

AIR EMISSION PERMIT NO. 03700192-003

IS ISSUED TO

WM Renewable Energy, LLC

WM RENEWABLE ENERGY, LLC - BURNSVILLE

2700 Cliff Road West

Burnsville, Dakota County, MN 55337

The emission units, control equipment and emission stacks at the stationary source authorized in this permit are as described in the following permit application(s):

Permit Type	Application Date	Issuance Date
Total Facility Operating Permit	06/15/1995	02/14/2005
Administrative Amendment	03/29/2005	06/03/2005
Administrative Amendments	07/02/2007 11/07/2007	see below

This permit supersedes permit number 03700192-002 and authorizes the Permittee to operate the stationary source at the address listed above unless otherwise noted in Table A. The Permittee must comply with all the conditions of the permit. Any changes or modifications to the stationary source must be performed in compliance with Minn. R. 7007.1150 to 7007.1500. Terms used in the permit are as defined in the state air pollution control rules unless the term is explicitly defined in the permit.

Permit Type: Federal; Pt 70/True Minor for NSR	Administrative Amendment
Issue Date: 02/14/2005	Issue Date: September 25, 2008

Expiration: 02/14/2010
All Title I Conditions do not expire.

Don Smith, P.E., Manager
Air Quality Permits Section
Industrial Division

for Brad Moore
Commissioner
Minnesota Pollution Control Agency

TABLE OF CONTENTS

Notice to the Permittee

Permit Shield

Facility Description

Table A: Limits and Other Requirements

Table B: Submittals

Appendix: Insignificant Activities and Applicable Requirements

NOTICE TO THE PERMITTEE:

Your stationary source may be subject to the requirements of the Minnesota Pollution Control Agency's (MPCA) solid waste, hazardous waste, and water quality programs. If you wish to obtain information on these programs, including information on obtaining any required permits, please contact the MPCA general information number at:

Metro Area	651-296-6300
Outside Metro Area	1-800-657-3864
TTY	651-282-5332

The rules governing these programs are contained in Minn. R. chs. 7000-7105. Written questions may be sent to: Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194.

Questions about this air emission permit or about air quality requirements can also be directed to the telephone numbers and address listed above.

PERMIT SHIELD:

Subject to the limitations in Minn. R. 7007.1800, compliance with the conditions of this permit shall be deemed compliance with the specific provision of the applicable requirement identified in the permit as the basis of each condition. Subject to the limitations of Minn. R. 7007.1800 and 7017.0100, subp. 2, notwithstanding the conditions of this permit specifying compliance practices for applicable requirements, any person (including the Permittee) may also use other credible evidence to establish compliance or noncompliance with applicable requirements.

FACILITY DESCRIPTION:

Permit Action 001 (Total Facility Permit)

The facility covered by this permit consists of five reciprocating internal combustion engines, which burn landfill gas collected from the Waste Management – Burnsville landfill. The landfill, landfill gas collection system, flare (owned and operated by Waste Management), and MM Burnsville Energy LLC (currently WM Renewable Energy LLC – Burnsville) engines collectively constitute a single stationary source for the purposes of the federal Prevention of Significant Deterioration regulation and the federal Title V permit regulation.

The Permittee is authorized to install a sixth engine of the same size as the existing engines.

Permit Action 002 (Administrative Amendment)

This permit action was for a change of facility name, street address, mailing address and contact person. The facility name changed to MM Burnsville Energy LLC (previously Minnesota Methane LLC – Burnsville). The street address changed to 2700 West Cliff Road, Burnsville, Minnesota 55337 (previously 1020 Cliff Road West, Burnsville, Minnesota 55337). The mailing address changed to 2700 West Cliff Road, Burnsville, Minnesota 55337 (previously 8050 State Highway 101, Shakopee, Minnesota 55379). The permit contact person changed to Ms. Tina Nelson (previously Mr. Roger N. Schmitz).

Permit Action 003 (Administrative Amendment)

This administrative amendment will change the facility name to WM Renewable Energy LLC – Burnsville (previously MM Burnsville Energy LLC). The new corporate owner of the facility is WM Renewable Energy, LLC (previously MM Burnsville Energy LLC). This amendment also will clarify an existing permit term regarding performance testing. The new contact person for this permit is Ms. Debra Walters (previously Ms. Tina Nelson). An existing National Ambient Air Quality Standards (NAAQS) issue for Particulate Matter less than 10 um in size and Nitrogen Oxides has been resolved via AERMOD modeling submitted by WM Renewable Energy, LLC.

TABLE A: LIMITS AND OTHER REQUIREMENTS**A-1**

09/25/08

Facility Name: WM Renewable Energy LLC - Burnsville

Permit Number: 03700192 - 003

Table A contains limits and other requirements with which your facility must comply. The limits are located in the first column of the table (What To do). The limits can be emission limits or operational limits. This column also contains the actions that you must take and the records you must keep to show that you are complying with the limits. The second column of Table A (Why to do it) lists the regulatory basis for these limits. Appendices included as conditions of your permit are listed in Table A under total facility requirements.

Subject Item: Total Facility

What to do	Why to do it
OPERATIONAL REQUIREMENTS	hdr
Circumvention: Do not install or use a device or means that conceals or dilutes emissions, which would otherwise violate a federal or state air pollution control rule, without reducing the total amount of pollutant emitted.	Minn. R. 7011.0020
Operation Changes: In any shutdown, breakdown, or deviation the Permittee shall immediately take all practical steps to modify operations to reduce the emission of any regulated air pollutant. The Commissioner may require feasible and practical modifications in the operation to reduce emissions of air pollutants. No emissions units that have an unreasonable shutdown or breakdown frequency of process or control equipment shall be permitted to operate.	Minn. R. 7019.1000, subp. 4
Noise: The Permittee shall comply with the noise standards set forth in Minn. R. 7030.0010 to 7030.0080 at all times during the operation of any emission units. This is a state only requirement and is not enforceable by the EPA Administrator or citizens under the Clean Air Act.	Minn. R. 7030.0010 - 7030.0080
Inspections: The Permittee shall comply with the inspection procedures and requirements as found in Minn. R. 7007.0800, subp. 9(A).	Minn. R. 7007.0800, subp. 9(A)
The Permittee shall comply with the General Conditions listed in Minn. R. 7007.0800, subp. 16.	Minn. R. 7007.0800, subp. 16
PERFORMANCE TESTING	hdr
Performance Testing: Conduct all performance tests in accordance with Minn. R. ch. 7017 unless otherwise noted in Tables A, B, and/or C.	Minn. R. ch. 7017
Limits set as a result of a performance test (conducted before or after permit issuance) apply until superseded as specified by Minn. R. 7017.2025 following formal review of a subsequent performance test on the same unit.	Minn. R. 7017.2025
MONITORING REQUIREMENTS	hdr
Monitoring Equipment Calibration: Annually calibrate all required monitoring equipment (any requirements applying to continuous emission monitors are listed separately in this permit).	Minn. R. 7007.0800, subp. 4(D)
Operation of Monitoring Equipment: Unless otherwise noted in Tables A, B, and/or C, monitoring a process or control equipment connected to that process is not necessary during periods when the process is shutdown, or during checks of the monitoring systems, such as calibration checks and zero and span adjustments. If monitoring records are required, they should reflect any such periods of process shutdown or checks of the monitoring system.	Minn. R. 7007.0800, subp. 4(D)
RECORDKEEPING	hdr
Record keeping: Retain all records at the stationary source for a period of five (5) years from the date of monitoring, sample, measurement, or report. Records which must be retained at this location include all calibration and maintenance records, all original recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Records must conform to the requirements listed in Minn. R. 7007.0800, subp. 5(A).	Minn. R. 7007.0800, subp. 5(C)
Recordkeeping: Maintain records describing any insignificant modifications (as required by Minn. R. 7007.1250, subp. 3) or changes contravening permit terms (as required by Minn. R. 7007.1350 subp. 2), including records of the emissions resulting from those changes.	Minn. R. 7007.0800, subp. 5(B)
When the Permittee determines that no permit amendment or notification is required prior to making a change, the Permittee must retain records of all calculations required under Minn. R. 7007.1200. For expiring permits, these records shall be kept for a period of five years from the date the change was made or until permit reissuance, whichever is longer. For nonexpiring permits, these records shall be kept for a period of five years from the date that the change was made. The records shall be kept at the stationary source for the current calendar year of operation and may be kept at the stationary source or office of the stationary source for all other years. The records may be maintained in either electronic or paper format.	Minn. R. 7007.1200, subp. 4
REPORTING/SUBMITTALS	hdr

TABLE A: LIMITS AND OTHER REQUIREMENTS**A-2**

09/25/08

Facility Name: WM Renewable Energy LLC - Burnsville

Permit Number: 03700192 - 003

<p>Shutdown Notifications: Notify the Commissioner at least 24 hours in advance of a planned shutdown of any control equipment or process equipment if the shutdown would cause any increase in the emissions of any regulated air pollutant. If the owner or operator does not have advance knowledge of the shutdown, notification shall be made to the Commissioner as soon as possible after the shutdown. However, notification is not required in the circumstances outlined in Items A, B and C of Minn. R. 7019.1000, subp. 3.</p> <p>At the time of notification, the owner or operator shall inform the Commissioner of the cause of the shutdown and the estimated duration. The owner or operator shall notify the Commissioner when the shutdown is over.</p>	Minn. R. 7019.1000, subp. 3
<p>Breakdown Notifications: Notify the Commissioner within 24 hours of a breakdown of more than one hour duration of any control equipment or process equipment if the breakdown causes any increase in the emissions of any regulated air pollutant. The 24-hour time period starts when the breakdown was discovered or reasonably should have been discovered by the owner or operator. However, notification is not required in the circumstances outlined in Items A, B and C of Minn. R. 7019.1000, subp. 2.</p> <p>At the time of notification or as soon as possible thereafter, the owner or operator shall inform the Commissioner of the cause of the breakdown and the estimated duration. The owner or operator shall notify the Commissioner when the breakdown is over.</p>	Minn. R. 7019.1000, subp. 2
<p>Notification of Deviations Endangering Human Health or the Environment: As soon as possible after discovery, notify the Commissioner or the state duty officer, either orally or by facsimile, of any deviation from permit conditions which could endanger human health or the environment.</p>	Minn. R. 7019.1000, subp. 1
<p>Notification of Deviations Endangering Human Health or the Environment Report: Within 2 working days of discovery, notify the Commissioner in writing of any deviation from permit conditions which could endanger human health or the environment. Include the following information in this written description:</p> <ol style="list-style-type: none"> 1. the cause of the deviation; 2. the exact dates of the period of the deviation, if the deviation has been corrected; 3. whether or not the deviation has been corrected; 4. the anticipated time by which the deviation is expected to be corrected, if not yet corrected; and 5. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the deviation. 	Minn. R. 7019.1000, subp. 1
<p>Application for Permit Amendment: If a permit amendment is needed, submit an application in accordance with the requirements of Minn. R. 7007.1150 through Minn. R. 7007.1500. Submittal dates vary, depending on the type of amendment needed.</p>	Minn. R. 7007.1150 through Minn. R. 7007.1500
<p>Extension Requests: The Permittee may apply for an Administrative Amendment to extend a deadline in a permit by no more than 120 days, provided the proposed deadline extension meets the requirements of Minn. R. 7007.1400, subp. 1(H).</p>	Minn. R. 7007.1400, subp. 1(H)
<p>Emission Inventory Report: due April 1 after end of each calendar year following permit issuance. To be submitted on a form approved by the Commissioner.</p>	Minn. R. 7019.3000 through Minn. R. 7019.3100
<p>Emission Fees: due 60 days after receipt of an MPCA bill.</p>	Minn. R. 7002.0005 through Minn. R. 7002.0095

TABLE A: LIMITS AND OTHER REQUIREMENTS**A-3**

09/25/08

Facility Name: WM Renewable Energy LLC - Burnsville

Permit Number: 03700192 - 003

Subject Item: GP 001 IC Engines**Associated Items:** EU 001 Reciprocating Eng Unit #1A

EU 002 Reciprocating Eng Unit #1B

EU 003 Reciprocating Eng Unit #2A

EU 004 Reciprocating Eng Unit #2B

EU 005 Reciprocating Eng Unit #3A

EU 006 Reciprocating Eng Unit #3B

What to do	Why to do it
A. EMISSION LIMITS	hdr
Opacity: less than or equal to 20 percent opacity once operating temperature has been attained.	Minn. Rules 7011.2300, subp. 1
Sulfur Dioxide: less than or equal to 0.5 lbs/million Btu heat input . Performance testing for sulfur dioxide is not required as long as the ICE/Generators burn only landfill gas and/or pipeline quality natural gas.	Minn. Rules 7011.2300, subp. 2
B. OPERATIONAL REQUIREMENTS	hdr
Fuels: Landfill gas, treated by filtering and moisture removal. Natural gas as a supplemental fuel when required for peak electricity generation.	Minn. R. 7007.0800, subp. 2.
The Permittee shall operate and maintain the engines in accordance with the Operation and Maintenance (O & M) Plan. The Permittee shall keep copies of the O & M Plan available onsite for use by staff and MPCA staff.	Minn. R. 7007.0800, subp. 14
C. PERFORMANCE TESTING	hdr
Performance Test: due 180 days after Startup of the sixth engine, to be conducted on one engine for CO and NOx.	Minn. R. 7017.2020, subp. 1
Performance Test Notifications and Submittals: Performance Tests are due as outlined in Tables A and B of the permit. See Table B for additional testing requirements. Performance Test Notification (written): due 30 days before each Performance Test Performance Test Plan: due 30 days before each Performance Test Performance Test Pre-test Meeting: due 7 days before each Performance Test Performance Test Report: due 45 days after each Performance Test Performance Test Report - Microfiche Copy: due 105 days after each Performance Test The Notification, Test Plan, and Test Report may be submitted in alternative format as allowed by Minn. R. 7017.2018.	Minn. Rs. 7017.2030, subp. 1-4, 7017.2018 and Minn. R. 7017.2035, subp. 1-2
D. MONITORING	hdr
Recordkeeping: Maintain records of 1. the amount of landfill gas and natural gas combusted 2. time periods that some or all landfill gas must be flared	Minn. R. 7007.0800, subp. 4 and 5

TABLE B: SUBMITTALS**B-1** 09/25/08

Facility Name: WM Renewable Energy LLC - Burnsville
Permit Number: 03700192 - 003

Also, where required by an applicable rule or permit condition, send to the Permit Technical Advisor notices of:

- accumulated insignificant activities,
- installation of control equipment,
- replacement of an emissions unit, and
- changes that contravene a permit term.

Send submittals that are required to be submitted to the U.S. EPA regional office to:

Mr. George Czerniak
Air and Radiation Branch
EPA Region V
77 West Jackson Boulevard
Chicago, Illinois 60604

Each submittal must be postmarked or received by the date specified in the applicable Table. Those submittals required by parts 7007.0100 to 7007.1850 must be certified by a responsible official, defined in Minn. R. 7007.0100, subp. 21. Other submittals shall be certified as appropriate if certification is required by an applicable rule or permit condition.

Table B lists most of the submittals required by this permit. Please note that some submittal requirements may appear in Table A or, if applicable, within a compliance schedule located in Table C. Table B is divided into two sections in order to separately list one-time only and recurrent submittal requirements.

Send submittals that are required by the Acid Rain Program to:

U.S. Environmental Protection Agency
Clean Air Markets Division
1200 Pennsylvania Avenue NW (6204N)
Washington, D.C. 20460

Send any application for a permit or permit amendment to:

AQ Permit Technical Advisor
Industrial Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

Unless another person is identified in the applicable Table, send all other submittals to:

AQ Compliance Tracking Coordinator
Industrial Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

TABLE B: ONE TIME SUBMITTALS OR NOTIFICATIONS

Facility Name: WM Renewable Energy LLC - Burnsville
Permit Number: 03700192 - 003

What to send	When to send	Portion of Facility Affected
Application for Permit Reissuance	due 180 days before expiration of Existing Permit	Total Facility
Notification of the Actual Date of Initial Startup	due 15 days after Initial Startup for EU006	GP001
Testing Frequency Plan	due 60 days after Performance Test	GP001

TABLE B: RECURRENT SUBMITTALS**B-3** 09/25/08

Facility Name: WM Renewable Energy LLC - Burnsville

Permit Number: 03700192 - 003

What to send	When to send	Portion of Facility Affected
Semiannual Deviations Report	due 30 days after end of each calendar half-year starting 06/03/2005 . The first semiannual report submitted by the Permittee shall cover the calendar half-year in which the permit is issued. The first report of each calendar year covers January 1 - June 30. The second report of each calendar year covers July 1 - December 31. If no deviations have occurred, the Permittee shall submit the report stating no deviations.	Total Facility
Compliance Certification	due 30 days after end of each calendar year starting 06/03/2005 (for the previous calendar year). To be submitted on a form approved by the Commissioner, both to the Commissioner and to the US EPA regional office in Chicago. This report covers all deviations experienced during the calendar year.	Total Facility

APPENDIX MATERIAL

Facility Name: WM Renewable Energy LLC - Burnsville

Permit Number: 03700192-003

Insignificant Activities

Three (3) space heaters Minn. R. 7007.1300, supb. 3.A

Insignificant Activities and Applicable Requirements

The table below lists the insignificant activities that are currently at the facility and their associated general applicable requirements.

Under Minn. R. 7007.1250, subp. 1(A), the Permittee may add insignificant activities to the stationary source throughout the term of the permit without getting permit amendments. Certain exclusions apply and are listed in Minn. R. 7007.1250, subp.2. The following table is a listing of the insignificant activities that the Permittee is somewhat likely to add and their associated applicable requirements.

Minn. R. 7007.1300 , subpart	Rule Description of the Activity	Applicable Requirement
3(A)	Fuel use: space heaters fueled by, kerosene, natural gas, or propane.	Minn. R. 7011.0510/0515
3(B)	Furnaces, boilers, and incinerators:	
	infrared electric ovens; and	Minn. R. 7011.0105/0110
	fuel burning equipment with a capacity less than 500,000 Btu/hour but only if the total combined capacity of all fuel burning equipment at the stationary source with a capacity less than 500,000 Btu per hour is less than or equal to 2,000,000 Btu/hour.	Minn. R. 7011.0510/0515 OR Minn. R. 7011.0610 + Minn. R. 7011.1215, subp. 3
3(C)	fabrication operations: equipment used exclusively for forging, pressing, drawing, spinning, or extruding hot metals.	Minn. R. 7011.0710/0715
3(D)	Processing operations:	
	open tumblers with a batch capacity of 1,000 pounds or less; and	Minn. R. 7011.0710/0715
	Storage1. gasoline storage tanks: with a combined total tankage capacity of not more than 10,000 gallons; and	Minn. R. 7011.0710/0715 OR Minn. R. 7011.1505, subp. 2(B)/1505, subp. 3(B) OR Minn. R. 7011.0105/
	1. gasoline2. non-hazardous air pollutant VOC storage tanks with a combined total tankage capacity of not more than 10,000 gallons; of non-hazardous air pollutant VOCs and with a vapor pressure of not more than 1.0 psia at 60 degrees Fahrenheit.	Minn. R. 7011.0710/0715 OR Minn. R. 7011.1505, subp. 2(B)/1505, subp. 3 (B) OR Minn. R. 7011.0105/0110
3(F)	Cleaning operations: commercial laundries, not including dry cleaners and industrial launderers.	Minn. R. 7011.0105/0110
3(G)	Emissions from a laboratory, as defined in the subpart.	Minn. R. 7011.0510/0515 + Minn. R. 7011.0610 + Minn. R. 7011.0710/0715
3(G)(H)	Miscellaneous:	
	Miscellaneous:1. equipment used exclusively for packaging	Minn. R. 7011.0710/0715 OR

	lubricants or greases;	Minn. R. 7011.0105/0110
	3. brazing, soldering or welding equipment;	Minn. R. 7011.0510/.0515 + Minn. R. 7011.0105/01100610 + Minn. R. 7011.0710/0715
	24. blueprint copiers and photographic processes;	Minn. R. 7011.0105/0110
	3. brazing, soldering or welding equipment;5. equipment used exclusively for melting or application of wax;	Minn. R. 7011.0510/.0515 + Minn. R. 7011.0610 + Minn. R. 7011.0710/0715
	4. blueprint copiers and photographic processes; 6. nonasbestos equipment used exclusively for bonding lining to brake shoes; and	Minn. R. 7011.0710/0715
	5. equipment used exclusively for melting or application of wax;7. cleaning operations: alkaline/phosphate cleaners and associated cleaners and associated burners.	Minn. R. 7011.0510/.0515 + Minn. R. 7011.0610 + Minn. R. 7011.0710/0715
3(I)	Individual emissions units at a stationary source, each of which have a potential to emit the following pollutants in amounts less than: 1. 4,000 lbs/year of carbon monoxide; and 2. 2,000 lbs/year each of nitrogen oxide, sulfur dioxide, particulate matter, particulate matter less than ten microns, volatile organic compounds (including hazardous air pollutant-containing VOC), and ozone.	
3(J)	Fugitive Emissions from roads and parking lots.	Minn. R. 7011.0150
3(K)	Infrequent use of spray paint equipment for routine housekeeping or plant upkeep activities not associated with primary production processes at the stationary source, such as spray painting of buildings, machinery, vehicles, and other supporting equipment.	Minn. R. 7011.0710/0715

Insignificant Activities Required to Be Listed for Part 70 sources

Minn. R. 7007.1300 , subpart	Rule Description of the Activity	Applicable Requirement
4	Individual emissions units at a stationary source, each of which has: A. Potential emissions of 5.7 pounds per hour or actual emissions of two tons per year of carbon monoxide; B. Potential emissions of 2.28 pounds per hour or actual emissions of one ton per year for particulate matter, particulate matter less than ten microns, nitrogen oxide, sulfur dioxide, and VOCs; and C. For hazardous air pollutants, emissions units with: (1) potential emissions of 25 percent or less of the hazardous air pollutant thresholds listed in subp. 5; or (2) combined HAP actual emissions of one ton per year	

Minn. R. 7007.1300 , subpart	Rule Description of the Activity	Applicable Requirement
	unless the emissions unit emits one or more of the HAPs listed in this subpart.	

Conditionally Insignificant Activities

	Rule Description of the Activity	Applicable Requirement
Minn. R. 7008.4100	Total VOC Usage at the stationary source less than 200 gallons or 2000 pounds in each calendar year. See Minn. R. 7008.4100 for recordkeeping and calculation requirements for this activity.	Minn. R. 7011.0710/0715
Minn. R. 7008.4110	Emissions from equipment venting particulate matter (PM) or particulate matter less than 10 microns (PM-10) inside a building, provided that emissions from the equipment are: a). filtered through an air cleaning system; and b). vented inside of the building 100% of the time.	Minn. R. 7011.0710/0715

TECHNICAL SUPPORT DOCUMENT
For
AIR EMISSION PERMIT NO. 03700192-003

This technical support document is intended for all parties interested in the permit and to meet the requirements that have been set forth by the federal and state regulations (40 CFR § 70.7(a)(5) and Minn. R. 7007.0850, subp.1). The purpose of this document is to provide the legal and factual justification for each applicable requirement or policy decision considered in the determination to issue the permit.

1. General Information

1.1 Applicant and Stationary Source Location:

Applicant/Address	Stationary Source/Address (SIC Code: 4911)
WM Renewable Energy LLC 1001 Fannin, Suite 4000 Houston, TX 77002	WM Renewable Energy - Burnsville 2700 Cliff Rd W Burnsville, Dakota County, MN 55337
Contact: Debra Walters Phone: 763-441-2464x11	

1.2 Description of the Facility

The Permittee operates a landfill gas-to-energy facility that is located adjacent to the Burnsville, Minnesota landfill. The Burnsville Sanitary Landfill has a methane gas collection system in place over a portion of the municipal solid waste landfill area. The extracted landfill gas flows to the electric power generation facility for energy recovery which consists of five existing Caterpillar engines. There is an existing blower and a LFG Specialties enclosed flare unit that is used as a backup to the electric power generation facility.

The facility covered by this permit consists of five (5) reciprocating internal combustion engines which burn landfill gas collected from the Waste Management – Burnsville landfill. The landfill, landfill gas collection system, flare (owned and operated by Waste Management), and MM Burnsville Energy LLC (now WM Renewable Energy LLC) engines collectively constitute a single stationary source for the purposes of the federal Prevention of Significant Deterioration regulation and the federal Title V permit regulation.

1.3 Description of the Activities Allowed by this Permit Action

Administrative amendment applications were received on July 2, 2007 and November 7, 2007 in accordance with Minn. R. 7007.1400, subps. 1(B), (E) and (G) that requested a change in facility name, ownership and operational control of the facility as well as a request for clarification of a permit term. The name of the facility is changing to WM Renewable Energy LLC – Burnsville (previously MM Burnsville Energy LLC). The corporation taking ownership and operational control of the facility is WM Renewable Energy, LLC (WMRE), (previously MM Burnsville

Energy LLC). WMRE was delegated full permit responsibility, coverage and liability of the facility effective November 8, 2007. The permit contact person is Ms. Debra Walters (previously Ms. Tina Nelson).

WMRE is requesting clarification of the permit term in Table A referring to performance testing for one of the energy recovery engines at the facility. Permit action 03700192-001 included the requirement: "Performance Test: due 180 days after 02/14/2005 to be conducted on one engine for CO and NO_x." which was not changed and carried forward to permit action 03700192-002 on February 28, 2006. A pre-purchase review of permit no. 03700192-002 by WMRE showed the performance test had not been done. An MPCA facility inspection conducted on August 7, 2007 concurred. In preparing a follow-up to the inspection it was determined the testing requirement in question was indeed intended to apply only after the installation of the sixth engine. There are currently five engines at the facility. WMRE is requesting amending the permit requirement to read: "Performance Test: due 180 days after startup of the sixth engine, to be conducted on one engine for CO and NO_x."

1.4 NAAQS Issue for NO_x and PM₁₀

This facility was identified as potentially exceeding National Ambient Air Quality Standards (NAAQS) for NO_x and PM₁₀. This issue was addressed to the facility in a letter to Ms. Darla Nickerson on June 21, 2005. The main concern for the facility in 2005 was the PM₁₀ issue and modeling was submitted with regard to the PM₁₀ issue. Suggestions were given to the Permittee (MM Burnsville Energy LLC) on how to resolve the NAAQS situation including raising the stacks or committing to lower emission factors in the permit but no decision was made by the Permittee. According to the consultant, an AERA and RASS were also submitted.

There was no modeling submitted with regard to NO_x in 2005. The value for NO_x was 1.7 times the NAAQS and the new Permittee (WMRE) plans to refine the NO_x modeling for this permit amendment. AERMOD modeling was submitted June 27, 2008 with this amendment application to attempt to show compliance with the NAAQS for PM₁₀ and NO_x. A review of the results from this modeling submittal is attached to this Technical Support Document.

1.5 Outstanding Issues for Permit Reissuance

There are a number of issues outstanding at the time of this administrative amendment that will need to be resolved upon reissuance of this permit in February 2010. First, this administrative amendment is changing a permit term in GP001 (IC Engines) to require performance testing for CO and NO_x on one of the IC engines after the installation of the sixth engine. It is the intent of the new owners of the facility to install a sixth engine at some point but at the time of this amendment, no specific date was decided as to when the sixth engine would be installed. If no sixth engine is installed by the time of reissuance it would be recommended that the performance test be required with only five (5) IC engines at the facility. The modeling submitted to resolve the NAAQS issue contained six (6) IC engines and a flare. The flare is not listed in the facility description as an emission unit at the facility. This will have to be entered into Delta upon reissuance of this permit. The potential-to-emit (PTE) calculations for all six IC engines and the flare are in the modeling submittal dated June 27, 2008. Some of the PTE values for the IC engines will also have to be updated as per the modeling submittal.

The modeling was submitted to the MPCA prior to implementation of PM_{2.5} and upon reissuance of the permit, the permittee will have to remodel the facility taking PM_{2.5} into consideration.

The modeling submittal included fugitive sources (FS) that were not listed in the facility description in Delta. This FS data will need to be entered into Delta upon permit reissuance. This data including PTE calculations is contained in the modeling submittal dated June 27, 2008.

1.6 Changes to Permit from Permittee Comments

In the cover page under permit action 003 the words “will be resolved” were changed to “has been resolved” since the existing NAAQS issue was resolved by submitted AERMOD modeling results. The Performance Test Notifications and Submittals citation listed under Total Facility requirements in Table A was removed. This same requirement is listed for GP001 (IC Engines) on page 3 of Table A.

2. Conclusion

Based on the information provided by WM Renewable Energy LLC - Burnsville, the MPCA has reasonable assurance that the proposed operation of the emission facility, as described in the Air Emission Permit No. 03700192-003 and this technical support document, will not cause or contribute to a violation of applicable federal regulations and Minnesota Rules.

Staff Members on Permit Team: Tarik Hanafy (permit writer/engineer)
 Cary Hernandez (enforcement)
 Fred Jenness (peer reviewer)

AQ File No. 202FF; DQ 1590, 1746

Attachments: 1. Modeling Review
 2. Facility Description and CD-01 Forms