

March 12, 2004

Mr. Paul Michael
Guadalupe Rubbish Disposal Company
P.O. Box 20957
San Jose, CA 95160

Re: **Guadalupe Rubbish Disposal Company, Facilities # A3294**
Minor Revision to Major Facility Review Permit

Dear Mr. Michael:

This is to advise you that the Bay Area Air Quality Management District is issuing a minor revision to the Major Facility Review Permits for Guadalupe Rubbish Disposal Company. (Facility Number A3294).

The District proposed a minor permit revision for this facility on September 30, 2003. The following changes were included in the proposed permit:

- The Responsible Official and Plant Contact was changed from James Lord to Paul Michael.
- The Maximum Daily Waste Acceptance Rate for the Landfill was corrected to coincide with the Solid Waste Permit.
- Source S-18, Materials Recovery Operation was added.
- Sources S-19 and S-20, Dirt Screening Operations were added.
- The Enclosed Landfill Gas Flare, A-9 was added.
- The Water Spray System, A-19 was added.
- Expired SIP requirements for Regulation 8, Rule 34 were removed.
- The number of active landfill gas collection wells was updated.
- The future effective dates for applicable requirements where those dates have already passed were removed.
- The requirements of the NESHAP for Municipal Solid Waste Landfills were added.
- The standard text in the permit was revised and updated.

Based on your comments dated November 14, 2003, the District has made the following additional minor permit revisions:

- Part 22 was added to Permit Condition #6188 to synchronize reporting periods and allow overlapping reports to be combined.
- References to Sources S-3 and S-17 and Abatement Device A-3 were removed from all sections of the permit. This equipment is no longer located at the facility.
- An exception to the daily waste acceptance limit was added for temporary situations that are approved by the Local Enforcement Agency.
- Sources S-21 and S-22, Diesel IC Engines for the Trommel Screen were subject to a loss of exemption from District permitting so they were added to the Title V permit. The permitting of these engines does not impact the emissions at the facility.
- Regulation 8-34-301.4 was removed as an applicable requirement for the facility because the requirement also exists in the Title V permit for Gas Recovery Systems, Facility #B1669, the end user of the gas generated at the landfill.

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- The number of active landfill gas collection wells was corrected. The number included in the proposed permit was not accurate.
- The timeline for delivering source test results to the District was extended to 60 days after the test date.
- The reference to a bypass valve for the 40 CFR 60.753(a) and (e) “Gas Flow” requirement in Table VII-C (formerly VII-D) was removed from the “Monitoring Type” column.

Following is the District’s response to your request for changes to the permit:

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 have been made to the permit as a result of the comment.

Comment #1: The GRDC requests that the timing of the Semi-Annual reports required by the NESHAP for Municipal Solid Waste Landfills (40 CFR Part 63 Subpart AAAAA) be synchronized with the Semi-Annual monitoring reports required by the Title V permit and the Annual Report required by Regulation 8, Rule 34.

- Discussion:
Because these reports contain many of the same requirements, synchronizing the due dates would allow a combined report to be submitted every six-months and would eliminate the need for duplicate or overlapping submittals.
- District’s Position:
The District is not opposed to this request. The combined reporting requirements will be outlined in the permit conditions for the landfill.
- Changes to the Permit as a Result of Comment #1:
Part 22 has been added to Permit Condition #6188, as follows in the revised Title V permit:

22. The annual report required by BAAQMD Regulation 8-34-411 shall be submitted in two semi-annual increments. The reporting periods and report submittal due dates for these reports 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. In addition, the semi-annual reports required by the NESHAP for Municipal Solid Waste Landfills (40 CFR Part 63 Subpart AAAAA) shall be submitted on the same schedule. At the discretion of the facility, the Regulation 8-34-411 report may be combined with the semi-annual MFR monitoring report and the NESHAPS report as a single combined 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 #2: The Woodchipper/Tubgrinder S-3, the Diesel IC Engine for the Woodchipper/Tubgrinder S-17, and the Water Spray System A-3 are no longer located at GRDC and should be removed from the Title V permit.

- Discussion:
In a letter dated November 11, 2003, the GRDC notified the District that The Woodchipper/Tubgrinder S-3, the Tubgrinder Engine S-17, and the Water Spray System A-3 had been removed from the facility and no longer required permits from the District. Therefore, this equipment should be removed from the Title V permit.
- District's Position:
The District has archived the permits for this equipment and agrees that all references to it should be removed from the Title V permit.
- Changes to the Permit as a Result of Comment #2:
Section II: Remove S-3, S-17 and A-3 from Tables II A and B.
Section IV: Delete Tables IV A and F.
Section VI: Delete Conditions #6385 and #16830.
Section VII: Delete Tables VII A and F.
Section VIII: Remove test method requirements for Condition #6385, Part 4 and Condition #16830, Part 3 from Table VIII.

Comment #3: The maximum daily waste acceptance rate for the Landfill S-9 given in Tables II A and VII-A should include the annotation "except for temporary situations approved by the Local Enforcement Agency (LEA)".

- Discussion:
The daily waste acceptance limit for the GRDC is set by the Local Enforcement Agency (LEA). The LEA is also authorized to change the daily limit on a temporary basis in the event of a declared emergency. Since the Title V permit does not currently allow this flexibility it could seriously limit the landfill's ability to meet the needs of the community in an emergency situation.
- District's Position:
Since a temporary change to the daily waste acceptance rate (that does not affect the annual acceptance rate) will not change the annual emissions from the facility or trigger any new District regulations, the District is not opposed to this request.
- Changes to the Permit as a Result of Comment #3:
The annotation "(except for temporary situations approved by the LEA)" has been added to Table II A for S-9 Landfill, following "Max. Acceptance Rate = 3,650 tons/day". In addition, Permit Condition #6188, Part 1.a. has been modified as follows:
 - a. Except for temporary emergency situations approved by the Local Enforcement Agency, the total waste accepted and placed at the landfill shall not exceed 3,650 tons in any day. (Basis: Regulation 2-1-301)

Comment #4: The Trommel Screen S-11 is powered by (2) diesel IC engines and is not "Electric Powered" as stated in Table II A of the Title V permit. Furthermore, the (2) diesel IC engines used to power S-11 should be added to the Title V permit as permitted sources.

- Discussion:
The Trommel Screen S-11 is powered by (2) 51.4 HP diesel engines rather than being electric powered. Because of their size, they were not subject to permitting when the initial Title V permit application was submitted by GRDC (received on 8/16/99). Prior to May 17, 2000, all internal combustion engines and gas turbines with rated capacities of 250 hp or less were exempt from permitting. However, revisions to Regulation 2, Rule 1 “Permits, General Requirements” adopted on May 17, 2000 lowered the IC engine and gas turbine horsepower exemption to 50 hp. Since the permit exemption was lost due to a regulation change, the (2) diesel engines became subject to permitting in accordance with Regulation 2-1-424 “Loss of Exemption or Exclusion”. GRDC submitted a permit application (#007319) for these engines on 04/04/03. However, the District canceled the application because the fees had not been paid by the due date. The fee payment for the application has since been received and the application has been re-activated and deemed “complete” by the District.
- District’s Position:
The District issued permits to operate for the (2) diesel IC engines on 01/22/04 and has included these sources in the Title V permit revision as requested by the GRDC. The total annual potential to emit of these engines if they run 8760 hours/year is approximately 2.9 tons NO_x, 1.2 tons CO, 0.3 tons VOC and lesser amounts of SO₂ and PM₁₀. Because they are not new sources, and because the emissions are small, this is not a substantive change to the permit.
- Changes to the Permit as a Result of Comment #4:
Section II: Add S-21 and S-22 to Table II A.
Section IV: Add Source-specific Applicable Requirements Table IV-H.
Section VI: Add Permit Condition #21191.
Section VII: Add Applicable Limits and Compliance Monitoring Table VII-H.
Section VIII: Add Fuel Sulfur Test Method for Permit Condition #21191, Part 1.

Comment #5: The Capacity of the Materials Recovery Operation – Debris Sorting System S-18 should be changed from 280 tons/day to 600 tons/day.

- Discussion:
GRDC believes that it requested a maximum throughput of 600 tons per day for S-18 during the initial permitting, so the Title V permit should reflect this number.
- District’s Position:
The Materials Recovery Operation – Debris Sorting System was evaluated by the District under Application #3072. In the application GRDC made the following statement:

“The proposed first phase of the project consists of a 112-140 ton per day (tpd) processing system (“C&D Sort line”) within a 20,000-square-foot (200’ X 100’) enclosed, preexisting building. If the initial phase of this proposed project proves successful and additional funds are secured, the operation could be expanded to a daily processing capacity of 210-280 tpd by adding a parallel sort line and appropriate operations crew. The project defined by this application is for the facility with a total capacity of 280 tons per day.”

A Permit to Operate was issued for S-18 on 9/5/01 based on a total capacity of 280 tons per day. Therefore, in order to increase the capacity in the Title V permit, GRDC would have to first submit a new permit application for a modification of S-18 that reflects the increased capacity.

- Changes to the Permit as a Result of Comment #5:
None at this time.

Comment #6: Regulation 8, Rule 2 does not apply to the Landfill S-9 so it should be removed as an applicable requirement in Tables IV-D and VII-D, Permit Condition #6188, Part 19 should be deleted, and a Permit Shield should be added in Section IX to state that compliance with Regulation 8, Rule 40 “subsumes” compliance with Regulation 8, Rule 2 .

- Discussion:
Regulation 8-2-301 limits VOC emissions from “miscellaneous operations” to 15 lb/day if the emission has a concentration greater than 300 ppm (vol) total carbon. GRDC has requested that Regulation 8-2-301 be removed from the permit, because it will never apply. Regulation 8-40-205 defines “contaminated soil” as either soil with an organic content greater than 50 ppm (wt) or which registers an organic concentration greater than 50 ppm (vol) 3 inches from the surface of the soil. Therefore, if the latter method for defining contaminated soil were used, the emissions from non-contaminated (low VOC) soil would never exceed 300 ppm (vol) so Regulation 8-2-301 would not apply. Conversely, soil found to be “contaminated” by this procedure is subject to Regulation 8, Rule 40 and not to Regulation 8, Rule 2.
- District’s Position:
The District is in agreement that soil that is not “contaminated soil” as defined by Regulation 8-40-205 will never exceed the 300 ppm (vol) VOC concentration limit of Regulation 8-2-301. However, that does not mean that the Regulation 8, Rule 2 standard does not apply, but only that compliance with the standard may be assumed for soil that is found to be exempt from the requirements of Regulation 8, Rule 40.

The District is also in agreement that a Permit Shield is necessary to define the relationship between Regulations 8-2 and 8-40. However, the incorporation of a permit shield is beyond the scope of a Minor Permit Revision and would have to be handled as a Significant Permit Revision in a new application. GRDC should be aware that additional permitting fees would be assessed for the addition of a permit shield to the Title V permit. These fees would amount to \$538.00 plus the cost of publication for the required public notification. GRDC should also be aware that a permit shield would not subsume the applicability of Regulation 8-2 as suggested, because in accordance with Regulation 2-6-233.2 subsumed requirements apply only to monitoring, recordkeeping, and/or reporting, not to emissions standards. An effective permit shield for the facility would subsume the monitoring requirement of Regulation 8-2-601 with 8-40-604, thereby allowing compliance with the emission standard of Regulation 8-2-301 to be demonstrated by using the monitoring procedure specified in 8-40-604 (i.e. compliance with the emission standard of 8-2-301 can be assumed if the organic concentration above the soil is found to be 50 ppmv or less). It is anticipated that by implementing a permit shield as proposed, Part 19 of Permit Condition could be replaced with alternate “low VOC soil” handling conditions that do not have a 15 lb/day VOC limit.

In summary, Regulation 8, Rule 2 still applies to the Landfill S-9, but the means of demonstrating compliance can be changed by the addition of a permit shield.

- Changes to the Permit as a Result of Comment #6:
None at this time.

Comment #7: BAAQMD Regulation 8-34-301.4, Emission Control System Requirements for Other Emission Control Systems, does not apply to operations at the GRDC and should be removed as an applicable requirement in Table IV-D

- Discussion:
Regulation 8-34-301 requires an operator to collect and control landfill gas in a manner that complies with Sub-Sections 301.1 through 301.4. Sub-Section 301.4 applies only to emission control systems other than flares, so it would not apply to any on-site control equipment operated by GRDC (e.g. the Landfill Gas Flare A-9 is the only control device operated by GRDC). However, the BAAQMD has included this requirement in the applicable requirements for the landfill with a reference to Gas Recovery Systems (GRS) Facility #B1669, the off-site end user of much of the landfill gas collected at GRDC. Since GRS is not under control of GRDC and in fact have a separate Title V permit, GRDC has requested that this requirement be removed from their permit.
- District's Position:
Gas Recovery Systems, Facility #B1669, operates (4) Internal Combustion Engines fired exclusively by landfill gas from the GRDC Landfill. These engines are clearly subject to Regulation 8-34-301.4, but there has been some question as to who is ultimately responsible for compliance with this requirement when gas generated at a landfill is sent to an off-site control system. Therefore, the requirement was included for both facilities. However, based on the comments of GDRC and others, the District has decided to remove the requirement in the Title V permit of the landfill when the off-site user is clearly responsible for compliance.
- Changes to the Permit as a Result of Comment #7:
Section IV: Regulation 8-34-301.4 was removed as an applicable requirement in Table IV-C (formerly IV-D).
Section VIII: Remove Test Method for Regulation 8-34-301.4 in Table VIII.

Comment #8: The number of landfill gas collection wells listed in the Title V permit is not accurate. In addition, GRDC requests that the Title V permit language be written in such a manner that it acknowledges that future well additions, replacements, and/or abandonments made in accordance with the Gas Collection and Control Plan can be made without modification or re-issuance of the Title V permit.

- Discussion:
Permit Condition #6188, Part 2 currently lists the number of permitted wells at the landfill as 51 vertical collection wells and 10 trench collectors. However, after recent well construction/removal activities performed under Authorities to Construct #6262 and #8118, the actual numbers are 45 vertical wells and 9 trench collectors (ref. Correspondence from Edward Pettit, 01/27/04). GRDC requests that this correction be made to the Title V permit.

GRDC has also proposed that the District make changes to the Title V permit structure that would allow for a more flexible approach for future well construction/de-commissioning activities. The way it currently stands, the Title V permit must be modified each time a change is made to the number of wells at the landfill. GRDC is instead proposing that the Title V permit refer to the approved Gas Collection and Control System Design Plan, which can be more easily modified to reflect ongoing changes to the gas collection system.

- District's Position:
The number of gas collection wells associated with a landfill is part of the description of that source and must be accurately maintained in the Title V permit. Therefore, the District is in agreement with GRDC that the well totals listed in the permit should be corrected to the current numbers. However, the District does not intend to change the structure of the Title V permit at this time, so all future well additions or deletions will continue to be treated as Minor Permit Revisions in accordance with Regulation 2-6-414.
- Changes to the Permit as a Result of Comment #8:
The number of gas collection wells has been corrected in Table II-A and Permit Condition #6188, Part 2.

Comment #9: GRDC requests that the timeline for delivering source test results to the District after the test date be extended to 60 days.

- Discussion:
The District currently requires that source test results be submitted within the following timelines; 45 days from the test date for the Flare A-9 and 30 days from the test date for the Dirt Screen IC Engine S-20. GRDC has requested to have both reports be due 60 days after the respective test dates to allow ample time for laboratory samples to be analyzed and reports prepared.
- District's Position:
The District is not opposed to this request.
- Changes to the Permit as a Result of Comment #9:
The time for submitting source test reports has been extended to 60 days from the date of the test in Permit Condition #6188, Part 14 and Permit Condition #20516, Part 5.

Comment #10: Remove "or Monthly Inspection of Bypass Valve and Lock and Records" from Table VII-D for the Landfill S-9 and Landfill Gas Flare A-9. The Landfill Gas Flare does not have a Bypass Valve.

- Discussion:
The Landfill Gas Flare A-9 is not equipped with a bypass valve. Therefore the reference to a bypass valve in Table VII-D should be removed.
- District's Position:
The District is not opposed to this request.

- Changes to the Permit as a Result of Comment #10:
The reference to a bypass valve for the 40 CFR 60.753(a) and (e) “Gas Flow” requirement in Table VII-C (formerly VII-D) was removed from the “Monitoring Type” column as requested by GRDC. In addition the “Monitoring Frequency” column was changed to reflect “C”, continuous monitoring only.

A copy of the revised Major Facility Review Permit is enclosed. If you have any questions on this matter, please call **Ted Hull, Air Quality Engineer II, at (415) 749-4919.**

Very truly yours,

Jack P. Broadbent
Executive Officer/
Air Pollution Control Officer

RTH:myl

Enclosure

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