



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 8 2011

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Gary Pitsch, President
Pitsch Companies
675 Richmond NW
Grand Rapids, Michigan 49504

Re: Finding of Violation
Pitsch Sanitary Landfill
Belding, Michigan

Dear Mr. Pitsch:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Pitsch Companies (you). We find that you are violating Sections 111, 112 and 502 of the Clean Air Act (CAA), 42 U.S.C. §§ 7411, 7412 and 7661a, at your Belding, Michigan facility.

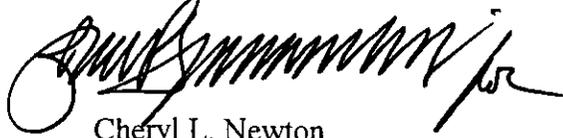
We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). The options may include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Bonnie Bush. You may call her at 312.353.6684 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cheryl L. Newton', written over a horizontal line.

Cheryl L. Newton
Director
Air and Radiation Division

Enclosure: SBREFA fact sheet

cc: Tom Hess, Enforcement Unit Chief
Air Quality Division
Michigan Department of Environmental Quality

Heidi Hollenbach, Supervisor
Grand Rapids District Office
Air Quality Division
Michigan Department of Environmental Quality

7. The NSPS for MSWLs, at 40 C.F.R. § 60.751, defines municipal solid waste landfill as a disposal facility where household waste is disposed on land.
8. The NSPS for MSWLs, at 40 C.F.R. § 60.752, sets forth standards for air emissions from municipal solid waste landfills.
9. The NSPS for MSWLs, at 40 C.F.R. § 60.753, sets forth operational standards for collection and control systems at municipal solid waste landfills.
10. The NSPS for MSWLs, at 40 C.F.R. § 60.754, sets forth test methods and procedures for municipal solid waste landfills.
11. The NSPS for MSWLs, at 40 C.F.R. § 60.755, sets forth compliance provisions for municipal solid waste landfills, including among other things, at 40 C.F.R. § 60.755(c), procedures for compliance with the surface methane operational standard and at 40 C.F.R. § 60.755(e), start-up, shutdown and malfunction (SSM) provisions.
12. The NSPS for MSWLs, at 40 C.F.R. § 60.756, sets forth requirements for monitoring of operations at municipal solid waste landfills, including among other things, at 40 C.F.R. § 60.756(e), requirements for monitoring of alternative parameters.
13. The NSPS for MSWLs, at 40 C.F.R. § 60.757, sets forth reporting requirements for municipal solid waste landfills including among other things, at 40 C.F.R. § 60.757(a) and (b), requirements for initial and amended design capacity reports and non-methane organic compound (NMOC) reports.
14. The NSPS for MSWLs, at 40 C.F.R. § 60.758, sets forth recordkeeping requirements for municipal solid waste landfills.
15. Section 112(d) of the Act, 42 U.S.C. § 7412(d), authorizes EPA to promulgate regulations establishing emission standards for each category or subcategory of major sources and area sources of hazardous air pollutants.
16. Section 112(f)(4) of the Act, 42 U.S.C. 7412(f)(4), states that no air pollutant to which a NESHAP standard applies may be emitted from any stationary source in violation of such standard.
17. The NESHAP for Source Categories, at 40 C.F.R. § 63.6, sets forth general requirements for compliance with standards and maintenance, including, among other things, requirements for SSM plans.
18. The NESHAP for Source Categories, at 40 C.F.R. § 63.10, sets forth general requirements for recordkeeping and reporting.
19. The NESHAP for MSWLs, at 40 C.F.R. Part 63, Subpart AAAAA, establishes national emissions standards for hazardous air pollutants for existing and new municipal solid waste landfills.

20. The NESHAP for MSWLS, at 40 C.F.R. § 63.1960, sets forth requirements for demonstrating compliance with Subpart AAAA, including among other things, requirements for SSM plans for municipal solid waste landfills.
21. Title V of the Act, 42 U.S.C. §§ 7661 through 7661f, and its implementing regulations at 40 C.F.R. Part 70, establish an operating permit program for certain sources.
22. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
23. EPA granted final interim approval to the Michigan Title V operating permit program on January 10, 1997. 62 Fed. Reg. 1387. The program became effective on February 10, 1997. The Michigan Title V program was granted final full approval by EPA, effective November 30, 2001. 66 Fed. Reg. 62949. See 40 C.F.R. Part 70, Appendix A.

Findings of Fact

24. Pitsch owns and operates a municipal solid waste landfill at 7905 Johnson Road, Belding, Michigan, which accepts waste including municipal and household solid waste.
25. Pitsch's Belding landfill has a current design capacity of greater than 2.5 million cubic meters.
26. Pitsch received a construction permit from the Michigan Department of Environmental Quality (MDEQ) in August 1999 for construction of new cells which increased the Belding landfill's design capacity to greater than 3.2 million cubic meters.
27. Pitsch began construction of Cell V on September 15, 1999, making the Belding landfill subject to 40 C.F.R. Part 60, Subpart WWW.
28. Pitsch's Belding landfill continues to be subject to requirements at 40 C.F.R. Part 60, Subpart WWW.
29. Pitsch's Belding landfill is subject to requirements at 40 C.F.R. Part 63, Subpart AAAA.
30. Pitsch's Belding landfill is subject to 40 C.F.R. Part 70. The Belding landfill became subject to 40 C.F.R. Part 70 ninety days after commencing construction of Cell V on December 14, 1999.
31. Pitsch submitted an application for a Title V permit for its Belding landfill to the MDEQ in September 2007.
32. MDEQ issued a final Title V permit to Pitsch for the Belding landfill, effective October 2, 2009, ROP No. MI-ROP-N5619-2009 ("the ROP").
33. Pitsch owns and operates a passive gas collection system at its Belding landfill.

34. Pitsch owns and operates flares as part of its passive gas collection system.
35. Pitsch owns and operates an active gas collection system at its Belding facility.

Violations

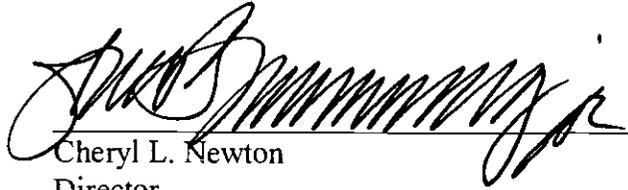
36. Pitsch failed to timely conduct a test of each flare in accordance with the deadlines set forth at 40 C.F.R. §§ 60.8, 60.18 and 60.754(e) and the ROP at EUOPENFLARE Condition V.1.
37. Pitsch failed to at all times operate and maintain flares in a manner consistent with good air pollution control practices for minimizing emissions, in violation of 40 C.F.R. §§ 60.11(d) and 63.6(e)(1)(i).
38. Pitsch failed to operate the flares such that there is always a flame or pilot flame present, in violation of 40 C.F.R. § 60.18(c)(2) and the ROP at EUOPENFLARE Condition VI.7.
39. Pitsch failed to ensure that all flares were operating at all times emissions were vented to them, in violation of 40 C.F.R. § 60.18(e).
40. Pitsch failed to demonstrate compliance with the requirement to conduct surface methane monitoring during typical meteorological conditions as required at 40 C.F.R. § 60.755(c)(3) and the ROP at EULANDFILL>50 Condition V.4.c.
41. Pitsch failed to submit an Amended Design Capacity Report in accordance with the deadlines and other requirements at 40 C.F.R. § 60.757(a)(3).
42. Pitsch failed to submit an initial NMOC Emission Rate Report in accordance with the requirements at 40 C.F.R. § 60.757(b).
43. Pitsch failed to submit semiannual gas collection reports in accordance with the requirements at 40 C.F.R. § 60.757(f) and the ROP at EUPASSIVECOLL Condition VII.4, EUACTIVECOLL VII.4, and EUOPENFLARE Condition VII.4.
44. Pitsch failed to submit semiannual SSM reports in accordance with the deadlines and requirements at 40 C.F.R. § 63.10(d)(5)(i) and the ROP at EULANDFILL>50 Condition VII.6, EUPASSIVECOLL Condition VII.5, EUACTIVECOLL VII.5, and EUOPENFLARE Condition VII.6.
45. Pitsch failed to identify deviations in at least two ROP compliance certification reports, in violation of 40 C.F.R. § 70.7(b) and of the ROP at General Condition 22, EULANDFILL>50 Condition VII.1, EUPASSIVECOLL Condition VII.1, EUACTIVECOLL VII.1, and EUOPENFLARE Condition VII.1.
46. Pitsch failed to perform monthly monitoring in violation of 40 C.F.R. § 70.7(b) and of the ROP at EUPASSIVECOLL Conditions VI.6 and IX.3.

Enforcement Authority

47. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), provides that whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement or prohibition of, *inter alia*, any rule promulgated under the NSPS requirements of Section 111(e) of the Act, 42 U.S.C. § 7411(e), the NESHAP requirements of Section 112(d), 42 U.S.C.C. § 7412(d), Title V of the Act, 42 U.S.C. §§ 7661-7661f, or any rule or permit issued thereunder, the Administrator may issue an administrative penalty order under Section 113(d), issue an order requiring compliance with such requirement or prohibition, or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties.

7/8/11

Date



Cheryl L. Newton

Director

Air and Radiation Division

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent a Finding of Violation, No. EPA-5-11-MI-08, by Certified Mail, Return Receipt Requested, to:

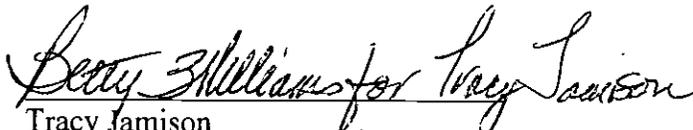
Mr. Gary Pitsch, President
Pitsch Companies
675 Richmond NW
Grand Rapids, Michigan 49504

I also certify that I sent copies of the Finding of Violation by first-class mail to:

Thomas E. Hess, Enforcement Unit Supervisor
Michigan Department of Environmental Quality
Air Quality Division, Enforcement Unit
Constitution Hall, 3rd Floor North Tower
525 West Allegan
Lansing, Michigan 48933

Heidi Hollenbach, Supervisor
Grand Rapids District Office
Air Quality Division
Michigan Department of Environmental Quality
State Office Building, 6th Floor
350 Ottawa Avenue NW, Unit 10
Grand Rapids, Michigan 49503-2341

On the 11th day of July 2011.


Tracy Jamison
Office Automation Clerk
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER:

7009 1680 0000 7666 6268