under COMAR 26.11.03.18.
- b. The Permittee shall notify the Department and the EPA in writing of a proposed on-permit change under COMAR 26.11.03.18 not later than 7 days before the change is made. The written information shall include the following information:
- (1) A description of the proposed change;
 - (2) The date on which the change is proposed to be made;

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- (3) Any change in emissions resulting from the change, including the pollutants emitted;
 - (4) Any new applicable requirement of the Clean Air Act; and
 - (5) Any permit term or condition that would no longer apply.
- c. The responsible official of this facility shall certify in accordance with COMAR 26.11.02.02F that the proposed change meets the criteria for the use of on-permit changes under COMAR 26.11.03.18.
 - d. The Permittee shall attach a copy of each notice required by condition b. above to this Part 70 permit.
 - e. On-permit changes that qualify under COMAR 26.11.03.18 are not subject to the requirements for part 70 permit revisions.
 - f. Upon satisfying the requirements under COMAR 26.11.03.18, the Permittee may make the proposed change.
 - g. The permit shield in COMAR 26.11.03.23 does not apply to on-permit changes under COMAR 26.11.03.18.
 - h. The Permittee is subject to enforcement action if it is determined that an on-permit change made under COMAR 26.11.03.18 is not within the scope of the regulation or violates any requirement of the State air pollution control law.

17. FEE PAYMENT

[COMAR 26.11.02.16A (2) & (5) (b)]

- a. The fee for this Part 70 permit is as prescribed in Regulation.19 of COMAR 26.11.02.
- b. The fee is due on and shall be paid on or before each 12-month anniversary date of the permit.
- c. Failure to pay the annual permit fee constitutes cause for revocation of the permit by the Department.

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18. REQUIREMENTS FOR PERMITS-TO-CONSTRUCT AND APPROVALS

[COMAR 26.11.02.09.]

The Permittee may not construct or modify or cause to be constructed or modified any of the following sources without first obtaining, and having in current effect, the specified permits-to-construct and approvals:

- a. New Source Review source, as defined in COMAR 26.11.01.01, approval required, except for generating stations constructed by electric companies;
- b. Prevention of Significant Deterioration source, as defined in COMAR 26.11.01.01, approval required, except for generating stations constructed by electric companies;
- c. New Source Performance Standard source, as defined in COMAR 26.11.01.01, permit to construct required, except for generating stations constructed by electric companies;
- d. National Emission Standards for Hazardous Air Pollutants source, as defined in COMAR 26.11.01.01, permit to construct required, except for generating stations constructed by electric companies;
- e. A stationary source of lead that discharges one ton per year or more of lead or lead compounds measured as elemental lead, permit to construct required, except for generating stations constructed by electric companies;
- f. All stationary sources of air pollution, including installations and air pollution control equipment, except as listed in COMAR 26.11.02.10, permit to construct required;
- g. In the event of a conflict between the applicability of (a. — e.) above and an exemption listed in COMAR 26.11.02.10, the provision that requires a permit applies.
- h. Approval of a PSD or NSR source by the Department does not relieve the Permittee obtaining an approval from also obtaining all permits-to-construct required by (c. — g.) above.

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19. CONSOLIDATION OF PROCEDURES FOR PUBLIC PARTICIPATION

[COMAR 26.11.02.11C] and [COMAR 26.11.03.01K]

The Permittee may request the Department to authorize special procedures for the Permittee to apply simultaneously, to the extent possible, for a permit to construct and a revision to this permit.

These procedures may provide for combined public notices, informational meetings, and public hearings for both permits but shall not adversely affect the rights of a person, including EPA and affected states, to obtain information about the application for a permit, to comment on an application, or to challenge a permit that is issued.

These procedures shall not alter any existing permit procedures or time frames.

20. PROPERTY RIGHTS

[COMAR 26.11.03.06E (4)]

This Part 70 permit does not convey any property rights of any sort, or any exclusive privileges.

21. SEVERABILITY

[COMAR 26.11.03.06A (5)]

If any portion of this Part 70 permit is challenged, or any term or condition deemed unenforceable, the remainder of the requirements of the permit continues to be valid.

22. INSPECTION AND ENTRY

[COMAR 26.11.03.06G (3)]

The Permittee shall allow employees and authorized representatives of the Department, the EPA, and local environmental health agencies, upon presentation of credentials or other documents as may be required by law, to:

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- a. Enter at a reasonable time without delay and without prior notification the Permittee's property where a Part 70 source is located, emissions-related activity is conducted, or records required by this permit are kept;
- b. Have access to and make copies of records required by the permit;
- c. Inspect all emissions units within the facility subject to the permit and all related monitoring systems, air pollution control equipment, and practices or operations regulated or required by the permit; and
- d. Sample or monitor any substances or parameters at or related to the emissions units at the facility for the purpose of determining compliance with the permit.

23. DUTY TO PROVIDE INFORMATION

[COMAR 26.11.03.06E (5)]

The Permittee shall furnish to the Department, within a reasonable time specified by the Department, information requested in writing by the Department in order to determine whether the Permittee is in compliance with the federally enforceable conditions of this Part 70 permit, or whether cause exists for revising or revoking the permit. Upon request, the Permittee shall also furnish to the Department records required to be kept under the permit.

For information claimed by the Permittee to be confidential and therefore potentially not discloseable to the public, the Department may require the Permittee to provide a copy of the records directly to the EPA along with a claim of confidentiality.

The Permittee shall also furnish to the Department, within a reasonable time specified by the Department, information or records requested in writing by the Department in order to determine if the Permittee is in compliance with the State-only enforceable conditions of this permit.

24. COMPLIANCE REQUIREMENTS

[COMAR 26.11.03.06E (1)] and [COMAR 26.11.03.06A (11)] and [COMAR 26.11.02.05]

The Permittee shall comply with the conditions of this Part 70 permit. Noncompliance with the permit constitutes a violation of the Clean Air Act,

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and/or the Environment Article Title 2 of the Annotated Code of Maryland and may subject the Permittee to:

- a. Enforcement action,
- b. Permit revocation or revision,
- c. Denial of the renewal of a Part 70 permit, or
- d. Any combination of these actions.

The conditions in this Part 70 permit are enforceable by EPA and citizens under the Clean Air Act except for the State-only enforceable conditions.

Under Environment Article Section 2-609, Annotated Code of Maryland, the Department may seek immediate injunctive relief against a person who violates this permit in such a manner as to cause a threat to human health or the environment.

25. CREDIBLE EVIDENCE

Nothing in this permit shall be interpreted to preclude the use of credible evidence to demonstrate noncompliance with any term of this permit.

26. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

[COMAR 26.11.03.06E (2)]

The need to halt or reduce activity in order to comply with the conditions of this permit may not be used as a defense in an enforcement action.

27. CIRCUMVENTION

[COMAR 26.11.01.06]

The Permittee may not install or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total weight of emissions, conceals or dilutes emissions which would otherwise constitute a violation of any applicable air pollution control regulation.

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28. PERMIT SHIELD

[COMAR 26.11.03.23]

A permit shield as described in COMAR 26.11.03.23 shall apply only to terms and conditions in this Part 70 permit that have been specifically identified as covered by the permit shield. Neither this permit nor COMAR 26.11.03.23 alters the following:

- a. The emergency order provisions in Section 303 of the Clean Air Act, including the authority of EPA under that section;
- b. The liability of the Permittee for a violation of an applicable requirement of the Clean Air Act before or when this permit is issued or for a violation that continues after issuance;
- c. The requirements of the Acid Rain Program, consistent with Section 408(a) of the Clean Air Act;
- d. The ability of the Department or EPA to obtain information from a source pursuant to Maryland law and Section 114 of the Clean Air Act; or
- e. The authority of the Department to enforce an applicable requirement of the State air pollution control law that is not an applicable requirement of the Clean Air Act.

29. ALTERNATE OPERATING SCENARIOS

[COMAR 26.11.03.06A (9)]

For all alternate operating scenarios approved by the Department and contained within this permit, the Permittee, while changing from one approved scenario to another, shall contemporaneously record in a log maintained at the facility each scenario under which the emissions unit is operating and the date and time the scenario started and ended.

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SECTION III PLANT WIDE CONDITIONS

1. PARTICULATE MATTER FROM CONSTRUCTION AND DEMOLITION

[COMAR 26.11.06.03D]

The Permittee shall not cause or permit any building, its appurtenances, or a road to be used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne.

2. OPEN BURNING

[COMAR 26.11.07]

Except as provided in COMAR 26.11.07.04, the Permittee shall not cause or permit an open fire from June 1 through August 31 of any calendar year. Prior to any open burning, the Permittee shall request and receive approval from the Department.

3. AIR POLLUTION EPISODE

[COMAR 26.11.05.04]

When requested by the Department, the Permittee shall prepare in writing standby emissions reduction plans, consistent with good industrial practice and safe operating procedures, for reducing emissions creating air pollution during periods of Alert, Warning, and Emergency of an air pollution episode.

4. REPORT OF EXCESS EMISSIONS AND DEVIATIONS

[COMAR 26.11.01.07] and [COMAR 26.11.03.06C (7)]

The Permittee shall comply with the following conditions for occurrences of excess emissions and deviations from requirements of this permit, including those in Section VI – State-only Enforceable Conditions:

- a. Report any deviation from permit requirements that could endanger human health or the environment, by orally notifying the Department immediately upon discovery of the deviation;

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- b. Promptly report all occurrences of excess emissions that are expected to last for one hour or longer by orally notifying the Department of the onset and termination of the occurrence;
- c. When requested by the Department the Permittee shall report all deviations from permit conditions, including those attributed to malfunctions as defined in COMAR 26.11.01.07A, within 5 days of the request by submitting a written description of the deviation to the Department. The written report shall include the cause, dates and times of the onset and termination of the deviation, and an account of all actions planned or taken to reduce, eliminate, and prevent recurrence of the deviation;
- d. The Permittee shall submit to the Department semi-annual monitoring reports that confirm that all required monitoring was performed, and that provide accounts of all deviations from permit requirements that occurred during the reporting periods. Reporting periods shall be January 1 through June 30 and July 1 through December 31, and reports shall be submitted within 30 days of the end of each reporting period. Each account of deviation shall include a description of the deviation, the dates and times of onset and termination, identification of the person who observed or discovered the deviation, causes and corrective actions taken, and actions taken to prevent recurrence. If no deviations from permit conditions occurred during a reporting period, the Permittee shall submit a written report that so states.
- e. When requested by the Department, the Permittee shall submit a written report to the Department within 10 days of receiving the request concerning an occurrence of excess emissions. The report shall contain the information required in COMAR 26.11.01.07D (2).

5. ACCIDENTAL RELEASE PROVISIONS

[COMAR 26.11.03.03B (23)] and [40 CFR 68]

Should the Permittee become subject to 40 CFR 68 during the term of this permit, the Permittee shall submit risk management plans by the date specified in 40 CFR 68.150 and shall certify compliance with the requirements of 40 CFR 68 as part of the annual compliance certification as required by 40 CFR 70.

The Permittee shall initiate a permit revision or reopening according to the procedures of 40 CFR 70.7 to incorporate appropriate permit conditions into the Permittee's Part 70 permit.

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6. GENERAL TESTING REQUIREMENTS

[COMAR 26.11.01.04]

The Department may require the Permittee to conduct, or have conducted, testing to determine compliance with this Part 70 permit. The Department, at its option, may witness or conduct these tests. This testing shall be done at a reasonable time, and all information gathered during a testing operation shall be provided to the Department.

7. EMISSIONS TEST METHODS

[COMAR 26.11.01.04]

Compliance with the emissions standards and limitations in this Part 70 permit shall be determined by the test methods designated and described below or other test methods submitted to and approved by the Department.

Reference documents of the test methods approved by the Department include the following:

- a. 40 CFR 60, appendix A
- b. 40 CFR 51, appendix M
- c. The Department's Technical Memorandum 91-01 "Test Methods and Equipment Specifications for Stationary Sources", (January 1991), as amended through Supplement 3, (October 1, 1997)

8. EMISSIONS CERTIFICATION REPORT

**[COMAR 26.11.01.05-1] and [COMAR 26.11.02.19C] and
[COMAR 26.11.02.19D]**

The Permittee shall certify actual annual emissions of regulated pollutants from the facility on a calendar year basis.

- a. The certification shall be on forms obtained from the Department and submitted to the Department not later than April 1 of the year following the year for which the certification is required;

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- b. The individual making the certification shall certify that the information is accurate to the individual's best knowledge. The individual shall be:
 - (1) Familiar with each source for which the certifications forms are submitted, and
 - (2) Responsible for the accuracy of the emissions information;

- c. The Permittee shall maintain records necessary to support the emissions certification including the following information if applicable:
 - (1) The total amount of actual emissions of each regulated pollutant and the total of all regulated pollutants;
 - (2) An explanation of the methods used to quantify the emissions and the operating schedules and production data that were used to determine emissions, including significant assumptions made;
 - (3) Amounts, types and analyses of all fuels used;
 - (4) Emissions data from continuous emissions monitors that are required by this permit, including monitor calibration and malfunction information;
 - (5) Identification, description, and use records of all air pollution control equipment and compliance monitoring equipment including:
 - (a) Significant maintenance performed,
 - (b) Malfunctions and downtime, and
 - (c) Episodes of reduced efficiency of all equipment;
 - (6) Limitations on source operation or any work practice standards that significantly affect emissions; and
 - (7) Other relevant information as required by the Department.

9. COMPLIANCE CERTIFICATION REPORT

[COMAR 26.11.03.06G (6) and (7)]

The Permittee shall submit to the Department and EPA Region III a report certifying compliance with each term of this Part 70 permit including each

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applicable standard, emissions limitation, and work practice for the previous calendar year by April 1 of each year.

- a. The compliance certification shall include:
 - (1) The identification of each term or condition of this permit which is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether the compliance was continuous or intermittent;
 - (4) The methods used for determining the compliance status of each source, currently and over the reporting period; and
 - (5) Any other information required to be reported to the Department that is necessary to determine the compliance status of the Permittee with this permit.
- b. The Permittee shall submit the compliance certification reports to the Department and EPA simultaneously.

10. CERTIFICATION BY RESPONSIBLE OFFICIAL

[COMAR 26.11.02.02F]

All application forms, reports, and compliance certifications submitted pursuant to this permit shall be certified by a responsible official as to truth, accuracy, and completeness. The Permittee shall expeditiously notify the Department of an appointment of a new responsible official.

The certification shall be in the following form:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

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11. SAMPLING AND EMISSIONS TESTING RECORD KEEPING

[COMAR 26.11.03.06C (5)]

The Permittee shall gather and retain the following information when sampling and testing for compliance demonstrations:

- a. The location as specified in this permit, and the date and time that samples and measurements are taken;
- b. All pertinent operating conditions existing at the time that samples and measurements are taken;
- c. The date that each analysis of a sample or emissions test is performed and the name of the person taking the sample or performing the emissions test;
- d. The identity of the Permittee, individual, or other entity that performed the analysis;
- e. The analytical techniques and methods used; and
- f. The results of each analysis.

12. GENERAL RECORDKEEPING

[COMAR 26.11.03.06C (6)]

The Permittee shall retain records of all monitoring data and information that support the compliance certification for a period of five (5) years from the date that the monitoring, sample measurement, application, report or emissions test was completed or submitted to the Department.

These records and support information shall include:

- a. All calibration and maintenance records;
- b. All original data collected from continuous monitoring instrumentation;
- c. Records which support the annual emissions certification; and
- d. Copies of all reports required by this permit.

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13. GENERAL CONFORMITY

[COMAR 26.11.26.09]

The Permittee shall comply with the general conformity requirements of 40 CFR 93, Subpart B and COMAR 26.11.26.09.

14. ASBESTOS PROVISIONS

[40 CFR 61, Subpart M]

The Permittee shall comply with 40 CFR 61, Subpart M when conducting any renovation or demolition activities at the facility.

15. OZONE DEPLETING REGULATIONS

[40 CFR 82, Subpart F]

The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for MVACs in subpart B:

- a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the prohibitions and required practices pursuant to 40 CFR 82.154 and 82.156.
- b. Equipment used during the maintenance, service, repair or disposal of appliances shall comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
- c. Persons performing maintenance, service, repairs or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
- d. Persons performing maintenance, service, repairs or disposal of appliances shall certify with the Administrator pursuant to 40 CFR 82.162.
- e. Persons disposing of small appliances, MVACS, and MVAC-like appliances as defined in 40 CFR 82.152, shall comply with record keeping requirements pursuant to 40 CFR 82.166.

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- f. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
- g. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

16. ACID RAIN PERMIT

Not applicable

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SECTION IV PLANT SPECIFIC CONDITIONS

This section provides tables that include the emissions standards, emissions limitations, and work practices applicable to each emissions unit located at this facility. The Permittee shall comply with all applicable emissions standards, emissions limitations and work practices included herein.

The tables also include testing, monitoring, record keeping and reporting requirements specific to each emissions unit. In addition to the requirements included here in **Section IV**, the Permittee is also subject to the general testing, monitoring, record keeping and reporting requirements included in **Section III – Plant Wide Conditions** of this permit.

Unless otherwise provided in the specific requirements for an emissions unit, the Permittee shall maintain at the facility for at least five (5) years, and shall make available to the Department upon request, all records that the Permittee is required under this section to establish. [Authority: COMAR 26.11.03.06C (5) (g)].

The Forty West Landfill is subject to the following requirements:

Table IV – 1	
1.0	<p><u>Emissions Unit Number(s) – EU-01</u></p> <p>MDE Registration No. 9-0173</p> <p>The municipal solid waste landfill is approximately 427 acres, including 189 acres of disposal area, with a design capacity of 10 million megagrams (approximately 11 million tons) of MSW. The landfill is also equipped with a leachate collection system.</p>
1.1	<p><u>Applicable Standards/Limits:</u></p> <p>Forty West Landfill is subject to the testing, record keeping, and reporting requirements indicated below.</p>
1.2	<p><u>Testing Requirements:</u></p> <p>“If the resulting NMOC mass emission rate is less than 50 megagrams per year, the owner or operator shall submit a periodic estimate of the emission rate report as provided in §60.757(b)(1) and retest the site-specific NMOC concentration every 5 years using the methods specified in this section.” [Reference: 40 CFR §60.754(a)]</p>
1.3	<p><u>Monitoring Requirements:</u></p> <p>See record keeping and reporting requirements.</p>

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Table IV – 1	
1.4	<p><u>Record Keeping Requirements:</u></p> <p>The Permittee shall keep all the records required under this permit for at least five years and shall make such records available to the Department upon request. [Reference: COMAR 26.11.03.06C]</p>
1.5	<p><u>Reporting Requirements:</u></p> <p>If the Permittee increases the maximum design capacity of the Forty West Landfill after November 1, 1997, the Permittee shall amend and resubmit the design capacity report within 90 days of the issuance of an air quality Permit to Construct or a permit from the MDE Waste Management Administration that authorizes the increase or any other change that increases the maximum design capacity of the landfill. [Reference: COMAR 26.11.19.20D(2)]</p> <p>The Permittee shall estimate the annual NMOC emission rate calculated using the formula and procedures as described in 40 CFR §60.754(a). The Permittee shall prepare and submit an updated NMOC emission rate report by November 1 of each year. A less frequent emission rate report may be submitted upon approval by the Department in accordance with COMAR 26.11.19.20D(6). [Reference: COMAR 26.11.19.20D(3)(a) & COMAR 26.11.19.20D(6)]</p> <p>The Permittee may, upon approval by the Department, submit a combined report to satisfy the NMOC reporting requirements and the annual Emissions Certification requirements. Such report shall be submitted by April 1 of each year for the previous calendar year. [Reference: COMAR 26.11.19.20D(7)]</p>

A permit shield shall cover the applicable requirements identified for the emission units listed in the table above.

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The Forty West Landfill will be subject to the following requirements, if calculated NMOC emissions increase to 50 Mg/yr (55 tons/yr) or greater:

Table IV – 1a	
1A.0	<p><u>Emissions Unit Number(s)</u> – EU-01 (continued)</p> <p>MDE Registration No. 9-0173</p> <p>The municipal solid waste landfill is approximately 427 acres, including 189 acres of disposal area, with a design capacity of 10 million megagrams (approximately 11 million tons) of MSW. The site also equipped with a equipped with a leachate collection system.</p>
1A.1	<p><u>Applicable Standards/Limits:</u></p> <p><u>Landfill NSPS 40 CFR §60 Subpart WWW</u> If the NMOC emission rate determined in §D(3) or (5) of this regulation is 55 tons or more per year, the MSW landfill owner shall comply with §G of this regulation except as follows:</p> <p>If the NMOC emission rate based on the site-specific NMOC concentration is more than 55 tons or more per year, the owner or operator shall comply with §G of this regulation or may recalculate the NMOC emission rate based on the site-specific methane generation according to the procedures provided in 40 CFR §60.754(a)(4). [Reference: COMAR 26.11.19.20D(8)(d)]</p> <p>The revised NMOC emission rate based on site-specific methane generation shall be submitted to the Department by November 1 of the year following the year in which the first NMOC emission rate report was submitted showing that the NMOC emission rate exceeded 55 tons per year. [Reference: COMAR 26.11.19.20D(8)(e)]</p> <p>If the NMOC emission rate based on the site-specific methane generation rate is less than 55 tons per year, the owner or operator shall resume the emissions rate reporting using the site-specific methane generation rate according to the schedule in §D(6) of this regulation. [Reference: COMAR 26.11.19.20D(8)(f)] or</p> <p>If the NMOC emission rate based on the site-specific methane generation rate is 55 tons or more per year, owner or operator shall comply with §G of this regulation. [Reference: COMAR 26.11.19.20D(8)(g)]</p> <p>COMAR 26.11.19.20E – <u>Compliance Plans</u></p> <p>1. A person who owns or operates an MSW landfill that has a calculated</p>

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Table IV – 1a	
	<p>NMOC emission rate that is 55 tons or more per year shall submit to the Department a plan for compliance by June 1 of the year following the year in which a NMOC emission rate was first calculated to be 55 tons or more per year. The plan for compliance shall contain all of the elements contained in 40 CFR §60.752(b)(2). In addition, the plan shall contain the following schedule:</p> <ol style="list-style-type: none"> i. The release of purchase orders or contracts within 5 months from the date the plan for compliance is required; ii. Beginning of construction of the gas collection and control system within 8 months after the plan for compliance is required; and iii. Completion of construction of the gas collection and control system within 16 months from the date the plan for compliance is required. <p>2. The plan for compliance required in §E(1) of this regulation shall include the following compliance dates for start-up of the gas collection and control system and performance of a compliance test:</p> <ol style="list-style-type: none"> i. For areas that are closed or at final grade, a landfill gas collection and control system shall be installed and compliance achieved by December 1 of the year following the year the plan for compliance was required to be submitted or after the initial MSW landfill has been in place for a period of two years, whichever date is later; ii. For active areas, a landfill gas collection and control system shall be installed and compliance achieved by December 1 of the year following the year the plan for compliance was required to be submitted or after the initial MSW landfill has been in place for a period of 5 years, whichever date is later; iii. Upon written request to the Department, an extended schedule, not to exceed 30 or more per year, may be granted for installing the landfill gas collection and control system; and iv. The schedule to achieve compliance shall be met regardless of whether the owner or operator of the MSW landfill determines emissions based on site-specific NMOC and methane generation rates as provided §D)8) of this regulation.” <p>3. In its determination for an extension, the Department will consider:</p> <ol style="list-style-type: none"> i. The past and future rate at which MSW has been or will be accepted; ii. The expected life of the area; iii. Costs of control; iv. Physical constraints for installing controls; and

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Table IV – 1a	
	<p style="text-align: center;">v. Other information regarding the safety and technical aspects of control.</p> <p>Any extension granted by the Department pursuant to §E(2)(c) of this regulation shall be submitted to EPA for approval as a revision.</p> <p>COMAR 26.11.19.20G – Compliance and Operating Conditions</p> <ol style="list-style-type: none"> 1. <u>Compliance Conditions</u>. A person who owns or operates an MSW landfill that has a calculated NMOC emission rate of 55 tons per year or more shall comply with the landfill gas collection and control requirements in 40 CFR §60.752(b)(2) and 60.755. 2. <u>Specifications for Active Collection Systems</u>. A person who complies with G(1) of this regulation by using an active collection system shall comply with the specifications included in 40 CFR §60.759. 3. <u>Operating Conditions</u>. A person who is required to install a gas collection and control system in compliance with §G(1) of this regulation shall operate the equipment according to the requirements included in 40 CFR §60.753
1A.2	<p><u>Testing Requirements:</u> The FWL will be subject to the following requirements, if calculated NMOC emissions increase to 55 tons per year or more:</p> <p><u>Landfill NSPS 40 CFR §60 Subpart WWW</u> <u>Performance Testing</u> - “A person who is required to install a gas collection system and control system in compliance with §G(1) of this regulation shall demonstrate adequate control efficiency by complying with the conditions in 40 CFR §60.754(d) and 60.8.” [Reference: COMAR 26.11.19.20H(1)]</p>
1A.3	<p><u>Monitoring Requirements:</u> The FWL will be subject to the following requirements, if calculated NMOC emissions increase to 55 tons per year or more:</p> <p><u>Landfill NSPS 40 CFR §60 Subpart WWW</u> [Reference: COMAR 26.11.19.20H(2)] – <u>Monitoring Requirements</u>. “A person who is required to install a gas collection and control system in compliance with §G(1) of this regulation shall:</p> <ol style="list-style-type: none"> (a) Monitor the equipment in accordance with the provisions in 40 CFR §60.756(a)--(e); (b) Monitor the methane surface emissions in accordance with the provisions in 40 CFR §60.756(f); and (c) Commence the methane surface monitoring required in §H(2)(b) of this regulation by the beginning of the calendar quarter following the quarter

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	during which the system required in §G(1) of this regulation is installed.”
1A.4	<p><u>Record Keeping Requirements:</u> The FWL will be subject to the following requirements, if calculated NMOC emissions increase to 50 Mg/yr (55 tons/yr) or greater:</p> <p><u>Landfill NSPS 40 CFR §60 Subpart WWW</u> [COMAR 26.11.19.20H(4)] – <u>Record Keeping Requirements.</u> “A person who is required to install a gas collection and control system in compliance with §G(1) of this regulation shall comply with the record keeping requirements in 40 CFR §60.758.”</p>
1A.5	<p><u>Reporting Requirements:</u> The FWL will be subject to the following requirements, if calculated NMOC emissions increase to 55 tons per year or more:</p> <p><u>Landfill NSPS 40 CFR §60 Subpart WWW</u> [COMAR 26.11.19.20H(3)] – <u>Reporting Requirements.</u></p> <ol style="list-style-type: none"> 1. “A person who complies with §G(1) of this regulation by using an active collection system shall comply with the reporting provisions in 40 CFR §60.757 and 60.758. 2. A person who complies with §G(1) of this regulation shall comply with the initial performance test reporting requirements in 40 CFR §60.757(g).” <p>[COMAR 26.11.19.20F] – <u>Closure Report and Equipment Removal.</u></p> <ol style="list-style-type: none"> 1. A person who owns or operates a MSW landfill subject to §G of this regulation shall submit a closure report to the Department within 30 days of MSW acceptance cessation. The Department may request additional information, as necessary; to verify that permanent closure has taken place in accordance with the requirements in 40 CFR §258.60. 2. After the notice of closure has been submitted to the Department, additional MSW may not be placed in the MSW landfill. 3. A person who owns or operates a MSW landfill who installs the required gas collection and control system and complies with §G of this regulation for at least 15 years may continue to operate the control system or, if the control system is to be taken out of service, an equipment removal request shall be submitted to the Department for approval 30 days before the removal or cessation of operation of the control equipment. 4. The equipment removal request shall contain all of the information in

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Table IV – 1a	
	<p>40 CFR §60.757(e)(1) and (2), including:</p> <ul style="list-style-type: none"> (a) A copy of the closure report submitted in accordance with F(1) of this regulation; (b) A copy of the initial performance test report demonstrating that the 15-year minimum control period has expired; and (c) Dated copies of three successive NMOC emission rate calculations, performed in accordance with 40 CFR §60.754(b), demonstrating that the annual uncontrolled NMOC emissions from the MSW landfill are currently below and will remain below 25 tons per year.

The Forty West Landfill will be subject to the following requirements, if calculated NMOC emissions increase to 50 Mg/yr (55 tons/yr) or greater:

Table IV – 1b	
1b.0	<p><u>Emissions Unit Number(s) – EU-1 Cont’d</u></p> <p>MDE Registration No. 9-0173</p> <p>The municipal solid waste landfill is approximately 427 acres, including 189 acres of disposal area, with a design capacity of 10 million megagrams (approximately 11 million tons) of MSW. The site also equipped with a leachate collection system.</p>
1b.1	<p><u>Applicable Standards/Limits:</u></p> <p>Subpart AAAA – National Emission Standard for Hazardous Air Pollutants: Municipal Solid Waste Landfills.</p> <p><u>Applicability</u></p> <p>“You are subject to this subpart if you own or operate a MSW landfill that has accepted since November 8, 1987 or has additional capacity for waste disposition and meets any one of the three criteria in paragraphs (a)(1) through (3) of this section: (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.” [Reference: 40.CFR §63.1935(a)(3)]</p>

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Table IV – 1b	
	<p>“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.” [Reference: 40.CFR §63.1945(f)]</p> <p><u>Standards</u></p> <p>“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.” [Reference: 40.CFR §63.1955(b)]</p> <p><u>General and Continuing Compliance Requirements</u></p> <p>“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.” [Reference: 40.CFR §63.1960]</p>
1b.2	<p><u>Testing Requirements:</u></p> <p>See <u>General and Continuing Compliance Requirements</u></p>
1b.3	<p><u>Monitoring Requirements:</u></p> <p>See <u>General and Continuing Compliance Requirements</u></p>
1b.4	<p><u>Record Keeping Requirements:</u></p> <p>“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.” [Reference: 40.CFR §63.1980(a)]</p>

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Table IV – 1b	
	“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.” [Reference: 40.CFR §63.1980(b)]
1b.5	<u>Reporting Requirements:</u> See <u>General and Continuing Compliance Requirements</u>

A permit shield shall cover the applicable requirements identified for the emission units listed in the table above.

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

Part 63 Citation	Description	Explanation
63.1(a)	Applicability: general applicability of NESHAP 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	

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	working days after commencing such actions, followed by a letter 7 days after the event.	
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.	

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SECTION V INSIGNIFICANT ACTIVITIES

This section provides a list of insignificant emissions units that were reported in the Title V permit application. The applicable Clean Air Act requirements, if any, are listed below the insignificant activity.

- (1) No. 3 Stationary internal combustion engines with an output less than 500 brake horsepower (373 kilowatts) of power output (Please note that the listed equipment is portable and identified here for information purposes only – 400 hp tub grinder, 300 hp Beast Grinder, and 125 hp Power Screen);

- (2) No. 1 Unheated VOC dispensing containers or unheated VOC rinsing containers of 60 gallons (227) capacity or less;

- (3) Containers, reservoirs, or tanks used exclusively for:
 - (a) No. 2 Storage of lubricating oils: **Two (2) 300 gallon tanks**
 - (i) constructed on or before July 23, 1984, or
 - (ii) constructed after July 23, 1984, and having capacities less than 10,568 gallons (40 cubic meters);

 - (b) No. 2 Unheated storage of VOC with an initial boiling point of 300 °F (149 °C) or greater: **Two (2) waste oils tanks (500 gallons, and 250 gallons).**
 - (i) constructed on or before July 23, 1984, or
 - (ii) constructed after July 23, 1984, and having capacities less than 10,568 gallons (40 cubic meters); ;

 - (c) No. 2 Unheated storage of VOC with an initial boiling point of 300 °F (149 °C) or greater, constructed after July 23, 1984, and having individual tank capacities of 10,568 gallons (40 cubic meters) or greater: **Two (2) leachate tanks (218,000 gallons, and 280,000 gallons).**

 - (d) No. 1 Storage of Numbers 1, 2, 4, 5, and 6 fuel oil and aviation jet engine fuel: One (1) 10,000 gallons Diesel Tank, both constructed after July 23, 1984, and having capacities less than 10,568 gallons (40 cubic meters).

 - (e) No. 1 Storage of motor vehicle gasoline and having individual tank capacities of 2,000 gallons (7.6 cubic meters) or less.

 - (f) No. x Certain recreational equipment and activities, such as fireplaces, barbecue pits and cookers, fireworks display, and kerosene fuel use.

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SECTION VI STATE-ONLY ENFORCEABLE CONDITIONS

The Permittee is subject to the following State-only enforceable requirements:

1. Applicable Regulations:

- (A) COMAR 26.11.06.08 and 26.11.06.09, which generally prohibit the discharge of emissions beyond the property line in such a manner that a nuisance or air pollution is created.
- (B) COMAR 26.11.15.06, which prohibits the discharge of toxic air pollutants to the extent that such emissions will unreasonably endanger human health

2. Record Keeping and Reporting:

The Permittee shall submit to the Department, by April 1 of each year during the term of this permit, a written certification of the results of an analysis of emissions of toxic air pollutants from the Permittee's facility during the previous calendar year. The analysis shall include either:

- (a) A statement that previously submitted compliance demonstrations for emissions of toxic air pollutants remain valid; or
- (b) A revised compliance demonstration, developed in accordance with requirements included under COMAR 26.11.15 & 16, that accounts for changes in operations, analytical methods, emissions determinations, or other factors that have invalidated previous demonstrations.

PART 70 OPERATING PERMIT FACT SHEET
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BACKGROUND

The Forty West Landfill (FWL) is a municipal solid waste (MSW) landfill located at 12630 Earth Care Road, Hagerstown, Maryland, serving Washington County. The facility is owned by Washington County and operated by the Washington County Environmental Management Division - Department of Solid Waste (WCEMD-DSW). The landfill began operation in November 2000 and is expected provide over 33 years of disposal capacity (through 2033). The SIC code for the landfill is 4953.

The FWL property is approximately 427 acres, including 189 acres of disposal area. The FWL is designed to contain 15 cells for waste disposal. Waste currently received is placed in Cell Nos. 2, 3, and 4. To date, the landfill has accepted approximately 1,729, 782 tons.

FWL is subject to the New Source Performance Standard (NSPS) provisions under 40 CFR 60, Subpart WWW – Standard of Performance for Municipal Solid Waste Landfill (MSW LF) because it is a municipal solid waste landfill, which commenced construction on or after May 30, 1991 (**Reference.: §60.750**). The landfill has a design capacity of 10 million megagrams (approximately 11 million tons) of MSW, which exceeds the threshold of 2.5 million Mg (2.8 million tons) and 2.5 million cubic meters. As a result, it is required to comply with the requirements of §60.752(a)(2)(b) for MSW landfill having a capacity equal to or greater than 2.5 million Mg (2.8 million tons) and 2.5 million cubic meters.

Regulatory Update

On July 10, 2016, EPA finalized two new regulations – a final Emission Guidelines (EG) and Compliance Times, which apply to existing landfill defined as those landfills that began construction, reconstruction or modification on or before July 17, 2014 and accepted waste after November 8, 1987. The new EG and Compliance Times regulation - 40 CFR Part 60, Subpart Cf is meant to replace Subparts WWW and Cc. The revised new NSPS - 40 CFR Part 60, Subpart XXX applies to new landfills defined as those landfills that were constructed, modified, or reconstructed after July 17, 2014.

FWL is subject to Subpart Cf since it is an existing landfill constructed on or before July 17, 2014 and accepted waste after November 8, 1987. The most significant change that has been included in the new regulations is a decrease in the non-methane organic compound (NMOC) emission rate threshold that triggers the requirement to install and operate a landfill gas collection and control system (GCCS). EPA decreased the NMOC threshold from 50 Mg/yr to 34 Mg/yr. Closed landfills remain subject to the 50 Mg/yr threshold. EPA retained the same design capacity size thresholds of 2.5 million Mg and

2.5 million cubic meters as has been the case. Actual NMOC emissions from FWL do not currently exceed the applicability threshold.

Issues Remaining With the Updated Regulations

On October 27, 2016 several interested parties submitted administrative petitions to the EPA seeking reconsideration of various aspects of the 2016 regulations pursuant to section 307(d)(7)(B) of the Clean Air Act (CAA) (42 U.S.C. 7607). The section requires the Administrator to convene a reconsideration proceeding if the administrator believes the petitioner raises an objection to a rule that is of central relevance to the outcome of the rule. On May 5, 2017, EPA convened a proceeding for reconsideration to consider the following topics from one petitioner: (1) Tier 4 surface emission monitoring; (2) annual liquids reporting; (3) corrective action; (4) overlapping applicability with others rules; (5) the definition of cover penetration; and (6) design plan approval. During the reconsideration of these issues, the EPA stayed the effectiveness of the new regulations for a 90 day period beginning from May 31, 2017 and ending on August 29, 2017. Since the 90 day period has ended, the 2016 rules are currently in effect without the aforementioned issues resolved. However, the EPA still intends to continue to work with states and stakeholders to complete the reconsideration process, followed by the development of federal and state implementation plans.

National Emission Standards for Hazardous Air Pollutants (NESHAP) - 40 CFR Part 63 - Subpart AAAA

EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for existing and new municipal solid waste (MSW) landfills - 40 CFR Part 63, Subpart AAAA. FWL is subject to the MACT requirements because it is a MSW landfill that has accepted waste since November 8, 1987 and is an area source landfill that has a design capacity equal to or greater than 2.5 million cubic meters that was not permanently closed as of January 16, 2003. [**Reference: §63.1935(b) and (b) (3)**]. FWL must comply with the MACT requirements, if the facility's NMOC emissions exceed 50 Mg/year.

When EPA promulgated 40 CFR Part 63, Subpart AAAA, it officially linked the regulation with and as a cohort to the earlier NSPS/EG - Subparts WWW and Cc [**Reference: §63.1930**], by incorporating the requirements of Subparts WWW and Cc into Part 63, Subpart AAAA. However, the NESHAP regulation was neither revised nor replaced with the updates to Subparts WWW and Cc, i.e. Subpart Cf. A case in point is the decrease in non-methane organic compound (NMOC) emissions rate threshold under Cf that triggers the requirement to install and operate a landfill gas collection and control system (GCCS), from 50 Mg/yr to 34 Mg/yr without a corresponding revision of the NESHAP rule. Since the new NSPS/EG is currently not enforceable without a federal or State implementation plan, the 50 Mg/yr NMOC threshold remains in effect.

Currently, FWL has no active or passive landfill gas (LFG) vents installed. Although the design capacity of the facility makes it subject to the State of Maryland EG regulations (COMAR 26.11.19.20 – “Control of Landfill Gas Emissions from Municipal Solid Waste Landfills”) - the facility has demonstrated via Tier 2 testing (April 2012 and in March

and April 2017) that gas emissions are below the control threshold of 50 Mg/yr or even the 34 Mg/year of NMOC emissions under the new subpart Cf and will not exceed this threshold until the end of its useful life. Site-specific average NMOC concentration was 336 ppmv as hexane, based on the Tier 2 testing in 2012. From the determined average NMOC concentration, the actual emissions for the calendar year 2012 were 15.83 tons per year. In 2017, the result of the Tier 2 testing showed that the site-specific average NMOC concentration was 103.19 ppmv as hexane. From the determined average NMOC concentration, the modeled emissions for the calendar year 2017 were 6.99 tons per year. The facility will be required to conduct another Tier 2 testing in April 2022 (within 5 years) during the term of the Part 70 Permit to demonstrate that it is still below the threshold.

In view of the recent Tier 2 testing result, it is unlikely that NMOC emissions rate will exceed the 50 Mg/yr or 34 Mg/yr threshold during the next five year, and will not require the installation of collection and control systems at the landfill as stipulated in the regulation. In fact, the maximum potential emissions of NMOC in calendar year 2033 are estimated at 17.03 tons/year.

The facility maintains a leachate collection and disposal program. The leachate from the operating cells drains by gravity to sumps and it is automatically pumped from these collection sumps to two (2) leachate holding tanks (218,000 gallons for Tank No. 1, and 280,000 gallons for Tank No. 2). Leachate from these tanks is transported off site for disposal at a publicly owned treatment works (POTW) facility.

FWL is also subject to the requirements of COMAR 26.11.03.02 and required to apply for a Title V operating permit. The current Title V permit for FWL will expire on October 31, 2018. On November 28, 2017, the Department received a Part 70 renewal permit application for the Forty West Landfill. An administrative completeness review was conducted and the application was deemed to be complete. The completeness determination letter was sent to the Permittee on December 20, 2017 granting the Forty West Landfill an application shield.

Table 1: Actual Emissions

Year	NO _x (TPY)	SO _x (TPY)	PM ₁₀ (TPY)	CO (TPY)	VOC (TPY)
2017	0.00	0.00	0.81	3.09	7.00
2016	0.00	0.00	0.81	2.98	21.97
2015	0.00	0.00	0.80	2.86	21.13
2014	0.00	0.00	0.80	2.80	20.71
2013	0.00	0.00	0.81	2.73	20.17

Washington County is located in Area I, which is classified as an ozone attainment area. The major source thresholds for triggering Title V permitting for this area under Part 70 rule are the potential to emit of 50 TPY of VOC, 10 TPY of any single HAP, 25 TPY of any combination of HAPs, or 100 TPY of any other criteria pollutant.

A NSPS MSW Landfill is automatically subject to the Part 70 operating permit requirements, if it has a design capacity of at least 2.5 million megagrams, regardless of whether it is a major stationary source under the Part 70 regulation. The Forty West Landfill has a design capacity of 10 million megagrams, exceeding the 2.5 million megagrams threshold, and is therefore subject to the Title V permitting requirements.

At the present time, Tier 2 analyses indicate that NMOC emission rates are and will continue to be less than the 55 tpy threshold during the next 5 years and thereby not be subject to the NSPS requirement to install collection and control systems at the landfill.

MACT

EPA promulgated national emission standards for hazardous air pollutants for existing and new municipal solid waste (MSW) landfills - 40 CFR Part 63 - Subpart AAAA. The Forty West Landfill is subject to these MACT requirements because it is a MSW landfill that has accepted waste after November 8, 1987 and is an area source landfill that has a design capacity equal to or greater than 2.5 million cubic meters that was not permanently closed as of January 16, 2003.

CAM Analysis

Forty West Landfill conducted a Compliance Assurance Monitoring (CAM) analysis for the facility and determined that the facility is not subject to the CAM Rule 40 CFR Subpart 64. CAM is not applicable because the FWL is subject to an emissions limitation that was proposed by the EPA administrator after November 15, 1990 pursuant to Sections 111 or 112 of the Clean Air Act. Specifically, the facility is subject to the Emissions Guidelines for Municipal Solid Waste Landfills - 40 CFR Subpart Cc).

GREENHOUSE GAS (GHG) EMISSIONS

Forty West Landfill emits the following greenhouse gases (GHGs) related to Clean Air Act requirements: carbon dioxide and methane. These GHGs originate from various processes (i.e., waste decomposition and landfill gas fugitives) within the premises. The facility has not triggered the Prevention of Significant Deterioration (PSD) requirements for GHG emissions. Therefore, there are no applicable GHG Clean Air Act requirements. As a brand new facility, GHGs were based on emission estimates using default data entered into the US EPA LandGEM model, version 3.02. The following Table 3 summarizes the actual site specific emissions data of GHG from FWL based on emission estimates using the LandGEM model and information submitted in the Part 70 Permit Application.

Table 2: Greenhouse Gases Emissions Summary

GHG	Conversion factor	2013 tpy CO ₂ e	2014 tpy CO ₂ e	2015 tpy CO ₂ e	2016 tpy CO ₂ e	2017 tpy CO ₂ e
Carbon dioxide (CO ₂)	1	15,326	15,779	16,086	16,729	17,360
Methane (CH ₄)	25	117,298	120,436	122,901	152,100	157,775
Total GHG CO ₂ eq		154,968	159,156	162,396	168,829	175,135

Note: the N₂O, HFCs, PFCs, and SF₆ emissions from fugitive LFG are not quantified due to the absence of AP-42 emission factors.

EMISSION UNIT IDENTIFICATION

Municipal solid waste (MSW) landfills produce a large volume of gas that consists primarily of methane and carbon dioxide. Landfill gas also contains water vapor and a small amount of non-methane organic compounds (NMOC). The NMOC include Hazardous Air Pollutants (HAPs), odorous compounds, and Volatile Organic Compounds (VOCs), which are photochemically reactive and contribute to summertime ozone formation, which can result in adverse effects to human health and vegetation.

Particulate matter emissions can be generated in the form of fugitive dust created by landfill operations and mobile sources, such as garbage trucks traveling along paved and unpaved surfaces.

Forty West Landfill has identified the following emission unit as being subject to the Title V permitting requirements and having applicable requirements.

Table 3: Emission Unit Identification

MDE Registration Number	Emissions Unit Number	Emissions Unit Description	Date of Registration
9-0173	EU-01	Active municipal solid waste landfill with a maximum design capacity of 10 million megagrams (approximately 11 million tons) of MSW equipped with a leachate collection system.	November 1, 2000

AN OVERVIEW OF THE PART 70 PERMIT

Section I of the Part 70 Permit contains a brief description of the facility and an inventory list of the emissions units for which applicable requirements are identified in Section IV of the permit.

Section II of the Part 70 Permit contains the general requirements that relate to administrative permit actions. This section includes the procedures for renewing, amending, reopening, and transferring permits, the relationship to permits to construct and approvals, and the general duty to provide information and to comply with all applicable requirements.

Section III of the Part 70 Permit contains the general requirements for testing, record keeping and reporting; and requirements that affect the facility as a whole, such as open burning, air pollution episodes, particulate matter from construction and demolition activities, asbestos provisions, ozone depleting substance provisions, general conformity, and acid rain permit. This section includes the requirement to report excess emissions and deviations, to submit an annual emissions certification report and an annual compliance certification report, and results of sampling and testing.

Section IV of the Part 70 Permit identifies the emissions standards, emissions limitations, operational limitations, and work practices applicable to each emissions unit located at the facility. For each standard, limitation, and work practice, the permit identifies the basis upon which the Permittee will demonstrate compliance. The basis will include testing, monitoring, record keeping, and reporting requirements. The demonstration may include one or more of these methods.

Section V of the Part 70 Permit contains a list of insignificant activities. These activities emit very small quantities of regulated air pollutants and do not require a permit to construct or registration with the Department. For insignificant activities that are subject to a requirement under the Clean Air Act, the requirement is listed under the activity.

Section VI of the Part 70 Permit contains State-only enforceable requirements. Section VI identifies requirements that are not based on the Clean Air Act, but solely on Maryland air pollution regulations. These requirements generally relate to the prevention of nuisances and implementation of Maryland's Air Toxics Program.

REGULATORY AND TECHNICAL REVIEW/COMPLIANCE METHODOLOGY

Emissions Unit – EU-01 – is municipal solid waste landfill of approximately 427 acres, including 189 acres of disposal area, with a design capacity of 10 million megagrams (approximately 11 million tons) of MSW. The landfill is also equipped with a leachate collection system.

Applicable Standards/Limits

Control of Non methane Organic Compound (NMOC)

- 1. The New Source Performance Standard (NSPS) for Landfills (40 CFR §60 Subpart WWW) only requires the Forty West Landfill to calculate NMOC emissions until calculations show emissions to be equal to or greater than 50 Mg/yr (55 tons/yr):**

Forty West Landfill is subject to the testing, record keeping, and reporting requirements indicated below.

“If the resulting NMOC mass emission rate is less than 50 megagrams per year, the owner or operator shall submit a periodic estimate of the emission rate report as provided in §60.757(b)(1) and retest the site-specific NMOC concentration every 5 years using the methods specified in this section.” [Reference: 40 CFR §60.754(a)]

The Permittee shall keep all the records required under this permit for at least five years and shall make such records available to the Department upon request. [Reference: COMAR 26.11.03.06C]

If the Permittee increases the maximum design capacity of the Forty West Landfill after November 1, 1997, the Permittee shall amend and resubmit the design capacity report within 90 days of the issuance of an air quality Permit to Construct or a permit from the MDE Waste Management Administration that authorizes the increase or any other change that increases the maximum design capacity of the landfill. [Reference: COMAR 26.11.19.20D(2)].

The Permittee shall estimate the annual NMOC emission rate calculated using the formula and procedures as described in 40 CFR §60.754(a). The Permittee shall prepare and submit an updated NMOC emission rate report by November 1 of each year. A less frequent emission rate report may be submitted upon approval by the Department in accordance with COMAR 26.11.19.20D(6). [Reference: COMAR 26.11.19.20D(3)(a) & COMAR 26.11.19.20D(6)].

The Permittee may, upon approval by the Department, submit a combined report to satisfy the NMOC reporting requirements and the annual Emissions Certification requirements. Such report shall be submitted by April 1 of each year for the previous calendar year. [Reference: COMAR 26.11.19.20D(7)].

2. **The Forty West County will be subject to the following requirements if its NMOC emission rate, calculated in accordance with 40 CFR §60.754, is equal to or greater than 50 Mg/yr (55 tons/yr):**

If the NMOC emission rate determined in §D(3) or (5) of this regulation is 55 tons or more per year, the MSW landfill owner shall comply with §G of this regulation except as follows:

1. If the NMOC emission rate based on the site-specific NMOC concentration is more than 55 tons or more per year, the owner or operator shall comply with §G of this regulation or may recalculate the NMOC emission rate based on the site-specific methane generation according to the procedures provided in 40 CFR §60.754(a)(4). **[Reference COMAR 26.11.19.20D(8)(d)]**
2. The revised NMOC emission rate based on site-specific methane generation shall be submitted to the Department by November 1 of the year following the year in which the first NMOC emission rate report was submitted showing that the NMOC emission rate exceeded 55 tons per year. **[Reference: COMAR 26.11.19.20D(8)(e)]**
3. If the NMOC emission rate based on the site-specific methane generation rate is less than 55 tons per year, the owner or operator shall resume the emissions rate reporting using the site-specific methane generation rate according to the schedule in §D(6) of this regulation. **[Reference: COMAR 26.11.19.20D(8)(f)].** or
4. If the NMOC emission rate based on the site-specific methane generation rate is 55 tons or more per year, owner or operator shall comply with §G of this regulation. **[Reference: COMAR 26.11.19.20D(8)(g)]:**

COMAR 26.11.19.20E – Compliance Plans

1. A person who owns or operates an MSW landfill that has a calculated NMOC emission rate that is 55 tons or more per year shall submit to the Department a plan for compliance by June 1 of the year following the year in which a NMOC emission rate was first calculated to be 55 tons or more per year. The plan for compliance shall contain all of the elements contained in 40 CFR §60.752(b)(2). In addition, the plan shall contain the following schedule:
 - i. The release of purchase orders or contracts within 5 months from the date the plan for compliance is required;
 - ii. Beginning of construction of the gas collection and control system within 8 months after the plan for compliance is required; and
 - iii. Completion of construction of the gas collection and control system within 16 months from the date the plan for compliance is required.
2. The plan for compliance required in §E(1) of this regulation shall include the following compliance dates for start-up of the gas collection and control system and performance of a compliance test:
 - i. For areas that are closed or at final grade, a landfill gas collection and control system shall be installed and compliance achieved by December 1 of the year following the year the plan for compliance was required to be submitted or after

- the initial MSW landfill has been in place for a period of two years, whichever date is later;
- ii. For active areas, a landfill gas collection and control system shall be installed and compliance achieved by December 1 of the year following the year the plan for compliance was required to be submitted or after the initial MSW landfill has been in place for a period of 5 years, whichever date is later;
 - iii. Upon written request to the Department, an extended schedule, not to exceed 30 or more per year, may be granted for installing the landfill gas collection and control system; and
 - iv. The schedule to achieve compliance shall be met regardless of whether the owner or operator of the MSW landfill determines emissions based on site-specific NMOC and methane generation rates as provided §D)8) of this regulation.”
3. In its determination for an extension, the Department will consider:
 - i. The past and future rate at which MSW has been or will be accepted;
 - ii. The expected life of the area;
 - iii. Costs of control;
 - iv. Physical constraints for installing controls; and
 - v. Other information regarding the safety and technical aspects of control.
 4. Any extension granted by the Department pursuant to §E(2)(c) of this regulation shall be submitted to EPA for approval as a revision to the Department's plan for control of landfill gas emissions from MSW landfills.

COMAR 26.11.19.20G – Compliance and Operating Conditions

1. Compliance Conditions. A person who owns or operates an MSW landfill that has a calculated NMOC emission rate of 55 tons per year or more shall comply with the landfill gas collection and control requirements in 40 CFR §60.752(b)(2) and 60.755.
2. Specifications for Active Collection Systems. A person who complies with G(1) of this regulation by using an active collection system shall comply with the specifications included in 40 CFR §60.759.
3. Operating Conditions. A person who is required to install a gas collection and control system in compliance with §G(1) of this regulation shall operate the equipment according to the requirements included in 40 CFR §60.753

[Reference: COMAR 26.11.19.20H(1)] – Performance Testing

“A person who is required to install a gas collection system and control system in compliance with §G(1) of this regulation shall demonstrate adequate control efficiency by complying with the conditions in 40 CFR §60.754(d) and 60.8.”

[Reference: COMAR 26.11.19.20H(2)] – Monitoring Requirements

“A person who is required to install a gas collection and control system in compliance with §G(1) of this regulation shall:

- (a) Monitor the equipment in accordance with the provisions in 40 CFR §60.756(a)--(e);
- (b) Monitor the methane surface emissions in accordance with the provisions in 40 CFR §60.756(f); and
- (c) Commence the methane surface monitoring required in §H(2)(b) of this regulation by the beginning of the calendar quarter following the quarter during which the system required in §G(1) of this regulation is installed.”

[Reference: COMAR 26.11.19.20H(3)] – Reporting Requirements

1. “A person who complies with §G(1) of this regulation by using an active collection system shall comply with the reporting provisions in 40 CFR §60.757 and 60.758.
2. A person who complies with §G(1) of this regulation shall comply with the initial performance test reporting requirements in 40 CFR §60.757(g).”

[Reference: COMAR 26.11.19.20F] – Closure Report and Equipment Removal

1. A person who owns or operates a MSW landfill subject to §G of this regulation shall submit a closure report to the Department within 30 days of MSW acceptance cessation. The Department may request additional information, as necessary; to verify that permanent closure has taken place in accordance with the requirements in 40 CFR §258.60.
2. After the notice of closure has been submitted to the Department, additional MSW may not be placed in the MSW landfill.
3. A person who owns or operates a MSW landfill who installs the required gas collection and control system and complies with §G of this regulation for at least 15 years may continue to operate the control system or, if the control system is to be taken out of service, an equipment removal request shall be submitted to the Department for approval 30 days before the removal or cessation of operation of the control equipment.
4. The equipment removal request shall contain all of the information in 40 CFR §60.757(e)(1) and (2), including:
 - (a) A copy of the closure report submitted in accordance with F(1) of this regulation;
 - (b) A copy of the initial performance test report demonstrating that the 15-year minimum control period has expired; and
 - (c) Dated copies of three successive NMOC emission rate calculations, performed in accordance with 40 CFR §60.754(b), demonstrating that the annual uncontrolled NMOC emissions from the MSW landfill are currently below and will remain below 25 tons per year.

[Reference: COMAR 26.11.19.20H(4)] – Record Keeping Requirements

“A person who is required to install a gas collection and control system in compliance with §G(1) of this regulation shall comply with the record keeping requirements in 40 CFR §60.758.”

3. Maximum Achievable Control Technology (MACT)

The Forty West Landfill will be subject to the following requirements if it 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 NMOC emissions equal to or greater than 50 megagrams per year (Mg/yr) or 55 tons/yr as calculated in accordance with 40 CFR §60.754:

- A. **MACT Standards for Air Emissions from MSW Landfills**
[Reference: 40 CFR §63.1935]:
The Permittee shall comply with the requirements of 40 CFR Part 60 Subpart WWW. **[Reference: 40 CFR §63.1955].**
- B. **Monitoring of Operations [Reference: 40 CFR §60.756]**
The Permittee shall develop and implement a written start-up, shutdown, and malfunction (SSM) Plan according to the provisions in 40 CFR 63.6(e)(3). A copy of the SSM plan must be maintained on site. **[Reference: 40 CFR §63.1960].**
- C. **Reporting Requirements [Reference: 40 CFR §60.757]**
The Permittee shall submit SSM 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. **[Reference: 40 CFR §63.1955].**
- D. **Record keeping Requirements [Reference: 40 CFR §60.758]**
A copy of the SSM plan must be maintained on site. **[Reference: 40 CFR §63.1960].**
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COMPLIANCE SCHEDULE

Forty West Landfill is currently in compliance with all applicable air quality requirements.

TITLE IV - ACID RAIN

The Acid Rain Program does not apply to Forty West Landfill.

TITLE VI - OZONE DEPLETING SUBSTANCES

The facility is currently complying with the applicable federal requirements in 40 CFR 82, 82.34(a); 82.42(a) (1); 82.42(b) (1), (2).

SECTION 112 (r) - ACCIDENTAL RELEASE

The facility is not subject to the requirements of Section 112 (r) of the Clean Air Act.

PERMIT SHIELD

Forty West Landfill requested a permit shield.

INSIGNIFICANT ACTIVITIES

This section provides a list of insignificant emissions units that were reported in the Title V permit application. The applicable Clean Air Act requirements, if any, are listed below the insignificant activity.

- (1) No. 3 Stationary internal combustion engines with an output less than 500 brake horsepower (373 kilowatts) of power output (Please note that the listed equipment is portable and identified here for information purposes only – 400 hp tub grinder, 300 hp Beast Grinder, and 125 hp Power Screen);
- (2) No. 1 Unheated VOC dispensing containers or unheated VOC rinsing containers of 60 gallons (227) capacity or less;
- (3) Containers, reservoirs, or tanks used exclusively for:
 - (a) No. 2 Storage of lubricating oils: **Two (2) 300 gallon tanks**
 1. constructed on or before July 23, 1984, or
 2. constructed after July 23, 1984, and having capacities less than 10,568 gallons (40 cubic meters);
 - (b) No. 2 Unheated storage of VOC with an initial boiling point of 300 °F (149 °C) or greater: **Two (2) waste oils tanks (500 gallons, and 250 gallons).**
 1. constructed on or before July 23, 1984, or
 2. constructed after July 23, 1984, and having capacities less than 10,568 gallons (40 cubic meters): ;
 - (c) No. 2 Unheated storage of VOC with an initial boiling point of 300 °F (149 °C) or greater, constructed after July 23, 1984, and having individual tank capacities of 10,568 gallons (40 cubic meters) or greater: **Two (2) leachate tanks (218,000 gallons, and 280,000 gallons).**
 - (d) No. 1 Storage of Numbers 1, 2, 4, 5, and 6 fuel oil and aviation jet engine fuel: One (1) 10,000 gallons Diesel Tank, both constructed after July 23, 1984, and having capacities less than 10,568 gallons (40 cubic meters).

- (e) No. 1 Storage of motor vehicle gasoline and having individual tank capacities of 2,000 gallons (7.6 cubic meters) or less.
- (f) No. x Certain recreational equipment and activities, such as fireplaces, barbecue pits and cookers, fireworks display, and kerosene fuel use.

STATE-ONLY ENFORCEABLE CONDITIONS

The Permittee is subject to the following State-only enforceable requirements:

1. Applicable Regulations:

- (A) COMAR 26.11.06.08 and 26.11.06.09, which generally prohibit the discharge of emissions beyond the property line in such a manner that a nuisance or air pollution is created.
- (B) COMAR 26.11.15.06, which prohibits the discharge of toxic air pollutants to the extent that such emissions will unreasonably endanger human health

2. Record Keeping and Reporting:

The Permittee shall submit to the Department, by April 1 of each year during the term of this permit, a written certification of the results of an analysis of emissions of toxic air pollutants from the Permittee's facility during the previous calendar year. The analysis shall include either:

- (A) A statement that previously submitted compliance demonstrations for emissions of toxic air pollutants remain valid; or
- (B) A revised compliance demonstration, developed in accordance with requirements included under COMAR 26.11.15 & 16, that accounts for changes in operations, analytical methods, emissions determinations, or other factors that have invalidated previous demonstrations.