

**MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OPERATING PERMIT TECHNICAL REVIEW DOCUMENT**

Permitting and Compliance Division
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Flathead County Solid Waste District
Flathead County Sanitary Landfill
Sections 1 and 36, Townships 29 and 30 North, Range 22 West, Flathead County
4098 Highway 93 North
Kalispell, MT 59901

The following table summarizes the air quality programs testing, monitoring, and reporting requirements applicable to this facility.

| Facility Compliance Requirements | Yes | No | Comments |
|--|-----|----|---|
| Source Tests Required | X | | Method 22, Method 5, Method 7, Method 10A/ 10B |
| Ambient Monitoring Required | | X | |
| COMS Required | | X | |
| CEMS Required | | X | |
| Schedule of Compliance Required | | X | |
| Annual Compliance Certification and Semiannual Reporting Required | X | | As Required |
| Monthly Reporting Required | | X | |
| Quarterly Reporting Required | | X | |
| Applicable Air Quality Programs | | | |
| ARM Subchapter 7 Preconstruction Permitting | X | | Permit #2850-06 |
| New Source Performance Standards (NSPS) | X | | 40 CFR 60, Subpart WWW |
| National Emission Standards for Hazardous Air Pollutants (NESHAPS) | X | | 40 CFR 61, Subpart M |
| Maximum Achievable Control Technology (MACT) | | X | |
| Major New Source Review (NSR) | | X | |
| Risk Management Plan Required (RMP) | | X | |
| Acid Rain Title IV | | X | |
| State Implementation Plan (SIP) | X | | General SIP |

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SECTION I. GENERAL INFORMATION

A. Purpose

This document establishes the basis for the decisions made regarding the applicable requirements, monitoring plan, and compliance status of emission units affected by the operating permit proposed for this facility. The document is intended for reference during review of the proposed permit by the United States Environmental Protection Agency (EPA) and the public. It is also intended to provide background information not included in the operating permit and to document issues that may become important during modifications or renewals of the permit. Conclusions in this document are based on information provided in the original application submitted by Flathead County Solid Waste District (Flathead) on September 6, 2005; and supplemental information submitted on December 12, 2005, and May 3, 2006.

B. Facility Location

The Flathead County Landfill is located within Section 1 and Section 36, Township 29 North and Township 30 North, Range 22 West, in Flathead County, Montana. The facility is located in an area unclassified for attainment of particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀), but is adjacent to the Whitefish PM₁₀ non-attainment area and within a few miles of the Columbia Falls and Kalispell PM₁₀ non-attainment areas.

C. Facility Background Information

Montana Air Quality Permit (MAQP) ("Preconstruction")

On January 4, 1995, Flathead applied for Permit #2850-00 for the construction and operation of a Landtec Candlestick Flare at Flathead's landfill located 9 miles north of Kalispell on Highway 93. The legal description of the facility's location is the NE¹/₄ of the NW¹/₄ of Section 1, Township 29 North, Range 22 West, in Flathead County, Montana.

Flathead proposed to use the landfill flare system to combust landfill gas collected by a gas extraction system. The collected gas is composed mainly of methane, carbon dioxide, and other trace gases. The gas extraction system is being installed to comply with Resource Conservation and Recovery Act (RCRA) Subtitle D regulations, prevent the migration of gas into adjacent soils, and remove excess gas from within the waste mass to prevent vegetative stress, control odors, and maintain ground water quality.

On May 6, 1996, the Department of Environmental Quality (Department) received a request for a permit modification. Flathead requested that their operational requirement to maintain a flare temperature of 1400°F be changed to operate and maintain a flare capable of meeting the requirements of 40 CFR 60.18. Permit #2850-01 replaced Permit #2850-00.

In addition, New Source Performance Standard (NSPS) 40 CFR 60, Subpart WWW – Standards of Performance for Municipal Solid Waste (MSW) Landfills was promulgated on March 12, 1996, and is applicable to Flathead's landfill. A condition was added to Permit #2850-01 to address 40 Code of Federal Regulations (CFR) Part 60, Subpart WWW.

In 1999, the EPA informed the Department that any condition in an air quality preconstruction permit would be considered a federally enforceable condition. However, there are certain state rules that were never intended to be federally enforceable. The Department notified all facilities holding preconstruction permits that they could request deletion of those conditions based on the Administrative Rules of Montana (ARM) 17.8.717 and ARM 17.8.315. Removing either of these conditions did not relieve the facility from complying with the rule upon which the permit condition was based; removal only ensured that enforcement of the condition remained solely with the Department. The condition based on ARM 17.8.717 was removed from Flathead's permit. Permit #2850-02 replaced Permit #2850-01. Furthermore, the rule references and permit format were updated.

On June 27, 2001, Flathead submitted a complete permit application for the addition of a new ground level flare, addition of 16 new wells, and removal of the existing candlestick flare at the facility. Potential emissions from the new flare were less than the de minimis level threshold of 15 tons per year, however, in accordance with the Montana Code Annotated (MCA) 75-2-215(1): all incinerators, including the proposed flare, require an air quality permit prior to construction, installation, or operation. Permit #2850-03 replaced Permit #2850-02.

On December 12, 2002, the Department received a request from Flathead to relax permitted compliance source testing requirements for the Landfill Gas (LFG) flare from semiannual to annual source testing requirements. In accordance with the Department's guidance document titled "Revised Testing Schedule" dated December 4, 1998, sources with the Potential to Emit (PTE) less than 50 tons per year of any regulated pollutant shall conduct additional compliance source testing "as required by the Department" after initially demonstrating compliance with the applicable permit limits. The guidance statement also indicates that the Department may evaluate and apply a specific source-type testing schedule on a case-by-case basis.

The LFG flare at the Flathead landfill has the PTE less than 50 tons per year of all regulated pollutants. Therefore, the Department's guidance indicates that testing shall be applied "as required by the Department." The Department determined that source testing for LFG flares was necessary and should be conducted at least annually. The permit action modified the testing schedule for the LFG flare to annual testing from a semiannual basis. **Permit #2850-04** replaced Permit #2850-03.

On October 21, 2003, the Department received a request from Flathead for the addition of a Tee Mark Super 6PJ-VC can, pail, and aerosol crusher to the Flathead County facility. This permit action added the Tee Mark Super 6PJ-VC crusher to the Flathead facility under the provisions of ARM 17.8.745(1). In addition, Permit #2850-05 was updated to reflect current Department permit format and permit language. **Permit #2850-05** replaced Permit #2850-04.

On May 4, 2006, the Department received a request from Flathead for the modification of the inlet flare testing schedule. Flathead requested to remove the Hydrogen Chloride (HCl) testing requirements, and reduce the mercury testing requirements to once every 5 years. The permit was also clarified to require testing of liquid condensate, which is combusted in the flare, once every 5 years. The Department intends to issue Permit #2850-06 to replace Permit #2850-05.

Title V Operating Permit

On March 3, 2001, Flathead was issued final and effective Operating Permit **OP2850-00** for operation of the Class II municipal landfill facility including a flare and associated equipment.

On May 9, 2001, Flathead submitted a permit application for the modification of Title V Operating Permit OP2850-00. The modification included applicable changes made to Flathead's facility since issuance of the facility's Operating Permit OP2850-00.

Flathead added a new ground level flare, 16 new wells, and removed the existing candlestick flare at the facility. Potential emissions from the new flare were less than the de minimis level threshold of 15 tons per year, however, in accordance with the MCA 75-2-215(1), all incinerators, including the proposed flare, require an air quality permit prior to construction, installation, or operation. Air quality Preconstruction Permit #2850-03 was issued final on September 5, 2001. Operating Permit **OP2850-01** was issued final on May 31, 2002, and replaced Permit OP2850-00.

On December 12, 2002, the Department received a complete request for a significant modification of Title V Operating Permit OP2850-01 for proposed changes to Operating Permit OP2850-01. Specifically, Flathead requested the following changes be incorporated into the permit:

- The facility responsible official changed from Steve Johnson, former director, to David Prunty, Director
- Flathead requested a relaxation in the flare inlet concentration compliance monitoring (source testing) schedule from a semiannual to an annual requirement based on Department testing schedule guidance
- Flathead requested that the requirement in Section III.B.13, to conduct a weekly review of the continuous flowrate of landfill gas to the flare, be relaxed to a monthly review schedule, or more frequently as required by the Department. The required continuous flowrate information is digitally stored on a floppy disk, which has the capacity to store 30 days of information at which time Flathead changes the disc for the next monitoring cycle. Flathead requested that the required landfill gas flow rate review be conducted at the time of floppy disc changeover.

Under this permit action, the Department updated the Title V operating permit to incorporate all changes listed above. Title V Operating Permit **OP2850-02** replaced Permit OP2850-01.

On September 26, 2003, the Department received a request for an administrative amendment of OP2850-02 to update Section V.B.3 of the General Conditions incorporating changes to federal Title V rules 40 CFR 70.6(c)(5)(iii)(B) and 70.6(c)(5)(iii)(C) (to be incorporated into Montana's Title V rules at ARM 17.8.1213) regarding Title V annual compliance certifications. Operating Permit **OP2850-03** replaced OP2850-02.

D. Current Permit Action

On September 6, 2005, the Department received a request to renew Title V Operating Permit OP2850-03. Supplemental information on modifying the stack testing frequency was received December 12, 2005, and May 3, 2006. The following changes were made:

- EU004 (Landfill Surface) was added to reflect potential PM₁₀ emissions of 35.2 tons per year from the landfill surface. This source is considered an "emissions unit" under Title V but is not an "emitting unit" that requires a Montana Air Quality Permit (MAQP) under ARM 17.8 Subchapter 7 since the fugitive emissions are not caused by equipment.
- IEU002 (Paint Can Crusher) & IEU003 (Mineral Spirits Parts Washer) were added.
- Source testing requirements were changed: the requirement to test inlet HCl was eliminated since the previous results showed inlet HCl was essentially non-existent and the requirement to test mercury was reduced to once every 5 years since the results were far below permitted levels. In addition, the permit language was clarified to reflect the requirement to periodically analyze the liquid condensate that is burned in the flare.
- Compliance requirements for meeting 40 CFR 60 Subpart WWW were revised to reflect the options allowed within the regulation. This includes changing the requirement for conducting a NMOC stack test every five years to one of the options for compliance.

The flare was permitted under 75-2-215, MCA, and as such the incinerator requirements in ARM 17.8.316 do not apply to this flare (75-2-215, MCA and ARM 17.8.770 are under SIP review by EPA). Operating Permit **OP2850-04** replaces OP2850-03.

E. Compliance Designation

The last complete inspection of the Flathead facility was conducted on April 11, 2006. Flathead was found to be in compliance with their permit at that time.

F. Taking and Damaging Analysis

HB 311, the Montana Private Property Assessment Act, requires analysis of every proposed state agency administrative rule, policy, permit condition or permit denial, pertaining to an environmental matter, to determine whether the state action constitutes a taking or damaging of private real property that requires compensation under the Montana or U.S. Constitution. As part of issuing an operating permit, the Department is required to complete a Taking and Damaging Checklist. As required by 2-10-101 through 105, MCA, the Department conducted a private property taking and damaging assessment and determined there are no taking or damaging implications. The checklist was completed on October 17, 2006.

SECTION II. SUMMARY OF EMISSION UNITS

A. Facility Process Description

Flathead operates a Class II municipal landfill on approximately 80 acres of a 272-acre site. The design capacity of the landfill is over 2.5 million megagrams. The facility consists of a landfill gas (LFG) collection extraction system routed to a 2001 Perennial Energy, Inc. (PEI), enclosed ground flare with a capacity of 18 MMBtu/hr. The flare is capable of combusting 600 scfm of LFG containing approximately 50% methane and 50% nonmethane organic compounds (NMOC), and has the ability to be upgraded to accommodate 1200 scfm of LFG as more wells are installed. The system includes the following:

1. Natural gas-fired pilot assembly
2. One flare station blower capable of providing 600 scfm of landfill gas to the flare
3. Condensate knock-out vessel with particulate filter for landfill gas particulate removal prior to flaring
4. Flow meter used to monitor and help control the flare's operation
5. Miscellaneous piping and associated equipment used in support of the landfill gas extraction system
6. Tee Mark Super 6PJ-VC can, pail, and aerosol crusher

The LFG collection system is comprised of approximately 25 vertical extraction wells, which actively collect gas from the waste prism, and headers and lateral piping to convey extracted LFG to the flare system. The LFG collection system will be expanded as the landfill expands. This permit may need to be altered if any of the proposed extraction wells will result in an increase in the permitted amount of landfill gas that will be combusted by the flare or if these wells result in new pollutants being emitted.

The primary flare emissions consist of carbon monoxide (CO), oxides of nitrogen (NO_x), and volatile organic compounds (VOC). Further, there is minor particulate matter (PM) and PM₁₀ emissions (<3 tpy), since there will be considerable efforts to remove the particulate from the landfill gas prior to flaring. PM and PM₁₀ will be removed through the use of knockout drums and demisters. In addition, a health risk assessment has been completed for VOC and Hazardous Air Pollutant (HAP) emissions resulting from flare operations. A description of the health risk assessment is contained in Section VI of the permit analysis for Flathead's Montana Air Quality Permit and allowable VOC/HAP emissions, based on the health risk assessment, are contained in Appendix E Table 1 of Flathead's operating permit.

B. Emission Units and Pollution Control Device Identification

The emission units regulated by this permit are the following (ARM 17.8.1211):

| Emission Unit ID | Description | Pollution Control Device/Practice |
|------------------|--------------------------------------|-----------------------------------|
| EU001 | Municipal Solid Waste (MSW) Landfill | Flare |
| EU002 | Flare | None |
| EU003 | Fugitive Dust from Vehicle Traffic | Reasonable Precautions |
| EU004 | Fugitive Dust from Landfill | Reasonable Precautions |

C. Categorically Insignificant Sources/Activities

The following table of insignificant sources and/or activities was provided by Flathead. Because there are no requirements to update such a list, the emission units and/or activities may change from those specified in the table.

| Emission Unit ID | Description |
|------------------|-------------------------------|
| IEU01 | Tub Grinder |
| IEU02 | Paint Can Crusher |
| IEU03 | Mineral Spirits Parts Cleaner |

SECTION III. PERMIT CONDITIONS

A. Emission Limits and Standards

The Department determined that the MSW Landfill (EU001) is only subject to generally applicable emission limits. Applicable operational limits in the Operating Permit were established in Flathead's MAQP #2850-03.

The Department determined that the emission limits that apply to the flare (EU002) are as follows: opacity = 0%; particulate matter = 0.10 gr/dscf corrected to 12% CO₂; NO_x emissions = 5.74 lb/hr; and CO emissions = 18.40 lb/hr. These emission limits were established in Flathead's MAQP #2850-03. In addition, the Department determined that the flare inlet concentrations listed in Table 1 provide adequate level of protection so that the flare constitutes no more than a negligible risk to human health as regulated under ARM 17.8.770.

The Department determined that fugitive dust from vehicle traffic (EU003) shall be limited to 20% opacity. Applicable operational limits contained in the Operating Permit were established in Flathead's MAQP #2850-03.

Lastly, the Department determined that fugitive dust from the landfill surface (EU004) shall be limited to 20% opacity. As an "emissions source," applicable requirements are specified for the landfill surface in Operating Permit #OP2850-04. However, this fugitive emission source is not subject to preconstruction permitting and has not been incorporated into Flathead's MAQP #2850-06.

B. Monitoring Requirements

ARM 17.8.1212(1) requires that all monitoring and analysis procedures or test methods required under applicable requirements be contained in operating permits. In addition, when the applicable requirement does not require periodic testing or monitoring, periodic monitoring must be prescribed that is sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit.

The requirements for testing, monitoring, recordkeeping, reporting, and compliance certification sufficient to assure compliance does not require the permit to impose the same level of rigor for all emission units. Furthermore, the permit does not require extensive testing or monitoring to assure compliance with the applicable requirements for emission units that do not have significant potential to violate emission limitations or other requirements under normal operating conditions. When compliance with the underlying applicable requirement for an insignificant emission unit is not threatened by lack of regular monitoring, and when periodic testing or monitoring is not otherwise required by the applicable requirement, the status quo (i.e., no monitoring) will meet the requirements of ARM 17.8.1212(1). Therefore, the permit does not include monitoring for insignificant emission units.

The permit includes periodic monitoring or recordkeeping for each applicable requirement. The information obtained from the monitoring and recordkeeping will be used by Flathead to periodically certify compliance with the emission limits and standards. However, the Department may request additional testing to determine compliance with the emission limits and standards.

ARM 17.8 Subchapter 15 "Compliance Assurance Monitoring" (CAM) was effective beginning in March 2000. It requires that a facility develop a CAM plan for any emissions unit that is subject to an emissions limitation and uses a control device to achieve compliance with the limitation, if the emitting unit would be major without control. Flathead's flare does not have the potential to emit over 100 tpy of VOC before control; therefore a CAM plan is not required.

C. Test Methods and Procedures

The operating permit may not require testing for all sources if routine monitoring is used to determine compliance, but the Department has the authority to require testing if deemed necessary to determine compliance with an emission limit or standard. In addition, Flathead may elect to voluntarily conduct compliance testing to confirm its compliance status.

The Department determined that a Method 22 visual observation, and stack testing in accordance with Method 5 and Method 6, as required by the Department, will be sufficient to demonstrate compliance with the opacity, particulate, and oxides of nitrogen emission limits contained in Operating Permit #OP2850-04. In addition, the Department determined that a Method 10A or Method 10B source test every 5 years is sufficient to demonstrate compliance with the CO emission limit in Operating Permit #OP2850-04.

Finally, the Department determined that an annual flare inlet gas analysis source test will be sufficient to demonstrate compliance with the HAP (VOC) inlet concentration limits contained in Table 1 (Appendix E) of Operating Permit #OP2850-04, and once every 5 years for mercury. The testing requirement for HCl was removed since the 2 years of testing results were so far below the limit (2.4×10^{-04} mg/m³ and 6.0×10^{-04} mg/m³ inlet vs. emission limit of 1069 mg/m³). Furthermore, HCl is created from the combustion of the chlorinateds, and the inlet concentration would not be representative of the HCl emissions. The testing requirement for mercury was reduced since the two years of testing results were significantly below the mercury limit (1.2×10^{-05} mg/m³ and 7.0×10^{-09} mg/m³ vs. limit of 4.0×10^{-03} mg/m³). Lastly, the Department determined that periodic analysis is required for the condensate that is burned in the flare, in order to determine the concentration of the pollutants listed in Table 1.

D. Recordkeeping Requirements

Flathead is required to keep all records, listed in the operating permit, as a permanent business record for at least 5 years following the date of the generation of the record.

E. Reporting Requirements

Reporting requirements are included in the permit for each emission unit and Section V of the operating permit "General Conditions" explains the reporting requirements. However, Flathead is required to submit semi-annual and annual monitoring reports to the Department and to annually certify compliance with the applicable requirements contained in the permit. The reports must include a list of all emission limit and monitoring deviations, the reason for any deviation, and the corrective action taken as a result of any deviation.

F. Public Notice

In accordance with ARM 17.8.1232, a public notice was published in the *Daily Interlake* newspaper on November 2, 2006. The Department provided a 30-day comment period on the Draft Operating Permit from November 2, 2006, to December 4, 2006. ARM 17.8.1232 requires the Department to keep a record of both comments and issues raised during the public participation process.

Summary of Public Comments

| Person/Group Commenting | Comment | Department Response |
|-------------------------|---------|---------------------|
| None | NA | NA |

G. Draft Permit Comments

Summary of Permittee Draft Permit Comments

| Permit Reference | Permittee Comment | Department Response |
|---|---|---|
| Section I. Description of Process | The Tee Mark Super 6PJ-VC can, pail, and aerosol crusher does not belong with flare components. | Changed as Requested |
| Section III. Permit Condition A.1 and Section III. Permit Condition C.8. | <p>Emissions are verified annually using emission factors and engineering calculations. The emission factors are based on a source test of the flare. Total flow through the flare is typically used to calculate emissions.</p> <p>However, on page 8, C8, an inlet source test is requested. This is not typical and the inlet testing should be deleted in favor of the emission calculations that are normally done annually. The County has no control over the inlet gas concentrations so if there is an exceedence there is no mitigation measure. However, the County does have control over the exhaust emission factors (flare tuning and source testing). Inlet gas testing can be performed every five years when the source test is done.</p> | <p>Changing the stack testing location or frequency (other than for HCl and mercury) is beyond the scope of this Title V renewal.</p> <p>Flathead County has been required to conduct inlet testing of the flare since 1995. The flare inlet concentration limits in Table I of MAQP 2850-00 were developed to demonstrate compliance with Montana Code Annotated (MCA) 75-2-215. Since 2002, incinerator emissions have been regulated under ARM 17.8.770 (Additional Requirements for Incinerators), which requires demonstration that the ambient concentration of pollutants emitted by a flare constitute negligible risk to human health.</p> |
| Section III. Permit Condition A.13. | Flathead County did not include a health risk assessment with the air permit. Is the "incineration facility" referring to the flare? Or a waste to energy type facility. Flathead County does not believe this belongs in the permit. | This section was clarified. ARM 17.8.770 requires a health risk assessment with a Montana Air Quality Permit prior to construction or modification of an incinerator. The Department considers landfill gas flares to meet the definition of incinerator in the Montana Code Annotated (MCA) 75-2-103 Definitions. |
| Section III. Permit Condition A.13. | Omit the letter "g" . . . and change "from emissions form the incineration" to "from emissions from the incineration." | Changed as requested. |
| Section III. Permit Condition B.3. | The total volume of landfill gas sent to the flare permit limit is 8.64 x 10 ⁵ standard cubic feet per day or 600 standard cubic feet per minute (SCFM). The Flathead County Landfill flare is rated at 18 MMBtu/hr. Setting the permit limit at 18 MMBtu/hr rather than a set flow would more accurately represent the flare's capabilities to operate within the permitted emissions limit. Since the flow limit could easily be reached before the 18 MMBtu/hr maximum heat rate for the flare. | Changing the permit limit of 8.64 x 10 ⁵ standard cubic feet per day (scfd) to a permit limit of 18 million British thermal units per hour (MMBtu/hr) for the flare is beyond the scope of this Title V renewal. |
| Section III. Permit Condition B.16. | The Montana Source Test Protocol Manual is not specifically written for flares. This should probably say that the County would submit a source test protocol specifically for the flare for approval 30 days prior to source testing. | This requirement was based off of standard language used in the Department's Title V permits. |

| | | |
|---|--|---|
| Section V. General Permit Conditions J. | There is no mention of the gas collection system. A statement should be added stating that the collection system can be expanded (additional wells and piping) without needing a permit revisions. | This requirement is standard language used in the Department's Title V permits. |
| Appendix D-1 | The current plot plan is included in the August 26, 2005 permit application. The December 13, 1999 plot plan should not be used for inspection. | Changed as requested. |

SECTION IV. NON-APPLICABLE REQUIREMENT ANALYSIS

Pursuant to ARM 17.8.1221, Flathead did not request a permit shield for any regulatory requirements and/or regulatory orders.

SECTION V. FUTURE PERMIT CONSIDERATIONS

A. MACT Standards

The Department determined that this facility is potentially subject to 40 CFR Part 63, Subpart AAAA, Municipal Solid Waste Landfills. However, the Department determined that Flathead is not a major source of HAPs; therefore, 40 CFR 63, Subpart AAAA, is not applicable to this source.

B. NESHAP Standards

As of February 2, 2007, the Department is unaware of any currently applicable or future NESHAP Standards (except for 40 CFR 61, Subpart M, as explained below) that may be promulgated that will affect this facility.

Asbestos abatement projects and building demolition/renovation activities will be conducted in accordance with applicable asbestos regulatory requirements. Those regulatory requirements include, but are not limited to 29 CFR 1926.1101; 40 CFR 763 sections 120, 121, 124, and Subpart E; 40 CFR part 61, Subpart M; State of Montana Asbestos Control Act 75-2-501 through 519 MCA; and State of Montana Occupational Health Rules ARM 17.74.301 through 404. State-accredited asbestos abatement personnel shall conduct the abatement of regulated asbestos-containing materials. Asbestos-containing waste materials shall be transported properly and disposed of in a State-approved landfill.

C. NSPS Standards

The MSW Landfill (EU001) is subject to the applicable requirements of 40 CFR 60, Subpart WWW.

As of February 2, 2007, the Department is unaware of any other currently applicable or future NSPS Standards that may be promulgated that will affect this facility.

D. Risk Management Plan

As of February 2, 2007, this facility does not exceed the minimum threshold quantities for any regulated substance listed in 40 CFR 68.115 for any facility process. Consequently, this facility is not required to submit a Risk Management Plan.

If a facility has more than a threshold quantity of a regulated substance in a process, the facility must comply with 40 CFR 68 requirements within 3 years after the date on which a regulated substance is first listed under 40 CFR 68.130; or the date on which a regulated substance is first present in more than a threshold quantity in a process, whichever is later.