

NOTICE OF PROPOSED ACTION

By the
State of Nevada
Division of Environmental Protection
Bureau of Air Pollution Control

PUBLIC NOTICE

Pursuant to Nevada Revised Statutes (NRS) Chapter 445B, the Nevada Administrative Code (NAC) Chapter 445B, and the Clean Air Act, the Division of Environmental Protection is issuing the following notice.

The Administrator received an application to issue an **Operating Permit to Construct** for a Class I facility from the following applicant:

Jungo Land and Investments, Inc – Jungo Disposal Site
160 Pacific Avenue, Suite 200
San Francisco, California 94111

The site is accessed via Jungo Road via the Jungo Road crossing of the Union Pacific Railroad. It is approximately 25 miles west of Winnemucca in an area identified as Desert Valley on a County Road identified as Jungo Road. The location of the property is described by the Public Land Survey system as Township 35 North, Range 33 East, Mount Diablo Baseline and Meridian, Section 7. The Administrator has prepared tentative determinations regarding the Operating Permit to Construct that, in brief, are the following:

- Disposal of municipal solid wastes and other wastes, and other related activities;
- The emissions from the facility will be, 0.00456 ton/yr of VOC emissions, 9.70 tons/yr of Hazardous Air Pollutants (HAPs) and 43.94 megagrams/yr (48.44 tons/yr) of NMOC (Nonmethane Organic Compounds); after 5 full years of Solid Waste acceptance.
- Adverse ambient air quality impacts are not expected.

On the basis of the preliminary review and the requirements of the NRS, the NAC and the Clean Air Act the Administrator is hereby announcing his intent to issue a new Class I air quality operating permit to construct based on a review of the information, as proposed. A copy of the **proposed** Operating Permit to construct is available for public inspection at:

HUMBOLDT COUNTY LIBRARY
85 EAST 5TH STREET
WINNEMUCCA NV 89445-3010
(775) 623-6388

Persons wishing to comment upon the proposed determinations by the Administrator regarding this proposed action or to request a hearing pursuant to NRS 445B Air Pollution and NAC 445B Air Controls should submit their comments or request in writing either in person or by mail or fax within thirty (30) days to:

Jonathan McRae, P.E.
Nevada Division of Environmental Protection
Bureau of Air Pollution Control
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249
(775) 687-9337
(775) 687-6396 FAX

The application, draft permit, any comments received, and other relevant information may be copied at the above address or copies may be obtained by requesting in writing at the above address. Written comments or objections, will be received at the Nevada Division of Environmental Protection, above address, until **July 6, 2009**, and will be retained and considered prior to final action on the Class I operating permit to construct. Upon a valid written request received prior to the end of the comment period, the Administrator **may** schedule a public hearing on the application and proposed action.

Please bring the foregoing notice to the attention of all persons whom you know may be interested in this matter.

STATE OF NEVADA
 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
 DIVISION OF ENVIRONMENTAL PROTECTION
 BUREAU OF AIR POLLUTION CONTROL

**Director's Review and Preliminary Determination of Permit Issuance
 For
 Jungo Land and Investments, Inc.
 Jungo Disposal Site
 May 26, 2009**

Jungo Land and Investments, Inc (JLII) has submitted an application for a new Class I Operating Permit to Construct (OPTC) to the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) for their Jungo Disposal Site. The application materials related to new Class I OPTC permit were originally received by NDEP-BAPC on February 4, 2009. The permit application was deemed administratively complete by default on March 24, 2009. If approved, the issuance of a new Class I OPTC permit (no. **AP4953-2525**) will allow JLII to construct a municipal solid waste landfill.

The site is approximately 25 miles west of Winnemucca in an area identified as Desert Valley on a County Road identified as Jungo Road. The location of the property is described by the Public Land Survey system as Township 35 North, Range 33 East, Mount Diablo Baseline and Meridian, Section 7.

The Jungo Disposal Site will serve as a regional disposal site for portions of Northern California that generally include the nine counties which make up the San Francisco Bay Area, and tributary communities along the rail route. Refuse will be delivered to the site primarily by rail at an estimated average annual rate of up to 4,000 tons/day. In addition, it may be possible that wastes generated in Humboldt County and other counties of the State of Nevada may also be disposed at the facility. The total surface area at JLII's landfill is approximately 634 acres and proposed landfill waste footprint of approximately 560 acres. The design capacity of the landfill will be approximately 58.5 million megagrams (64.49 million short tons). This landfill will be a No Codisposal facility and will not accept any hazardous wastes.

Based on design capacity (equal to or greater than 2.5 million megagrams...) of the landfill, this facility is subject to the provisions of 40 CFR Part 60 Subpart WWW and requires a Class I (Title V) Air Quality Operating Permit to Construct.	<i>Facility-Wide Proposed Annual Emissions</i>		
	Pollutant(s)		
	NMOC	Nonmethane Organic Compounds (after 5 years of operation)	43.94 Mg/yr
	VOCs	Volatile Organic Compounds	0.00456 ton/yr
	HAPs	Hazardous Air Pollutants	9.70 ton/yr

The facility's calculated total NMOC (Nonmethane Organic Compounds) emission rate from the landfill is 43.94 Mg/yr, which is below the 50 Mg/yr threshold. The facility is not required to have a landfill gas collection and control system at this time. There are no regulated pollutant emissions from facility's primary function (i.e. landfill operation) except VOC emissions of 0.00456 ton/yr. VOC emissions are considered negligible at this time because NMOC emission rates are less than 50 Mg/yr thresholds. The regulated pollutant emissions from the insignificant activities are minimal (refer to above Table). Therefore, no modeling analysis has been conducted at this time.

The facility will be required to control fugitive dust in accordance with the approved dust control plan.

Based on the information provided in the facility's application materials, JLII will not exceed the National Ambient Air Quality Standards. Adverse air quality impacts are not expected. Therefore, NDEP-BAPC has made a preliminary determination to issue the Class I Operating Permit to Construct (# AP4953-2525) with appropriate conditions.

The proposed source must comply with all State and Federal air quality requirements and all conditions established within the proposed Operating Permit.



BUREAU OF AIR POLLUTION CONTROL

901 SOUTH STEWART STREET SUITE 4001

CARSON CITY, NEVADA 89701-5249

p: 775-687-9350 • www.ndep.nv.gov/bapc • f: 775-687-6396

Facility ID No. A0991

(DRAFT) Permit No. AP4953-2525

CLASS I AIR QUALITY

OPERATING PERMIT TO CONSTRUCT

Issued to: Jungo Land and Investments, Inc. (hereinafter referred to as Permittee)

Mailing Address: 160 PACIFIC AVENUE, SUITE 200, SAN FRANCISCO, CA 94111

Physical Address: JUNGO ROAD, 25 MILES WEST OF WINNEMUCCA, IN HUMBOLDT COUNTY, NEVADA.

General Facility Location: Section 7, T35N, R33E, MDB&M (HA 31) (Humboldt County)

Emission Unit List:

A. System 01 – Municipal Solid Waste Landfill

F 0.001 Municipal Solid Waste Landfill



BUREAU OF AIR POLLUTION CONTROL

Facility ID No. 0991 (DRAFT) Permit No. AP4953-2525

**CLASS I AIR QUALITY
OPERATING PERMIT TO CONSTRUCT**

Issued to: Jungo Land and Investments, LLC., *as Permittee*

Section I. General Conditions

- A. Nevada Administrative Code (NAC) 445B.3365.2(c)
Severability
Each of the conditions and requirements of this Operating Permit to Construct is severable and, if any are held invalid, the remaining conditions and requirements continue in effect.
- B. Nevada Revised Statute (NRS) 445B.470
Prohibited Acts
The Permittee shall not knowingly:
1. Violate any applicable provision, the terms or conditions of any Operating Permit to Construct or any provision for the filing of information;
 2. Fail to pay any fee;
 3. Falsify any material statement, representation or certification in any notice or report; or
 4. Render inaccurate any monitoring device or method, required pursuant to the provisions of NRS 445B.100 to 445B.450, inclusive, or NRS 445B.470 to 445B.640, inclusive, or any regulation adopted pursuant to those provisions.
- C. NAC 445B.22013
Prohibited Discharge
The Permittee shall not cause or permit the discharge into the atmosphere from any stationary source of any hazardous air pollutant or toxic regulated air pollutant that threatens the health and safety of the general public, as determined by the Director.
- D. NAC 445B.225
Prohibited Conduct: Concealment of Emissions
The Permittee shall not install, construct, or use any device that conceals any emission without reducing the total release of regulated air pollutants to the atmosphere.
- E. State Implementation Plan (SIP) 445.663
Concealment of Emissions Prohibited
Except for the sole purpose of reducing the odor of an emission, *the Permittee* may not install, construct, or use any device that conceals any emission without reducing the total release of air contaminants to the atmosphere.
- F. NAC 445B.3365.2(d)
Compliance/Noncompliance
The Permittee shall comply with all conditions of this Operating Permit to Construct. Any noncompliance constitutes a violation and is grounds for:
1. An action for noncompliance;
 2. Modifying, revoking, reopening and revising, or terminating the Operating Permit to Construct; or
 3. Denial of an application for a renewal of the Operating Permit to Construct.
- G. NAC 445B.273.1
Schedules for Compliance
The Permittee shall comply with NAC 445B.001 through 445B.3497, inclusive. Existing stationary sources are in compliance with those sections and may continue to operate under the provisions of their approved compliance schedules, which may be amended from time to time.
- H. SIP 445.695.1
Time for Compliance
The Permittee's new and existing sources shall comply with SIP 445.430 to 445.846, inclusive. Existing sources are in compliance with these regulations and may continue to operate under the provisions of their approved compliance schedules, which may be amended from time to time.
- I. NAC 445B.326.1
Assertion of Emergency as Affirmative Defense to Action for Noncompliance
The Permittee may assert an affirmative defense to an action brought for noncompliance with a technology-based emission limitation contained in the Operating Permit to Construct if the holder of the Operating Permit to Construct demonstrates through signed, contemporaneous operating logs or other relevant evidence that:
1. An emergency occurred as defined in NAC 445B.056, and the holder of the Operating Permit to Construct can identify the cause of the emergency;
 2. The facility was being properly operated at the time of the emergency;
 3. During the emergency, the holder of the Operating Permit to Construct took all reasonable steps to minimize excess emissions; and
 4. The holder of the Operating Permit to Construct submitted notice of the emergency to the Director within 2 working days after the emergency. The notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken to restore the normal operation of the facility.



BUREAU OF AIR POLLUTION CONTROL

Facility ID No. 0991 (DRAFT) Permit No. AP4953-2525

**CLASS I AIR QUALITY
OPERATING PERMIT TO CONSTRUCT**

Issued to: Jungo Land and Investments, LLC., as Permittee

Section I. General Conditions (continued)

- J. NAC 445B.3365.2(e)
The need to halt or reduce activity to maintain compliance with the conditions of this Operating Permit to Construct is not a defense to noncompliance with any conditions of this Operating Permit to Construct.
- K. NAC 445B.3365.2(f)
The Director may modify, revoke and reissue, reopen and revise, or terminate the Operating Permit to Construct for cause.
- L. NAC 445B.3265
Revocation and re-issuance
1. NAC 445B.3265.1. *The Permittee's* Operating Permit to Construct may be revoked if the control equipment is not operating.
2. NAC 445B.3265.2. *The Permittee's* Operating Permit to Construct may be revoked by the Director upon determination that there has been a violation of NAC 445B.001 to 445B.3497, inclusive, or the provisions of 40 CFR Part 52.21, or 40 CFR Part 60 or 61, Prevention of Significant Deterioration, New Source Performance Standards, and National Emission Standards for Hazardous Air Pollutants adopted by reference in NAC 445B.221.
3. NAC 445B.3265.3. -The revocation is effective 10 days after the service of a written notice, unless a hearing is requested.
- M. SIP 445.715
Revocation
1. *The Permittee's* Operating Permit to Construct may be revoked if the control equipment is not operating.
2. *The Permittee's* Operating Permit to Construct can be revoked by the Director upon determination that there has been a violation of SIP 445.430 to 445.846, inclusive, or 40 CFR Parts 60 or 61, New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants.
3. The revocation is effective 10 days after the service of a written notice, and the revoked Operating Permit to Construct shall be surrendered immediately unless a hearing is requested.
- N. NAC 445B.3365.2(g)
This Operating Permit to Construct does not convey any property rights or any exclusive privilege.
- O. NAC 445B.3365.2(h)
The Permittee shall provide the Director, in writing and within a reasonable time, with any information that the Director requests to determine whether cause exists for modifying, revoking and reissuing, reopening and revising or terminating this Operating Permit to Construct or to determine compliance with the conditions of this Operating Permit to Construct.
- P. NAC 445B.315.3.i
The Permittee shall pay fees to the Bureau of Air Pollution Control in accordance with the provisions set forth in NAC 445B.327 and 445B.331.
- Q. NAC 445B.3365.2(i)
Right to Entry
The Permittee shall allow the Bureau of Air Pollution Control staff, upon the presentation of credentials, to:
1. Enter upon the premises of *the Permittee* where:
a. The stationary source is located;
b. Activity related to emissions is conducted; or
c. Records are kept pursuant to the conditions of this Operating Permit to Construct.
2. Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of this Operating Permit to Construct;
3. Inspect, at reasonable times, any facilities, practices, operations, or equipment, including any equipment for monitoring or controlling air pollution, that are regulated or required pursuant to this Operating Permit to Construct; and
4. Sample or monitor, at reasonable times, substances or parameters to determine compliance with the conditions of this Operating Permit to Construct or applicable requirements.
- R. NAC 445B.3365.2(j)
A responsible official of *the Permittee* shall certify that, based on information and belief formed after reasonable inquiry, the statements made in any document required to be submitted by any condition of this Operating Permit to Construct are true, accurate and complete.



BUREAU OF AIR POLLUTION CONTROL

Facility ID No. 0991 (DRAFT) Permit No. AP4953-2525

CLASS I AIR QUALITY

OPERATING PERMIT TO CONSTRUCT

Issued to: Jungo Land and Investments, LLC., as Permittee

Section I. General Conditions (continued)

S. NAC 445B.252

Testing and Sampling

1. To determine compliance with NAC 445B.001 to 445B.3497, inclusive, before the approval or the continuance of an Operating Permit to Construct or similar class of permits, the Director may either conduct or order the owner of any stationary source to conduct or have conducted such testing and sampling as the Director determines necessary. Testing and/or sampling must be conducted and the results submitted to the Director within 60 days after achieving the maximum rate of production at which the affected facility will be operated, but not later than 180 days after initial startup of the facility and at such times as may be required by the Director.
2. Tests of performance must be conducted and data reduced in accordance with the methods and procedures of the test contained in each applicable subsection of this section unless the Director:
 - a. Specifies or approves, in specific cases, the use of a method of reference with minor changes in methodology;
 - b. Approves the use of an equivalent method;
 - c. Approves the use of an alternative method, the results of which he has determined to be adequate for indicating whether a specific stationary source is in compliance; or
 - d. Waives the requirement for tests of performance because the owner or operator of a stationary source has demonstrated by other means to the Director's satisfaction that the affected facility is in compliance with the standard.
3. Tests of performance must be conducted under such conditions as the Director specifies to the operator of the plant based on representative performance of the affected facility. The owner or operator shall make available to the Director such records as may be necessary to determine the conditions of the test of performance. Operations during periods of startup, shutdown, and malfunction must not constitute representative conditions of a test of performance unless otherwise specified in the applicable standard.
4. The owner or operator of an affected facility shall give notice to the Director 30 days before the test of performance to allow the Director to have an observer present. A written testing procedure for the test of performance must be submitted to the Director at least 30 days before the test of performance to allow the Director to review the proposed testing procedures.
5. Each test of performance must consist of at least three separate runs using the applicable method for that test. Each run must be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the runs apply. In the event of forced shutdown, failure of an irreplaceable portion of the sampling train, extreme meteorological conditions, or other circumstances with less than three valid samples being obtained, compliance may be determined using the arithmetic mean of the results of the other two runs upon the Director's approval.
6. All testing and sampling will be performed in accordance with recognized methods as specified by the Director.
7. The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power, and other pertinent allied facilities as may be required and specified in writing by the Director must be provided and paid for by the owner of the stationary source.
8. All information and analytical results of testing and sampling must be certified as to their truth and accuracy and as to their compliance with all provisions of these regulations, and copies of these results must be provided to the Director no later than 60 days after the testing or sampling, or both.

T. SIP 445.682

Testing and Sampling

1. To determine compliance with SIP 445.430 to 445.846, inclusive, prior to approval of or prior to the continuance of an Operating Permit to Construct or similar class of permits, the Director may either conduct or order the owner of any source to conduct or have conducted such testing and sampling as the Director determines necessary. Testing and/or sampling must be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Director.
2. Performance tests must be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Director:
 - a. Specifies or approves, in specific cases, the use of a reference method with minor changes in methodology;
 - b. Approves the use of an equivalent method;
 - c. Approves the use of an alternative method, the results of which he has determined to be adequate for indicating whether a specific source is in compliance; or
 - d. Waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Director's satisfaction that the affected facility is in compliance with the standard.
3. Performance tests shall be conducted under such conditions as the Director shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Director such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown and malfunction must not constitute representative conditions of performance tests unless otherwise specified in the applicable standard.
4. The owner or operator of an affected facility shall provide the Director 30 days prior notice of the performance test to afford the Director the opportunity to have an observer present.
5. Each performance test shall consist of at least two separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the runs shall apply. In the event of forced shutdown, failure of an irreplaceable portion of the sampling train, extreme meteorological conditions, or other circumstances with less than two valid samples being obtained, an additional performance test must be conducted.



BUREAU OF AIR POLLUTION CONTROL

Facility ID No. 0991 (DRAFT) Permit No. AP4953-2525

CLASS I AIR QUALITY

OPERATING PERMIT TO CONSTRUCT

Issued to: Jungo Land and Investments, LLC., as *Permittee*

Section I. General Conditions (continued)

T. SIP 445.682

Testing and Sampling (continued)

6. All testing and sampling will be performed in accordance with recognized methods as specified by the Director.
7. The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power, and other pertinent allied facilities as may be required and specified in writing by the Director shall be provided and paid for by the owner of the source.
8. All information and analytical results of testing and sampling shall be certified as to their truth and accuracy and as to their compliance with all provisions of these (SIP) regulations and copies of these results must be provided to both the owner and Director.

U. NAC 445B.22067

Open Burning

The open burning of any combustible refuse, waste, garbage, oil, or for any salvage operations, except as specifically exempted, is prohibited. Specific exemptions from open burning are described in NAC 445B.22067.2.

V. SIP Article 5.1

Open Burning

The open burning of any combustible refuse, waste, garbage, oil, or for any salvage operations, except as specifically exempted, is prohibited. Specific exemptions from open burning are described in SIP Articles 5.2, 5.2.1, 5.2.2, 5.2.3, 5.2.4 and 5.2.5.

W. NAC 445B.22017

Maximum Opacity of Emissions

1. Except as otherwise provided in this section and NAC 445B.2202 and 445B.22023, no owner or operator may cause or permit the discharge into the atmosphere from any emission unit, which is of an opacity equal to or greater than 20 percent. Opacity must be determined by one of the following methods:
 - a. If opacity is determined by a visual measurement, it must be determined as set forth in Reference Method 9 in Appendix A of 40 C.F.R. Part 60.
 - b. If a source uses a continuous monitoring system for the measurement of opacity, the data must be reduced to 6-minute averages as set forth in 40 C.F.R. §§ 60.13(h).
2. The provisions of this section and NAC 445B.2202 and 445B.22023 do not apply to that part of the opacity that consists of uncombined water. The burden of proof to establish the application of this exemption is upon the person seeking to come within the exemption.

X. SIP 445.721

Maximum Opacity of Emissions

1. Unless otherwise provided in SIP 445.721 to 445.724, inclusive, *the Permittee* may not cause or permit the discharge into the atmosphere from any stationary source of any air contaminant for a period or periods aggregating more than 3 minutes in any one hour which is of an opacity equal to or greater than 20 percent.
2. SIP 445.721 to 445.724, inclusive does not apply if the presence of uncombined water is the only reason for the failure of an emission to comply with these regulations. The burden of proof to establish the application of this exemption shall be upon the person seeking to come within this exemption.
3. The continuous monitoring system for monitoring opacity at a facility must be operated and maintained by the owner or operator specified in the Operating Permit to Construct for the facility in accordance with SIP 445.683 to 445.693, inclusive.

Y. NAC 445B.22087

Odors

The Permittee may not discharge or cause to be discharged, from any stationary source, any material or regulated air pollutant which is or tends to be offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents comfortable enjoyment of life or property.

Z. SIP 445.844

Odors

The Permittee may not discharge or cause to be discharged, from any source, any material or air contaminant which is or tends to be offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents the comfortable enjoyment of life or property.

AA. NAC 445B.319, 445B.342, 445B.3425 and 445B.344

Any changes to this Operating Permit to Construct will comply with all provisions established under NAC 445B.319, 445B.3363, and 445B.342.



BUREAU OF AIR POLLUTION CONTROL

Facility ID No. 0991 (DRAFT) Permit No. AP4953-2525

CLASS I AIR QUALITY

OPERATING PERMIT TO CONSTRUCT

Issued to: Jungo Land and Investments, LLC., as Permittee

Section I. General Conditions (continued)

AB. NAC 445B.22037

Fugitive Dust

1. *The Permittee* may not cause or permit the handling, transporting, or storing of any material in a manner that allows or may allow controllable particulate matter to become airborne.
2. Except as otherwise provided in subsection 4, *the Permittee* may not cause or permit the construction, repair, demolition, or use of unpaved or untreated areas without first putting into effect an ongoing program using the best practical methods to prevent particulate matter from becoming airborne. As used in this subsection, "best practical methods" includes, but is not limited to, paving, chemical stabilization, watering, phased construction, and re-vegetation.
3. Except as provided in subsection 4, *the Permittee* may not disturb or cover 5 acres or more of land or its topsoil until *the Permittee* has obtained an Operating Permit for surface area disturbance to clear, excavate, or level the land or to deposit any foreign material to fill or cover the land.
4. The provisions of subsections 2 and 3 do not apply to:
 - a. Agricultural activities occurring on agricultural land; or
 - b. Surface disturbances authorized by a permit issued pursuant to NRS 519A.180 which occur on land which is not less than 5 acres or more than 20 acres.

AC. SIP 445.734

Fugitive Dust

1. *The Permittee* may not cause or permit the handling, transporting or storing of any material in a manner that allows or may allow controllable particulate matter to become airborne.
2. In any area designated by the Director, *The Permittee* shall not cause or permit the construction, repair, demolition or use of unpaved or untreated areas without first applying all such measures required by the Director to prevent particulate matter from becoming airborne.
3. *The Permittee* may not disturb or cover 20 acres (8 hectares) or more of land or its topsoil, other than agricultural land, until he has obtained a registration certificate or operating permit for the purpose of clearing, excavating or leveling the land or any foreign material to fill or cover the land.

*******End of General Conditions*******



BUREAU OF AIR POLLUTION CONTROL

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CLASS I AIR QUALITY

OPERATING PERMIT TO CONSTRUCT

Issued to: Jungo Land and Investments, LLC., as Permittee

Section II. General Construction Conditions

(Use for new or altered emission units NOT SUBJECT TO NSPS REQUIREMENTS needing appropriate notifications of dates.)

A. NAC 445B.250

Notification

The Bureau of Air Pollution Control will be notified in writing of the following:

1. The date that construction, or reconstruction as defined under NAC 445B.247, of the Jungo Disposal Site is commenced, postmarked no later than 30 days after such date.
2. The anticipated date of initial startup of Jungo Disposal Site, postmarked not more than 60 days nor less than 30 days before such date.
3. The actual date of initial startup of Jungo Disposal Site, postmarked not more than 15 days after such date.

B. NAC 445B.3366

Expiration

This permit to construct expires if construction is not commenced within 18 months after the date of issuance thereof or construction of the facility is delayed for 18 months after initiated. The director may extend the 18 month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected commencement date approved by the director.

*******End of General Construction Conditions*******



BUREAU OF AIR POLLUTION CONTROL

Facility ID No. 0991 (DRAFT) Permit No. AP4953-2525

CLASS I AIR QUALITY

OPERATING PERMIT TO CONSTRUCT

Issued to: Jungo Land and Investments, LLC., *as Permittee*

Section III. General Operating Conditions

A. NAC 445B.227

Facilities Operation

The Permittee may not:

1. Operate a stationary source of air pollution unless the control equipment for air pollution that is required by applicable requirements or conditions of this Operating Permit to Construct is installed and operating.
2. Disconnect, alter, modify or remove any of the control equipment for air pollution or modify any procedure required by an applicable requirement or condition of this Operating Permit to Construct.

B. NAC 445B.232

Excess Emissions

1. Scheduled maintenance or testing or scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3497, inclusive, must be approved by the Director and performed during a time designated by the Director as being favorable for atmospheric ventilation.
2. The Director must be notified in writing of the time and expected duration at least 24 hours in advance of any scheduled maintenance which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3497, inclusive.
3. The Director must be notified in writing or by telephone of the time and expected duration at least 24 hours in advance of any scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3497, inclusive.
4. The Director must be notified of any excess emissions within 24 hours after any malfunction or upset of the process equipment or equipment for controlling pollution or during startup or shutdown of such equipment. The telephone number for the notification is (775) 687-9350.
5. *The Permittee*, as the owner or operator of an affected facility, shall provide the Director, within 15 days after any malfunction, upset, startup, shutdown, or human error which results in excess emissions, sufficient information to enable the Director to determine the seriousness of the excess emissions. The information must include at least the following:
 - a. The identity of the stack or other point of emission, or both, where the excess emissions occurred.
 - b. The estimated magnitude of the excess emissions expressed in opacity or in units of the applicable limitation on emission and the operating data and methods used in estimating the magnitude of the excess emissions.
 - c. The time and duration of the excess emissions.
 - d. The identity of the equipment causing the excess emissions.
 - e. If the excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunction.
 - f. The steps taken to limit the excess emissions.
 - g. Documentation that the equipment for controlling air pollution, process equipment, or processes were at all times maintained and operated, to a maximum extent practicable, in a manner consistent with good practice for minimizing emissions.

C. SIP 445.667

Excess Emissions: Scheduled Maintenance: Testing: Malfunction

1. Scheduled maintenance or testing approved by the Director or repairs which may result in excess emissions of air contaminants prohibited by SIP 445.430 to 445.846, inclusive, must be performed during a time designated by the Director as being favorable for atmospheric ventilation.
2. The Director shall be notified in writing on the time and expected duration at least 24 hours in advance of any scheduled maintenance or repairs which may result in excess emissions of air contaminants prohibited by SIP 445.430 to 445.846, inclusive.
3. The Director must be notified within 24 hours after any malfunction, breakdown or upset of process or pollution control equipment or during startup of such equipment. Phone (775) 687-9350.
4. The owner or operator of an affected facility shall provide the Director, within 15 days after any malfunction, breakdown, upset, startup or human error sufficient information to enable the Director to determine the seriousness of the excess emissions. The submission must include as a minimum:
 - a. The identity of the stack and/or other emission point where the excess emission occurred.
 - b. The estimated magnitude of the excess emissions expressed in opacity or in the units of the applicable emission limitation and the operating data and methods used in estimating the magnitude of the excess emissions.
 - c. The time and duration of the excess emissions.
 - d. The identity of the equipment causing the excess emissions.
 - e. If the excess emissions were the result of a malfunction, steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunctions.
 - f. The steps taken to limit the excess emissions.
 - g. Documentation that the air pollution control equipment, process equipment or processes were at all times maintained and operated, to a maximum extent practicable, in a manner consistent with good practice for minimizing emissions.

*******End of General Operating Conditions*******



BUREAU OF AIR POLLUTION CONTROL

Facility ID No. 0991 (DRAFT) Permit No. AP4953-2525

CLASS I AIR QUALITY

OPERATING PERMIT TO CONSTRUCT

Issued to: Jungo Land and Investments, LLC., as *Permittee*

Section IV. General Monitoring, Recordkeeping, and Reporting Requirements

- A. NAC 445B.3365.2(b)
The Permittee shall retain records of all required monitoring data and supporting information for 5 years from the date of the sample collection, measurement, report or analysis. Supporting information includes, but is not limited to, all records regarding calibration and maintenance of the monitoring equipment and all original strip-chart recordings for continuous monitoring instrumentation.
- B. NAC 445B.3405.1(d); NAC 445B.3365.3
The Permittee will record:
1. Monitoring information required by the conditions of this Operating Permit to Construct including the date, the location and the time of the sampling or the measurements and the operating conditions at the time of the sampling or measurements; and
 2. The date on which the analyses were performed, the company that performed them, the analytical techniques that the company used, and the results of such analyses.
- C. NAC 445B.3365.2(h)
The Permittee will submit yearly reports including, but not limited to, throughput, production, fuel consumption, hours of operation, and emissions. These reports will be submitted on the form provided by the Bureau of Air Pollution Control for all emission units/systems specified on the form. The completed form must be submitted to the Bureau of Air Pollution Control no later than March 1 annually for the preceding calendar year, unless otherwise approved by the Bureau of Air Pollution Control.
- D. SIP 445.692
Notification and Recordkeeping
The Permittee as the owner or operator subject to the provisions of SIP 2.17.10, 2.17.6 and NAC 445.685 to 445.693, inclusive, shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility and any malfunction of the air pollution control equipment or any periods during which a continuous monitoring system or monitoring device is inoperative.

*******End of General Monitoring and Recordkeeping Conditions*******



BUREAU OF AIR POLLUTION CONTROL

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CLASS I AIR QUALITY

OPERATING PERMIT TO CONSTRUCT

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Section V. Specific Operating Conditions

A. Emission Unit: #F0.001, location North 4,530.513 km, East 389.023 km, UTM (Zone 11)

A. System 01 – Municipal Solid Waste Landfill

F 0.001 Municipal Solid Waste Landfill {landfill total surface area is approximately 634 acres. With the proposed landfill waste footprint of 560 acres, and the proposed maximum design capacity of 58,500,000 megagrams (Mg)}

1. NAC 445B.3405

Air Pollution Equipment

a. The facility is not required to have a landfill gas collection and control system at this time. Best management practices will be used for fugitive dust control.

2. NAC 445B.3405

Emission Limits NAC 445B.3365.3

a. New Source Performance Standards (NSPS) – 40 CFR Part 60, Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills [Sections 60.750 – 60.759]:

On and after the date of startup of F0.001, the permittee will not discharge or cause the discharge into the atmosphere the following pollutants in excess of the following specified limits:

(1) Calculate the NMOC emission rate for the landfill using the procedures specified in § 60.754 until such time as the calculated NMOC emission rate is equal to or greater the 50 Mg/yr, or the landfill is closed [§ 60.752(b)]. The NMOC emission rate shall be recalculated annually, except as provided in § 60.757(b)(1)(ii).

(2) If facility's calculated total NMOC emission rate is equal to or greater than 50 Mg/yr, the permittee shall:

- (a) Submit a landfill gas collection and control system design plan prepared by a professional engineer to the U.S. EPA's Administrator and the Nevada Division of Environmental Protection-Bureau of Air Pollution Control (NDEP-BAPC) within 1 year [§60.752(b)(2)(i)],
- (b) Install a collection and control system that captures the gas generated within the landfill in accordance with 40 CFR Subpart WWW § 60.752 within 30 months after the first annual report in which the emission rate equals or exceeds 50 Mg/yr [§ 60.752(b)(2)(ii)], and
- (c) Comply with the requirements of Subpart AAAA – National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills [§ 63.1930 - § 63.1990] listed in 40 CFR Part 63.

3. NAC 445B.3405

Operating Parameters

- a. Maximum allowable landfill design capacity for F0.001 will not exceed 58,500,000 megagrams (Mg). Any increase in landfill design capacity will require permit modification.
- b. Permittee's landfill may only receive municipal solid wastes, RCRA Subtitle D wastes and other wastes as defined in 40 CFR Part 60, Subpart WWW (§ 60.751). Permittee's landfill may also receive other wastes (e.g., asbestos, treated petroleum-contaminated soils, etc.) as approved by the local authority and NDEP's Bureau of Waste Management. The facility is a No Codisposal facility and will not accept any hazardous wastes.
- c. Hours
 - (1) F0.001 may operate 8,760 hours per calendar year.



BUREAU OF AIR POLLUTION CONTROL

Facility ID No. 0991 (DRAFT) Permit No. AP4953-2525

**CLASS I AIR QUALITY
OPERATING PERMIT TO CONSTRUCT**

Issued to: Jungo Land and Investments, LLC., as Permittee

Section V. Specific Operating Conditions (continued)

A. Emission Unit: #F0.001, location North 4,530.513 km, East 389.023 km, UTM (Zone 11) (continued)

4. NAC 445B.3405

Monitoring, Recordkeeping and Reporting

a. The permittee, upon the issuance date of this permit will:

- (1) Monitor and record the weight of incoming municipal solid waste (MSW) entering the landfill site on a daily basis.
- (2) Monitor and record the waste acceptance rate of solid waste for F0.001 on a monthly basis.
- (3) Monitor and record the waste acceptance rate of solid waste for F0.001 on a yearly basis.
- (4) The required monitoring established in A.4.a(1) through (3) above, will be maintained in a contemporaneous log containing at a minimum, the following record keeping:
 - (a) The calendar date of any required monitoring.
 - (b) The total daily waste acceptance rate of solid waste in Mg, for the corresponding calendar day.
 - (c) The total monthly waste acceptance rate of solid waste in Mg, for the corresponding calendar month. The monthly waste acceptance rate will be determined at the end of each calendar month as the sum of each total daily waste acceptance rates as determined in (b) above for each day of the calendar month.
 - (d) The total yearly waste acceptance rate of solid waste in Mg, for the corresponding calendar year. The yearly waste acceptance rate will be determined at the end of each calendar year (i.e., beginning January 1 and ending December 31) as the sum of each total monthly waste acceptance rates as determined in (c) above for each month of the calendar year.

b. New Source Performance Standards (NSPS) – 40 CFR Subpart WWW (§ 60.750 - § 60.759):

The permittee, upon the issuance date of this permit shall:

- (1) Submit an amended design capacity report to the U.S. EPA's Administrator and NDEP providing notification of an increase in the design capacity of the landfill, **within 90 days** of an increase in the maximum design capacity of the landfill.
- (2) Submit an NMOC emission rate report to the U.S. EPA's Administrator and the NDEP-BAPC **annually**, except as provided for in paragraphs (b)(1)(ii) or (b)(3) of § 60.757. The NMOC emission rate shall be calculated using the formula and procedures provided in § 60.754(a) or (b) as applicable.
- (3) Keep for at least 5 years up-to-date, readily accessible, on-site records of the design capacity report, the NMOC emission rate report, the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper or electronic formats are acceptable.

c. NAC 445B.250.4

Notification:

- (1) The Bureau of Air Pollution Control will be notified in writing of any physical or operational change to an existing facility which may increase the emission rate of any regulated air pollution to which a standard applies, unless that change is specifically exempted under an applicable section or in NAC 445B.239 or 445B.242 and the exemption is not denied under those sections. The notice must be postmarked 60 days or as soon as practicable before the change is commenced and must include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The director may request additional relevant information subsequent to this notice.

d. NAC 445B.3366.4

- (1) The permittee shall submit a Class I Operating Permit application within 12 months after the notification date of commencement of operation required in this permit to construct.

*******End of Specific Operating Conditions*******



BUREAU OF AIR POLLUTION CONTROL

Facility ID No. 0991 (DRAFT) Permit No. AP4953-2525

CLASS I AIR QUALITY

OPERATING PERMIT TO CONSTRUCT

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Section VI. Emission Caps

A. No Emission Caps are specified.

*****End of Emission Caps*****



BUREAU OF AIR POLLUTION CONTROL

Facility ID No. 0991 (DRAFT) Permit No. AP4953-2525

**CLASS I AIR QUALITY
OPERATING PERMIT TO CONSTRUCT**

Issued to: Jungo Land and Investments, LLC., *as Permittee*

Section VII. Surface Area Disturbance Conditions

Surface area disturbance in excess of 20 acres- Project is 683 acres total

- A. Dust Control Plan (NRS 445B.230.6)
The permittee may not cause or permit the construction, repair, or demolition work, or the use of unpaved or untreated areas without applying all such measures as may be required by the Director to prevent particulate matter from becoming airborne.
- B. The permittee will control fugitive dust in accordance with the dust control plan entitled "Fugitive Dust Control Plan", as submitted on April 1, 2009
- C. NAC 445B.22037
Fugitive Dust
 - 1. The permittee may not cause or permit the handling, transporting, or storing of any material in a manner which allows or may allow controllable particulate matter to become airborne.
 - 2. Except as otherwise provided in subsection 4, the permittee may not cause or permit the construction, repair, demolition, or use of unpaved or untreated areas without first putting into effect an ongoing program using the best practical methods to prevent particulate matter from becoming airborne. As used in this subsection, "best practical methods" includes, but is not limited to, paving, chemical stabilization, watering, phased construction, and revegetation.
 - 3. Except as provided in subsection 4, the permittee may not disturb or cover 5 acres or more of land or its topsoil until the permittee has obtained an Permit to construct for surface area disturbance to clear, excavate, or level the land or to deposit any foreign material to fill or cover the land.
 - 4. The provisions of subsections 2 and 3 do not apply to:
 - a. Agricultural activities occurring on agricultural land; or
 - b. Surface disturbances authorized by a permit issued pursuant to NRS 519A.180 which occur on land which is not less than 5 acres or more than 20 acres.

*******End of Surface Area Disturbance Conditions*******



BUREAU OF AIR POLLUTION CONTROL

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CLASS I AIR QUALITY

OPERATING PERMIT TO CONSTRUCT

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Section VIII. Amendments

NA

This Permit to construct:

1. Is non-transferable. (NAC 445B.287)
2. Will be posted conspicuously at or near the stationary source. (NAC 445B.318)
3. Will expire if construction is not commenced within 18 months after the date of issuance or if construction of the facility is delayed for 18 months after initiated. (NAC 445B.3366)
4. Will expire if a complete application for a Class I operating permit or modification of an existing Class I operating permit is not submitted within 12 months after the initial start-up. (NAC 445B.3366)
5. Any party aggrieved by the Department's decision to issue this permit may appeal to the State Environmental Commission (SEC) within ten days after the date of notice of the Department's action. (NRS 445B.340)
6. The Permittee shall submit a complete Class I application within 12 months after the notification date of commencement of operation as required in this permit to construct. (NAC 445B.3361)

Signature

Issued by: Matthew A. DeBurle, P.E.
Supervisor, Class I Permitting Branch
Bureau of Air Pollution Control

Phone: (775) 687-9391

Date:



BUREAU OF AIR POLLUTION CONTROL

CLASS I NON-PERMIT EQUIPMENT LIST

Appended to SS Facility #AXXXX Permit #APXXXX-XXXX

Emission Unit #	Emission Unit Description
IA1.001	12,000 gallon Diesel Fuel Storage Tank

Note: The equipments listed on this attachment are subject to all applicable requirements of the NAC and ASIP.