State of Ohio Environmental Protection Agency

STREET ADDRESS:
Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:
P.O. Box 1049
Columbus, OH 43216-1049

1/13/2009

Pamela Blakley *Via E-Mail Notification*
United States Environmental Protection Agency
Mail Code: AR-18J
77 West Jackson Blvd.
Chicago, IL 60604-3507

RE: PROPOSED AIR POLLUTION TITLE V PERMIT
Facility Name: Bio-Gas Technologies, LTD
Facility ID: 0322000295
Permit Type: Initial
Permit Number: P0086933

Dear Ms. Coburn:

A proposed OAC Chapter 3745-77 Title V permit for the referenced facility has been issued for review by U.S. EPA. This permit has been posted to the Division of Air Pollution Control (DAPC) Web page http://www.epa.state.oh.us/dapc in Microsoft Word and Adobe Acrobat format. If U.S. EPA does not object to this proposed permit, the permit will be processed for issuance as a final action not less than 45 days from the date of this letter. Please contact me at (614) 644-3631 by the end of the 45 day review period if you wish to object to the proposed permit.

Sincerely,

Michael W. Ahern

Michael W. Ahern, Manager
Permit Issuance and Data Management Section, DAPC

Cc: Ohio EPA DAPC, Northwest District Office

State of Ohio Environmental Protection Agency
Division of Air Pollution Control

PROPOSED

Air Pollution Title V Permit
for
Bio-Gas Technologies, LTD

Facility ID: 0322000295
Permit Number: P0086933
Permit Type: Initial
Issued: 1/13/2009
Effective: To be entered upon final issuance
Expiration: To be entered upon final issuance

State of Ohio Environmental Protection Agency
Division of Air Pollution Control

Air Pollution Title V Permit
for
Bio-Gas Technologies, LTD

Table of Contents

Authorization 1
A. Standard Terms and Conditions 2
1. Federally Enforceable Standard Terms and Conditions 3
2. Monitoring and Related Record Keeping and Reporting Requirements 3
3. Scheduled Maintenance 6
4. Risk Management Plans 6
5. Title IV Provision 6
6. Severability Clause 7
7. General Requirements 7
8. Fees 8
9. Marketable Permit Programs 8
10. Reasonably Anticipated Operating Scenarios 8
11. Reopening for Cause 8
12. Federal and State Enforceability 9
13. Compliance Requirements 9
14. Permit Shield 10
15. Operational Flexibility 10
16. Emergencies 11
17. Off-Permit Changes 11
18. Compliance Method Requirements 12
19. Insignificant Activities or Emissions Levels 12
20. Permit to Install Requirement 12
21. Air Pollution Nuisance 12
22. Permanent Shutdown of an Emissions Unit 12
23. Title VI Provisions 13
24. Reporting Requirements Related to Monitoring and Record Keeping Requirements Under State Law Only 13
25. Records Retention Requirements Under State Law Only 13
26. Inspections and Information Requests 13
27. Scheduled Maintenance/Malfunction Reporting 14
28. Permit Transfers 14

29. Additional Reporting Requirements When There Are No Deviations of Federally Enforceable Emission Limitations, Operational Restrictions, or Control Device Operating Parameter Limitations 14

B. Facility-Wide Terms and Conditions..... 15

C. Emissions Unit Terms and Conditions 17

1. P001, 13.9 mmBtu/hr LFG fired IC engine/generator #1 18

2. P002, 13.9 mmBtu/hr LFG fired IC engine/generator #2 24

Authorization

Facility ID: 0322000295
Facility Description: Electric Services
Application Number(s): A0017806
Permit Number: P0086933
Permit Description: Initial Title V Application
Permit Type: Initial
Issue Date: 1/13/2009
Effective Date: To be entered upon final issuance
Expiration Date: To be entered upon final issuance
Superseded Permit Number: 03-17396

This document constitutes issuance of an OAC Chapter 3745-77 Title V permit to:

Bio-Gas Technologies, LTD
10102 Hoover Road
Milan, OH 44846

Ohio EPA District Office or local air agency responsible for processing and administering your permit:

Ohio EPA DAPC, Northwest District Office
347 North Dunbridge Road
Bowling Green, OH 43402
(419)352-8461

The above named entity is hereby granted a Title V permit pursuant to Chapter 3745-77 of the Ohio Administrative Code. This permit and the authorization to operate the air contaminant sources (emissions units) at this facility shall expire at midnight on the expiration date shown above. You will be sent a notice approximately 18 months prior to the expiration date regarding the renewal of this permit. If you do not receive a notice, please contact the Ohio EPA DAPC, Northwest District Office. If a renewal permit is not issued prior to the expiration date, the permittee may continue to operate pursuant to OAC rule 3745-77-08(E) and in accordance with the terms of this permit beyond the expiration date, if a timely renewal application is submitted. A renewal application will be considered timely if it is submitted no earlier than 18 months (540 days) and no later than 6 months (180 days) prior to the expiration date.

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Chris Korleski
Director

A. Standard Terms and Conditions

1. Federally Enforceable Standard Terms and Conditions

a) All Standard Terms and Conditions are federally enforceable, with the exception of those listed below which are enforceable under State law only:

(1) Standard Term and Condition A. 24., Reporting Requirements Related to Monitoring and Record Keeping Requirements of State-Only Enforceable Permit Terms and Conditions

(2) Standard Term and Condition A. 25., Records Retention Requirements for State-Only Enforceable Permit Terms and Conditions

(3) Standard Term and Condition A. 27., Scheduled Maintenance/Malfunction Reporting

(4) Standard Term and Condition A. 29., Additional Reporting Requirements When There Are No Deviations of Federally Enforceable Emission Limitations, Operational Restrictions, or Control Device Operating Parameter Limitations
(Authority for term: ORC 3704.036(A))

2. Monitoring and Related Record Keeping and Reporting Requirements

a) Except as may otherwise be provided in the terms and conditions for a specific emissions unit (i.e., in section C. Emissions Unit Terms and Conditions of this Title V permit), the permittee shall maintain records that include the following, where applicable, for any required monitoring under this permit:

(1) The date, place (as defined in the permit), and time of sampling or measurements.

(2) The date(s) analyses were performed.

(3) The company or entity that performed the analyses.

(4) The analytical techniques or methods used.

(5) The results of such analyses.

(6) The operating conditions existing at the time of sampling or measurement.
(Authority for term: OAC rule 3745-77-07(A)(3)(b)(i))

b) Each record of any monitoring data, testing data, and support information required pursuant to this permit shall be retained for a period of five years from the date the record was created. Support information shall include all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Such records may be maintained in computerized form.
(Authority for term: OAC rule 3745-77-07(A)(3)(b)(ii))

c) The permittee shall submit required reports in the following manner:

(1) All reporting required in accordance with OAC rule 3745-77-07(A)(3)(c) for deviations caused by malfunctions shall be submitted in the following manner:

Any malfunction, as defined in OAC rule 3745-15-06(B)(1), shall be promptly reported to the Ohio EPA in accordance with OAC rule 3745-15-06. In addition, to fulfill the OAC rule 3745-77-07(A)(3)(c) deviation reporting requirements for malfunctions, written reports that identify each malfunction that occurred during each calendar quarter (including each malfunction reported only verbally in accordance with OAC rule 3745-15-06) shall be submitted (i.e., postmarked) by January 31, April 30, July 31, and October 31 of each year in accordance with Standard Term and Condition A.2.c)(2) below; and each report shall cover the previous calendar quarter. An exceedance of the visible emission limitations specified in OAC rule 3745-17-07(A)(1) that is caused by a malfunction is not a violation and does not need to be reported as a deviation if the owner or operator of the affected air contaminant source or air pollution control equipment complies with the requirements of OAC rule 3745-17-07(A)(3)(c).

In accordance with OAC rule 3745-15-06, a malfunction reportable under OAC rule 3745-15-06(B) constitutes a violation of an emission limitation (or control requirement) and, therefore, is a deviation of the federally enforceable permit requirements. Even though verbal notifications and written reports are required for malfunctions pursuant to OAC rule 3745-15-06, the written reports required pursuant to this term must be submitted quarterly to satisfy the prompt reporting provision of OAC rule 3745-77-07(A)(3)(c).

In identifying each deviation caused by a malfunction, the permittee shall specify the emission limitation(s) (or control requirement(s)) for which the deviation occurred, describe each deviation, and provide the magnitude and duration of each deviation. For a specific malfunction, if this information has been provided in a written report that was submitted in accordance with OAC rule 3745-15-06, the permittee may simply reference that written report to identify the deviation. Nevertheless, all malfunctions, including those reported only verbally in accordance with OAC rule 3745-15-06, must be reported in writing on a quarterly basis.

Any scheduled maintenance, as referenced in OAC rule 3745-15-06(A)(1), that results in a deviation from a federally enforceable emission limitation (or control requirement) shall be reported in the same manner as described above for malfunctions.

(Authority for term: OAC rule 3745-77-07(A)(3)(c))

(2) Except as may otherwise be provided in the terms and conditions for a specific emissions unit (i.e., in section C. Emissions Unit Terms and Conditions of this Title V permit or, in some cases, in section B. Facility-Wide Terms and Conditions of this Title V permit), all reporting required in accordance with OAC rule 3745-77-07(A)(3)(c) for deviations of the emission limitations, operational restrictions, and control device operating parameter limitations shall be submitted in the following manner:

Written reports of (a) any deviations from federally enforceable emission limitations, operational restrictions, and control device operating parameter limitations, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures taken, shall be promptly made to the appropriate Ohio EPA District Office or local air agency. Except as provided below, the written reports shall be submitted (i.e., postmarked) by January 31, April 30, July 31, and October 31 of each year; and each report shall cover the previous calendar quarter.

In identifying each deviation, the permittee shall specify the emission limitation(s), operational restriction(s), and/or control device operating parameter limitation(s) for which the deviation occurred, describe each deviation, and provide the estimated magnitude and duration of each deviation.

These written deviation reports shall satisfy the requirements of OAC rule 3745-77-07(A)(3)(c) pertaining to the submission of monitoring reports every six months and to the prompt reporting of all deviations. Full compliance with OAC rule 3745-77-07(A)(3)(c) requires reporting of all other deviations of the federally enforceable requirements specified in the permit as required by such rule.

If an emissions unit has a deviation reporting requirement for a specific emission limitation, operational restriction, or control device operating parameter limitation that is not on a quarterly basis (e.g., within 30 days following the end of the calendar month, or within 30 or 45 days after the exceedance occurs), that deviation reporting requirement satisfies the reporting requirements specified in this Standard Term and Condition for that specific emission limitation, operational restriction, or control device parameter limitation. Following the provisions of that non-quarterly deviation reporting requirement will also satisfy (for the deviations so reported) the requirements of OAC rule 3745-77-07(A)(3)(c) pertaining to the submission of monitoring reports every six months and to the prompt reporting of all deviations, and additional quarterly deviation reports for that specific emission limitation, operational restriction, or control device parameter limitation are not required pursuant to this Standard Term and Condition.

See A.29 below if no deviations occurred during the quarter.
(Authority for term: OAC rule 3745-77-07(A)(3)(c))

(3) All reporting required in accordance with the OAC rule 3745-77-07(A)(3)(c) for other deviations of the federally enforceable permit requirements which are not reported in accordance with Standard Term and Condition A.2)c)(2) above shall be submitted in the following manner:

Unless otherwise specified by rule, written reports that identify deviations of the following federally enforceable requirements contained in this permit; Standard Terms and Conditions: A.3, A.4, A.5, A.7.e), A.8, A.13, A.15, A.19, A.20, A.21, and A.23 of this Title V permit, as well as any deviations from the requirements in section C. Emissions Unit Terms and Conditions of this Title V permit, and any monitoring, record keeping, and reporting requirements, which are not reported in accordance with Standard Term and Condition A.2.c)(2) above shall be submitted (i.e., postmarked) to the appropriate Ohio EPA District Office or local air agency by January 31 and July 31 of each year; and each report shall cover the previous six calendar months. Unless otherwise specified by rule, all other deviations from federally enforceable requirements identified in this permit shall be submitted annually as part of the annual compliance certification, including deviations of federally enforceable requirements not specifically addressed by permit or rule for the insignificant activities or emissions levels (IEU) identified in section B. Facility-Wide Terms and Conditions of this Title V permit. Annual reporting of deviations is deemed adequate to meet the deviation reporting requirements for IEUs unless otherwise specified by permit or rule.

In identifying each deviation, the permittee shall specify the federally enforceable requirement for which the deviation occurred, describe each deviation, and provide the magnitude and duration of each deviation.

These semi-annual and annual written reports shall satisfy the reporting requirements of OAC rule 3745-77-07(A)(3)(c) for any deviations from the federally enforceable requirements contained in this permit that are not reported in accordance with Standard Term and Condition A.2.c)(2) above.

If no such deviations occurred during a six-month period, the permittee shall submit a semi-annual report which states that no such deviations occurred during that period.
(Authority for term: OAC rules 3745-77-07(A)(3)(c)(i) and (ii) and OAC rule 3745-77-07(A)(13)(b))

(4) Each written report shall be signed by a responsible official certifying that, "based on information and belief formed after reasonable inquiry, the statements and information in the report (including any written malfunction reports required by OAC rule 3745-15-06 that are referenced in the deviation reports) are true, accurate, and complete."
(Authority for term: OAC rule 3745-77-07(A)(3)(c)(iv))

(5) Reports of any required monitoring and/or record keeping information shall be submitted to Ohio EPA DAPC, Northwest District Office.
(Authority for term: OAC rule 3745-77-07(A)(3)(c))

3. Scheduled Maintenance

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of OAC rule 3745-15-06. Except as provided in OAC rule 3745-15-06(A)(3), any scheduled maintenance necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emissions unit(s) that is (are) served by such control system(s). Any scheduled maintenance, as defined in OAC rule 3745-15-06(A)(1), that results in a deviation from a federally enforceable emission limitation (or control requirement) shall be reported in the same manner as described for malfunctions in Standard Term and Condition A.2.c)(1) above.
(Authority for term: OAC rule 3745-77-07(A)(3)(c))

4. Risk Management Plans

If applicable, the permittee shall develop and register a risk management plan pursuant to section 112(r) of the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq. ("Act"); and, pursuant to 40 C.F.R. 68.215(a), the permittee shall submit either of the following:

a) a compliance plan for meeting the requirements of 40 C.F.R. Part 68 by the date specified in 40 C.F.R. 68.10(a) and OAC 3745-104-05(A); or

b) as part of the compliance certification submitted under 40 C.F.R. 70.6(c)(5), a certification statement that the source is in compliance with all requirements of 40 C.F.R. Part 68 and OAC Chapter 3745-104, including the registration and submission of the risk management plan.

(Authority for term: OAC rule 3745-77-07(A)(4))

5. Title IV Provision

If the permittee is subject to the requirements of 40 CFR Part 72 concerning acid rain, the permittee shall ensure that any affected emissions unit complies with those requirements. Emissions exceeding any allowances that are lawfully held under Title IV of the Act, or any regulations adopted thereunder, are prohibited.
(Authority for term: OAC rule 3745-77-07(A)(5))

6. Severability Clause

A determination that any term or condition of this permit is invalid shall not invalidate the force or effect of any other term or condition thereof, except to the extent that any other term or condition depends in whole or in part for its operation or implementation upon the term or condition declared invalid.
(Authority for term: OAC rule 3745-77-07(A)(6))

7. General Requirements

a) The permittee must comply with all terms and conditions of this permit. Any noncompliance with the federally enforceable terms and conditions of this permit constitutes a violation of the Act, and is grounds for enforcement action or for permit revocation, revocation and reissuance, or modification, or for denial of a permit renewal application.

b) It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the federally enforceable terms and conditions of this permit.

c) This permit may be modified, reopened, revoked, or revoked and reissued, for cause, in accordance with Standard Term and Condition A.11 below. The filing of a request by the permittee for a permit modification, revocation and reissuance, or revocation, or of a notification of planned changes or anticipated noncompliance does not stay any term and condition of this permit.

d) This permit does not convey any property rights of any sort, or any exclusive privilege.

e) The permittee shall furnish to the Director of the Ohio EPA, or an authorized representative of the Director, upon receipt of a written request and within a reasonable time, any information that may be requested to determine whether cause exists for modifying, reopening or revoking this permit or to determine compliance with this permit. Upon request, the permittee shall also furnish to the Director or an authorized representative of the Director, copies of records required to be kept by this permit. For information claimed to be confidential in the submittal to the Director, if the Administrator of the U.S. EPA requests such information, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

f) Except as otherwise indicated below, this Title V permit, or permit modification, is effective for five years from the original effective date specified in the permit. In the event that this facility becomes eligible for non-title V permits, this permit shall cease to be enforceable when:

(1) the permittee submits an approved facility-wide potential to emit analysis supporting a claim that the facility no longer meets the definition of a "major source" as defined in OAC rule 3745-77-01(W) based on the permanent shutdown and removal of one or more emissions units identified in this permit; or

(2) the permittee no longer meets the definition of a "major source" as defined in OAC rule 3745-77-01(W) based on obtaining restrictions on the facility-wide potential(s) to emit that are federally enforceable or legally and practically enforceable ; or

(3) a combination of (1) and (2) above.

The permittee shall continue to comply with all applicable OAC Chapter 3745-31 requirements for all regulated air contaminent sources once this permit ceases to be enforceable. The permittee

shall comply with any residual requirements, such as quarterly deviation reports, semi-annual deviation reports, and annual compliance certifications covering the period during which this Title V permit was enforceable. All records relating to this permit must be maintained in accordance with law.
(Authority for term: OAC rule 3745-77-01(W), OAC rule 3745-77-07(A)(3)(b)(ii), OAC rule 3745-77(A)(7))

8. Fees

The permittee shall pay fees to the Director of the Ohio EPA in accordance with ORC section 3745.11 and OAC Chapter 3745-78.
(Authority for term: OAC rule 3745-77-07(A)(8))

9. Marketable Permit Programs

No revision of this permit is required under any approved economic incentive, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in this permit.
(Authority for term: OAC rule 3745-77-07(A)(9))

10. Reasonably Anticipated Operating Scenarios

The permittee is hereby authorized to make changes among operating scenarios authorized in this permit without notice to the Ohio EPA, but, contemporaneous with making a change from one operating scenario to another, the permittee must record in a log at the permitted facility the scenario under which the permittee is operating. The permit shield provided in these standard terms and conditions shall apply to all operating scenarios authorized in this permit.
(Authority for term: OAC rule 3745-77-07(A)(10))

11. Reopening for Cause

This Title V permit will be reopened prior to its expiration date under the following conditions:

a) Additional applicable requirements under the Act become applicable to one or more emissions units covered by this permit, and this permit has a remaining term of three or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to paragraph (E)(1) of OAC rule 3745-77-08.

b) This permit is issued to an affected source under the acid rain program and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit, and shall not require a reopening of this permit.

c) The Director of the Ohio EPA or the Administrator of the U.S. EPA determines that the federally applicable requirements in this permit are based on a material mistake, or that inaccurate statements were made in establishing the emissions standards or other terms and conditions of this permit related to such federally applicable requirements.

d) The Administrator of the U.S. EPA or the Director of the Ohio EPA determines that this permit must be revised or revoked to assure compliance with the applicable requirements.

(Authority for term: OAC rules 3745-77-07(A)(12) and 3745-77-08(D))

12. Federal and State Enforceability

Only those terms and conditions designated in this permit as federally enforceable, that are required under the Act, or any of its applicable requirements, including relevant provisions designed to limit the potential to emit of a source, are enforceable by the Administrator of the U.S. EPA, the State, and citizens under the Act. All other terms and conditions of this permit shall not be federally enforceable and shall be enforceable under State law only.

(Authority for term: OAC rule 3745-77-07(B))

13. Compliance Requirements

a) Any document (including reports) required to be submitted and required by a federally applicable requirement in this Title V permit shall include a certification by a responsible official that, based on information and belief formed after reasonable inquiry, the statements in the document are true, accurate, and complete.

b) Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Director of the Ohio EPA or an authorized representative of the Director to:

(1) At reasonable times, enter upon the permittee's premises where a source is located or the emissions-related activity is conducted, or where records must be kept under the conditions of this permit.

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, subject to the protection from disclosure to the public of confidential information consistent with paragraph (E) of OAC rule 3745-77-03.

(3) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit.

(4) As authorized by the Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit and applicable requirements.

c) The permittee shall submit progress reports to the appropriate Ohio EPA District Office or local air agency concerning any schedule of compliance for meeting an applicable requirement. Progress reports shall be submitted semiannually or more frequently if specified in the applicable requirement or by the Director of the Ohio EPA. Progress reports shall contain the following:

(1) Dates for achieving the activities, milestones, or compliance required in any schedule of compliance, and dates when such activities, milestones, or compliance were achieved.

(2) An explanation of why any dates in any schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

d) Compliance certifications concerning the terms and conditions contained in this permit that are federally enforceable emission limitations, standards, or work practices, shall be submitted to the

Director (the appropriate Ohio EPA District Office or local air agency) and the Administrator of the U.S. EPA in the following manner and with the following content:

(1) Compliance certifications shall be submitted annually on a calendar year basis. The annual certification shall be submitted (i.e., postmarked) on or before April 30th of each year during the permit term.

(2) Compliance certifications shall include the following:

(a) An identification of each term or condition of this permit that is the basis of the certification.

(b) The permittee's current compliance status.

(c) Whether compliance was continuous or intermittent.

(d) The method(s) used for determining the compliance status of the source currently and over the required reporting period.

(e) Such other facts as the Director of the Ohio EPA may require in the permit to determine the compliance status of the source.

(3) Compliance certifications shall contain such additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the Act.

(Authority for term: OAC rules 3745-77-07(C)(1),(2),(4) and (5) and ORC section 3704.03(L))

14. Permit Shield

a) Compliance with the terms and conditions of this permit (including terms and conditions established for alternate operating scenarios, emissions trading, and emissions averaging, but excluding terms and conditions for which the permit shield is expressly prohibited under OAC rule 3745-77-07) shall be deemed compliance with the applicable requirements identified and addressed in this permit as of the date of permit issuance.

b) This permit shield provision shall apply to any requirement identified in this permit pursuant to OAC rule 3745-77-07(F)(2), as a requirement that does not apply to the source or to one or more emissions units within the source.

(Authority for term: OAC rule 3745-77-07(F))

15. Operational Flexibility

The permittee is authorized to make the changes identified in OAC rule 3745-77-07(H)(1)(a) to (H)(1)(c) within the permitted stationary source without obtaining a permit revision, if such change is not a modification under any provision of Title I of the Act [as defined in OAC rule 3745-77-01(JJ)], and does not result in an exceedance of the emissions allowed under this permit (whether expressed therein as a rate of emissions or in terms of total emissions), and the permittee provides the Administrator of the U.S. EPA and the appropriate Ohio EPA District Office or local air agency with written notification within a minimum of seven days in advance of the proposed changes, unless the change is associated with, or in response to, emergency conditions. If less than seven days notice is provided because of a need to respond more quickly to such emergency conditions, the permittee shall provide notice to the Administrator of the U.S. EPA and the appropriate District Office of the Ohio EPA or local air agency as

soon as possible after learning of the need to make the change. The notification shall contain the items required under OAC rule 3745-77-07(H)(2)(d).
(Authority for term: OAC rules 3745-77-07(H)(1) and (2))

16. Emergencies

The permittee shall have an affirmative defense of emergency to an action brought for noncompliance with technology-based emission limitations if the conditions of OAC rule 3745-77-07(G)(3) are met. This emergency defense provision is in addition to any emergency or upset provision contained in any applicable requirement.
(Authority for term: OAC rule 3745-77-07(G))

17. Off-Permit Changes

The owner or operator of a Title V source may make any change in its operations or emissions at the source that is not specifically addressed or prohibited in the Title V permit, without obtaining an amendment or modification of the permit, provided that the following conditions are met:

a) The change does not result in conditions that violate any applicable requirements or that violate any existing federally enforceable permit term or condition.

b) The permittee provides contemporaneous written notice of the change to the Director and the Administrator of the U.S. EPA, except that no such notice shall be required for changes that qualify as insignificant emissions levels or activities as defined in OAC rule 3745-77-01(U). Such written notice shall describe each such change, the date of such change, any change in emissions or pollutants emitted, and any federally applicable requirement that would apply as a result of the change.

c) The change shall not qualify for the permit shield under OAC rule 3745-77-07(F).

d) The permittee shall keep a record describing all changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

e) The change is not subject to any applicable requirement under Title IV of the Act or is not a modification under any provision of Title I of the Act.

Paragraph (I) of rule 3745-77-07 of the Administrative Code applies only to modification or amendment of the permittee's Title V permit. The change made may require a permit-to-install under Chapter 3745-31 of the Administrative Code if the change constitutes a modification as defined in that Chapter. Nothing in paragraph (I) of rule 3745-77-07 of the Administrative Code shall affect any applicable obligation under Chapter 3745-31 of the Administrative Code.
(Authority for term: OAC rule 3745-77-07(I))

18. Compliance Method Requirements

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee, including but not limited to, any challenge to the Credible Evidence Rule (see 62 Fed. Reg. 8314, Feb. 24, 1997), in the context of any future proceeding.
(This term is provided for informational purposes only.)

19. Insignificant Activities or Emissions Levels

Each IEU that has one or more applicable requirements shall comply with those applicable requirements.
(Authority for term: OAC rule 3745-77-07(A)(1))

20. Permit to Install Requirement

Prior to the "installation" or "modification" of any "air contaminant source," as those terms are defined in OAC rule 3745-31-01, a permit to install must be obtained from the Ohio EPA pursuant to OAC Chapter 3745-31.
(Authority for term: OAC rule 3745-77-07(A)(1))

21. Air Pollution Nuisance

The air contaminants emitted by the emissions units covered by this permit shall not cause a public nuisance, in violation of OAC rule 3745-15-07.
(Authority for term: OAC rule 3745-77-07(A)(1))

22. Permanent Shutdown of an Emissions Unit

The permittee may notify Ohio EPA of any emissions unit that is permanently shut down by submitting a certification from the responsible official that identifies the date on which the emissions unit was permanently shut down. Authorization to operate the affected emissions unit shall cease upon the date certified by the responsible official that the emissions unit was permanently shut down.

After the date on which an emissions unit is permanently shut down (i.e., that has been physically removed from service or has been altered in such a way that it can no longer operate without a subsequent "modification" or "installation" as defined in OAC Chapter 3745-31 and therefore ceases to meet the definition of an "emissions unit" as defined in OAC rule 3745-77-01(O)), rendering existing permit terms and conditions irrelevant, the permittee shall not be required, after the date of the certification and submission to Ohio EPA, to meet any Title V permit requirements applicable to that emissions unit, except for any residual requirements, such as the quarterly deviation reports, semi-annual deviation reports and annual compliance certification covering the period during which the emissions unit last operated. All records relating to the shutdown emissions unit, generated while the emissions unit was in operation, must be maintained in accordance with law.

No emissions unit certified by the responsible official as being permanently shut down may resume operation without first applying for and obtaining a permit to install pursuant to OAC Chapter 3745-31.
(Authority for term: OAC rule 3745-77-01)

23. Title VI Provisions

If applicable, the permittee shall comply with the standards for recycling and reducing emissions of ozone depleting substances pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners in Subpart B of 40 CFR Part 82:

a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices specified in 40 CFR 82.156.

b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment specified in 40 CFR 82.158.

c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

(Authority for term: OAC rule 3745-77-01(H)(11))

24. Reporting Requirements Related to Monitoring and Record Keeping Requirements Under State Law Only

The permittee shall submit required reports in the following manner:

a) Reports of any required monitoring and/or record keeping information shall be submitted to the appropriate Ohio EPA District Office or local air agency.

b) Except as otherwise may be provided in the terms and conditions for a specific emissions unit, quarterly written reports of (i) any deviations (excursions) from emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and record keeping requirements specified in this permit, (ii) the probable cause of such deviations, and (iii) any corrective actions or preventive measures which have been or will be taken, shall be submitted to the appropriate Ohio EPA District Office or local air agency. In identifying each deviation, the permittee shall specify the applicable requirement for which the deviation occurred, describe each deviation, and provide the magnitude and duration of each deviation. If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted (i.e., postmarked) quarterly, by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters. (These quarterly reports shall exclude deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06.)

25. Records Retention Requirements Under State Law Only

Each record of any monitoring data, testing data, and support information required pursuant to this permit shall be retained for a period of five years from the date the record was created. Support information shall include, but not be limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Such records may be maintained in computerized form.

26. Inspections and Information Requests

The Director of the Ohio EPA, or an authorized representative of the Director, may, subject to the safety requirements of the permittee and without undue delay, enter upon the premises of this source at any reasonable time for purposes of making inspections, conducting tests, examining records or reports

pertaining to any emission of air contaminants, and determining compliance with any applicable State air pollution laws and regulations and the terms and conditions of this permit. The permittee shall furnish to the Director of the Ohio EPA, or an authorized representative of the Director, upon receipt of a written request and within a reasonable time, any information that may be requested to determine whether cause exists for modifying, reopening or revoking this permit or to determine compliance with this permit. Upon verbal or written request, the permittee shall also furnish to the Director of the Ohio EPA, or an authorized representative of the Director, copies of records required to be kept by this permit.
(Authority for term: OAC rule 3745-77-07(C))

27. Scheduled Maintenance/Malfunction Reporting

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of OAC rule 3745-15-06. The malfunction of any emissions units or any associated air pollution control system(s) shall be reported to the appropriate Ohio EPA District Office or local air agency in accordance with paragraph (B) of OAC rule 3745-15-06. Except as provided in that rule, any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emissions unit(s) that is (are) served by such control system(s).

28. Permit Transfers

Any transferee of this permit shall assume the responsibilities of the prior permit holder. The appropriate Ohio EPA District Office or local air agency must be notified in writing of any transfer of this permit.
(Authority for term: OAC rule 3745-77-01(C))

29. Additional Reporting Requirements When There Are No Deviations of Federally Enforceable Emission Limitations, Operational Restrictions, or Control Device Operating Parameter Limitations

If no emission limitation (or control requirement), operational restriction and/or control device parameter limitation deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted (i.e., postmarked) by January 31, April 30, July 31, and October 31 of each year; and each report shall cover the previous calendar quarter.

The permittee is not required to submit a quarterly report which states that no deviations occurred during that quarter for the following situations:

a) where an emissions unit has deviation reporting requirements for a specific emission limitation, operational restriction, or control device parameter limitation that override the deviation reporting requirements specified in Standard Term and Condition A.2.c)(2); or

b) where an uncontrolled emissions unit has no monitoring, record keeping, or reporting requirements and the emissions unit's applicable emission limitations are established at the potentials to emit; or

c) where the company's responsible official has certified that an emissions unit has been permanently shut down.

B. Facility-Wide Terms and Conditions

1. All the following facility-wide terms and conditions are federally enforceable with the exception of those listed below which are enforceable under state law only:

   a) None.

2. This facility is subject to 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants: Stationary Reciprocating Internal Combustion Engines. The permittee shall comply with all applicable requirements of 40 CFR Part 63, Subpart ZZZZ. The permittee shall also comply with all applicable requirements of 40 CFR Part 63, Subpart A (General Provisions) as identified in 40 CFR Part 63, Subpart ZZZZ. Compliance with all applicable requirements shall be achieved by the dates set forth in 40 CFR Part 63 Subpart ZZZZ and Subpart A. The MACT General Provisions may be accessed via the internet from the Electronic Code of Federal Regulations (e-CFR) website http://ecfr.gpoaccess.gov or by contacting the appropriate Ohio EPA District office or local air agency.

3. This facility is subject to 40 CFR Part 60, Subpart JJJJ, New Source Performance Standards: Stationary Spark Ignition Internal Combustion Engines. The permittee shall comply with all applicable requirements of 40 CFR Part 60, Subpart JJJJ. The permittee shall also comply with all applicable requirements of 40 CFR Part 60, Subpart A (General Provisions) as identified in Table 3 of 40 CFR Part 63, Subpart JJJJ. Compliance with all applicable requirements shall be achieved by the dates set forth in 40 CFR Part 60 Subpart JJJJ and Subpart A. The NSPS General Provisions may be accessed via the internet from the Electronic Code of Federal Regulations (e-CFR) website http://ecfr.gpoaccess.gov or by contacting the appropriate Ohio EPA District office or local air agency.

C. Emissions Unit Terms and Conditions

1. P001, 13.9 mmBtu/hr LFG fired IC engine/generator #1

Operations, Property and/or Equipment Description:

13.9 mmBtu/hr LFG fired IC engine/generator #1

a) The following emissions unit terms and conditions are federally enforceable with the exception of those listed below which are enforceable under state law only.

(1) g)(3)

b) Applicable Emissions Limitations and/or Control Requirements

(1) The specific operations(s), property, and/or equipment that constitute each emissions unit along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from each unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
a.	OAC rule 3745-31-05(A)(3) (PTI #03-17396, issued 7/18/08)	5.90 lbs nitrogen oxides (NOx)/hr and 25.8 tons NOx/yr 14.76 lbs carbon monoxide (CO)/hr and 64.7 tons CO/yr 4.92 tons of volatile organic compounds (VOC)/hr and 21.6 tons VOC/yr See b)(2)a., b)(2)b. and g)(1)
b.	OAC rule 3745-31-05(A)(3)(b)	See b)(2)a.
c.	OAC rule 3745-17-11(B)(5)(b)	0.062 lb of particulate emissions (PE) per mmBtu actual heat input
d.	OAC rule 3745-17-07(A)(1)	Visible PE shall not exceed 20% opacity, as a six minute average, except as provided by rule
e.	OAC rule 3745-18-06(G)	0.5 lb sulfur dioxide (SO_2) per mmBtu actual heat input
f.	OAC rule 3745-110-03(F)(2)	See b)(2)f.
g.	OAC rule 3745-21-08(B)	See b)(2)e.
h.	40 CFR Part 60, Subpart JJJJ	See b)(2)f. and g)(2)
i.	40 CFR Part 63, Subpart ZZZZ	See b)(2)c.
j.	40 CFR Part 60, Subpart WWW	none [See b)(2)d.]
k.	ORC 3704.03(F) OAC rule 3745-114-01	none [See g)(3)]

(2) Additional Terms and Conditions

a. The "Best Available Technology" (BAT) control requirement for this emissions unit has been determined to be the use of "lean burn technology". BAT requirements also include compliance with the terms and conditions of this permit.

The BAT requirements under OAC rule 3745-31-05(A)(3) do not apply to the SO_2 and PM_{10} emissions from this air contaminant source since the uncontrolled potential to emit (PTE) for SO_2 and PM_{10} are each less than ten tons per year.

The PTE for SO_2 for this emissions unit is 6.92 tons per year and was determined by assuming the total sulfur content in the landfill gas is converted to SO_2. The sulfur concentration in the landfill gas was determined by the method outlined in AP-42, Section 2.4.4.2.

The PTE for PM_{10} for this emissions unit is 2.93 tons per year and was determined by multiplying manufacturer's test data (0.048 lb/mmBtu), a maximum heat input of 13.9 mmBtu/hr, a maximum operating schedule of 8,760 hr/yr and dividing by 2000 lbs/ton.

b. The requirements of this rule include compliance with the requirements of OAC rule 3745-17-07(A)(1) and OAC rule 3745-17-11(B)(5)(b). This rule also includes compliance with the Compliance Requirements of 40 CFR Part 60 Subpart JJJJ [See g)(2)]. It should be noted that the emission limitations of OAC rule 3745-31-05(A)(3) are more stringent that the emission limitations established pursuant to 40 CFR Part 60 Subpart JJJJ [See b)(2)f.].

c. Pursuant to 40 CFR Part 63.6590(c), this emissions unit must meet the requirements of 40 CFR Part 60 Subpart JJJJ to be in compliance with 40 CFR Part 63, Subpart ZZZZ. No other requirements under 40 CFR Part 63, Subpart ZZZZ apply to this emissions unit.

d. This emissions unit receives landfill gas from the Erie County Sanitary Landfill which is not subject to the control requirements in 40 CFR Part 60, Subpart WWW. Therefore no control requirements under 40 CFR Part 60, Subpart WWW apply to this emissions unit.

e. The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in this permit to install.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

f. The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3) [See b)(2)b.].

c) Operational Restrictions

(1) This emissions unit shall burn only landfill gas.

[OAC rule 3745-77-07(A)(1) and PTI #03-17396]

(2) The permittee shall install, calibrate, maintain and operate according to the manufacturer's specifications a device at the inlet to the internal combustion engine which completely shuts off gas flow to the internal combustion engine when the internal combustion engine is not operating.

[OAC rule 3745-77-07(A)(1) and PTI #03-17396]

(3) When the internal combustion engine is not operating, the landfill gas shall be diverted to the existing flare at the Erie County Landfill or to an internal combustion engine that is operating.

[OAC rule 3745-77-07(A)(1) and PTI #03-17396]

d) Monitoring and/or Recordkeeping Requirements

(1) The permittee shall record each day when a fuel other than landfill gas was burned in this emissions unit.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

e) Reporting Requirements

(1) The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than landfill gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

(2) Any breakdown or malfunction resulting in the emission of raw landfill gas to the atmosphere shall be reported to the Northwest District Office of the Ohio EPA within one hour after the occurrence, or as soon as reasonably possible, and immediate remedial measures shall be undertaken to correct the problem and prevent further emissions to the atmosphere.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

f) Testing Requirements

(1) The permittee shall conduct, or have conducted, emission testing for this emissions unit in accordance with the following requirements:

a. The emission testing shall be conducted within 6 months prior to permit expiration.

b. The emission testing shall be conducted to demonstrate compliance with the allowable mass emission rates for NOx, CO and VOC.

c. The following test methods shall be employed to demonstrate compliance with the allowable mass emission rates: for NOx, Methods 1 through 4 and 7 of 40 CFR, Part 60, Appendix A; for CO, Methods 1 through 4 and 10 of 40 CFR, Part 60, Appendix A; for VOC, Methods 1 through 4 and Method 18, 25, 25A or 25C, as applicable of 40 CFR, Part 60, Appendix A, including any additional requirements as specified by 40 CFR Part 60, Subpart JJJJ. Alternative U.S. EPA-approved test methods may be used with prior approval from the Ohio EPA.

d. The tests shall be conducted while the emissions unit is operating at its maximum capacity unless otherwise specified or approved by the Ohio EPA, NWDO.

e. Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Ohio EPA, NWDO. The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, the time(s) and date(s) of the tests, and the person(s) who will be conducting the tests. Failure to submit such notification for review and approval prior to the tests may result in the Ohio EPA's refusal to accept the results of the emission tests.

f. Personnel from the Ohio EPA shall be permitted to witness the test(s), examine the testing equipment, and acquire data and information necessary to ensure that the operation of the emissions unit and the testing procedures provide a valid characterization of the emissions from the emissions unit and/or the performance of the control equipment.

g. A comprehensive written report on the results of the emissions tests shall be signed by the person or persons responsible for the tests and submitted to the Ohio EPA, NWDO within 30 days following completion of the tests. The permittee may request additional time for the submittal of the written report, where warranted, with prior approval from the Ohio EPA NWDO.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

(2) Compliance with the emission limitations in b)(1) of these terms and conditions shall be determined in accordance with the following methods:

a. <u>Emission Limitation</u>: 5.90 lbs NO_x/hr and 25.8 tons NO_x/yr; 14.76 lbs CO/hr and 64.7 tons CO/yr; 4.92 lbs VOC/hr and 21.6 tons VOC/yr

<u>Applicable Compliance Method</u>: Compliance with the hourly mass emission limitations shall be demonstrated by the performance testing required in term and condition f)(1).

The annual emission limitations were developed by multiplying the respective hourly emission limitations by the maximum operating schedule of 8760 hours/year, and then dividing by 2000 lbs/ton. Therefore, if compliance is shown with the hourly limitations, compliance with the annual limitations will be assumed.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

b. Emission Limitation: 0.062 lb PE/mmBtu actual heat input

Applicable Compliance Method: The potential to emit* for this emissions unit is 0.048 lb PE/mmBtu and complies with the lb/mmBtu emission limitation. Therefore no record keeping, deviation reporting, or compliance method calculations are required to demonstrate compliance with this limitation.

*Potential to emit for this emissions unit was established by manufacturer's emission testing data.

If required, the permittee shall demonstrate compliance by testing in accordance with Methods 1 - 5 of 40 CFR Part 60, Appendix A.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

c. Emission Limitation: 0.5 lb SO_2/mmBtu actual heat input

Applicable Compliance Method: The potential to emit* for this emissions unit is 0.1137 lb SO_2/mmBtu and complies with the lb/mmBtu emission limitation. Therefore no record keeping, deviation reporting, or compliance method calculations are required to demonstrate compliance with this limitation.

The potential to emit for SO_2 was determined assuming the total sulfur content in the landfill gas is converted to SO_2. The sulfur concentration in the landfill gas was determined by the method outlined in AP-42, Section 2.4.4.2.

If required, the permittee shall demonstrate compliance by testing in accordance with Methods 1 – 4 and 6 of 40 CFR Part 60, Appendix A.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

d. Emission Limitation: Visible PE shall not exceed 20% opacity, as a six-minute average, except as specified by rule

Applicable Compliance Method: If required, compliance with the visible PE limitations shall be demonstrated determined in accordance with OAC rule 3745-17-03(B)(1).

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

g) Miscellaneous Requirements

(1) The permittee shall incorporate “Good Engineering Practices” with regards to the design of the stack height on this emissions unit. For this permit determination, a stack with a minimum height that meets or exceeds the maximum height of any nearby hill or other structure shall meet the “Good Engineering Practice” requirements.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

(2) This emissions unit shall meet the applicable requirements pursuant to 40 CFR Part 60.4243 of Subpart JJJJ Part 60 - Compliance Requirements for Owners and Operators.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

(3) Modeling to demonstrate compliance with, the AToxic Air Contaminant Statute@, ORC 3704.03(F)(4)(b), was not necessary because the emissions unit=s maximum annual emissions for each toxic air contaminant, as defined in OAC rule 3745-114-01, will be less than 1.0 ton per year. OAC Chapter 3745-31 requires permittees to apply for and obtain a new or modified permit to install prior to making a "modification" as defined by OAC rule 3745-31-01. The permittee is hereby advised that changes in the composition of the materials, or use of new materials, that would cause the emissions of any toxic air contaminant to increase to above 1.0 ton per year may require the permittee to apply for and obtain a new permit to install.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

2. P002, 13.9 mmBtu/hr LFG fired IC engine/generator #2

Operations, Property and/or Equipment Description:

13.9 mmBtu/hr LFG fired IC engine/generator #2

a) The following emissions unit terms and conditions are federally enforceable with the exception of those listed below which are enforceable under state law only.

(1) g)(3)

b) Applicable Emissions Limitations and/or Control Requirements

(1) The specific operations(s), property, and/or equipment that constitute each emissions unit along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from each unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
a.	OAC rule 3745-31-05(A)(3) (PTI #03-17396, issued 7/18/08)	5.90 lbs nitrogen oxides (NOx)/hr and 25.8 tons NOx/yr 14.76 lbs carbon monoxide (CO)/hr and 64.7 tons CO/yr 4.92 tons of volatile organic compounds (VOC)/hr and 21.6 tons VOC/yr See b)(2)a., b)(2)b. and g)(1)
b.	OAC rule 3745-31-05(A)(3)(b)	See b)(2)a.
c.	OAC rule 3745-17-11(B)(5)(b)	0.062 lb of particulate emissions (PE) per mmBtu actual heat input
d.	OAC rule 3745-17-07(A)(1)	Visible PE shall not exceed 20% opacity, as a six minute average, except as provided by rule
e.	OAC rule 3745-18-06(G)	0.5 lb sulfur dioxide (SO_2) per mmBtu actual heat input
f.	OAC rule 3745-110-03(F)(2)	See b)(2)f.
g.	OAC rule 3745-21-08(B)	See b)(2)e.
h.	40 CFR Part 60, Subpart JJJJ	See b)(2)f. and g)(2)
i.	40 CFR Part 63, Subpart ZZZZ	See b)(2)c.
j.	40 CFR Part 60, Subpart WWW	none [See b)(2)d.]
k.	ORC 3704.03(F) OAC rule 3745-114-01	none [See g)(3)]

(2) Additional Terms and Conditions

a. The "Best Available Technology" (BAT) control requirement for this emissions unit has been determined to be the use of "lean burn technology". BAT requirements also include compliance with the terms and conditions of this permit.

The BAT requirements under OAC rule 3745-31-05(A)(3) do not apply to the SO_2 and PM_{10} emissions from this air contaminant source since the uncontrolled potential to emit (PTE) for SO_2 and PM_{10} are each less than ten tons per year.

The PTE for SO_2 for this emissions unit is 6.92 tons per year and was determined by assuming the total sulfur content in the landfill gas is converted to SO_2. The sulfur concentration in the landfill gas was determined by the method outlined in AP-42, Section 2.4.4.2.

The PTE for PM_{10} for this emissions unit is 2.93 tons per year and was determined by multiplying manufacturer's test data (0.048 lb/mmBtu), a maximum heat input of 13.9 mmBtu/hr, a maximum operating schedule of 8,760 hr/yr and dividing by 2000 lbs/ton.

b. The requirements of this rule include compliance with the requirements of OAC rule 3745-17-07(A)(1) and OAC rule 3745-17-11(B)(5)(b). This rule also includes compliance with the Compliance Requirements of 40 CFR Part 60 Subpart JJJJ [See g)(2)]. It should be noted that the emission limitations of OAC rule 3745-31-05(A)(3) are more stringent that the emission limitations established pursuant to 40 CFR Part 60 Subpart JJJJ [See b)(2)f.].

c. Pursuant to 40 CFR Part 63.6590(c), this emissions unit must meet the requirements of 40 CFR Part 60 Subpart JJJJ to be in compliance with 40 CFR Part 63, Subpart ZZZZ. No other requirements under 40 CFR Part 63, Subpart ZZZZ apply to this emissions unit.

d. This emissions unit receives landfill gas from the Erie County Sanitary Landfill which is not subject to the control requirements in 40 CFR Part 60, Subpart WWW. Therefore no control requirements under 40 CFR Part 60, Subpart WWW apply to this emissions unit.

e. The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in this permit to install.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

f. The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3) [See b)(2)b.].

c) Operational Restrictions

(1) This emissions unit shall burn only landfill gas.

[OAC rule 3745-77-07(A)(1) and PTI #03-17396]

(2) The permittee shall install, calibrate, maintain and operate according to the manufacturer's specifications a device at the inlet to the internal combustion engine which completely shuts off gas flow to the internal combustion engine when the internal combustion engine is not operating.

[OAC rule 3745-77-07(A)(1) and PTI #03-17396]

(3) When the internal combustion engine is not operating, the landfill gas shall be diverted to the existing flare at the Erie County Landfill or to an internal combustion engine that is operating.

[OAC rule 3745-77-07(A)(1) and PTI #03-17396]

d) Monitoring and/or Recordkeeping Requirements

(1) The permittee shall record each day when a fuel other than landfill gas was burned in this emissions unit.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

e) Reporting Requirements

(1) The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than landfill gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

(2) Any breakdown or malfunction resulting in the emission of raw landfill gas to the atmosphere shall be reported to the Northwest District Office of the Ohio EPA within one hour after the occurrence, or as soon as reasonably possible, and immediate remedial measures shall be undertaken to correct the problem and prevent further emissions to the atmosphere.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

f) Testing Requirements

(1) The permittee shall conduct, or have conducted, emission testing for this emissions unit in accordance with the following requirements:

a. The emission testing shall be conducted within 6 months prior to permit expiration.

b. The emission testing shall be conducted to demonstrate compliance with the allowable mass emission rates for NOx, CO and VOC.

c. The following test methods shall be employed to demonstrate compliance with the allowable mass emission rates: for NOx, Methods 1 through 4 and 7 of 40 CFR, Part 60, Appendix A; for CO, Methods 1 through 4 and 10 of 40 CFR, Part 60, Appendix A; for VOC, Methods 1 through 4 and Method 18, 25, 25A or 25C, as applicable of 40 CFR, Part 60, Appendix A, including any additional requirements as specified by 40 CFR Part 60, Subpart JJJJ. Alternative U.S. EPA-approved test methods may be used with prior approval from the Ohio EPA.

d. The tests shall be conducted while the emissions unit is operating at its maximum capacity unless otherwise specified or approved by the Ohio EPA, NWDO.

e. Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Ohio EPA, NWDO. The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, the time(s) and date(s) of the tests, and the person(s) who will be conducting the tests. Failure to submit such notification for review and approval prior to the tests may result in the Ohio EPA's refusal to accept the results of the emission tests.

f. Personnel from the Ohio EPA shall be permitted to witness the test(s), examine the testing equipment, and acquire data and information necessary to ensure that the operation of the emissions unit and the testing procedures provide a valid characterization of the emissions from the emissions unit and/or the performance of the control equipment.

g. A comprehensive written report on the results of the emissions tests shall be signed by the person or persons responsible for the tests and submitted to the Ohio EPA, NWDO within 30 days following completion of the tests. The permittee may request additional time for the submittal of the written report, where warranted, with prior approval from the Ohio EPA NWDO.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

(2) Compliance with the emission limitations in b)(1) of these terms and conditions shall be determined in accordance with the following methods:

a. <u>Emission Limitation</u>: 5.90 lbs NO_x/hr and 25.8 tons NO_x/yr; 14.76 lbs CO/hr and 64.7 tons CO/yr; 4.92 lbs VOC/hr and 21.6 tons VOC/yr

<u>Applicable Compliance Method</u>: Compliance with the hourly mass emission limitations shall be demonstrated by the performance testing required in term and condition f)(1).

The annual emission limitations were developed by multiplying the respective hourly emission limitations by the maximum operating schedule of 8760 hours/year, and then dividing by 2000 lbs/ton. Therefore, if compliance is shown with the hourly limitations, compliance with the annual limitations will be assumed.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

b. Emission Limitation: 0.062 lb PE/mmBtu actual heat input

Applicable Compliance Method: The potential to emit* for this emissions unit is 0.048 lb PE/mmBtu and complies with the lb/mmBtu emission limitation. Therefore no record keeping, deviation reporting, or compliance method calculations are required to demonstrate compliance with this limitation.

*Potential to emit for this emissions unit was established by manufacturer's emission testing data.

If required, the permittee shall demonstrate compliance by testing in accordance with Methods 1 - 5 of 40 CFR Part 60, Appendix A.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

c. Emission Limitation: 0.5 lb SO_2/mmBtu actual heat input

Applicable Compliance Method: The potential to emit* for this emissions unit is 0.1137 lb SO_2/mmBtu and complies with the lb/mmBtu emission limitation. Therefore no record keeping, deviation reporting, or compliance method calculations are required to demonstrate compliance with this limitation.

The potential to emit for SO_2 was determined assuming the total sulfur content in the landfill gas is converted to SO_2. The sulfur concentration in the landfill gas was determined by the method outlined in AP-42, Section 2.4.4.2.

If required, the permittee shall demonstrate compliance by testing in accordance with Methods 1 – 4 and 6 of 40 CFR Part 60, Appendix A.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

d. Emission Limitation: Visible PE shall not exceed 20% opacity, as a six-minute average, except as specified by rule

Applicable Compliance Method: If required, compliance with the visible PE limitations shall be demonstrated determined in accordance with OAC rule 3745-17-03(B)(1).

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

g) Miscellaneous Requirements

(1) The permittee shall incorporate “Good Engineering Practices” with regards to the design of the stack height on this emissions unit. For this permit determination, a stack with a minimum height that meets or exceeds the maximum height of any nearby hill or other structure shall meet the “Good Engineering Practice” requirements.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

(2) This emissions unit shall meet the applicable requirements pursuant to 40 CFR Part 60.4243 of Subpart JJJJ Part 60 - Compliance Requirements for Owners and Operators.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]

(3) Modeling to demonstrate compliance with, the AToxic Air Contaminant Statute@, ORC 3704.03(F)(4)(b), was not necessary because the emissions unit=s maximum annual emissions for each toxic air contaminant, as defined in OAC rule 3745-114-01, will be less than 1.0 ton per year. OAC Chapter 3745-31 requires permittees to apply for and obtain a new or modified permit to install prior to making a "modification" as defined by OAC rule 3745-31-01. The permittee is hereby advised that changes in the composition of the materials, or use of new materials, that would cause the emissions of any toxic air contaminant to increase to above 1.0 ton per year may require the permittee to apply for and obtain a new permit to install.

[OAC rule 3745-77-07(C)(1) and PTI #03-17396]