



**DES**  
DEPARTMENT OF ENVIRONMENT  
AND SUSTAINABILITY



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# PORTABLE PART 70 OPERATING PERMIT

**SOURCE ID: 17315**

Anniversary Mine LLC

Source Location as Specified by the Current Move Notice

**ISSUED ON: October 1, 2020**

**EXPIRES ON: September 30, 2025**

**REVISED ON: October 25, 2021**

**Current action: Reopen for Cause**

**Issued to:**

Anniversary Mine LLC  
6933 East Bonanza Road  
Las Vegas, Nevada 89110

**Responsible Official:**

David R. Jacks  
Manager  
PHONE: (702) 526-3421 FAX: None  
EMAIL: JACKSDAVID@HOTMAIL.COM

**NATURE OF BUSINESS:**

SIC code 4953, "Solid Waste Combustors and Incinerators"  
NAICS code 562213, "Solid Waste Combustors and Incinerators"

**Issued by the Clark County Department of Environment and Sustainability, Division of Air Quality in accordance with Section 12.5 of the Clark County Air Quality Regulations.**

Theodore A. Lendis, Permitting Manager

## EXECUTIVE SUMMARY

Anniversary Mine LLC is a portable wood/yard waste processing/incineration operation. This source category falls under Standard Industry Classification code 4953: Solid Waste Combustors and Incinerators and North American Industrial Classification System code 562213: Solid Waste Combustors and incinerators. This source is considered a Part 70 Source based on the requirements of 40 CFR Part 60, Subpart CCCC, and a minor source of regulated air pollutants. The source consists of an air curtain incinerator and an 87 hp diesel engine.

The following table summarizes the source's potential to emit for each regulated air pollutant and all emission units addressed by this minor Part 70 OP.

### Potential to Emit (tons per year)

Pollutant	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	SO <sub>2</sub>	VOC	HAPS	H <sub>2</sub> S	Pb
Tons/year	13.32	6.40	1.34	11.48	0.03	5.10	0.01	0	0

This is the initial Part 70 OP for this minor source.

The incinerator is subject to 40 CFR 60, Subpart CCCC, and the diesel engine is subject to 40 CFR 63, Subpart ZZZZ.

Pursuant to AQR 12.5, all terms and conditions in Sections I–VI and Attachment 1 in this permit are federally enforceable unless explicitly denoted otherwise.

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## I. DEFINITIONS AND ACRONYMS

### A. DEFINITIONS

1. *Air curtain incinerator* means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. (Air curtain incinerators are not to be confused with conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.) [40 CFR 60.2265]
2. *Clean wood* means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote. [40 CFR 60.2265]
3. *Wood waste* means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips scraps, millings, and shavings. Wood waste does not include: (1) grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands; (2) construction, renovation, or demolition wastes; (3) clean lumber. [40 CFR 60.2265]
4. *Yard waste* means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs. Yard waste comes from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include two items: (1) construction, renovation, and demolition wastes; (2) clean waste. [40 CFR 60.2977]
5. *Startup period* means the period of time between the activation of the system and the first charge to the unit within the first 30 minutes of operation. [40 CFR 60.2250(b) and 40 CFR 60.2265]
6. *Operation* means the period during which waste is combusted in the incinerator excluding periods of startup or shutdown. [40 CFR 60.51c]

## B. ACRONYMS

**Table I-1: List of Acronyms**

<b>Acronym</b>	<b>Term</b>
ACI	Air Curtain Incinerator
AM	Anniversary Mine
AQR	Clark County Air Quality Regulation
ATC	Authority to Construct
CAO	Corrective Action Order
CFR	Code of Federal Regulations
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
DAQ	Division of Air Quality
DES	Department of Environment and Sustainability
DOM	date of manufacture
dscf	dry standard cubic feet
dscm	dry standard cubic meter
EPA	U.S. Environmental Protection Agency
EU	emission unit
g/gr	gram
H <sub>2</sub> S	hydrogen sulfide
HAP	hazardous air pollutant
hp	horsepower
kW	kilowatt
MSP	Minor Source Permit
MSW	Municipal Solid Waste
NAICS	North American Industry Classification System
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO <sub>x</sub>	nitrogen oxides
NRS	Nevada Revised Statutes
NSPS	New Source Performance Standard
OP	Operating Permit
PM <sub>2.5</sub>	particulate matter less than 2.5 microns in diameter
PM <sub>10</sub>	particulate matter less than 10 microns in diameter
PTE	potential to emit
RT	round trip
SIC	Standard Industrial Classification
SO <sub>2</sub>	sulfur dioxides
STL	Settlement Agreement
U.S.C.	United States Code
VOC	volatile organic compound
VMT	vehicle miles traveled

## II. GENERAL CONDITIONS

### A. GENERAL REQUIREMENTS

1. The permittee shall comply with all conditions of this Part 70 OP. Any permit noncompliance may constitute a violation of the AQRs, Nevada law, and the Clean Air Act, and is grounds for enforcement action; permit termination; permit revocation and reissuance; permit revision; or denial of a permit renewal application. *[AQR 12.5.2.6(g)(1)]*
2. If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall be unaffected and remain valid. *[AQR 12.5.2.6(f)]*
3. The permittee shall pay fees to the Control Officer consistent with the approved fee schedule in AQR 18. *[AQR 12.5.2.6(h)]*
4. This permit does not convey property rights of any sort, or any exclusive privilege. *[AQR 12.5.2.6(g)(4)]*
5. The permittee agrees to allow inspection of the premises to which this permit relates by the Control Officer at any time during the permittee's hours of operation without prior notice. The permittee shall not obstruct, hamper or interfere with any such inspection. *[AQR 4.1; AQR 5.1.1; AQR 12.5.2.8(b)]*
6. The permittee shall allow the Control Officer, upon presentation of credentials to: *[AQR 4.1 & AQR 12.5.2.8(b)]*
  - a. Access and copy any records that must be kept under the conditions of the permit;
  - b. Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
  - c. Sample or monitor substances or parameters for the purpose of assuring compliance with the permit or applicable requirements; and
  - d. Document alleged violations using such devices as cameras or video equipment.
7. Any permittee who fails to submit relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit the needed supplementary facts or corrected information. In addition, the permittee shall provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit. A responsible official shall certify the additional information consistent with the requirements of AQR 12.5.2.4. *[AQR 12.5.2.2]*
8. Anyone issued a permit under AQR 12.5 shall post the permit according to the requirements in AQR 12.13. *[AQR 12.5.2.6(m)]*

## **B. MODIFICATION, REVISION, AND RENEWAL REQUIREMENTS**

1. No person shall begin actual construction of a New Part 70 source, or modify or reconstruct an existing Part 70 source that falls within the preconstruction review applicability criteria, without first obtaining an ATC permit from the Control Officer. *[AQR 12.4.1.1(a)]*
2. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance, does not stay any permit condition. *[AQR 12.5.2.6(g)(3)]*
3. A permit, permit revision, or renewal may be approved only if all of the following conditions have been met: *[AQR 12.5.2.10(a)]*
  - a. The permittee has submitted to the Control Officer a complete application for a permit, permit revision, or permit renewal, except that a complete application need not be received before a Part 70 general permit is issued pursuant to AQR 12.5.2.20; and
  - b. The conditions of the permit provide for compliance with all applicable requirements and the requirements of AQR 12.5.
4. The permittee shall not build, erect, install, or use any article, machine, equipment, or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere reduces or conceals an emission, which would otherwise constitute a violation of an applicable requirement. *[AQR 80.1 & 40 CFR Part 60.12]*
5. No permit revisions shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit. *[AQR 12.5.2.6(i)]*
6. Permit expiration terminates the permittee's right to operate unless a timely and complete renewal application has been submitted. *[AQR 12.5.2.11(b)]*
7. For purposes of permit renewal, a timely application is a complete application that is submitted at least six months, but not more than 18 months, before the date of permit expiration. If a source submits a timely application under this provision, it may continue operating under its current Part 70 OP until final action is taken on its application for a renewed Part 70 O. *[AQR 12.5.2.1(a)(2)]*

## **C. REPORTING/NOTIFICATIONS/PROVIDING INFORMATION REQUIREMENTS**

1. The permittee shall submit all compliance certifications to EPA and to the Control Officer. *[AQR 12.5.2.8(e)(4)]*
2. Any application form, report, or compliance certification submitted to the Control Officer pursuant to the permit or AQRs shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under AQR 12.5 shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. *[AQR 12.5.2.6(l)]*



3. The permittee shall furnish to the Control Officer, in writing and within a reasonable time, any information that the Control Officer may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Control Officer copies of records that the permit requires keeping. The permittee may furnish records claimed to be confidential directly to the Administrator, along with a claim of confidentiality. *[AQR 12.5.2.6(g)(5)]*
4. Upon request of the Control Officer, the permittee shall provide such information or analyses as will disclose the nature, extent, quantity, or degree of air contaminants that are or may be discharged by the source, and the type or nature of control equipment in use. The Control Officer may require that such disclosures be certified by a professional engineer registered in the state. In addition to such a report, the Control Officer may designate an authorized agent to make an independent study and report on the nature, extent, quantity, or degree of any air contaminants that are or may be discharged from the source. An authorized agent so designated is authorized to inspect any article, machine, equipment, or other contrivance necessary to make the inspection and report. *[AQR 4.1]*
5. The permittee shall submit annual emissions inventory reports based on the following: *[AQR 18.6.1]*
  - a. The annual emissions inventory must be submitted to DAQ by March 31 of each calendar year (if March 31 falls on a Saturday or Sunday, or on a Nevada or federal holiday, the submittal shall be due on the next regularly scheduled business day);
  - b. The calculated actual annual emissions from each emission unit shall be reported even if there was no activity, along with the total calculated actual annual emissions for the source based on the emissions calculation methodology used to establish the potential to emit (PTE) in the permit or an equivalent method approved by the Control Officer prior to submittal; and
  - c. As the first page of text, a signed certification containing the sentence: "I certify that, based on information and belief formed after reasonable inquiry, the statements contained in this document are true, accurate, and complete." This statement shall be signed and dated by a responsible official of the company (a sample form is available from DAQ).
6. Stationary sources that emit 25 tons or more of nitrogen oxide (NO<sub>x</sub>) and/or 25 tons or more of volatile organic compounds (VOCs) during a calendar year from emission units, insignificant activities, and exempt activities shall submit an annual emissions statement for both pollutants. This statement must include actual annual NO<sub>x</sub> and VOC emissions from all activities, including emission units, insignificant activities, and exempt activities. Emissions statements are separate from, and additional to, the calculated annual emissions reported each year for all regulated air pollutants (i.e., the emissions inventory). *[AQR 12.9.1]*

#### **D. COMPLIANCE REQUIREMENTS**

1. The permittee shall not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[AQR 12.5.2.6(g)(2)]*

2. Any person who violates any provision of the AQR, including, but not limited to, any application requirement; any permit condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any requirements by DAQ is guilty of a civil offense and shall pay the civil penalty levied by the Air Pollution Control Hearing Board and/or the Hearing Officer of not more than \$10,000. Each day of violation constitutes a separate offense. *[AQR 9.1; NRS 445B.640]*
3. Any person aggrieved by an order issued pursuant to AQR 9.1 is entitled to a review, as provided in Chapter 233B of the NRS. *[AQR 9.12]*
4. The permittee shall comply with the requirements of 40 CFR Part 61, Subpart M, of the National Emission Standard for Asbestos for all demolition and renovation projects. *[AQR 13.1(b)(8)]*
5. The permittee shall certify compliance with terms and conditions contained in this Part 70 OP, including emission limitations, standards, work practices, and the means for monitoring such compliance. *[AQR 12.5.2.8(e)]*
6. The permittee shall submit compliance certifications annually in writing to the Control Officer (4701 W. Russell Road, Suite 200, Las Vegas, NV 89118) and the EPA Administrator at Region 9 (Director, Air and Toxics Divisions, 75 Hawthorne St., San Francisco, CA 94105). A compliance certification for each calendar year will be due on January 30 of the following year and shall include the following: *[AQR 12.5.2.8(e)]*
  - a. The identification of each term or condition of the permit that is the basis of the certification;
  - b. The identification of the methods or other means used by the permittee for determining the compliance status with each term and condition during the certification period. The methods and means shall include, at a minimum, the monitoring and related recordkeeping and reporting requirements described in 40 CFR Part 70.6(a)(3). If necessary, the permittee shall also identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information; and
  - c. The status of compliance with the terms and conditions of this permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in (b) above. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify, as possible exceptions to compliance, any periods during which compliance is required and in which an excursion or exceedance, as defined under 40 CFR Part 64, occurred.
7. The permittee shall report to the Control Officer (4701 West Russell Road, Suite 200, Las Vegas, NV 89118) any startup, shutdown, malfunction, emergency, or deviation that causes emissions of regulated air pollutants in excess of any limits set by regulations or by this permit. The report shall be in two parts, as specified below: *[AQR 12.5.2.6(d)(4)(B)]*
  - a. Within 24 hours of the time the permittee learns of the excess emissions, the permittee shall notify DAQ by phone at (702) 455-5942, by fax at (702) 383-9994, or by email at [airquality@clarkcountynv.gov](mailto:airquality@clarkcountynv.gov); and

- b. Within 72 hours of the above required notification, the permittee shall submit a detailed written excess emission report to DAQ containing the information required by AQR 25.6.3 and certified by a responsible official.
8. The permittee shall report to the Control Officer all deviations from permit conditions that do not result in excess emissions, including those attributable to malfunction, startup, or shutdown, with the semiannual report. These reports shall identify the probable cause of each deviation and any corrective actions or preventative measures taken. *[AQR 12.5.2.6(d)(4)(B)]*
9. The owner or operator of any source required to obtain a permit under AQR 12 shall report to the Control Officer any emissions in excess of an applicable requirement or emission limit that pose a potential imminent and substantial danger to public health, safety, or the environment as soon as possible, but in no case later than 12 hours after the deviation is discovered, with a written report submitted within two days of the occurrence. *[AQR 25.6.2]*

#### **E. PERFORMANCE TESTING REQUIREMENTS**

1. Upon request of the Control Officer, the permittee shall test (or have tests performed) to determine emissions of air contaminants from any source whenever the Control Officer has reason to believe that an emission in excess of those allowed by the AQRs is occurring. The Control Officer may specify testing methods to be used in accordance with good professional practice. The Control Officer may observe the testing. All tests shall be conducted by reputable, qualified personnel. *[AQR 4.2]*
2. Upon request of the Control Officer, the permittee shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants. *[AQR 4.2]*
3. The permittee shall submit for approval a performance testing protocol that contains testing, reporting, and notification schedules, test protocols, and anticipated test dates to the Control Officer (4701 West Russell Road, Suite 200, Las Vegas, NV 89118) no less than 45 days, and no more than 90 days, before the anticipated date of the performance test, unless otherwise specified within the contents of this permit. *[AQR 12.5.2.8]*
4. The permittee shall submit to EPA for approval any alternative test methods EPA has not already approved to demonstrate compliance with a requirement under 40 CFR Part 60. *[40 CFR Part 60.8(b)]*
5. The permittee shall submit a report describing the results of each performance test to the Control Officer within 60 days of the end of the test. *[AQR 12.5.2.8]*

#### **F. PORTABLE SOURCE REQUIREMENTS**

1. Under the authority of this permit, the permittee shall not operate the equipment listed in Table III-A-1, at more than one location at a time. *[12.4 ATC (5/28/2020)]*
2. The permittee shall not operate the equipment listed in Table III-A-1 in combination with other equipment permitted through another permit. Such work requires a new permit or permit revision before commencement of operations so that one comprehensive permit includes all emission units. *[12.4 ATC (5/28/2020)]*

3. The permittee shall provide prior written notice of any change in location where the source will operate as authorized by this permit, and may implement the change seven days after the date the Control Officer receives the written notice. The notice shall be submitted to the Control Officer on the Portable Source Permit Move Notice form for the location. No change in location shall proceed if the Control Officer objects within the seven-day waiting period. *[12.4 ATC (05/28/2020)]*
4. The permittee shall provide written notice to the Control Officer at least 15 days before a move to any proposed location that is within 1,000 feet of the outer boundary of a school, hospital, or residential area. This notice shall be submitted for the purpose of initiating a public participation process, consistent with AQR 12.1.5.3(a)(3), before the source is moved to that location. It shall be submitted to the Control Officer on the Portable Source Permit Move Notice form for the location. Moving to the new location shall not proceed until all comments from the seven-day Notice of Proposed Action are addressed. *[12.4 ATC (05/28/2020)]*
5. The permittee shall provide prior written notice to the Control Officer of any operational period at a specific location that exceeds two years. The notice shall be provided at least seven days before the source would exceed the two-year time frame. It shall be submitted to the Control Officer on the Portable Source Permit Move Notice form submitted for that location before the move, or on the Prior Notification Form after the move. The operational period at a specific location shall not be extended to more than two years if the Control Officer objects within the seven-day waiting period. *[12.4 ATC (05/28/2020)]*

### III. EMISSION UNITS AND APPLICABLE REQUIREMENTS

#### A. AIR CURTAIN INCINERATOR OPERATION

##### 1. Emission Units

- a. The stationary source covered by this minor Part 70 OP consists of the emission units and associated appurtenances of the air curtain incinerator operation listed in Table III-A-1. *[AQR 12.5.2.3]*

**Table III-A-1: List of Emission Units**

EU	Rating	Type	Manufacturer	Model No.	Serial No.
A01	10 tph	Air Curtain Incinerator	Air Burners, Inc.	S-327	
A02	2.0 miles R.T.	Unpaved haul road			
A03	9.0 acres	Stockpiles			
A04		Char Handling			
B01	65.1 kW	Combustion Air Blower	Kubota	V3300-T	5N1F51
	87 hp	Engine— Diesel DOM 2005			

#### B. NONROAD ENGINES

Pursuant to Title 40, Part 1068.30 of the Code of Federal Regulations (40 CFR Part 1068.30), nonroad engines that are portable or transportable (i.e., not used on self-propelled equipment) shall not remain at a location for more than 12 consecutive months; otherwise, the engine(s) will constitute a stationary reciprocating internal combustion engine (RICE) and be subject to the applicable requirements of 40 CFR Part 63, Subpart ZZZZ; 40 CFR Part 60, Subpart IIII; and/or 40 CFR Part 60, Subpart JJJJ. Stationary RICE shall be permitted as emission units upon commencing operation at this stationary source. Records of location changes for portable or transportable nonroad engines shall be maintained, and shall be made available to the Control Officer upon request. These records are not required for engines owned and operated by a contractor for maintenance and construction activities, as long as records are maintained demonstrating that such work took place at the stationary source for periods less than 12 consecutive months.

Nonroad engines used on self-propelled equipment do not have this 12-month limitation or the associated recordkeeping requirements.

#### C. EMISSION LIMITATIONS AND STANDARDS

##### 1. Emission Limitations

- a. The permittee shall not allow actual emissions from the individual emission units to exceed the calculated PTE listed in Table III-C-1 in any consecutive 12-month period. *[AQR 12.5.2.6(a) and 12.4 ATC (05/28/2020)]*

**Table III-C-1: Emission Unit PTE (tons per year)**

EU	Condition	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	SO <sub>2</sub>	VOC	HAPS	H <sub>2</sub> S	Pb
A01	7,300 tons/year	5.04	4.82	0.22	11.39	0.02	4.82	0	0	0
A02	6,860 VMT/year	2.60	0.26	0	0	0	0	0	0	0
A03	9.0 acres	2.73	0.14	0	0	0	0	0	0	0
A04	146 tons/year	2.92	0.88	0	0	0	0	0	0	0
B01	2,600 hours/year	0.03	0.03	1.12	0.09	0.01	0.28	0.01	0	0

- b. The permittee shall not discharge into the atmosphere, from any emission unit, any air contaminant in excess of an average of 20 percent opacity for a period of more than six consecutive minutes. *[AQR 26.1]*
- c. The permittee shall operate the ACI (EU: A01) to maintain opacity to less than or equal to 10 percent (as determined by the average of three 1-hour blocks consisting of ten 6-minute average opacity values) during all times except during the startup period. *[40 CFR 60.2250(a)]*
- d. The permittee shall operate the ACI (EU: A01) to maintain opacity to less than or equal to 35 percent during the startup period that is within the first 30 minutes of operation. *[40 CFR 60.2250(b)]*

*Fugitive Dust*

- e. The permittee shall not cause or allow fugitive dust from trackout, which includes accumulation of mud or dirt on curbs, gutters, sidewalks, or paved surfaces, or from the handling, transport, or storage of any material in a manner that allows visible emissions of particulate matter to: *[AQR 94.14(a) & AQR 94.14(e)]*
  - i. Exceed 20% opacity using the Time Averaged Method (AQR 94.15.2) or the Intermittent Emissions Method (AQR 94.15.3);
  - ii. Exceed 50% opacity using the Instantaneous Method (AQR 94.15.4);
  - iii. Extend more than 100 feet; or
  - iv. Cross a property line.
- f. The permittee shall not allow fugitive dust emissions from unpaved parking lots or storage areas of more than 5,000 square feet to exceed: *[AQR 92.4(a)]*
  - i. 20% opacity based on the Opacity Test Method (AQR 92.6.1); or
  - ii. 50% opacity based on the Instantaneous Method (AQR 92.6.1.2).
- g. The permittee shall not allow a fugitive dust plume from an unpaved parking lot or storage area of more than 5,000 square feet to cross a property line. *[AQR 92.4(b)]*

**2. Production Limitations**

- a. The permittee shall combust in the ACI (EU: A01) only 100% wood waste; 100% clean lumber; and 100% mixture of only wood waste, clean lumber, and/or yard waste, as defined in 40 CFR 60.2265 and the definitions section of this permit. The permittee shall not combust construction debris or wastes other than those specified in this paragraph in the ACI. *[40 CFR 60.2265 and STL dated January 19, 2016]*

- b. The permittee shall not allow unsorted waste material to be burned in the ACI at any time. *[STL dated January 19, 2016, and 12.4 ATC (05/28/2020)]*
- c. The permittee shall maintain manifests of all waste delivered to the site. *[12.4 ATC (05/28/2020)]*
- d. The permittee shall maintain manifests of all sorted waste not acceptable to be burned in the ACI that was removed. *[12.4 ATC (05/28/2020)]*
- e. The permittee shall prevent incinerating unsorted waste by operating the ACI greater than 1,000 feet from the unsorted waste stockpile. *[STL dated January 19, 2016]*
- f. The permittee shall only operate the ACI between the hours of 7:00 a.m. and 5:00 p.m. PST. *[STL dated January 19, 2016 and 12.4 ATC (05/28/2020)]*
- g. The permittee shall limit the amount of wood waste, clean wood, and yard waste combusted in the ACI to 20 tons per day. *[STL dated January 19, 2016]*
- h. The permittee shall not burn construction debris or other non-permitted waste in the ACI. *[STL dated January 19, 2016]*
- i. The permittee shall limit the throughput of material to the ACI (EU: A01) to 7,300 tons per any consecutive 12 months. *[12.4 ATC (05/28/2020)]*
- j. The permittee shall not exceed 6,860 VMT per any consecutive 12 months on unpaved roads (EU: A02). *[12.4 ATC (05/28/2020)]*
- k. The permittee shall limit the total area of stockpiles (EU: A03) at any given time to 9.0 acres. *[12.4 ATC (05/28/2020)]*
- l. The permittee shall limit the production of char (EU: A04) to 146 tons per any consecutive 12 months. *[12.4 ATC (05/28/2020)]*
- m. The permittee shall limit the total hours of operation of the diesel engine (EU: B01) to 2,600 hours per any consecutive 12 months. *[12.4 ATC (05/28/2020)]*
- n. The permittee shall not operate any auxiliary equipment at this site. *[12.4 ATC (05/28/2020)]*
- o. The permittee shall grant entry to the Control Officer to perform an inspection of the stockpile of material prior to burning by notifying the Air Quality Dust Hotline one calendar day prior to operating the ACI. *[STL dated January 19, 2016]*

### **3. Control Requirements**

#### **Air Curtain Incinerator**

- a. The permittee shall operate and maintain the ACI and all ancillary equipment in accordance with the manufacturer's specifications and good combustion practices. *[12.4 ATC (05/28/2020)]*

- b. The permittee shall submit a plan for each location, for Control Officer's approval, to demonstrate the amount of materials brought onsite with the intent to burn in the ACI. These plans must also demonstrate the amount of material processed in the ACI on a daily basis. *[12.4 ATC (05/28/2020)]*
- c. The permittee shall not operate the ACI during high wind events. If there are structures within ¼ mile of the incinerator, the permittee shall not operate at wind speeds greater than 10 mph. Otherwise, the permittee shall not operate at wind speeds greater than 15 mph. *[12.4 ATC (05/28/2020)]*
- d. The permittee shall control any burning in the ACI so that public nuisance or traffic hazards are not created as a result of the air contaminants being emitted. *[AQR 42.2]*
- e. The permittee shall operate the blower unit at all times the ACI (EU: A01) is combusting allowable waste described in Section III.B.2 above. During startup of the ACI, the permittee shall begin operation of the blower unit immediately after the waste begins burning. *[12.4 ATC (05/28/2020)]*
- f. At any time a malfunction of the blower unit occurs, the permittee shall immediately cease loading material into the ACI and cease any incinerator operations until the malfunction has been sufficiently addressed to allow normal operations to continue. *[12.4 ATC (05/28/2020)]*
- g. The permittee shall limit the amount of waste material loaded into the ACI so the top of the waste does not interfere with the operation of the air curtain. *[12.4 ATC (05/28/2020)]*
- h. The permittee shall operate the ACI such that flames do not pass through and appear above the air curtain during operation due to over-loading the incinerator. *[12.4 ATC (05/28/2020)]*

#### Char Handling

- i. The permittee shall treat/stabilize char piles to control visible emissions within the allowable opacity limits. Treatment shall consist of watering, chemical or organic dust suppression, paving, gravelling, covering or equivalent control measures (EU: A04). *[STL dated January 19, 2016 and AQR 26.1.1]*

#### Generators/Engines

- j. The permittee shall operate the diesel engine (EU: B01) with a turbocharger. *[12.4 ATC (05/28/2020)]*
- k. The permittee shall operate and maintain the diesel engine (EU: B01) in accordance with the manufacturer's specifications. *[40 CFR Part 63, Subpart ZZZZ]*
- l. The permittee shall maintain the diesel engine (EU: B01) as follows, unless the manufacturer's specifications are more stringent: *[40 CFR Part 63, Subpart ZZZZ]*
  - i. Change oil and filter every 1,000 hours of operation or annually, whichever comes first;



- ii. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary;
- iii. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary; and
- iv. During periods of startup you must minimize the engine's time spent at idle and minimize the engine's time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.

#### Fugitive Dust

- m. The permittee shall control fugitive dust emissions from any disturbed open area or disturbed vacant lot owned or operated by the permittee by paving, applying gravel, applying a dust palliative, or applying water to form a crust. *[12.4 ATC (05/28/2020)]*
- n. The permittee shall implement one or more of the following to maintain fugitive dust control on all disturbed soils to the extent necessary to pass the Drop Ball Test described in AQR 94.15.5: *[AQR 94.12(b)]*
  - a. Maintain in a sufficiently damp condition to prevent loose particles of soil from becoming dislodged;
  - b. Crust over by application of water;
  - c. Completely cover with clean gravel;
  - d. Treat with a dust suppressant; or
  - e. Treat using another method approved in advance by the Control Officer.
- o. The permittee shall implement long-term stabilization of disturbed surfaces when the stationary source, or a portion thereof, is to be closed or idled for 30 days or more within 10 days of cessation of active operations. Long-term stabilization includes, but is not limited to, one or more of the following: applying water to form a crust, applying palliatives, applying gravel, paving, denying unauthorized access, or other effective control measure to prevent fugitive dust from becoming airborne. *[12.4 ATC (05/28/2020)]*
- p. The permittee shall control PM emissions from any unpaved parking lot owned or operated by the permittee by paving, applying a dust palliative, or using an alternative method approved by the Control Officer, regardless of the number of days of its use. *[12.4 ATC (05/28/2020)]*
- q. The permittee shall not allow unpaved parking lots or storage areas of more than 5,000 square feet to exceed the following, as determined by Section 92.6.3, except in areas on which clean gravel has been applied. The permittee shall demonstrate compliance as required by the Control Officer. *[AQR 92.4(a)]*
  - a. 0.33 oz/ft<sup>2</sup> silt loading; or
  - b. 6% silt content.
- r. The permittee shall control fugitive dust emissions from unpaved parking lots and storage areas of more than 5,000 square feet by: *[AQR 92.3.4]*
  - a. Paving, as defined in AQR 0;

- b. Applying alternate asphalt paving, as defined in AQR 92.2;
- c. Uniformly applying and maintaining clean gravel to a depth of two inches; or
- d. Applying and maintaining an alternative control measure with prior written approval from the Control Officer.
- s. The permittee shall maintain unpaved roads, including roads providing exclusive access, by stabilizing loose materials to ensure visible emissions are within allowable opacity limits. Maintenance may consist of watering, chemical or organic dust suppression, or equivalent control measures (EU: A02). *[12.4 ATC (05/28/2020)]*
- t. The permittee shall not allow mud or dirt to accumulate on a paved surface where trackout extends greater than 50 feet in cumulative length or accumulates to a depth greater than 0.25 inches. *[AQR 94.14(d)]*
- u. The permittee shall immediately clean any trackout, including trackout less than 50 feet in length or 0.25 inches in depth, and maintain the surface to eliminate emissions of fugitive dust by removing all accumulations of mud or dirt on curbs, gutters, sidewalks, or paved surfaces that cause visible emissions in excess of the emission limits and standards in this permit. *[AQR 94.14(e)]*
- v. Except as otherwise required in this section, all trackout shall be cleaned up by the end of the workday or evening shift, regardless of length or depth. *[AQR 94.14(f)]*
- w. The permittee shall not use blower devices or dry rotary brushes to remove deposited mud, dirt, or rock from a paved surface. Rotary brushes may be used when sufficient water is applied to limit visible emissions consistent with the emissions limits in this permit. *[AQR 94.14(a)(1)-(3), (b) and (c)]*
- x. The permittee shall incorporate, and maintain in good operating condition at all times an effective water suppression system to control visible emissions within allowable opacity limits for the stockpiles (EU: A03). *[12.4 ATC (05/28/2020)]*
- y. For stockpiles over eight feet high, the permittee shall: *[AQR 94.14(g)]*
  - a. Locate the stockpile more than 100 yards from occupied buildings.
  - b. Blade a road to the top of the stockpile to allow water truck access, or use another means to provide equally effective dust control at the top of the stockpile.

Other

- z. The permittee shall not cause, suffer, or allow any source to discharge air contaminants (or other materials) in quantities that will cause a nuisance, including excessive odors. *[AQR 40; AQR 43]*
- aa. The permittee shall not cause or permit the handling, transporting, or storage of any material in a manner that allows or may allow controllable PM to become airborne. *[AQR 41.1.2]*
- bb. The permittee shall effectively cover all loaded trucks leaving the site and carrying loose materials to reduce dust emissions. This condition applies to trucks regardless of whether they are owned and operated by the owner/operator. *[AQR 12.5.2.6(a)]*

## **D. MONITORING**

### Visible Emissions

1. The permittee shall conduct daily visual emissions checks and observations on the process while operating. *[AQR 12.5.2.6(d)]*
2. If the permittee, during the visible emissions check, does not see any plume that, on an instantaneous basis, appears to exceed the opacity standard, then the observer shall keep a record of the name of the observer, the date on which the observation was made, the location, and the results of the observation. *[AQR 12.5.2.6(d)]*
3. If the permittee sees a plume that, on an instantaneous basis, appears to exceed the opacity standard, the permittee shall: *[AQR 12.5.2.6(d)]*
  - a. Take immediate action to correct the causes of fugitive/stack emissions that appear to exceed allowable opacity limits; or
  - b. If practical, have a certified visible emissions observer take an observation of the plume using EPA Test Method 9 and record the results, then take immediate action to correct the causes of fugitive emissions exceeding allowable opacity limits in accordance with 40 CFR Part 60, Appendix A-4, "Test Methods 6 through 10B: Method 9—Visual Determination of the Opacity of Emissions from Stationary Sources."
4. The permittee shall have a certified VE observer onsite at all times the ACI is operated. *[Part 70 ATC APP October 2, 2019 and AQR 40; AQR 43, AQR 12.5.2.6(d)]*

### Air Curtain Incinerator

5. The permittee shall monitor the daily throughput of wood waste, clean lumber, and/or mixture of wood waste, clean lumber, and/or yard waste in tons. The permittee shall calculate, on a monthly basis, the throughput as a consecutive 12-month total. *[AQR 12.5.2.6(d)(1)]*

### Stockpiles/Haul Road

6. The permittee shall monitor the total acreage of stockpiles on a monthly basis (EU: A03). *[AQR 12.5.2.6(d)(1)]*
7. The permittee shall monitor daily the number of VMT traveled on onsite haul road by haul trucks entering and leaving, and calculate the total on a monthly basis (EU: A02). *[AQR 12.5.2.6(d)(1)]*
8. The permittee shall monitor daily the total stockpile area at each location.
9. When required by the Control Officer, the permittee shall determine compliance with the silt content limits for unpaved haul roads in accordance with the test method set forth in AQR 91.4.1.2.
10. When required by the Control Officer, the permittee shall determine compliance with the silt loading limits for unpaved haul roads in accordance with the test method set forth in AQR 93.4.1.2.
11. For the purposes of this permit, the permittee shall determine whether an area is disturbed in accordance with the drop ball test set forth in AQR 90.4.1.1.

### Char Handling

12. The permittee shall monitor the daily throughput of char in tons. The permittee shall calculate, on a monthly basis, the throughput as a consecutive 12-month total. *[AQR 12.5.2.6(d)(1)]*

### Generator/Engine

13. The permittee shall operate the diesel engine (EU: B01) with a nonresettable hour meter. The permittee shall monitor the daily hours of operation, and calculate, on a monthly basis, the hours of operation as a consecutive 12-month total. *[AQR 12.5.2.6(d)(1)]*

## **E. PERFORMANCE TESTING**

1. All performance testing is subject to 40 CFR Part 60.8 and *Clark County Department of Air Quality Guideline for Source Testing (2/21/2019)*. Performance testing shall be the instrument for determining initial and subsequent compliance with the emission limitations set forth in this permit in accordance with 40 CFR Part 60, Subpart CCCC (Standards of Performance for Commercial and Industrial Solid Waste Incineration Units), and 40 CFR 60 Reference Method 9 (Standards for Opacity). *[STL dated January 19, 2016]*
2. The permittee shall conduct performance testing on the ACI to demonstrate compliance with the opacity standards according to the following conditions (EU: A01): *[40 CFR 60.2255]*
  - a. Initial performance tests shall be conducted within 60 days after startup.
  - b. Subsequent performance testing shall be conducted annually, no more than 12 calendar months following the date of the previous test.
3. The permittee shall submit for approval a performance testing protocol which contains test, reporting, and notification schedules, test protocols, and anticipated test dates to the Control Officer at least 45 days prior to the anticipated test date but not more than 90 days prior to the anticipated test date. *[AQR 12.5.2.6(d)]*
4. The Control Officer will consider approving the permittee's request for alternative performance test methods if proposed in writing in the performance test protocols. *[AQR 12.5.2.6(d)]*
5. The permittee shall submit a report describing the results of the performance test to the Control Officer within 60 days from the end of the performance test. *[AQR 12.5.2.6(d)]*
6. The permittee of any stationary source that fails to demonstrate compliance with emissions standards or limitations during any performance test shall submit a compliance plan to the Control Officer within 90 days of the end of the performance test. *[AQR 12.5.2.6(d) & AQR 10.1]*
7. The Control Officer may require additional performance testing when operating conditions appear to be inadequate to demonstrate compliance with the emissions and/or limitations in this permit. *[AQR 12.5.2.6(d) & AQR 4.5]*

## **F. RECORDKEEPING**

1. All records logs, etc. shall be made available to the Control Officer during regular business hours. *[AQR 12.5.2.6(d)(2)]*

2. All records, logs, etc., or copies thereof, shall be kept onsite for a minimum of five years from the date the measurement, or data was entered. [AQR 12.5.2.6(d)(2)]
3. Records and data required by this permit to be maintained by the permittee may be audited at any time by a third party selected by the Control Officer. [AQR 4.4]
4. The permittee shall maintain the following records on-site that include, at minimum, the following information: [AQR 12.5.2.6(d)(2)]
  - a. Dates and times when visible emissions checks and observations were made, and the corrective steps taken to bring opacity into compliance;
  - b. Maintenance logs for the oil and filters changes, air cleaner, hoses and belt inspections (EU: B01);
  - c. Daily amounts of wood waste, clean waste, and yard waste brought onsite to burn in the ACI;
  - d. Manifests of all sorted waste not acceptable to be burned in the ACI that is received, removed, and shipped offsite;
  - e. Daily log of date and time ACI operates (EU: A01);
  - f. Daily log of the wind speed when the ACI is operating (EU: A01);
  - g. Daily throughputs of wood waste, clean waste, and yard waste combusted (EU: A01);
  - h. Daily throughputs of char processed (EU: A04);
  - i. Daily engine operating hours (EU: B01);
  - j. Initial and annual opacity tests for the ACI [40 CFR 60.2260(b)] (EU: A01);
  - k. Initial and annual reports for the ACI [40 CFR 60.2260(f)] (EU: A01);
  - l. Equipment inspections, maintenance or repair (EUs: A01 and B01);
  - m. Log of dust control measures applied to unpaved roads (EU: A02);
  - n. Monthly amount of dust palliative applied; and
  - o. Records of location changes for nonroad engines, if applicable.
5. The permittee shall maintain the following records onsite for reporting semiannually: [AQR 12.5.2.6(d)(4)]
  - a. Location-specific, and no less than monthly, summations of hours of operation or throughput for each emission unit that has an operational limit; (reported semiannually)
  - b. Location changes (move notices) with start and end dates;
  - c. Daily date and time of the ACI operations (EU: A01);
  - d. Monthly, consecutive 12-month total throughput of wood waste, clean wood, and yard waste (EU: A01);
  - e. Monthly, consecutive 12-month total hours of the engine operation (EU: B01);
  - f. Total stockpile area (EU: A03);
  - g. Monthly, consecutive 12-month total VMT on the unpaved haul road (EU: A02);
  - h. Monthly, consecutive 12-month total throughput of char processed (EU: A04);

- i. Deviations from permit requirements that result in excess emissions (reported as required in Section II.D of this OP); and
  - j. Deviations from permit requirements that do not result in excess emissions.
6. The permittee shall include in each record above, where applicable, the date and time the monitoring or measurement was taken, the person performing the monitoring or measurement, and the emission unit or location where the monitoring or measurement was performed. Each record must also contain the action taken to correct any deficiencies, when applicable. *[AQR 12.5.2.6(d)]*

#### **IV. REPORTING**

1. All report submissions shall be addressed to the attention of the Control Officer. *[AQR 12.5.2.6(d), AQR 14.3, AQR 21.4, & AQR 22.4]*
2. All reports shall contain a certification of truth, accuracy, and completeness by the responsible official. *[AQR 12.5.2.6(d) & AQR 12.5.2.6(l)]*
3. The permittee shall submit semiannual reports to the Control Officer as follows: *[AQR 12.5.2.6(d)]*
  - a. The report shall include each record listed in Section III.F of this permit for semiannual reporting purposes.
  - b. The report shall include summaries of any permit deviations, their probable cause, and corrective or preventative actions taken.
  - c. The report shall be submitted to DAQ within 30 calendar days of the end of the reporting period.
4. Regardless of the date of issuance of this permit, the schedule for the submittal of reports to the Control Officer shall be as outlined in Table IV-1. *[AQR 12.5.2.6(d)]*

**Table IV-1: Reporting Schedule**

Required Report	Applicable Period	Due Date
Semiannual report for 1st six-month period	January, February, March, April, May, June	July 30 each year <sup>1</sup>
Semiannual report for 2nd six-month period; any additional annual records required	July, August, September, October, November, December	January 30 each year <sup>1</sup>
Annual Compliance Certification	Calendar year	January 30 each year <sup>1</sup>
Annual Emission Inventory Report	Calendar year	March 31 each year <sup>1</sup>
Annual Emission Statement <sup>2</sup>	Calendar year	March 31 each year <sup>1</sup>
Notification of Malfunctions, Startup, Shutdowns, or Deviations with Excess Emission	As required	Within 24 hours of the permittee learns of the event
Report of Malfunctions, Startup, Shutdowns, or Deviations with Excess Emission	As required	Within 72 hours of the notification
Deviation Report without Excess Emissions	As required	Along with semiannual reports <sup>1</sup>
Excess Emissions that Pose a Potential Imminent and Substantial Danger	As required	Within 12 hours of the time permittee learns of the event
Performance Testing Protocol	As required	No less than 45 days, but no more than 90 days, before the anticipated test date <sup>1</sup>
Performance Testing	As required	Within 60 days of end of test <sup>1</sup>

<sup>1</sup>If the due date falls on a Saturday, Sunday, or federal or Nevada holiday, the submittal is due on the next regularly scheduled business day.

<sup>2</sup> Required only for stationary sources that emit 25 tons or more of nitrogen oxide (NO<sub>x</sub>) and/or emit 25 tons or more of volatile organic compounds (VOC) during a calendar year.

- The Control Officer reserves the right to require additional reports and reporting to verify compliance with permit conditions, permit requirements, and the requirements of applicable federal regulations. *[AQR 4.4 and AQR 12.5.2.6(d)]*

## V. MITIGATION

The source has no federal offset requirements. *[AQR 59.1.1]*

## VI. OTHER REQUIREMENTS

- Should this stationary source, as defined in 40 CFR Part 68.3, become subject to the accidental release prevention regulations in Part 68, then the permittee shall submit a Risk Management Plan by the date specified in Section 68.10. The permittee shall certify compliance with the requirements of Part 68 as part of the annual compliance certification required by 40 CFR Part 70 or 71. *[AQR 12.5.2.6(d)]*

2. The permittee shall not use, sell, or offer for sale any fluid as a substitute material for any motor vehicle, residential, commercial, or industrial air conditioning system, refrigerator freezer unit, or other cooling or heating device designated to use a chlorofluorocarbon or hydrochlorofluorocarbon compound as a working fluid, unless such fluid has been approved for sale in such use by the EPA Administrator. The permittee shall keep records of all paperwork relevant to the applicable requirements of 40 CFR Part 82 on-site. *[40 CFR 82]*
3. The permittee must comply with all of the control requirements listed in this permit. If there is an inconsistency between standards or requirements, the most stringent standard or requirement shall apply. *[AQR 4]*



## ATTACHMENT 1: APPLICABLE REGULATIONS

### Requirements Specifically Identified as Applicable

1. NRS, Chapter 445B.
2. Applicable AQR sections:

**Table A-1: AQR Sections Containing Applicable Requirements**

Citation	Title
AQR 0	"Definitions"
AQR 4	"Control Officer"
AQR 5	"Interference with Control Officer"
AQR 8	"Persons Liable for Penalties – Punishment: Defense"
AQR 9	"Civil Penalties"
AQR 10	"Compliance Schedule"
AQR 11	"Ambient DAQ Standards"
AQR 12.4	"Authority to Construct Application and Permit Requirements for Part 70 Sources"
AQR 12.5	"Part 70 Operating Permit Requirements"
AQR 13	"National Emission Standards for Hazardous Pollutants"
AQR 14	"New Source Performance Standards"
AQR 18	"Permit and Technical Service Fees"
AQR 24	"Sampling and Testing - Records and Reports"
AQR 25	"Upset/Breakdown, Malfunctions"
AQR 26	"Emissions of Visible Air Contaminants"
AQR 40	"Prohibition of Nuisance Conditions"
AQR 41.1.1.1	"Fugitive Dust"
AQR 41.1.2	"Fugitive Dust"
AQR 42	"Open Burning"
AQR 43	"Odors in the Ambient Air"
AQR 60	"Evaporation and Leakage"
AQR 70	"Emergency Procedures"
AQR 80	"Circumvention"
AQR 92	"Fugitive Dust"
AQR 94	"Permitting and Dust Control for Construction Activities"

3. Clean Air Act Amendments of 1990 (authority: 42 U.S.C. § 7401, et seq.)

4. Applicable 40 CFR sections.

**Table A-2: CFR Sections Containing Applicable Requirements**

<b>Citation</b>	<b>Title</b>
40 CFR Part 52.21	"Prevention of Significant Deterioration"
40 CFR Part 52.1470	"State Implementation Plan Rules"
40 CFR Part 60, Subpart A	"Standards of Performance for New Stationary Sources – General Provisions"
40 CFR Part 60	"Appendix A-4, Method 9 or equivalent (opacity)"
40 CFR Part 60, Subpart CCCC	"New Source Performance Standard for Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced After November 30, 1999 or for Which Modification or Reconstruction is Commenced on or After June 1, 2001"
40 CFR Part 63, Subpart A	"National Emission Standards for Hazardous Air Pollutants – General Provisions"
40 CFR Part 63, Subpart ZZZZ	"National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines"
40 CFR Part 68	"Risk Management Program"
40 CFR Part 70	"Federally Mandated Operating Permits"
40 CFR Part 82	"Protection of Stratospheric Ozone"