

SCS ENGINEERS

March 30, 2009
File No. 01201101.02

Ms. Carol Allen
Senior Air Quality Engineer
Permit Services Division
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

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BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

Subject: Comments on the Preliminary Determination and Draft Permit Conditions for Fill Area 2; Altamont Landfill and Resource Recovery Facility, Alameda County, California (Plant No. A2066) (Application No. 14814)

Dear Ms. Allen:

SCS Engineers (SCS) is pleased to provide comments on the Preliminary Determination of Compliance (PDOC) report, draft Permit Conditions, and your letter, dated March 16, 2009, which were provided for our review in your March 16th email. The draft conditions are for Fill Area 2 pursuant to application number (APN) 14814 for the Altamont Landfill and Resource Recovery Facility (ALRRF) located in eastern Alameda County near Livermore, California (Facility No. A2066). SCS has prepared this response on behalf of Waste Management of Alameda County, Inc., (WMAC).

Because of its size, we have not attached the PDOC and draft Permit Conditions in its entirety; however, we have provided references to specific sections of the document and/or provided proposed revisions in track edits format. Specific proposed comments or revisions are discussed below, with referenced text from the PDOC in *italics*.

Comment #1:

In the first paragraph on Page 3 of the PDOC, as well as in a footnote on the same page, there is a discussion of future offset requirements for control device emissions from Fill Area 2, as follows:

If any other types of landfill gas control devices are proposed for Fill Area 2 in the future, both the residual and secondary emissions from these devices will be similarly linked to this landfill expansion and subject to new source review.

To prevent circumvention of offset requirements for residual and secondary emissions from S-210 and A-16, the LNG Plant and the 132 MM BTU/hour flare are currently permitted to burn gas collected from Fill Area 1 only. In accordance with the proposed changes to Condition # 19235, Part 1, Waste Management will be required to submit a

permit application for condition changes to identify all equipment that will be used to control gas collected from Fill Area 2. Any emission increases associated with burning gas collected from Fill Area 2 will be subject to offset requirements. The state's offset relief provisions will not apply to secondary emission increases from abatement devices that are controlling gas generated in Fill Area 2.

Similar language also appears on Pages 7, 8, and 11. WMAC and SCS would like to point out that it is our understanding that if either the existing landfill gas (LFG)-fired turbines and/or engines are used for control of Fill Area 2 gas, the emissions would not be subject to offsets, since those devices are not control or abatement devices. The BAAQMD has clearly stated that LFG-fired turbines or engines are "sources" under District regulations, and cannot be considered abatement devices. Further, neither the turbines nor the engines received offsets from the BAAQMD in the past under the offset exemption contained within California Health and Safety Code (HSC) §42301.2, where post-1996 landfill expansions (i.e., "increase in the capacity of the source being controlled") have been deemed to be excluded from the exemption.

In the case of the turbines, they were permitted prior to April 5, 1991 and, therefore, are exempt from offset requirements under Rule 2-2 as long as the turbines themselves do not undergo a modification that would trigger offset requirements. April 5, 1991 is the date the offset requirement was added to District rules, and emissions that were permitted prior to this date are not part of the cumulative increase that has to be offsets per Rule 2-2-212, 2-2-302, 2-2-303, and 2-2-606. In the case of the engines, they are exempt from offset requirements as a resource recovery project under HSC §42314, which does not carry any limitations relative to landfill expansion. Offsets were provided by the BAAMQD pursuant to that H&S code section and there is no limitation on where the gas comes from. As such, WMAC hereby requests that in each instance where this issue is discussed in the PDOC, the BAAQMD should clarify that the turbines and engines are not affected by the Fill Area 2 prohibition.

Comment #2:

In the *Offsets* discussion beginning on Page 18 of the PDOC and in Part No. 17 of the draft Permit Conditions, material placement limits in Column Nos. 4 and 5 and the non-methane organic compound (NMOC) concentration in Column No. 6 of the Table in Part No. 17 as well as Table 6 on Page 19 of the PDOC are listed as permit limits. WMAC requests that these material placement increments and NMOC concentration not be characterized in the permit as limits, which would require a permit modification to change. The primary limit is the precursor organic compound (POC) emissions, which is based on annual and cumulative waste disposal and the NMOC concentration. As such, it is possible to exceed one or more the individual criteria and still be below the POC emission limit, and thus not trigger any new POC offset requirements. Therefore, WMAC requests that exceedance of the annual or cumulative material placement limits or the NMOC concentration not be considered an exceedance or deviation of a permit limit and not require a permit modification. This will simplify the POC offset requirements, minimize the administrative burden on WMAC and the District, and avoid WMAC having to report Title V deviations for something that really does not constitute an exceedance of the POC emission limit. As such, we request that these criteria not be defined as *Limits* rather as

“Anticipated Amounts” or “Projected Future Quantities” where appropriate throughout the PDOC and the draft Permit Conditions.

Comment #3:

This fourth comment pertains to the implication on Page 24 of the PDOC that NSPS timelines for modification were triggered, based on the estimated date of commencing Fill Area 2 construction indicated in WMAC's amended design capacity report, per the following excerpt (underline for emphasis):

NSPS: As defined in 40 CFR Part 60.751, the Fill Area 2 expansion of the S-2 Altamont Landfill is a “modification” because it includes a horizontal expansion of the landfill that will increase the design capacity above the level the site was permitted for as of May 30, 1991. Upon commencement of construction of Fill Area 2, S-2 is subject to the 40 CFR, Part 60, Subpart WWW, New Source Performance Standards (NSPS) for Municipal Solid Waste (MSW) Landfills. According to Waste Management's amended design capacity report, construction on this modification commenced in the Summer of 2006. A detailed description of all applicable NSPS requirements and the effective dates for these requirements will be included in the Title permit revision (Application # 14816). In accordance with 40 CFR Part 60.753(a)(1), the gas collection system for Fill Area 2 must be installed and operating by no later than 5 years after waste placement commences in this new active cell. However, Waste Management must comply with the District's more stringent due date for commencing gas collection in Fill Area 2 (Regulation 8-34-304.3). Compliance with Regulation 8, Rule 34 is expected to ensure compliance with all applicable provisions of Subpart WWW.

WMAC wishes to point out that Fill Area 2 construction has not commenced. The amended design capacity report included an estimate of when Fill Area 2 would be permitted to begin construction and operation. WMAC would not begin construction prior to issuance of an Authority to Construct (ATC) and is currently waiting on this ATC before WMAC takes any action. We request that you indicate that construction/modification has not yet begun as of the date of the PDOC. We can submit a revised amended design capacity report if necessary to clarify this issue.

Comment #4

Fill Area 1 is estimated to attain its full capacity in 2013 when filling of Fill Area 2 is expected to commence. This scenario is reflected in the Table in Subpart No. 17(a) of the draft Permit Conditions, in which one of the columns provides annual decomposable material placement limits. However, in Subpart No. 17 (a)(iv), copied below, you indicate the annual limit applies to each calendar year beginning in 2009 rather than commencing of Fill Area 2.

- iv. *For the purposes of the decomposable material placement limits in columns 4 and 5, decomposable materials are as defined in Part 22i. The Permit Holder shall demonstrate compliance with the cumulative decomposable placement limit in column 4 using the record keeping and reporting procedures in Part 22. The*

annual decomposable material placement limit in column 5 applies to each calendar year from 2009 forward. The Permit Holder shall demonstrate compliance with these limits using the record keeping and reporting procedures in Part 22. Prior to exceeding a cumulative or annual decomposable material placement limit, the Permit Holder shall either surrender the amount of ERCs required for the next subsequent set of limits or submit a permit application to request a change of conditions. Each permit application submittal shall include a reassessment of the fugitive POC emissions conducted in accordance with Parts 17b(ii-iv).

WMAC request that "...from 2009 forward." be modified to "...upon commencement of filling of Fill Area 2" when Fill Area 2 begins waste disposal operation, since it is only at that time that any increase in POCs from the project can occur.

Comment #5:

Draft Subpart No. 19(k) details the recordkeeping requirements associated with controlling dust emissions. With regard to the vehicle fleet, per Subpart No. 19(k)(i), WMAC keeps detailed records, such as those required in this Subpart, at the landfill scale house; however, not all vehicles are weighed. Further, it would be an onerous requirement for WMAC to compile records sufficiently detailed to specify road segment travel for each vehicle. As has been done in other subparts of draft Part No. 19, WMAC requests that reasonable estimates be allowed to meet this recordkeeping requirement. For Subpart No. 19 (k)(i), we believe that "estimates based on scale house records" would be a sufficient and reasonable requirement. We request that the language be so revised.

Similarly, in Draft Subpart No. 19(k)(iii), we request that the information required to be recorded pertaining to off-road mobile equipment be described as "estimates" since WMAC does not keep, nor would it be possible to keep, the specified records for off-road vehicles, which do not pass through the scale house

We respectfully submit these comments for your review and consideration. Please contact Michael O'Connor at 707-546-9461 or Patrick Sullivan at (916) 361-1297 if you wish to discuss any of these items further.

Very truly yours,



Michael O'Connor
Project Scientist
SCS ENGINEERS



Patrick S. Sullivan, R.E.A., C.P.P.
Senior Vice President
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cc: Ken Lewis, WMAC - (1)
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