

February 5, 2004

**BFI – The Recyclery and Interntional
Disposal Corporation of CA
(Newby Island Landfill)**
1601 Dixon Landing Road
Milpitas, CA 95035

ALAMEDA COUNTY
Roberta Cooper
Scott Haggerty
(Chairperson)
Nate Miley
Shelia Young

Attention: Mr. Gil Cheso, Plant Manager

**Application Number: 2611
Plant Number: A5472 & A9013
Equipment Location: Same as above**

CONTRA COSTA
COUNTY
Mark DeSaulnier
Mark Ross
Gayle Uilkema
(Secretary)

Dear Mr. Cheso:

MARIN COUNTY
Harold C. Brown, Jr.

The requirement for public and EPA review of the proposed Major Facility Review Permit has been completed. No comments from EPA or the public were received. The District has decided to issue the permit.

NAPA COUNTY
Brad Wagenknecht

Following is the District's response to the request for changes to the permit submitted by Eric Tjensvold on behalf of the Newby Island Landfill and BFI – The Recyclery.

SAN FRANCISCO
COUNTY
Willie Brown, Jr.
Chris Daly
Jake McGoldrick

Response to Comments:

A summary of each of the comments is listed below, followed by a discussion of the comment, the District's position, and any changes that will be made to the permit as a result of the comment.

SAN MATEO COUNTY
Jerry Hill
Marland Townsend
(Vice-Chairperson)

Comment #1: The facility should be able to exceed the maximum tonnage limit given in the Title V permit without necessitating a modification to the permit, provided that the volume limit is not exceeded.

SANTA CLARA COUNTY
Liz Kniss
Patrick Kwok
Julia Miller
Dena Mossar

• Discussion:

The 39 million ton cumulative waste limit that appears in the solid waste facility permit (SWFP) and adopted by the District into the Title V permit is based on an assumed refuse density that may change over time, so an exceedance of the tonnage limit alone should not trigger a permit modification, as long as the 50.8 million cubic yards volume limit is not exceeded.

SOLANO COUNTY
John F. Silva

SONOMA COUNTY
Tim Smith
Pamela Torliatt

• District's Position:

The refuse tonnage capacity is used by the District to estimate the maximum emission level of the landfill. However, as you have pointed out, the tonnage capacity is somewhat arbitrary because it is based on an assumed value for the refuse density. Therefore, the stated tonnage capacity of the landfill is a presumptive limit rather than a firm throughput limit and will be treated as a

Jack P. Broadbent
EXECUTIVE
OFFICER/APCO

reporting threshold rather than a permit modification threshold. Permit Condition #10423, part 1.b. in the proposed Title V permit attempted to make this distinction, but it was perhaps improperly worded. The District has clarified the language in the final permit.

- Changes to the Permit as a Result of Comment #1:
Permit Condition #10423, part 1.b. has been modified as follows in the final Title V permit and Tables II A and VII-A have been accordingly updated:
 1. The Permit Holder shall comply with the following waste acceptance and disposal limits and shall obtain the appropriate New Source Review permit, if one of the following limits is exceeded:
 - a. Total waste accepted and placed at the landfill shall not exceed 4,000 tons in any day. (Basis: Regulation 2-1-301)
 - b. The total cumulative amount of all waste placed in the landfill ~~shall not exceed~~ is predicted to be 39.0 million tons. However, an Exceedance of the cumulative tonnage limit this amount is not a violation of the permit and does not trigger the requirement to obtain a New Source review permit, if the operator can, within 30 days of the date of discovery of the exceedance, provide documentation to the District demonstrating, ~~in accordance with BAAQMD Regulation 2-1-234.3,~~ that the ~~limit tonnage capacity~~ should be higher. (Basis: Regulation 2-1-~~234.3~~301)
 - c. The maximum design capacity of the landfill (total volume of all wastes and cover materials placed in the landfill, excluding final cover) shall not exceed 50.8 million cubic yards. (Basis: Regulation 2-1-301)

Comment #2: The BAAQMD should delay the issuance of the Title V permit until a proposed expansion of the landfill gas collection and control system has been incorporated.

- Discussion:
International Disposal Corporation (IDC) has proposed an expansion of the landfill gas collection and control system for the Newby Island Landfill that will dramatically change the number of vertical gas extraction wells. The District processed this request under Permit Application #008121 and issued an Authority to Construct on November 5, 2003. Since the proposed wells have not yet been installed, the District will not include them in the Title V permit. It was therefore proposed that the issuance of the Title V permit be delayed until such time as all of the modifications to the system could be included in the permit.
- District's Position:
Due to the statutory timelines surrounding the issuance of the Title V permit for this facility, the District remains at risk for legal action until the permit is issued. The District therefore intends to issue the permit for only that equipment which was included in the proposed Title V permit. However, it will be noted in the permit conditions for the Landfill (Condition #10423) that an Authority to Construct has been issued for the proposed expansion. When the expansion has been completed, the proposed changes to the gas collection system will

be incorporated into the Title V permit as a Minor Permit Revision as described in BAAQMD Regulation 2, Rule 6.

- Changes to the Permit as a Result of Comment #2:

Permit Condition #10423, part 6. has been modified as follows in the final Title V permit:

6. The Permit Holder shall apply for and receive an Authority to Construct before modifying the landfill gas collection system. Increasing or decreasing the number of wells or collectors, changing the length of collectors, or changing the locations of wells or collectors are all considered to be modifications that are subject to the Authority to Construct requirement.

a. The Permit Holder has been issued a Permit to Operate for the landfill gas collection system components listed below. Well and collector locations, depths, and lengths are as described in detail in Permit Applications #2405 and #2563.

	Current
Total Number of Vertical Wells:	123

b. The Permit Holder has been issued an Authority to Construct for the additional landfill gas collection system components listed below. Specific well locations, depths, and lengths of associated piping are as described in detail in Permit Application #8121. After receiving a written start-up notification for any wells or collectors that have been installed, the APCO will revise the number of wells listed in Parts 6a and 6b using the minor permit amendment procedures identified in Regulation 2-6-414.

	<u>Proposed</u>
<u>Additional Number of Wells and Collectors:</u>	
(Vertical)	69
(Horizontal)	8

(basis: Regulations 2-1-301, 8-34-301.1, 8-34-303, 8-34-304, 8-34-305)

Comment #3: Permit Condition #10423, part 5 should be modified to allow for a third landfill gas control option.

- Discussion:

Permit Condition #10423, part 5 currently requires collected landfill gas to be controlled by either off-site power generators operated by Gas Recovery Systems or by the on-site Landfill Gas Flare A-1. However, the landfill recently began exporting gas to the San Jose/Santa Clara Water Pollution Control Plant (BAAQMD Facility #A778) for use as a supplemental fuel for the internal combustion engine power generation units at that facility. This alternate use of landfill gas produced at the Newby Island Landfill was approved by the District under Permit Application #1671.

- District's Position:

The District is in agreement with IDC that a permit condition change is necessary.

- Changes to the Permit as a Result of Comment #3:
Permit Condition #10423, part 5 has been modified as follows in the final Title V permit:
 5. All collected landfill gas shall be ~~vented~~ controlled by one of the following means: ~~to either~~ (1) the off-site IC engine power generators operated by Gas Recovery Systems (Facility # B1670), (2) the IC engine power generators operated by the San Jose/Santa Clara Water Pollution Control Plant (Facility #A778), or the on-site Landfill Gas Flare (A-1). Raw landfill gas shall not be vented to the atmosphere, except for unavoidable landfill gas emissions that occur during collection system installation, maintenance, or repair, which is performed in compliance with Regulation 8, Rule 34, Sections 113, 116, 117, or 118, and component or surface leaks that do not exceed the limits specified in 8-34-301.2 or 8-34-303. (basis: Regulation 8-34-301)

Comment #4: The Title V permit understates the capacity of the Landfill Gas Flare A-1.

- Discussion:
Permit Condition #10423, part 8 limits the heat input to the Landfill Gas Flare A-1 to 1,704 MMBTU/day and 621,960 MMBTU/yr. This limit was based on the estimated heat capacity of the flare that was supplied to the District by IDC in 1996 without any technical data to support it. IDC has now calculated that the actual heat capacity of the flare is 2,006 MMBTU/day and 732,095 MMBTU/yr. This is based on a landfill gas combustion rate of 2,500 scfm and a methane content of 55%.
- District's Position:
The District agrees with IDC's assessment of the heat capacity of the Landfill Gas Flare A-1 and since a cumulative emissions increase was not charged for this flare, there was no formal basis for the limits given in the proposed Title V permit. The maximum heat capacities now proposed by IDC will become firm permit limits for the flare.
- Changes to the Permit as a Result of Comment #4:
Permit Condition #10423, part 8 has been modified as follows in the final Title V permit and Table VII-A has been accordingly updated:
 8. The heat input to the A-1 Landfill Gas Flare shall not exceed ~~1,704~~ 2,006 million BTU per day and shall not exceed ~~621,960~~ 732,095 million BTU per year. In order to demonstrate compliance with this part, the Permit Holder shall calculate and record on a monthly basis the maximum daily and total monthly heat input to the flare based on: (a) the landfill gas flow rate recorded pursuant to part 13h, (b) the average methane concentration in the landfill gas that was determined during the most recent source test, (c) and a high heating value for methane of 1013 BTU/ft³ at 60 degrees F. (basis: Regulation 2-1-301)

Comment #5: In Permit Condition #10423, part 12, the criteria for requesting the removal of individual chemicals from the annual toxic air contaminant testing list are unclear.

- Discussion:

Permit Condition #10423, part 12 in the proposed Title V permit requires an annual landfill gas characterization to determine the presence and concentrations of all organic compounds (except acetone) listed in the most recent version of EPA AP-42 Table 2.4.1. The condition also allows the permit holder to request that the District remove specific compounds from the list to be tested if the compound has not in the past been detected and has no significant impact on the overall risk determination for the site. IDC has commented that it is unclear in the condition text whether it is the facility or the District that will be responsible for completing the risk assessment demonstrating that specific compounds can be eliminated from annual testing.

- District's Position:

When the District initially formulated the standard language for the landfill gas characterization requirement found in Permit Condition #10423, part 12, (and in the proposed conditions for other landfills subject to Title V permitting) the list of compounds in Table 2.4.1 of EPA AP-42 was chosen as a convenient starting point to begin gathering landfill gas composition data. The condition text about removing compounds was added as a means of reducing the list over time to target only those that have the greatest impact on the overall toxic risk from the landfill. However, because there have been comments and concerns about the use of this condition at other landfills, the District has decided to modify the condition by eliminating the reference to AP-42 Table 2.4.1 for the compounds to be tested and replacing it with a shorter, more specific list of suspected toxic air contaminants. In addition, the reference to the removal of compounds from the list has been removed. If the District determines that it is appropriate to remove compounds from the list in the future, it will be handled on a case-by-case basis in accordance with the permit revision procedures in Regulation 2, Rule 6.

The District has identified the list of compounds to be annually tested as those organic compounds appearing in AP-42 Table 2.4.1 that are also listed as toxic air contaminants in BAAQMD Regulation 2, Rule 1, Table 2-1-316. In addition, Benzene and Toluene have been added because they appear in AP-42 Table 2.4-2 as likely components of landfill gas and Ethylbenzene has been included because the District has proposed adding it to Table 2-1-316.

- Changes to the Permit as a Result of Comment #5:

Permit Condition #10423, part 12 has been modified as follows in the final Title V permit:

12. The Permit Holder shall conduct a characterization of the landfill gas concurrent with the annual source test required by part 11 above. The landfill gas sample shall be drawn from the main landfill gas header. In addition to the compounds listed in part 11.b, the landfill gas shall be analyzed for ~~all organic compounds listed in the most recent version of EPA's AP-42 Table 2.4-1, excluding acetone.~~ the following compounds:

<u>Acrylonitrile</u>	<u>Ethylene dibromide</u>
<u>Benzene</u>	<u>Fluorotrichloromethane</u>
<u>Carbon disulfide</u>	<u>Hexane</u>
<u>Carbon tetrachloride</u>	<u>Hydrogen sulfide</u>
<u>Chlorobenzene</u>	<u>Isopropyl alcohol</u>
<u>Chlorodifluoromethane</u>	<u>Methylethylketone</u>
<u>Chloroethane</u>	<u>Methylene chloride</u>
<u>Chloroform</u>	<u>Perchloroethylene</u>
<u>1,1 Dichloroethane</u>	<u>Toluene</u>
<u>1,1 Dichloroethene</u>	<u>1,1,1 Trichloroethane</u>
<u>1,2 Dichloroethane</u>	<u>1,1,2,2 Tetrachloroethane</u>
<u>1,4 Dichlorobenzene</u>	<u>Trichloroethylene</u>
<u>Dichlorodifluoromethane</u>	<u>Vinyl chloride</u>
<u>Dichlorofluoromethane</u>	<u>Xylenes</u>
<u>Ethylbenzene</u>	

All concentrations shall be reported on a dry basis. The test report shall be submitted to the Compliance and Enforcement Division within 45 days of the test date. ~~After conducting three annual landfill gas characterization tests, the Permit Holder may request to remove specific compounds from the list of compounds to be tested for if the compounds have not been detected, have no significant impact on the cancer risk determination for the site, and have no significant impact on the hazard index determination for the site.~~ (basis: Toxic Risk Management Policy and Regulation 8-34-412)

Comment #6: It is unclear in Permit Condition #10423, part 14 whether a single combined semi-annual Title V monitoring/Regulation 8-34 report is acceptable or if separate reports (on the same schedule) for each are required.

- Discussion:
Permit Condition #10423, part 14 was added to the Title V permit for the express reason of allowing the Annual Report required by Regulation 8-34-411 to be submitted as two semi-annual reports in conjunction with the semi-annual monitoring reports required by the Title V permit. It was intended that the two reports (i.e. Regulation 8-34 and Title V semi-annual monitoring) could be submitted on a semi-annual basis as one combined report that included the required elements of both.

- District's Position:
The District agrees that the intent of Permit Condition #10423, part 14 should be clarified in the final Title V permit.
- Changes to the Permit as a Result of Comment #6:
Permit Condition #10423, part 14 has been modified as follows in the final Title V permit:
 14. The annual report required by BAAQMD Regulation 8-34-411 shall be submitted in two semi-annual increments, except that the reporting period for the first increment of the Regulation 8-34-411 semi-annual report that is submitted subsequent to the issuance of the MFR Permit for this site shall be from December 1, 20022003 through ~~last day of the month that is 6 months after MFR Permit issuance date~~June 30, 2004. This first increment report shall be submitted by ~~last day of the month following the end of the reporting period~~July 31, 2004. The reporting periods and report submittal due dates for all subsequent increments of the Regulation 8-34-411 report shall be synchronized with the reporting periods and report submittal due dates for the semi-annual MFR Permit monitoring reports that are required by Section I.F. of the MFR Permit for this site. At the discretion of the facility, the Regulation 8-34-411 report may be combined with the semi-annual MFR monitoring report as a single report as long as it is clearly labeled as such and it contains all the required elements of both reports. (basis: Regulation 8-34-411 and 40 CFR Part 63.1980(a))

Comment #7: IDC requests that the Title V permit clearly identify the individual wells that are exempt from the requirements of Regulation 8-34-305 or for which alternative requirements exist.

- Discussion:
Regulation 8-34-305 includes continuous vacuum, temperature, nitrogen concentration, and oxygen concentration requirements for landfill gas wellheads. The only exemptions from these requirements are for inactive/closed landfills or small design capacity landfills. However, the regulation does provide for alternate operating levels if the operator has applied for and received specific permit conditions establishing new requirements.
- District's Position:
As stated in the November 4, 2003 letter from Carol Allen, Senior Air Quality Engineer – BAAQMD, to Gil Cheso of IDC, the request for alternative wellhead oxygen and temperature limits made by IDC does not include sufficient data for the District to verify the need for alternative requirements. Therefore, the District does not intend to make changes to the Title V permit at this time. A revision to the Title V permit can be made once the District has approved a permit application for alternative wellhead limits.
- Changes to the Permit as a Result of Comment #7:
None.

Comment #8: In general, International Disposal Corporation (IDC) and Browning-Ferris Industries (BFI) object to the combination of the Newby Island Landfill and the Recyclery into one facility for the purpose of Title V permitting.

- Discussion:

BAAQMD Regulation 2-6-206 defines a “Facility” as follows:

“Any property, building, structure, or installation (or any aggregation of facilities) located on one or more contiguous or adjacent properties and under common ownership or control of the same person that emits or may emit any air pollutant and is considered a single major industrial grouping (identified by the first two-digits of the applicable code in The Standard Industrial Classification Manual).”

A letter to the District (dated September 17, 2003) from Patrick Sullivan of SCS Engineers on behalf of Browning-Ferris Industries of California, Inc. (BFIC) and the International Disposal Corporation of California (IDC) attempted to make the case that the Newby Island Landfill and the Recyclery were not under common ownership and should therefore be treated as separate entities for the purposes of Title V permitting and future BAAQMD permitting. However, statements made in this letter regarding ownership seemed to contradict statements that were made in the Title V application. In the Title V application submitted by SCS Engineers on behalf of BFI, the following statements were made in the Source Description Section (page 1):

1. “The Newby Island Sanitary Landfill is a municipal solid waste disposal facility owned and operated by Browning-Ferris of California, Inc. (BFI).”
2. “In addition to the solid waste disposal facility, BFI owns and operates a Compost Facility (Recyclery), BAAQMD Plant # 5472, that is adjacent to the landfill property.”
3. “For the purposes of this Major Facility Review application, BFI is combining these two facilities, the solid waste disposal facility and Recyclery, to be considered as a single Title V source because these two facilities are under a common control.”

A letter from the District requesting clarifications of these statements was sent to Mr. Sullivan on October 2, 2003. As of this date no response has been given to the District’s request.

- District’s Position:

Without further evidence that BFI does not have common control over the Landfill and Recyclery, the District must proceed with issuing the Title V permit for the two businesses as a combined facility.

- Changes to the Permit as a Result of Comment #8:

None.

Application #002611
Response to Comments
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Enclosed is a copy of the final permit. Please note that the first monitoring report for this permit will be due on August 31, 2004, and the first compliance certification will be due on February 28, 2005.

If you have any questions regarding this permit, please call Ted Hull, Air Quality Engineer, at (415) 749-4919.

Sincerely yours,

Jack P. Broadbent
Executive Officer / APCO

RTH:myl
Enclosure

cc: Deborah Jordan, USEPA
Peter Venturini, CARB

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