

Facility Name: **Pine Bluff Landfill**
 City: Ballground
 County: Cherokee
 AIRS #: 04-13-057-0040

Application #: TV-9642
 Date Application Received: December 23, 1996, Updated August 25, 2000
 Date Application Deemed
 Administratively Complete: January 13, 1997
 Date of Draft Permit:
 Permit No: 4953-057-0040-V-01-0

Program	Review Engineers	Review Managers
SSPP/ASU	Michael Roy	John Yntema
SSCP/ASU	Edu Enin-Okot	James Eason
ISMP	Bradley Belflower	Larry Webber
Toxics	N/A	N/A

Introduction

This narrative is being provided to assist the reader in understanding the content of the attached operating permit amendment. Complex issues and unusual items are explained herein simpler terms and/or greater detail than is sometimes possible in the actual permit. This permit is being issued pursuant to: (1) Georgia Air Quality Act, O.C.G.A § 12-9-1, et seq. and (2) Georgia Rules for Air Quality Control, Chapter 391-3-1. Section 391-3-1-.03(10) of the Georgia Rules for Air Quality Control incorporates requirements of Part 70 of Chapter I of Title 40 of the Code of Federal Regulations promulgated pursuant to the Federal Clean Air Act. The following narrative is designed to accompany the draft permit and is presented in the same general order as the permit. The purpose of this narrative is to provide information only. Any revisions made to the permit in response to comments received during the public participation and EPA review process will be described in an addendum to this narrative.

I. Facility Description**A. Facility Identification**

1. Facility Name: Pine Bluff Landfill
2. Parent/Holding Company Name: Waste Management
3. Previous and/or Other Name(s): No previous names identified
4. Facility Location:

13809 East Cherokee Drive
Ballground, Ga 30107

5. Attainment or Non-attainment Area Location:

The facility location is designated as a non-attainment area for ozone.

6. Class I Area Impacts:

This facility is not located within 100 km of a Class I Area.

B. Site Determination

There are no applicable issues with regard to the site determination. There are no other facilities which could possibly be contiguous or adjacent and under common control.

C. Existing Permits**Table 1: List of Current Permits as Amended**

Permit Number and/or Purpose of Issuance	Date of Issuance and Date of Amendments (if any)	Comments	
		Yes	No
N/A	N/A		

Table 2: Comments on Specific Permits

Permit Number	Comments
N/A	N/A

D. Process Description

1. SIC Code(s): Major - 4953 (Operation of a municipal solid waste landfill)
Minor - None

2. Description of Product(s):

This facility does not have final products. The Pine Bluff Landfill processes general waste.

3. Overall Facility Process Description:

Pine Bluff Landfill receives solid waste. The waste is deposited directly into the landfill, compacted, and then covered with fill dirt. The landfill gas produced from the decomposition of the deposited waste is collected using a gas collection and control system (GCCS) and flared onsite. The Pine Bluff Landfill is required, based on NMOC Tier calculations, to operate a regulated GCCS.

4. Overall Process Flow Diagram (optional):

A landfill process flow diagram was provided in Appendix A, Figure 3, of the Pine Bluff Landfill Title V application.

E. Regulatory Status:

1. PSD/NSR

The facility is considered a minor source with respect to PSD rules.

2. Title V Major Source Status by Pollutant

Table 3: Title V Major Source Status

Pollutant	Is the Pollutant Emitted?	If emitted, what is the facility's Title V status for the pollutant?		
		Major Source Status	Major Source Requesting SM Status	Non-Major Source Status
PM	✓			✓
PM ₁₀	✓			✓
SO ₂	✓			✓
VOC	✓			✓
NO _x	✓			✓
CO	✓			✓
TRS	✓			✓
H ₂ S	✓			✓
Individual HAP	✓			✓
Total HAPs	✓			✓

3. MACT Standards

The Pine Bluff Landfill is not currently subject to any MACT standards.

4. Program Applicability

Program Code	Applicable (y/n)
Program Code 6 - PSD	No
Program Code 8 – Part 61 NESHAP	Yes
Program Code 9 - NSPS	Yes
Program Code M – Part 63 NESHAP	No
Program Code V – Title V	Yes

Regulatory Analysis

II. Facility Wide Requirements

A. Emission and Operating Caps:

The facility currently does not have any emission or operating limits.

B. Applicable Rules and Regulations

Rules and Regulations Assessment -

The facility is currently subject to 40 CFR Part 60, Subpart WWW - NSPS for Municipal Solid Waste Landfills. The Pine Bluff Landfill has a design capacity of 30.2 MMyrd³ and was constructed or modified after the May 30, 1991 Subpart WWW effective date. Using Tier 1, the facility calculated their NMOC emissions rate to be 205 Mg/year (calculated using NSPS factors). This exceeds the Subpart WWW 50 Mg NMOC threshold limit. The landfill then performed a Tier 2 test, which showed NMOC emission rates to be 46.4 Mg/year. With these Tier 2 results, Pine Bluff Landfill proceeded with the installation of the landfill gas collection and control system (GCCS).

Because the Pine Bluff Landfill Title V application denotes that they accept asbestos, the facility is subject to 40 CFR Part 61, Subpart M, NESHAP. As long as the Pine Bluff Landfill remains active it is required to comply with the provision of 40 CFR 61.154 - "Standard for Active Waste Disposal Sites" including all reporting and record keeping requirements, if asbestos waste is accepted. Upon closure, the facility will be required to comply with 40 CFR 61.151 - "Standard for Inactive Waste Disposal Sites for Asbestos Mills and Manufacturing and Fabricating Operations," if asbestos waste has been accepted.

Any facility leachate storage tank (also called a vessel) could be subject to 40 CFR Part 60, Subpart Kb for Volatile Organic Liquid Storage Vessels. However, the tank will not be subject to the entire rule due to the low vapor pressure of leachate. If a tank is greater than 40 m³ (1, 413 ft³) in capacity and was constructed, reconstructed, or modified after July 23, 1984 it is subject only to Subpart Kb paragraphs 60.11b (a) and (b). Paragraphs 60.116b (a) and (b) require the Permittee to keep readily accessible records showing the dimensions and an analysis showing the capacity of the tank. It has not been determined whether any tank is subject to Kb. In case one is, the Permit contains the above-mentioned record keeping requirements associated with Subpart Kb.

Also, the facility is subject to the following Georgia Air Quality Rules:

- Georgia Rule 391-3-1-.02(2)(b) Visible Emissions
- Georgia Rule 391-3-1-.02(2)(n) Fugitive Emissions
- Georgia Rule 391-3-1-.02(3) Sampling
- Georgia Rule 391-3-1-.02(5) Open Burning
- Georgia Rule 391-3-1-.02(6) Source Monitoring

Emission and Operating Standards –

Georgia Rule 391-3-1-.02(2)(b) Visible Emissions

The facility shall not allow emissions from any air contaminant source the opacity of which is equal to or greater than forty (40) percent.

Georgia Rule 391-3-1-.02(2)(n) Fugitive Emissions

This rule requires the facility to minimize fugitive dust from the facility. This includes using water or chemicals for controlling dust on construction operations, grading of roads, and the clearing of land; covering at all times, when in motion, open bodied trucks transporting material likely to give rise to airborne dust; application of suitable dust suppressing material to dirt roads, materials, stockpiles, and other similar surfaces.

Georgia Rule 391-3-1-.02(3) Sampling

Any sampling, computation, and analysis to determine the compliance with any emission limit or standards must be in accordance with the Georgia-DNR, Procedures for Testing and Monitoring Sources of Air Pollutants, or by methods or procedures approved by the Director. The facility must provide safe and adequate sampling ports, and the facility must operate at maximum capacity during test periods.

Georgia Rule 391-3-1-.02(5) Open Burning

This regulation sets the requirements for open burning of vegetative matter that is generated from the site, and defines the rules necessary for any ground clearing operations. Open burning operations must also be conducted in accordance with any local regulations.

Georgia Rule 391-3-1-.02(6) Source Monitoring

The facility must comply with monitoring and related requirements specified in the applicable standard, unless the Director specifies additional or more stringent requirements, in which case all requirements must be met. Also, this section gives EPD the authority to require a company to install, maintain, and use emission monitoring devices to sample emissions.

C. Compliance Status

The facility did not submit a Section 11.10 form with the initial Title V application or application update. This indicates that the source believes itself to be in compliance with all Air Quality Rules as of the application dates.

D. Operational Flexibility

There were no operational flexibility requests in the Title V application.

E. Permit Conditions

All of the permit conditions for the facility will be facility wide conditions.

III. Regulated Equipment Requirements

A. Brief Process Description

The facility accepts municipal solid waste from the local area and deposits it into the ground. This waste is then covered with a medium to reduce the chance of any particulates becoming airborne. Once the waste is covered, the material starts a natural process of decomposition. The emissions generated from this decomposition process are regulated by Subpart WWW.

B. Equipment List for the Process

The facility has a landfill that is represented by Emission Unit ID LF. The landfill operates one GCCS (Emission Unit ID F1), which utilizes a flare for gas control.

C. Equipment & Rule Applicability

Emission and Operating Caps –

The facility is not subject to any emission or operating caps.

Applicable Rules and Regulations –

Since the Pine Bluff Landfill was constructed after the Subpart WWW applicability date of May 30, 1991, and has a design capacity greater than 3.2 MMyrd³, it is subject to 40 CFR Part 60, Subpart WWW. The NSPS Subpart WWW regulation requires that the facility report any modification to the size of the landfill, an annual emissions estimate must be calculated, and once the emission estimate exceeds 50 Mg per year of NMOC's, then a control and collection system must be put into place. The Live Oak Landfill exceeded the 50 Mg per year of NMOC threshold with their Tier 1 and Tier 2 emission estimate calculation and now operates a landfill GCCS. The NSPS Subpart WWW regulation contains requirements for installation, operation, monitoring, record keeping, reporting, and closure of a landfill GCCS.

Emission and Operating Standards:

The facility is subject to the Asbestos NESHAP because it can accept this type of waste. The Asbestos NESHAP is a work practice standard that contains reporting and record keeping requirements. The NESHAP also denotes that areas accepting asbestos must not emit visible emissions or must be covered by the end of the day, and the kind of signage and barriers which must be placed around the area.

The facility may also be subject to NSPS Subpart Kb for any storage vessel containing volatile organic liquids (VOL). Such a tank is exempt from all parts of this rule except 60.116b (a) and (b) which require record keeping of the dimensions and capacity of any such storage vessel.

D. Compliance Status

According to the Title V application, the facility is currently operating in compliance.

E. Operational Flexibility

Not Applicable.

F. Permit Conditions

The permit conditions that were incorporated in Section 3 of the Title V application have been developed out of the requirements of the Georgia Air Quality Rules, including NSPS and NESHAP, which had been adopted by reference. There is not an existing permit to incorporate into this section.

IV. Testing Requirements (with Associated Record Keeping and Reporting)**A. General Testing Requirements**

Condition 4.1.1 specifies that a performance test may be required at any specified emission point. The test methods to be used to determine compliance are listed in Condition 4.1.3. A general condition to require notification of any test and for the submission of a test plan is included.

B. Specific Testing Requirements

The Pine Bluff Landfill uses an open flare to control NMOC emissions from the landfill. The Permittee is required to conduct an initial performance test on the open flare exit velocity and visible emissions.

Before the removal of the collection and control system, the Permittee is required to meet several tests. One of these tests is that the uncontrolled NMOC emission rate be less than 50 megagrams per year. The methods and procedures for determining the NMOC emission rate are included in the permit.

V. Monitoring Requirements (with Associated Record Keeping and Reporting)**A. General Monitoring Requirements**

This permit specifies that any monitoring systems installed should be in continuous operation and that downtime due to maintenance should be minimized.

B. Specific Monitoring Requirements

The Pine Bluff Landfill is subject to Subpart WWW which 40 CFR Part 60 was promulgated in March 1996 and presumably contains monitoring sufficient to comply with Title V periodic monitoring requirements.

The landfill uses an open flare to control NMOC emissions. Subpart WWW requires that a heat sensing device be used to continuously monitor the presence of a flame within the open flare. The landfill is also required to monitor for the bypass flow of the control device by either installing a continuous (at least one reading every 15 minutes) flow monitor or by securing the bypass line valve and conducting a monthly inspection.

For each wellhead in the collection system, the landfill is required to install a sample port and a temperature measuring device or access port. Once each month, the landfill is required to determine the gauge pressure, the temperature, and oxygen or nitrogen concentration in each wellhead. Excessive pressure, temperature, or gas concentration must be reported as an exceedance. For each exceedance, corrective action and remonitorings must be conducted on a prescribed schedule.

Once per quarter, the landfill is required to monitor methane concentrations on the surface of the landfill. Excessive concentrations (more than 500 ppm above background concentration) result in reporting of an exceedance, corrective action, and remonitoring on a prescribed schedule. A program to monitor for cover integrity and make repairs on a monthly basis is also required.

C. Record Keeping and Reporting Requirements:

Records, including identification of any deviations from applicable monitoring triggers, the cause of such occurrence, and the corrective action taken, are required to be kept and reported by the Permittee. The Permittee is also required to report excessive periods of control device downtime (1 hour) and collection system downtime (5 days), expansions of the collection system, and surface methane remonitoring results. Subpart WWW requires most reporting on an annual basis, but 40 CFR Part 70 specifies, "Submittal of reports of any required monitoring at least every 6 months." All reports generated due to monitoring activities are, therefore, required to be submitted on a semiannual basis in this permit.

VI. Other Record Keeping and Reporting Requirements

A. General Record Keeping and Reporting Requirements

The Permit contains general requirements for the maintenance of all records for a period of five years following the date of entry and requires the prompt reporting of all information related to deviations from the applicable requirements are in the permit. Also included is a general condition to submit a written report of any failure to meet an applicable emissions limitation or standard and/or the failure to comply with or complete a work practice standard or equipment contained in the permit.

The Permit requires the submittal of semiannual reports that include the identification of any excess emissions, excursions, and exceedances from applicable monitoring triggers, the cause of such occurrence, and the corrective action taken.

B. Specific Record Keeping and Reporting Requirements

Subpart WWW requires that uncontrolled landfills submit an annual NMOC emission rate estimate. The permit requires that this emission rate estimate be submitted by January 31 of each year. If the emission rate estimate submitted to the Division is greater than or equal to 50 Megagrams per year, a Collection and Control Plan is required to be submitted within one year of the initial exceedance determination.

There are two exceptions where the landfill may not be required to submit the Collection and Control Plan. (1) If the emission rate was calculated using Tier 1 and the landfill chooses to recalculate the emission rate using Tier 2. (2) If the emission rate was calculated using Tier 2 and the landfill chooses to recalculate the emission rate using Tier 3. If the landfill chooses either of these options and the recalculated emission rate is less than 50 megagrams per year, the landfill will resume submitting annual emission rate estimates. The deadlines for submitting the recalculated emission rates are 180 days for the first exception and a total of one year for the second exception. Regardless of the option used to recalculate the emission rate, if the recalculated emission rate is greater than or equal to 50 megagrams per year, the landfill must submit a Collection and Control Plan within one year of the date of the original emission rate calculation, not the date of the recalculated emission rate.

The Pine Bluff Landfill chose to install a landfill gas control and collection system after the Tier 1 emission rate calculation was determined to be above the NSPS Subpart WWW threshold limit of 50 Mg of NMOC. Subpart WWW requires that a facility operating an active collection system shall submit an annual report within 180 days of the installation and start-up of the collection and control system and shall include the initial performance test report. The annual report must include the required information listed in 40 CFR 60.757(f) and (g).

The Asbestos NESHAP has several record keeping and recording requirements. These require that the facility maintain waste records from the generators and transporters. The landfill facility must also maintain records containing the quantity and location of all the asbestos placed in the landfill. The landfill is responsible for reporting any discrepancies in

quantity of waste received. The landfill is responsible for maintaining these records for two years. Once the facility is closed, the records should be submitted to the administrator of the asbestos NESHAP program.

If a facility leachate storage vessel is greater than 40 m³ and constructed, reconstructed, or modified after July 23, 1984, that vessel has two record keeping requirements. These require the facility to maintain a record containing each vessel's dimensions and an analysis of the vessel's capacity. These records shall be maintained for the life of the vessel.

VII. Specific Requirements

A. Operational Flexibility

Not Applicable.

B. Alternative Requirements

Application did not specify any alternative operating scenarios.

C. Insignificant Activities

A complete list of insignificant activities is included at the end of the Title V Permit as Attachment B. These insignificant units may also be found in sections 4.10 and 4.50 of the Title V application.

D. Temporary Sources

Not Applicable.

E. Short-Term Activities

Not Applicable.

F. Compliance Schedule/Progress Reports

Not Applicable.

G. Emissions Trading

Not Applicable.

H. Acid Rain Requirements

Not Applicable.

I. Prevention of Accidental Releases

Not Applicable.

J. Stratospheric Ozone Protection Requirements

The Pine Bluff Landfill listed no equipment that uses CFC's, HCFC's, or other stratospheric ozone depleting substances as listed in 40 CFR Part 82, Subpart A, Appendices A and B.

K. Pollution Prevention

Not Applicable.

L. Specific Conditions

Not Applicable.

Addendum to Narrative

The public comment period ended on March 18, 2001. Written comments were received from Waste Management by letter dated February 12, 2001. No comments were received from the public or EPA. The comments are summarized below followed by a discussion of the comments and any changes made to the permit as a result.

Company Comment

The company commented that the draft Title V Permit for Pine Bluff Landfill does not reflect the facility's current operations and regulatory requirements as the gas collection and control system (GCCS) is not yet required as per Subpart WWW. Specifically, the facility is described as "Using a regulated GCCS and additionally the monitoring, record keeping and reporting requirements that are related to the existing landfill GCCS are listed as being required by and subject to the landfill NSPS, Subpart WWW."

Division Response

The Division has reviewed the permit and has determined that the Pine Blue Landfill in Ballground is not yet subject to the additional requirements of Subpart WWW that are triggered when the NMOC emissions exceed the 50 Mg per year threshold; the facility's last Tier 2 calculation showed that it was emitting 46.4 Mg per year of NMOC. It is therefore not yet emitting NMOC at a rate exceeding 50 Mg. Once it exceeds that rate, it will have 12 months to submit a GCCS plan for approval and then 18 months, after plan submittal, to assure that their GCCS complies with Subpart WWW and to begin complying with the required GCCS monitoring, record keeping and reporting requirements.

In view of the above response, the following changes have been made to this permit:

1.3 Overall Facility Process Description

It has been changed to indicate that, in the future, this landfill's GCCS will be required to be operated in accordance with Subpart WWW.

3.1 Emission Units

The Table has been changed to reflect the new condition numbers in the revised permit.

3.3 Equipment Federal Rule Standards

Conditions No. 3.3.1 (renumbered as Condition No. 3.3.3) and 3.3.2 of the draft permit, which are not currently applicable as per NSPS (Subpart WWW), have been grouped under the heading "**The following conditions/standards of Section 3.3 are applicable after the GCCS is required to be installed and/or operated as per requirements of Subpart WWW.**"

A new Condition 3.3.1, which is applicable after the GCCS is required to be installed and/or operated as per requirements of Subpart WWW, has been added.

3.4 Equipment SIP Rule Standards

Conditions No. 3.4.1 and 3.4.2 have been added to reflect the applicability of Rule (n) "Fugitive Dust"

4.1 General Testing Requirements

Condition 4.1.3 has been revised to include all the required testing methods applicable for an uncontrolled and controlled landfill facility.

4.2 Specific Testing Requirements

Conditions No. 4.2.1 and 4.2.2 of the draft permit (renumbered as Conditions No. 4.2.5 and 4.2.6), which are not currently applicable as per NSPS (Subpart WWW), have been grouped under the heading "**The following conditions of Section 4.2 are applicable after the GCCS is required to be installed and/or operated as per requirements of Subpart WWW.**"

Also new Conditions No.4.2.1 through 4.2.4, regarding the calculation of NMOC emission rate, which are applicable for an uncontrolled landfill facility have been added.

5.2 Specific Monitoring Requirements

Conditions No. 5.2.1 through 5.2.9, which are not currently applicable as per NSPS (Subpart WWW), have been grouped under the heading "**The following conditions of Section 5.2 are applicable after the GCCS is required to be installed and/or operated as per requirements of Subpart WWW.**"

5.3 Record keeping and Reporting Requirements (associated with Specific Monitoring Requirements)

Condition 5.3.2, which is not currently applicable as per NSPS (Subpart WWW), is now under the heading "**The following conditions of Section 5.3 are applicable after the GCCS is required to be installed and/or operated as per requirements of Subpart WWW.**"

6.1 General Record keeping and Reporting Requirements

Conditions No. 6.1.4 (renumbered as Condition 6.1.6) and 6.1.7 of the draft permit, which are not currently applicable as per NSPS (Subpart WWW), are now under the heading "**The following conditions of Section 6.1 are applicable after the GCCS is required to be installed and/or operated as per requirements of Subpart WWW.**"

6.2 Specific Record keeping and Reporting Requirements

Conditions No. 6.2.4, 6.2.5, 6.2.7, 6.2.9, and 6.2.10 of the draft permit (renumbered as Conditions No.6.2.11, 6.2.12, 6.2.13, 6.2.15, and 6.2.16), which are not currently applicable as per NSPS (Subpart WWW), are now under the heading "**The following conditions of Section 6.2 are**

applicable after the GCCS is required to be installed and/or operated as per requirements of Subpart WWW”.

Also two new Conditions No. 6.2.2 and 6.2.4, which are applicable for an uncontrolled facility, have been added. Condition 6.2.8 has been deleted since it is covered in the revised Condition No. 6.1.14.

NOTE: The new template format (latest) is used. Therefore, there may be small changes in Part 7.0: “Other Specific Requirements” and Part 8.0: “General Provisions” of this permit.

The following are comments received by the Division from the company on December 11, 2001 regarding a proposed final version of Air Quality Permit No. 4953-057-0040-V-01-0 (as of November 26, 2001). The Division responses are in italics or bold; triple asterisks indicate where changes were made to the November 26 draft.

General Comments:

1. The Permit does not include any negative declarations so we have included language to exclude certain requirements.

Since it is the Air Protection Branch policy to not include negative declarations in its permits, the fact that something is not included is a sufficient negative declaration. Therefore, the permit has not been changed in response to this comment.

2. In a July 1, 1994 guidance memorandum issued by the EPA, "Pollution Control Projects (PCP) and New Source Review (NSR) Applicability" from John S. Seitz, Director, OAQPS to EPA Regional Air Division Directors, EPA provided guidance for permitting authorities on the approvability of PCP exclusions for source categories other than electric utilities. In the guidance, EPA indicated that add-on controls and fuel switches to less polluting fuels meet the definition of a PCP and, provided certain safeguards are met, may qualify for an exclusion from major NSR. To be eligible for the exclusion otherwise applicable major NSR requirements, a PCP must, on balance, be "environmentally beneficial," and the permitting authority must ensure that the project will not cause or contribute to a violation of a national ambient air quality standard (NAAQS) or PSD increment, or adversely affect visibility or other air quality related value (AQRV). In the guidance memo, EPA specifically identified the installation of the type of controls required by the NSPS and EG rules as an example of add-on controls that could be considered a PCP and an appropriate candidate for a case-by-case exclusion from major NSR. EPA considers installation of controls pursuant to the NSPS and EG rules for the control of landfill gases a PCP because the controls are installed to comply with the NSPS and will reduce emissions of NMOC. EPA also considers the reduction of these pollutants to represent an environmental benefit. However, EPA recognizes that the incidental formation of nitrogen oxides and carbon monoxide due to the destruction of landfill gas will occur. The permit should contain the following term to indicate that the collection and control required by 40 CFR 60 Subpart WWW is considered a pollution control project:

"The installation of controls pursuant to 40 CFR 60 Subpart WWW for the control of landfill gases is considered a pollution control project consistent with the EPA Guidance Memorandum "Pollution Control Projects and New Source Review" dated July 1, 1994."

The July 1, 1994 Guidance Memorandum describes a process by which a source can be permitted as a PCP. The landfill has not proposed to adhere to that process which includes assuring that National Ambient Air Quality Standards (NAAQS), PSD increment and Air Quality Related Values (AQRVs) in Class I areas are not violated. The Division has also not carried out a PCP review nor carried out the public and EPA review process required of a PCP. Therefore, the permit has not been changed in response to this comment. Furthermore, a PCP determination would only be made when a modification would otherwise trigger PSD review. The installation of controls pursuant to Subpart WWW did not trigger PSD review; thus a PCP determination is not necessary.

3. The Title V permit is supposed to be a mechanism to simplify compliance and enforcement for the Permittee and EPA, respectively. All applicable requirements should be identified in the rule. Consequently, all rules not referenced in the permit should be considered non-applicable. Therefore, Waste Management requests the following term be added to the permit:

“Federal and State regulations not specifically identified or referenced by the regulations identified in this permit are not applicable to the Permittee.”

Title V operating permits are meant to accomplish the procedural task of identifying and recording existing requirements applicable to regulated sources. EPD has included some general requirement in all Title V Permits. EPD agrees the facility is not subject to all requirements at this time. However, these conditions will remain in the permit in case the facility installs equipment that becomes subject in the future.

3b. Many tasks required by 40 CFR 60 Subpart WWW are only applicable once a facility has reported NMOC emissions greater than 50 megagrams per year. Until a facility submits an NMOC Emission Rate Report documenting emissions greater than the threshold, these additional requirements are not applicable. This includes many of these applicable requirements listed in this draft Permit (3.3.1-3.3.3; 4.2.5-4.2.6; 5.2.1-5.2.9; 5.3.2; 6.1.6-6.1.7; and 6.2.11-6.2.16). These requirements are not applicable and won't be applicable for more than 18 months. Also, condition 5.3.1 (which is stated as being applicable at permit issuance) requires data to be kept that is not even required to be taken until after the installation of the GCCS. This could incorrectly lead one to believe that monitoring of the voluntary gas system (i.e. monthly wellfield monitoring, quarterly surface monitoring, and flare monitoring, etc..) is required even before the gas system is required to be installed per Subpart WWW. Condition 5.3.1 also requires this data to be reported.

Additionally, some of the listed permit conditions may need to be revised to incorporate alternate monitoring, recordkeeping and reporting requested in the landfill gas collection and control system design plan which is not yet required to be submitted. It seems like listing future applicable requirements is at best confusing and possibly inaccurate. Therefore, Pine Bluff requests to have only the applicable requirements at time of permit issuance listed in the Permit, which is what Waste Management was told was going to be done by a former permitting engineer when the draft Title V Permit was originally issued.

The conditions listed are not in the permit because the site already has a GCCS that is not required by Subpart WWW. The conditions are there because the site will soon be required to have a GCCS required by Subpart WWW; since this is a TV permit, it needs to include conditions for soon-to-be-applicable requirements. It is our understanding that the emissions of NMOCs, calculated according to Tier 2, will soon exceed 50 megagrams per year. Once that occurs, the company will be required to submit a plan within 12 months and install within 18 months after that. Statements such as the following, in the TV permit, should make it clear that these requirements are not presently applicable:

“The following conditions/standards of Section 3.3 are applicable after the GCCS(s) are required to be installed and/or operated as per requirements of Subpart WWW”

4. Within the permit, references made specifically to the Pine Bluff Landfill Title V Permit should have an upper case “P”. Reference to permits in a general sense should have a lower-case “p”.

A review of the draft Title V permit will reveal that the capitalization of the word "permit" (and probably other words) is not consistent. However, the Division believes that the capitalization or non-capitalization of the word "permit" does not impact the meaning of this or any other conditions and will not be changed.

5. Pine Bluff Landfill has documented in its September 2000 application that it is a nonmajor (minor) source for Title V applicability. As stated in 391-3-1-.03(10)(b)3.(i):

“For any nonmajor source subject to the requirement of this section (10), part 70 permits shall include all applicable requirements applicable to emission units that cause the source to be subject to this section (10).”

Since Pine Bluff Landfill is a nonmajor source that is only subject to the Part 70 permitting requirements due to being subject to NSPS, Subpart WWW, the only applicable requirements that should be included in the permit should be those directly related to the landfill itself.

Since this is its only permit, EPD has elected to include other requirements.

Specific Comments:

6. The first sentence of the second paragraph on the cover page undermines the permit shield provided in Section 8.16. Please replace that sentence and the following paragraph with the following:

“The Permittee shall comply with the conditions of this permit. Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements of the Georgia Air Quality Act, O.G.A. Section 12-9-1, et seq., and Chapter 391-3-1 included and specifically identified in this Permit as of the date of permit issuance.” Noncompliance with this permit constitutes a violation of the Clean Air Act, the Georgia Air Quality Act and/or Chapter 391-3-1 and is grounds for:

Enforcement action;
Permit termination, revocation and reissuance or modification;or
Denial of permit renewal application.

This Permit may also be subject to revocation, suspension, modification or amendment by the Director for cause due to misrepresentations made in the Title V Application No. TV-9642, which was submitted September 2000 (Revision 2), or any other applications upon which this Permit was based, supporting data entered therein or attached thereto, any subsequent submittal or supporting data or for modifications affecting emissions from the source.

The language on the permit cover page is the standard language used for all permits. The Division maintains that this does not undermine the permit shield. Therefore, the permit has not been changed in response to this comment. [The Division notes that the application for this landfill was No. 9833 dated March 17, 1997.]

7. Section 1.3: The description is somewhat limiting. At the end of the first sentence, please add: “and operational residuals or such other activities described in or associated with its current solid waste permit issued by the Georgia DNR.” Also please add “voluntary” in the second sentence prior to “gas collection and control system”.

*****The Division agrees. Section 1.3 had read:**

“The Pine Bluff Landfill receives, manages, and disposes of solid waste. This landfill has a gas collection and control system (GCCS) which collects and destroys methane and small quantities of other compounds using a flare. In the future this GCCS will be required to be operated in accordance with Subpart WWW.

It is changed to:

“The Pine Bluff Landfill receives, manages, and disposes of solid waste, and operational residuals or other such activities described in or associated with its current solid waste permit issued by Georgia DNR. This landfill has one or more gas collection and control system (GCCS) that is used to collect and destroy methane and small quantities of other compounds, each using a flare. The operation of the GCCS(s) and flare(s) has been voluntary. However, this permit requires that the operation of each GCCS be done in accordance with Subpart WWW once that GCCS is subject to Subpart WWW ”

8. Section 3.3.1: The regulatory citation [40 CFR 60.752(b)(2)(i)(D)(iii)(A)] does not exist. If the reference is 40 CFR 60.752(b)(2)(i)(D), this requirement relates to the submittal and approval of a landfill gas collection and control system design plan, which is required prior to the installation of the GCCS. This is confusing since this condition falls under the group of requirement that “are applicable after the GCCS is required to be installed and/or operated”.

*****The company is correct. The correct citation is 40 CFR 60.752(b)(2)(iii)(A).**

9. Section 3.3.2: The regulatory citation [40 CFR 60.752(b)(2)(i)(D)(iii)(A)] does not exist. The correct reference seems to be 40 CFR 60.752(b)(2)(iii)(A). This condition references one flare. The system already has one and may add more over time. Please change the reference “flare(s)”. Also, “GCCS” should be “GCCS’s”.

*****The company is correct. The correct citation is 40 CFR 60.752(b)(2)(iii)(A).**

*****The word “flare” is changed to “flare(s)”, or other changes made to accommodate multiple flares in Section 1.3, Table 3.1, and Conditions 3.3.2, 3.3.3f, 4.1.3a/h/i/j, 4.2.5, 5.2.1, and 5.3.2a/b.**

The word “GCCS” is changed to “GCCS(s)”, or other changes made to accommodate multiple GCCS’s in Section 1.3, Table 3.1, and Conditions 3.3.1, and 3.3.3a/b/c/d/e.

10. Section 3.3.3: No regulatory citation is listed; please add the reference.

*****The company is correct. The citation, 40 CFR 60.753, is added.**

11. Section 3.3.3a.i. & ii: The phrase “the landfill is” should be removed from both i. and ii. to be consistent with the regulation. The requirement to install within two or five years applies only if the area, cell, or group of cells within question is closed or active.

*****The company is correct. The phrase is removed from both places.**

12. Section 4.1.1: The permit condition does not match the regulatory citation. To the extent any monitoring, sampling, reporting or recordkeeping requirements arise from this section, they should be articulated in detail as permit conditions. To the extent any such requirements may be imposed on the facility in the future, the permit should be modified to reflect such new requirements. In addition, such requirements must be prescribed by the Director, not the Division, and may be state-only requirements.

Rule 391-3-1-.02(6)(b)1(i) states that sources of air pollution ". . . may be required to install, maintain, and use emission monitoring devices, to sample such specific emissions . . . and to ". . . provide such other information . . . This rule provides the authority to require emission tests to be conducted, so the citation is correct. EPD is aware that such authority is for case-specific, generally one-time, tests and would not generally apply to a requirement for continued periodic testing for which a permit amendment would be appropriate. Specific testing, monitoring, and record keeping that are currently required are included as specific conditions in Sections 4.0, 5.0, and 6.0 of the draft permit.

Rule 391-3-1-.02(6)(b)1(i) also states that the "Director may reasonably require" these emission tests. "Director" is defined in 391-3-1-.01(q) as meaning "the Director of the Division of Environmental Protection, Department of Natural Resources of the State of Georgia, or his designee." The "Division" is, for this condition, "his designee."

This rule is part of Georgia's State Implementation Plan (SIP), which is enforceable by the U.S. Environmental Protection Agency. Therefore the condition cannot be made a state-only requirement. This condition is a part of the Title V Permit template that was approved by EPA Region 4 and is identical in all Title V Permits. Therefore, the permit has not been changed in response to this comment.

13. Section 4.1.2: The permit condition does not match the regulatory citation.

The Division disagrees. Rule 391-3-1-.02(3)(a) says that testing ". . . shall be in accordance with applicable procedures and methods specified in the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants." Section 1.2(f) of those procedures provides for notification of emission testing. This condition is part of the Georgia Title V Permit template that has been accepted by EPA Region IV. Therefore, the permit has not been changed in response to this comment.

14. Section 4.1.3: Please remove "Performance 4.1.3" at the beginning of this condition, as it appears to be a typographical error.

*****The company is correct. The phrase is removed.**

15. Section 4.1.3: Please add "most recent version of" immediately preceding "Procedures for Testing and Monitoring Sources of Air Pollutants."

The Division disagrees. By not stating which version of the Procedures for Testing and Monitoring Sources of Air Pollutants to use, the most recent version is implied so no change is necessary. This condition is part of the Georgia Title V Permit template that has been accepted by EPA Region 4.

16. Section 4.1.3, last paragraph: The permit condition does not match the regulation cited. The following language is consistent with the regulation:

“When no applicable test method or procedure is published in the most recent version of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants, the Director shall specify or approve an applicable method or procedure prior to its use.”

The Division disagrees. The Division is required by 40 CFR 70.6(a)(3)(i) to specify in the permit the test methods to use for the applicable emission limits. This requirement applies whether the applicable requirement includes test methods [paragraph (A)] or the requirement does not include test methods [paragraph (B)]. The suggested additional text is not needed because all specified methods are published as cited. The intent here is not to match the regulation as stated by the commenter but to allow for necessary "minor" changes in methodology in the cases stated. The portion of the Rule cited requires that when no method is designated in the "PTM", then a method must be identified in the permit. This we have done for each applicable requirement. Therefore, the permit has not been changed in response to this comment.

17. Section 4.2.2: In the description of the variables in the equation, “K” should be “k” and “N” should be “n”.

*****The company is correct. The changes are made.**

18. Section 5.2.1a. and b.: These conditions reference one control device and one flare. The system already has one and may add more over time. Please change the references to “device(s)” and “flare(s)”.

***** The company is correct. The change is made.**

19. Section 5.2.4: The regulatory citation should be 40 CFR 60.755(a)(3) and 60.755(a)(4).

*****The company is correct. The citation is changed.**

20. Section 5.2.5: The regulatory citation 40 CFR 60.753(b)(1) does not seem to relate to the permit condition. Please remove or correct the citation.

*****The company is correct. The citation is removed.**

21. Section 5.2.7a.: This does not accurately reflect the Subpart WWW requirements and allowances. Please add, “An alternative traversing pattern that ensures equivalent coverage may be established. Areas with steep slopes or other dangerous areas may be excluded from the surface testing.” at the end of a.

*****The company is correct that additional language from 40 CFR 60.753(d) should be included. The following has been added: “An alternative traversing pattern that ensures equivalent coverage may be established. Areas with steep slopes or other dangerous areas may be excluded from the surface testing. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the 30-meter interval requirement.”**

22. Section 5.2.7d.iii., iv., and v.: These conditions reference 40 CFR 60.755(c)(v). Please revise to the correct reference of 40 CFR 60.755(c)(4)(v).

*** *The Division agrees that the correct reference is 40 CFR 60.755(c)(4)(v). Conditions 5.2.7d.iii, 5.2.7d.iv, and 5.2.7d.v have therefore been corrected.*

23. Section 5.3.1: This condition implies records need to be kept and reported when the monitoring is not even required to be done. See comment 3 for further explanation.

*****While there may appear to be an implication that record keeping needs to be done prior to the GCCS being required by Subpart WWW, a plain reading of the condition makes it clear that this is not required. However, since all the conditions that this refers to (5.2.1 through 5.2.9) do not apply until the GCCS is required, there is no reason not to put Condition 5.3.1 under the statement that indicates compliance is delayed until the GCCS is required.**

24. Section 5.3.2: The condition requires semiannual reports. The regulatory citation includes 40 CFR 60.757(f) that only requires annual reports. The other citations do not specify anything more frequent than annual. What is the basis of the reporting to be semiannual? If 40 CFR 70.6(a)(3)(iii)(A) is the basis, please add this citation.

****The Division recognizes that the requirement referred to in Condition 5.3.2 is found in the New Source Performance Standards (NSPS) for landfills and it only specifies annual reporting. However, the Division has the authority to require reporting that is more stringent than the federal requirements and does so when it is appropriate. In this case, and in other reporting conditions in Title V permits, the Division has modified this NSPS requirement to make it semi-annual so that it is consistent with the rest of the Title V periodic reporting requirements that are semi-annual. Therefore, the permit has not been changed in response to this comment.*

25. Section 5.3.2a. and b.: These conditions reference one control device and one flare. The system already has one and may add more over time. Please change the references to “device(s)” and “flare(s)”.

*****The change has been made.**

26. Section 5.3.2e.: Condition 5.2.5 does not require any expansion of the gas collection and control system. Should this reference be 5.2.6?

****The Division agrees that Condition 5.3.2d should reference Conditions Nos. 5.2.4 and 5.2.6 and has made the change.*

27. Section 5.3.2: Per 40 CFR 60.757(f)(1), “Value and length of time for exceedance of applicable parameters monitored under 60.756(a),(b),(c), and (d).” should also be included in the reports required under this condition.

40 CFR 60.757(f)(1) does require that the Permitting include the following in annual reports (semi-annual if Title V): “Value and length of time for exceedance of applicable parameters monitored under 60.756(a),(b),(c), and (d). 756(b) specifies monitoring for any system “using an enclosed combustor” and 756(d) specifies monitoring for any system “using a device other than an open flare or an enclosed combustor.” Since only flares are used here, 756(b) and 756(d) are irrelevant in this permit.

756(a) specifies monitoring for any “active gas collection system” and it specifies (1) “gauge pressure in the gas collection header on a monthly basis”, (2) “nitrogen or oxygen concentration in the landfill gas on a monthly basis” and (3) “temperature of the landfill gas on a monthly basis.” The exceedances regarding parameter monitoring have to be reported as per 6.1.7b. It indicates “any reading” that is out of range.

756(c) specifies monitoring using “an open flare” and it specifies (1) “A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame” and (2) “A device that records flow to or bypass of the flare.”

Conditions 6.1.7b. requires reporting (1) On any gas collection well, any reading of gauge pressure that is not negative, (2) On any gas collection well, any reading of temperature that exceeds 55 °C (131 °F) and (3) On any gas collection well, any reading of nitrogen concentration that exceeds 20 percent or oxygen concentration that exceeds 5 percent. This appears to cover 756(a).

Condition 5.2.1 requires both (1) “A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame within the each open flare and (2) “A device to measure the flow rate to each open flare, at least once every 15 minutes.” So, what requires reporting of excursions? Condition 6.1.6c. requires semi-annual reporting of both “The magnitude of all excess emissions, exceedances and excursions” and “the date and time of the commencement and completion of each time period of occurrence.”

Condition 5.3.2 lists a number of items that need to be reported semi-annually. That includes “b. Description and duration of all periods when a control device (an open flare) was not operating for a period exceeding 1 hour and total length of time the control device was not operating.” The means to know whether the flare is operating are precisely the required “heat sensing device” and the “device to measure the flow rate.” Therefore, reporting when the flare is not operating for more than an hour is the same as reporting that one or both of these monitoring devices is registering a problem. Therefore it would be redundant to have them report this again as an exceedance.

28. Section 6.1.2 and 6.1.3: There is no requirement to report “duration of the deviation(s)” in the cited regulations. Please remove this requirement.

The regulations cited are the underlying authority for Conditions 6.1.2 and 6.1.3, even though the cited regulations do not specify the exact language that Title V permits must contain. Conditions 6.1.2 and 6.1.3 are template conditions designed to fulfill certain requirements of Part 70. They have been reviewed and approved by EPA. EPD has already determined that the requirements in these conditions are appropriate and necessary for proper enforcement of the underlying requirements and thus the conditions will not be changed.

29. Section 6.1.3: The condition requires written reports for failure to meet emission limitation or standards not otherwise reported in accordance with conditions 6.1.2 or 6.1.6. What other limitations/standards apply here, please specify.

The Division attempts to define all possible failures to comply with limits, but makes no claim to have determined all such possibilities. The Division includes Condition 6.1.3 to make it clear that, if there are applicable limitations or standards in this Title V permit, and failures to meet such requirements are detected through means required by the permit, and such failures are not reportable under Conditions 6.1.4

and/or 6.1.2, the Permittee must still report them. This condition was required by the U.S. EPA in order to comply with 40 CFR 70.6(a)(3)(iii)(B). The permit has not been changed in response to this comment.

30. Section 6.1.5: Please add “required by this permit” after the first instance of the word “measurements”, after the word “checks”, and after the word “devices”. This will clarify which files must be maintained.

Condition 5.3.3 is largely based on Section 1.5(f) of the Division's Procedures for Testing and Monitoring Sources of Air Pollutants. Section 1.5(f) does not include a qualifier for required records. This condition is in the Title V Permit template that has been accepted by EPA Region 4. The condition, therefore, will not be changed.

31. Section 6.1.5: 40 CFR 70.6(a)(3)(ii)(B) does not require records of “adjustments”. Please remove the term “adjustments”.

The Division Disagrees with the suggestion. 40 CFR 70.6(a)(3)(ii)(B) states that "[A]ll required monitoring data and support information . . ." must be retained by the company. The list of examples of such information in Condition 6.1.6 is included to be helpful but should not be assumed to be comprehensive. It states "...including continuous monitoring systems, monitoring devices, and performance testing measurements; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices." The Division, in drafting Condition 6.1.6, included "adjustments" because it believed that this data should be kept. This condition is in the Title V Permit template that has been accepted by EPA Region 4. Therefore, the permit has not been changed in response to this comment.

32. Section 6.1.6a: The requirements of Section 1.5(c) and (d) should be spelled out.

The requirements of Section 1.5(c) are enumerated in Condition 5.3.1 (b) through (e). Section 1.5(d) requires the use of a specific summary format for submittal of certain information with the semiannual report. This summary report form may be found in Section 1.5 or in 40 CFR 60.7 and will be provided upon request. This condition is in the Title V Permit template that has been accepted by EPA Region 4. Therefore, the permit has not been changed in response to this comment.

33. Section 6.1.6b: The phrase “Total process operating time” as applied to a landfill needs to be clarified.

For a landfill, the total process time is 8760 hours per year. This condition is in the Title V Permit template that has been accepted by EPA Region IV. The permit has not been changed in response to this comment.

34. Section 6.1.6c: The phrase “computed in accordance with the applicable definitions as determined by the Director” implies either the Director still has to define something or there is some sort of document containing these determinations. These requirements are too vague, they need to be more specific and the specifics should be spelled out in the permit, if possible.

As with most Title V permits, Part 3 of the draft permit contains conditions that outline emission limits and operational limitations set by state and federal air quality rules. In order to assure continuous compliance with these limitations, Section 5.2 of the draft permit outlines “Specific Monitoring Requirements and Other Compliance Provisions.” So that the Division is informed of exceedances of Part 3 limitations and excursions outside any Section 5.2 parametric monitoring ranges, Condition 6.1.3 requires reporting of “any failure to meet an applicable emission limitation or standard contained in this permit and/or any

failure to comply with or complete a work practice standard or requirement contained in this permit.” Condition 6.1.3 includes the statement “Such failures shall be determined through observation, data from any monitoring protocol, or by any other monitoring that is required by this permit.”

35. Section 6.2.3: This does not accurately reflect the Subpart WWW requirements and allowances. Please add, “Off-site records may be maintained if they are retrievable within four hours. Either paper copy or electronic formats are acceptable.” at the end of the permit condition.

*****The company is correct. As provided in 60.758(a) Each owner or operator of an MSW landfill subject to the provisions of ' 60.752(b) shall keep for at least 5 years up-to-date, readily accessible, on-site records of the maximum design capacity, the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable. Therefore this is added.**

36. Section 6.2.7: Since this applicable requirement is a requirement for leachate tanks and not the landfill directly, the condition should be removed (see comment 5).

Since this is its only permit, EPD has elected to include other requirements.

37. Section 6.2.10: This condition seems to require a Dust Suppression Plan to be developed and submitted. What is the regulatory basis for this requirement? The referenced regulatory citation addresses monitoring and recordkeeping requirements not the development and submittal of a Dust Suppression Plan. A Title V permit should not create any “new” requirements. Also, since this applicable requirement is a requirement for the entire facility and not the landfill directly, the condition should be removed (see comment 5). Also, the regulatory citation should be “40 CFR 70.6(a)(3)(i)” not “40 CFR 7.06(a)(3)(i)”.

The Division Disagrees. Rule(n) is an applicable requirement for landfills. This requirement is intended as periodic monitoring to assure compliance with Georgia Rule (n) for fugitive dust and, therefore, is a monitoring condition as specified in the citation.

38. Section 6.2.12: The regulatory citations (40 CFR 60.757(f) and (g)) are the requirements to submit an NSPS annual report (Condition 5.3.2) and initial performance test report. Since permit conditions 6.1.3 and 6.1.6 related to Title V reporting requirements that include different reporting submittal dates and are to include different information, they should be removed.

*****The Division agrees. Therefore, the Condition is changed to remove the references to Conditions 6.1.3 and 6.1.6.**

39. Section 6.2.13: 40 CFR 60.758(b) does not require records to be kept on-site (40 CFR 60.758(a) specifically states that records may be kept off-site), therefore, “on-site” should be removed from the first sentence.

*****The Division agrees. The citation reads “(b) Each owner or operator of a controlled landfill shall keep up-to-date, readily accessible records for the life of the control equipment of the data listed in paragraphs (b)(1) through (b)(4) of this section as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of 5 years. Records of the control device vendor specifications shall be maintained until**

removal.” Since the citation does not specify where the records should be kept, it is assumed that they should be kept in accordance with 758(a) which states, in part “Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable. Therefore the word “on-site” is not removed but the words “Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.” are added.

40. Section 6.2.16: The regulatory citation (40 CFR 60.758(e)) does not match the recordkeeping requirements (for 40 CFR 60.758(c)(1)) of the condition. If the condition is intended to specify the requirements of 40 CFR 60.758(c)(1), it is not applicable and should be removed. If the condition is intended to specify the requirements of 40 CFR 60.758(e), the phrase, “which are discussed in 40 CFR 60.758(c)(1).” should be replaced with “of the operational standards in 40 CFR 60.753.”

**** The citation 40 CFR 60.758(c)(1) does not apply to this landfill, as it contains record keeping requirements for a GCCS that makes use of energy recovery for destruction of LFG (such as a furnace). Given that Condition 6.2.13 and 6.2.14 incorporate requirements of 40 CFR 60.758(d), it is clear that the purpose of Condition 6.10 is to incorporate the requirements of 60.758(e). Condition 6.16 will therefore be changed to include the language found in 40 CFR 60.758(e).*

It had read: “The Permittee shall keep records of all collection and control system exceedances which are discussed in 40 CFR 60.758(c)(1).” It is changed to “The Permittee shall keep records of all collection and control system exceedances of the operational standards in § 60.753, which are found in Condition 3.3.3, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.”

41. Section 7.1: Please replace the language with the following language that more succinctly expresses the requirement:

“7.1.1 Changes under Section 502(b)(10) of the Clean Air Act:

- a) A limited class of changes within this facility that contravene the specific terms of this Permit is allowed without requiring a Permit revision, provided that changes do not exceed the emissions allowable under this Permit and do not constitute modifications under Title I of the federal Clean Air Act. This class of Changes does not include:
 - i) changes that would violate applicable requirements; or
 - ii) changes to federally enforceable Permit terms or conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
- b) The Permittee is required to send a notice to the Division and USEPA Region 4 at least 7 days in advance of any change made under this provision. The notice must describe the change, when it will occur and any change in emissions, and identify any Permit terms or conditions made inapplicable as a result of the change. Any permit shield provided in this Permit does not apply to changes made under this provision.”

The Division maintains that the language in Condition 7.1.1.a is sufficient to describe what a Permittee must do to make changes made under the authority of Section 502(b)(10) of the Clean Air Act. The language (i or ii) proposed by the company is not a sufficient substitute.

While 7 days advance notice to EPD and EPA are all that is required to make modifications under authority of 502(b)(10), such changes often also require a SIP Permit for construction which can take much longer to obtain.

This condition is in the Title V Permit template that has been accepted by EPA Region 4. Therefore, the permit has not been changed in response to this comment.

42. Section 7.1: Please add the following language to the Operational Flexibility section of the permit under a new paragraph 7.1.2:

“7.1.2: General

7.1.2.1 The Permittee shall be allowed to make changes to its methods of operation if the change does not exceed the emissions allowed in this Permit, and is not a modification under any provision of Title 1, provided that the Permittee notifies the Department and USEPA Region 4 at least 7 days in advance of making the change.

7.1.2.2 The Permittee shall be allowed to make changes to its methods of operation without notifying the Division, provided that any new methods of operation are explicitly provided for and described in this Permit.

7.1.2.3 This operational flexibility applies only to federally enforceable conditions.”

The Division maintains that the inclusion of the recommended text is unnecessary. Clearly, the company is allowed to make changes within the scope of permit. Any other changes must be made in accordance with Conditions 7.1.1 or 7.1.2. This condition is in the Title V Permit template that has been accepted by EPA Region 4. The permit has not been changed in response to this comment.

43. Section 7.2.1e.: The “p” in Permits should be lower case.

A review of the draft Title V permit will reveal that the capitalization of the word “permit” (and probably other words) is not consistent. However, the Division believes that the capitalization or non-capitalization of the word “permit” does not impact the meaning of this or any other conditions and will not be changed.

44. Section 7.2.2: “Federal Act” should be changed to “Clean Air Act.”

The Division disagrees with the recommendation. The language from 7.2.2 was taken directly from Georgia Air Quality Rule 391-3-1-.03(10)(b)7. In that rule and in this condition, “Federal Act” means “Clean Air Act.” Therefore, the permit has not been changed in response to this comment.

45. Section 7.6: Request to have this section to read:

“7.6 Short-term Activities

The following activities occur infrequently and for a relatively short duration at the facility. When these activities occur, the Permittee is required to meet all approved (D&O) requirements relating to those activities:

- a) Construction of Landfill Cell
- b) Capping (Closure) of Landfill Cell”

The Division maintains that the language in Condition 7.6 is sufficient to indicate what the Permittee can do as a Short-term Activity. Therefore, the permit has not been changed in response to this comment.

46. Section 7.10: The requirement for 112(r) is not currently applicable to the facility. Please state that 112(r) is not currently applicable to the facility.

The Division agrees the facility is not subject to this requirement at this time. However, the condition will remain in the permit in case the facility becomes subject. The Division has included this general requirement in all Title V Permits. Therefore, the permit has not been changed in response to this comment.

47. Section 8.3.1: Please remove the word "all" and "any" in the first line.

The Division cannot change the language in Condition 8.3.1. The Condition is a requirement of 70.6(a)(6)(i) of the 40 CFR 70. This condition is in the Title V Permit template that has been accepted by EPA Region 4. Therefore, the permit has not been changed in response to this comment.

48. Section 8.3.2: The term is not consistent with the regulation. Change "use as" to "be" in the first line. Trying to use an enforcement action as a defense should not constitute a violation of the permit.

The Division maintains that the language used in Condition 8.3.2 is clearer than the suggested language and meets the intent of the law. This condition is in the Title V Permit template that has been accepted by EPA Region IV. Therefore, the permit has not been changed in response to this comment.

49. Section 8.3.4: The permit condition is inconsistent with state and federal regulations cited. This condition should only relate to pre-construction permits. We request changing the requirement to following to make it consistent with the regulations cited:

"The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under Section 391-3-1-.03(8)."

The Division disagrees and believes that Condition 8.3.4 is appropriate as it was proposed. It was included in the Title V permit template to help assure that air quality permit holders understand that holding this permit does not remove their responsibility if environmental permits are required for other media (i.e. hazardous waste and water quality). The wording also makes it clear that having an air quality permit does not remove the responsibility to assure that all other permits and licenses are obtained. This condition is in the Title V Permit template that has been accepted by EPA Region 4. For these reasons, the permit has not been changed in response to this comment.

50. Section 8.4.1: Shouldn't these requirements be listed as State-only?

The Division disagrees. The Title V permit includes "Procedures for Calculating Air Permit Fees" as No. 4 in the list on Attachment C. Collection of fees is part of the Georgia Part 70 Program and is therefore federally enforceable. This condition is in the Title V Permit template that has been accepted by EPA Region 4. The permit has not been changed in response to this comment.

51. Section 8.5.1: The condition is inconsistent with the regulations cited. The requirement for submittal six months in advance of expiration is not contained within the regulations cited.

The Division disagrees. 40 CFR 70.5 (a)(1)(iii) specifically states that, for a Title V renewal, a timely application is to be submitted six months in advance of permit expiration. This condition is in the Title V Permit template that has been accepted by EPA Region 4. The permit has not been changed in response to this comment.

52. Section 8.5.3: The permit term is not consistent with the regulation cited. In addition, the term should provide that the permit shield remain in effect.

The Division disagrees and maintains that, while it is a reasonable interpretation of Part 70 that the Permit Shield continues beyond the expiration date of the permit in the case specifically mentioned in Condition 8.5.3, this interpretation will not be put into condition 8.5.3 explicitly. This condition is in the Title V Permit template that has been accepted by EPA Region 4. The permit has not been changed in response to this comment.

53. Section 8.6.1: The Permit condition goes beyond the referenced regulation. Please delete everything after "necessary" in the third line.

The Division disagrees and maintains that the language used in Condition 8.6.1 meets the intent of the law. This condition is in the Title V Permit template that has been accepted by EPA Region 4. The permit has not been changed in response to this comment.

54. Section 8.8.1: Add "required by the provisions of this Permit" after "annual certification."

The Division disagrees and maintains that the language used in Condition 8.8.1 is clearer and meets the intent of the law. This condition is in the Title V Permit template that has been accepted by EPA Region 4. The permit has not been changed in response to this comment.

55. Section 8.9.2: The requirement should state that it does not include information subject to legal protection. Please add "not subject to legal privilege" after "information" in the first line.

The Division disagrees. The requirement of Condition 8.9.2 has been taken from 40 CFR 70.6(a)(6)(v). Additionally, if the facility believes the requested information is "privileged," then the facility must go thru the prescribed EPD Air Protection Branch process to verify that. This condition is in the Title V Permit template that has been accepted by EPA Region 4. The permit has not been changed in response to this comment.

56. Section 8.10.1: The citation referenced requires the notification be submitted to the Director. Please change "Division" to "Director" to be consistent with the regulation cited.

The Division disagrees. Rule 391-3-1-.02(6)(b)1(i) states the "Director may reasonably require" these emission tests. "Director" is defined in 391-3-1-.01(q) as meaning "the Director of the Division of Environmental Protection, Department of Natural Resources of the State of Georgia, or his designee." The "Division" is, for this condition, "his designee."

This requirement is part of Georgia's State Implementation Plan (SIP) that is enforceable by the U.S. Environmental Protection Agency. Therefore, the condition cannot be made a state-only requirement. This condition is in the Title V Permit template that has been accepted by EPA Region 4. The permit has not been changed in response to this comment.

57. Section 8.11.1: Please add a paragraph to recognize the administrative amendment process.

Procedures will be provided upon issuance of your permit. This condition is in the Title V Permit template that has been accepted by EPA Region 4. The permit has not been changed in response to this comment.

58. Section 8.11.4: The citation appears to be incorrect, please provide correct citation.

The Division disagrees and maintains that the citation is correct. This condition is in the Title V Permit template that has been accepted by EPA Region 4. The permit has not been changed in response to this comment.

59. Section 8.14.1.1: The federal regulation citation should be 40 CFR 70.6(c)(5)(i) and (iii).

The Division disagrees. The regulation citation listed in the permit is the underlying authority and not exactly the citation. This condition is in the Title V Permit template that has been accepted by EPA Region 4. The permit has not been changed in response to this comment.

60. Section 8.14.2: The landfill operation includes the use of large pieces of equipment from which the operator may have difficulty seeing individuals on the ground in the immediate area. Individuals who work in the vicinity of such equipment undergo special training. The facility is concerned about having inexperienced individuals in the vicinity of such equipment while it is operating. Therefore, please add the following:

“The Permittee may refuse entry into areas of the facility for which the representative does not meet the required health and safety or similar requirements of the site.”

The Division disagrees and maintains that the language used in Condition 8.14.2 is clearer and meets the intent of the law. The suggested language would be in violation 40 CFR 70.6(c)(2). This condition is in the Title V Permit template that has been accepted by EPA Region 4. The permit has not been changed in response to this comment.

61. Section 8.14.2.a.iv: The last phrase, “or as otherwise authorized by the Clean Air Act” expands the scope of the regulation and should be replaced by the following phrase at the beginning of the paragraph: “As authorized by the Clean Air Act.”

*****The Division agrees. The condition had read “Sample or monitor any substances or parameters at any location during operating hours for the purpose of assuring Permit compliance, compliance with applicable requirements, or as otherwise authorized by the Clean Air Act.” It will now read “Sample or monitor any substances or parameters at any location during operating hours for the purpose of assuring Permit compliance or compliance with applicable requirements as authorized by the Georgia Air Quality Act.**

62. Section 8.14.2.b: The permit term is not consistent with the regulation cited. The reason for entry should be limited to air pollution related activities only, therefore the Permit should reference section 18.4.2.a. As above, please add the following: “The Permittee may refuse entry into areas of the facility for which the representative does not meet the required health and safety or similar requirements of the site.”

The Division disagrees and maintains that the suggested language in comments 60 and 61 would be in violation 40 CFR 70.6(c)(2). Condition 8.14.2b includes the sentence “No person shall obstruct, hamper, or interfere with any such authorized representative while in the process of carrying out his official duties.” We note that this includes the phrase “while in the process of carrying out his official duties.” That means that the representative cannot be kept out of an area that he or she believes relates to air quality. This includes

areas that contain "emission related activities" as well as areas with activities that may lead to, cause, or are related to emissions. For example an inspector may have to access an area where maintenance activities are being done that may be causing fugitive emissions or an inspector may need access to process areas whose operations may indirectly impact air emissions. Also, keep in mind that EPD may require access to an area to determine IF activities within that area MAY lead to, cause, or are related to emissions. In short a Division inspector must not be limited from access anywhere within a facility as long as that inspector is carrying out official duties.

This does not preclude the company from exercising its safety rules; however, such rules cannot be used to keep the representative out of an area. Therefore, if the company requires special equipment, instruction, or the accompaniment of a safety manager to access an area that a Division inspector believes must be entered, the company must provide those things in a timely manner. This condition is in the Title V Permit template that has been accepted by EPA Region 4. No changes have been made to this condition.

63. Section 8.14.3.c: There is no schedule of compliance for the facility. Please add the following language at the end of the paragraph: "As to this source, a schedule of compliance is not required because there are no applicable requirements with which the source is not in compliance."

The Division does not include negative declarations in its permits. EPD has included this general requirement in all Title V Permits. This condition is in the Title V Permit template that has been accepted by EPA Region 4. No changes have been made to this condition.

64. Section 8.15.1: The citation does not seem to match the permit condition.

The Division disagrees. The regulation citation listed in the permit is the underlying authority and not exactly the citation. This condition is in the Title V Permit template that has been accepted by EPA Region 4. No changes have been made to this condition.

65. Section 8.16.1: This permit condition does not provide the shield intended by the regulations. We request this provision be revised to:

"The Permittee's compliance with the conditions of this Permit shall be deemed compliance with all applicable requirements identified as of the date of Permit issuance if either of the following applies:

- a) The applicable requirements are included and are specifically identified in this Permit.
- b) The Division specifically identifies in the permit other requirements that are not applicable to the permitted facility.

Unless precluded by the Clean Air Act or regulations promulgated thereunder, final action by the Division on administrative amendments, minor and significant Permit modifications, and operation flexibility changes shall be covered by the permit shield provided that Permittee complies with such amendments, modifications and changes to the permit as approved by the Division.

The Division has determined that, in addition to those referenced elsewhere in this Permit, the following requirements are not applicable to the facility:

****Please list all the regulations that are identified as non-applicable in sections 3.10 and 3.11 of the Permit application.****

The Division disagrees and maintains that the language in Condition 8.16.1 is appropriate and the condition provides an appropriate permit shield. The permit application is filed with the permit along with sections 3.10 and 3.11. This condition is in the Title V Permit template that has been accepted by EPA Region 4. No changes have been made to this condition.

66. Comment 64: Section 8.18.1: This requirement applies at the facility property line and a statement to that effect should be added at the end of the paragraph.

The Division disagrees. This general requirement is included in all Title V Permits. This rule does not apply at the fence-line so the regulatory reference is correct. This condition is in the Title V Permit template that has been accepted by EPA Region 4. No changes have been made to this condition.

67. Section 8.19.1: The facility has no fuel-burning equipment that was in operation or under construction on or before January 1, 1972. This permit term should be deleted and a negative declaration should be made for 391-3-1-.02(2)(d)1.

The Division acknowledges that the facility does not appear to be subject to this requirement at this time, as there are no known boilers on site. However, the permit holder is not restricted from installing subject units without notice to the Division, if the units are rated at less than 10 million Btu per hour input heat capacity. Therefore, the condition will remain in the permit in case the facility installs such units and becomes subject. This condition is in the Title V Permit template that has been accepted by EPA Region 4.

68. Section 8.19.2 and 3: We do not believe that these conditions would apply. The landfill gas control equipment that may be installed (flares, engines, and turbines) does not meet the definition of "fuel burning equipment." ("Fuel-burning equipment means equipment the primary purpose of which is the production of thermal energy from the combustion of any fuel. Such equipment is generally that used for, but not limited to, heating water, generating or super heating steam, heating air as in warm air furnishing process heat indirectly, through transfer by fluids or transmissions through process vessel walls.") This provision could apply to space heaters and hot water heaters used on the site; however, we do not believe this is the intent of the provision. We believe the requirement should be deleted and a negative declaration of applicability be made for this requirement.

The Division agrees that no known equipment at the facility is subject to this requirement at this time. The Division also agrees that the Rules for Air Quality Control do not consider most flares, engines and turbines to be fuel-burning equipment. However, the condition will remain in the permit in case the facility installs equipment which is subject to this rule. This is necessary since Conditions 8.18 and 8.19 allow an off-permit procedure for insignificant modifications such as the addition of such units. This condition is in the Title V Permit template that has been accepted by EPA Region 4.

69. Section 8.21.1: The name of the regulation indicates that it is for particulate emissions from Manufacturing Processes and the allowable rate of particulate emissions is based on the process weight input rate to equipment. The specific allowable rates should be listed in the permit condition. This regulation does not apply to the placement of waste in the landfill because the landfill is not equipment. Please add the following to end of this requirement: "This provision does not apply to the placement of waste into the landfill."

The Division agrees that this regulation does not apply to the placement of material in the landfill, but it is included as a general requirement for other process equipment that may be on site. This condition is in the Title V Permit template that has been accepted by EPA Region 4. No changes have been made to this condition.

70. Section 8.22.2: This condition only applies to the fugitive dust source in 8.22.1. Please add “listed in 8.22.1” after the word “source.” The source is the entire landfill property and the limitation should only apply at the facility boundary. Please add the following to the end of the permit condition after the word percent: “at the property line.” The facility will operate using a dust control plan, the facility should be in compliance with 8.22.1 and 8.22.2. Please add the following requirement:

“8.22.3 The facility will operate in accordance with the site specific dust control plan. Operation pursuant to the dust control plan shall be deemed compliance with conditions 8.22.1 and 8.22.2.”

The Division disagrees. Both conditions apply to any fugitive dust source on the property and are not only applicable at the property line. It is hoped that operation in compliance with the site-specific dust control plan will prevent violation of the 20% standard or any other part of Rule 391-3-1-.02(2)(n), but it does not guarantee compliance. This condition is in the Title V Permit template that has been accepted by EPA Region 4. No changes have been made to this condition.

Additional Changes Made to conform to the current Title V template conditions agreed to with EPA Region IV.

1. Condition 8.8.3: The reference 40 CFR 70.6(c)(1) is added to the list of authority statement, so it will be:

[391-3-1-.03(10)(c)2, 40 CFR 70.5(d), and 40 CFR 70.6(c)(1)]

2. Condition 8.11.1: The reference 391-3-1-.03(10)(d)1(i) is added to the condition as an authority statement, so it will be:

[391-3-1-.03(10)(d)1(i)]

3. Condition 8.11.3: The word "Division" is replaced by the word "Director".

It had read:

Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division at least thirty (30) days in advance of the date the Permit is to be reopened, except that the Director may provide a shorter time period in the case of an emergency.

It now reads:

Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Director at least thirty (30) days in advance of the date the Permit is to be reopened, except that the Director may provide a shorter time period in the case of an emergency.

4. Condition 8.20.1 is changed to more closely reflect the standard language used for emission limits. Also, the sulfur limit for sources above 100 MMBtu/hour input heat capacity has been removed because units that large would always have potential emissions high enough to be required to be listed as sources in Table 3.1 of the Title V permit and would therefore not need to be addressed by the "GENERAL PROVISIONS" of the Title V permit. It had read:

Except as may be specified in other provisions of this Permit, the Permittee shall not:

[391-3-1-.02(2)(g)]

- a. burn fuel containing more than 2.5 percent sulfur, by weight, in any fuel burning sources rated below 100 million BTU's of heat input per hour;
- b. burn fuel containing more than 3 percent sulfur, by weight, in any fuel burning sources rated at or above 100 million BTU's of heat input per hour.

It now reads:

Except as may be specified in other provisions of this Permit, the Permittee shall not burn fuel containing more than 2.5 percent sulfur, by weight, in any fuel burning source that has a heat input capacity below 100 million Btu's per hour.

[391-3-1-.02(2)(g)]