

Facility Name: **Seminole Road Municipal Solid Waste Landfill**  
 City: Ellenwood  
 County: DeKalb  
 AIRS #: 04-13-089-00299

Application #: TV- 10039

Date Application Received: June 13, 1997, Last Update: October 30, 2000

Date Application Deemed

Administratively Complete: June 17, 1997

Date of Draft Permit:

Permit No: 4953-089-0299-V-01-0

Program	Review Engineers	Review Managers
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TOXICS	n/a	n/a

## Introduction

This narrative is being provided to assist the reader in understanding the content of the attached draft Part 70 operating permit. Complex issues and unusual items are explained in simpler terms and/or greater detail than is sometimes possible in the actual permit. This permit is being proposed pursuant to: (1) Section 391-3-1-.03(10) of the Georgia Rules for Air Quality Control, (2) Part 70 of Chapter I of Title 40 of the Code of Federal Regulations, and (3) Title V of the Clean Air Act Amendments of 1990. The primary purpose of this permit is to consolidate and identify existing state and federal air requirements applicable to Seminole Road Landfill and to provide practical methods for determining compliance with these requirements. The following narrative is designed to accompany the draft permit and is presented in the same general order as the permit. It initially describes the facility receiving the permit, then the applicable requirements and their significance, and finally the methods for determining compliance with those applicable requirements. This narrative is intended only as an adjunct for the reviewer and has no legal standing. Any revisions made to the permit in response to comments received during the public participation process will be described in an addendum to this narrative.

**I. Facility Description**

A. Facility Identification

1. Facility Name: Seminole Road Municipal Solid Waste Landfill
2. Parent/Holding Company Name: DeKalb County
3. Previous and/or Other Name(s): No previous names identified
4. Facility Location: 4203 CleveMont Road  
Ellenwood, Georgia 30049  
(DeKalb County)

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 Seminole Road Landfill processes general waste.
3. Overall Facility Process Description

Seminole Road 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 collected using a gas collection and control system (GCCS) and the gas is burned in a flare located onsite. The Seminole Road Landfill is required, based on NMOC Tier calculations, to operate a regulated GCCS. The facility also operates a wood chipping process and leachate collection system.

4. Overall Process Flow Diagram (optional)

A landfill process flow diagram was provided in Appendix A, Figure 3, of the Seminole Road Landfill's 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	U			U <sup>(a)</sup>
PM <sub>10</sub>	U			U
SO <sub>2</sub>	U			U
VOC	U	U		
NO <sub>x</sub>	U		U	
CO	U			U
TRS	U			U
H <sub>2</sub> S	U			U
Individual HAP	U			U
Total HAPs	U			U

(a) All particulate matter is included in the PM-10 category

3. MACT Standards

The Seminole Road Landfill is not currently subject to any MACT standards.

## 4. Program Applicability

Program Code	Applicable (Yes/No)
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 facility-wide 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. This is because the Seminole Road Landfill was reconstructed or modified after the May 30, 1991 Subpart WWW effective date and it has a design capacity of 16.9 MMyrd<sup>3</sup> which is above the Subpart WWW applicability threshold of 3.2 MMyrd<sup>3</sup>. Using Tier 1, the facility calculated their NMOC emissions rate to be 732 Mg/year (calculated using NSPS factors). This exceeds the Subpart WWW 50 Mg NMOC threshold. Rather than recalculating the NMOC emissions using Tier 2, the Seminole Road Landfill proceeded with the installation of a landfill gas collection and control system (GCCS).

Because the Seminole Road Landfill Title V application denotes that they accept asbestos, the facility is subject to the 40 CFR Part 61, Subpart M, NESHAP. As long as the Seminole Road 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) may be subject to 40 CFR Part 60, Subpart Kb for Volatile Organic Liquid (VOL) Storage Vessels. However, the tank would not be subject to the entire rule due to the low vapor pressure of leachate. If a tank is greater than 40 m<sup>3</sup> (1,413 ft<sup>3</sup>) and was constructed, reconstructed, or modified after July 23, 1984 it is subject only to 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 at this site 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 a road; 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 any application update. This indicates that the source believes itself to be in compliance with all Air Quality Rules as of the application date.

#### 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. The facility also operates a wood grinding process and leachate collection system.

#### B. Equipment List for the Process

The facility has a landfill that is represented by Emission Unit ID No. SRFL. The landfill operates a GCCS with Emission Unit ID No. LGC which utilizes three flares for gas control. The flares are designated with Emission Unit ID Nos. GCS1, GCS2, and GCS3. The facility also operate a wood (tub) grinder to which the Division has assigned the Emission Unit ID No. GRIN1.

#### C. Equipment & Rule Applicability

- ! Emission and Operating Caps - The facility requested an operation limit, of 4,200 hours per year, for their wood grinder (GRIN1) to prevent the facility's NO<sub>x</sub> emission from exceeding 50 tons per year and being subject to State Rule (yy) - "Emissions of Nitrogen Oxides from Major Sources" and NO<sub>x</sub> RACT.
- ! Applicable Rules and Regulations - Since the Seminole Road Landfill was constructed before the May 30, 1991 effective date and it has a design capacity greater than 3.2 MMyrd<sup>3</sup>, 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, that an annual emissions estimate must be calculated, and once the emission estimate exceeds 50 Mg of NMOC, then a control and collection system must be put into place. The Seminole Road Landfill exceeded the 50 Mg of NMOC threshold with their Tier 1 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 the landfill GCCS.

Emission and Operating Standards: The facility is subject to the Asbestos NESHAP because the operator can accept this type of waste at the landfill. The Asbestos NESHAP is a work practice standard that contains reporting and record keeping requirements. The NESHAP also denotes that areas where asbestos is placed must not emit visible emissions, or must be covered by the end of the day, and sets requirements for signage and barriers that must be placed around the area.

The facility will be subject to NSPS Subpart Kb for any storage vessel containing volatile organic liquids (VOL) if its capacity exceeds 40 m<sup>3</sup>. Such a tank would be exempt from all parts of this rule except paragraphs 60.116b (a) and (b) which require record keeping of the dimensions and capacity of the 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, the NSPS adopted by reference, and a NESHAP. 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 prior notification of any test and for the submission of a test plan is included.

B. Specific Testing Requirements

The Seminole Road Landfill uses an open flare to control NMOC emissions from the landfill. The Permittee is required to conduct initial performance tests to determine the open flare exit velocity and the opacity of visible emissions.

Before removal of the collection and control system, Subpart WWW requires the Permittee 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 Seminole Road Landfill is subject to Subpart WWW. Subpart WWW 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. When an excessive concentration (more than 500 ppm above background concentration) is found, the facility must report the exceedance(s), take corrective action(s), and remonitor 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 each deviation 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 (5 days) downtime, expansions of the collection system, and surface methane remonitoring results. Subpart WWW requires most reporting on an annual basis, but 40 CFR Part 70 is more restrictive, "Submittal of reports of any required monitoring at least every 6 months." All reports generated due to monitoring activities are, therefore, required by the permit to be submitted on a semiannual basis.

## 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 contained in the permit. Also included is a general condition to submit a written report of any failure to meet an applicable emission limitation or standard and/or any failure to comply with or complete a work practice standard or requirement contained in the permit.

Semiannual reports include the identification of any excess emissions, excursions, and exceedances regarding applicable monitoring triggers, the cause of each such occurrence, and the corrective action taken are required.

## 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 Seminole Road 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 shall 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 Seminole Road Landfill is responsible for maintaining all these records for two years. Once the facility is closed, the records must be submitted to the administrator of the asbestos NESHAP program.

If any facility VOL storage vessel greater than 40 m<sup>3</sup> was constructed, reconstructed, or modified after July 23, 1984, the vessel has two record keeping requirements. These require the facility to maintain a record containing each vessel's dimensions and an analysis of each vessel's capacity. These records shall be maintained for the life of the vessel.

The Seminole Road Landfill shall record the operational time of the wood (tub) grinder (GRIN1). A log book containing the records shall be maintained at the facility in a permanent form suitable and available for inspection by the Division. The records shall be retained for at least five years following the date of such records.

## VII. Specific Requirements

### A. Operational Flexibility

Not Applicable

## B. Alternative Requirements

Application did not specify any alternative operating scenarios.

## C. Insignificant Activities

The Seminole Road Landfill has included several insignificant sources of air pollutants, "Trading Operations"; "Maintenance, Cleaning, and Housekeeping"; "Pollution Control"; and "Storage Tanks and Equipment" in Section 4.10 of the Title V application. In Section 4.50-Insignificant Activities based on Emission Levels, Seminole Road Landfill indicated two landfill working face, raw and processed wood piles, transfer station operations, a landfill gas condensation collection system (future), a leachate collection and storage system, and a trash shredding operation. Due the Seminole Road Landfill being considered a major source by the NSPS, the "Pollution Control" activity (landfills) denoted in Section 4.10 is not appropriate for the insignificant list. However, all the other insignificant activities/equipment listed in the application appear to be appropriate.

## 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 Seminole Road Landfill listed no equipment that uses CBC's, HCFC's, or other stratospheric ozone depleting substances as listed in 40 CFR Part 82, Subpart A, Appendices A and B with a refrigerant charge of greater than 50 pounds.

K. Pollution Prevention

Not Applicable

L. Specific Conditions

Not Applicable

**VIII. General Provisions**

Generic provisions have been included in this permit to address the requirements in 40 CFR Part 70 that apply to all Title V sources, and the requirements in Chapter 391-3-1 of the Georgia Rules for Air Quality Control that apply to all stationary sources of air pollution.

Draft Permit Review		
Reviewing Program	Comments Received? (y/n)	Comments Taken Into Consideration In Draft Permit? (y/n)
ISMP		
SSCP		

**SSPP Unit Manager:**

\_\_\_\_\_

John Yntema

\_\_\_\_\_

Date

**SSPP Program Manager:**

\_\_\_\_\_

SSPP Program Manager

\_\_\_\_\_

Date

**Addendum to Narrative**

The comment deadline for the draft permit was January 13, 2001. Comments were received on January 16, 2001, (January 13th was on a Sunday and January 16th the first working day after the 13th) from the Georgia Center for Law in the Public Interest on behalf to the Georgia Chapter of the Sierra Club.

Comment 1: A comment was made that EPD's public participation efforts for this draft permit were inadequate. The commenter went on to state that "The EPD did not undertake the required public participation activities for this perm

General Response to this comment: For this draft Title V permit, EPD carried out its standard procedure for public participation that it has used for draft Title V permits for the past few years. EPD has reviewed its Title V public participation process and has determined that it conforms to the Part 70 requirements, except as noted below in respect to 40 CFR 70.7(h)(1). However, EPD is currently considering incorporating some of the changes suggested by the commenter in order to improve the public participation process.

A comment was made that EPD has not yet developed a mailing list, as required by 40 CFR 70.7(h)(1), "that includes people that have requested to be on that mailing list."

Response: The commenter is correct and the Division is in the process of creating this mailing list. It is anticipated that it will go into effect in May 2001.

A comment was made that "it does not appear that EPD or the Permittee published a notice of the draft permit in the newspaper as required by 40 CFR &0.7(h)(1)." The evidence given was that "The 'tear sheet' of the newspaper was not in the file at EPD."

Response: The Division's policy and practice is to make sure that the Public Notice has been published in the legal organ of the county by the applicant. If it is ever determined that a notice was not published, or if there was some irregularity in the dates of that publication, Division policy and practice is to require that the Public Notice be published again. If the applicant refuses to publish the Public Notice, the Division will publish it. The Permittee is required to send the Division a "tear sheet" of that notice within 7 days following the date of publication of the notice. The date of the arrival of the "tear sheet" in our office can vary; there is no set time in which we guarantee that the "tear sheet" will be put into to the permit file. This 7 day requirement is to allow the Division to determine that public notice was indeed published as indicated. DeKalb County was late in submitting the tear sheet to the Division and it was therefore unavailable for public review during the public comment period. However, DeKalb County did submit a copy of the tear sheet on January 23, 2001, which verifies that the public notice was published as required. A "tear sheet" of that notice is now in the permit package and available for review.

A comment was made that EPD should note the end date for the public notification period on the hard copy of the public notice.

Response: The Division disagrees with the commenter regarding the necessity of dating the public notice announcements. Official public notices for draft Title V operating permits are published in the legal organ of the county in which the Title V source is located and on the Division's web page. The notice that is published in the legal organ is dated, since each edition of a newspaper is dated and carries the date of publication on each and every page. The public notice clearly states that "comments must be received by the EPD no later than 30 days after the date on which this notice is published in the newspaper." Since the newspaper itself is dated, the reader can clearly deduce the comment period deadline. The Public

Notice that is published on the Division's web site is an exact copy of the one published in the legal organ. Although this version of the Public Notice is not dated in the manner that the print version is dated, the web site does clearly indicate the deadline by which all comments from the public must be submitted to the Division. The Division takes care to ensure that the posting of a public notice on the web site coincides with or precedes the publication of the printed notice in the legal organ.

A comment was made that, regarding the end of EPA's comment period, it is insufficient for the Division to merely state that it ends 45 days after the comment period begins, since the actual date varies from permit to permit. The commenter advocated that the Division publish the date on which EPA's comment period ends because that date is very important, in that it starts the 60-day period during which the public can petition EPA to object to the Permit. The commenter further stated that information regarding whether EPA has decided to object to each permit should be published on the Division web page, indicating yes, no or undecided. The comment also stated that the date of the end of the EPA comment period should also be published, first listing the probable end of the EPA review period (45 days after comment period begins); then the actual end should be inserted after that has occurred.

Response: The Division maintains that the Division's policy and procedures reflect the Clean Air Act requirements. The Division further does not believe that the possible benefits derived from putting these dates on the web page justify the added web maintenance burden which would require updating the dates in a timely manner. However, in order to satisfy the concerns of the commenter, the Division has initiated a practice of notifying members of the public who comment on the draft permit as to whether or not EPA intends to "re-propose" as soon as possible after the end of the 30 day public comment period and then notify those individuals when the permit is re-proposed to EPA which "re-starts" EPA's 45 day comment period. The Georgia Center for Law in the Public Interest was notified as such for this permit

The comment implies that the date of the end of the EPA comment period is ill defined. That is not the case, as indicated below.

1. For a draft Title V permits for which there have been no comments received, and when the Division does not need to modify the permit and so does not need to re-propose the permit, the public petitioning deadline is 135 days from the date of publication of the public notice. That is determined by the 30-day public notice period plus the 45-day EPA review plus the 60-day petition period. The period is 135 days even if the permit undergoes parallel review by EPA.

2. If a draft Title V permit must be modified after the draft is issued, that Title V permit must be re-proposed to EPA. At that point, EPA's 45 day review period is "re-started". This happens just about every time the Division receives comments from the company or the public. Shortly after the end of the comment period of each draft permit, the Division can determine whether the permit must be modified, in response to comments, and thus will be re-proposed to EPA. The Division has initiated a process to inform any member of the public who comments on a permit, shortly after the end of the comment period, whether the Division is likely to re-propose the permit. Upon re-proposal, the public petition deadline will occur 105 days afterwards, which includes 45 days for the second EPA review plus 60 days. The commenter is then notified of the date that the permit is re-proposed, thus allowing that individual to determine precisely when the petition deadline occurs. The Georgia Center for Law in the Public Interest was notified as described above for this permit.

A comment was made that some of the "relevant supporting documents" for landfills are not available in the Air Protection Branch office but can only be viewed at the Land Protection Branch; therefore, the public notice should inform the reader of that.

Response: While there are useful documents regarding landfills which can be found in the Land Protection Branch, because landfills also must obtain a solid waste disposal permit, all of the documents used in the development of the Air Quality Title V landfill permit are located in the Air Protection Branch files.

A comment was made regarding the Public Notice's statement that the permit "will be enforceable by the Georgia EPD and the U.S. Environmental Protection Agency." The commenter points out that 42 U.S.C. 7604(a) makes it clear that the permit will be enforceable by any person. The word "person" includes "an individual, corporation, partnership, association, State, municipality, and a political subdivision of a state." The commenter goes on to state that the responsibility lies with the Division to do all it can to demonstrate that the Title V permitting program "is a legitimate means by which the public can participate to achieve the goal of attaining clean air."

Response: The commenter correctly noted that the permit, when issued, will be enforceable by the public. The Division believes that the current, standardized public notice is correct as published and fulfills all the requirements for such notices as set forth by the Act and the U.S. EPA. However, the Division will examine the wording of the public notice in light of this comment to determine if any changes or possible improvements are warranted in order to properly encourage the participation of all persons.

2. A comment was made that the Permit impermissibly limits enforcement to "citizens of the United States" in Condition 8.2.1.

Response: The language of Condition 8.2.1 was derived from 40 CFR 70.6(b)(1), which states that Part 70 permits "are enforceable by the Administrator and citizens under the Act." Neither the public notice nor the language in Condition 8.2.1 of the permit affects the fact that any person, as authorized by the Act, can enforce the permit. Thus the statement in Condition 8.2.1, indicating that "citizens" can enforce the permit, is not an incorrect statement, nor is the statement in the public notice incorrect.

3. A comment was made Permit materials should be made available in the affected community as well as at EPD's office.

Response: Availability of all permit materials in the affected community is not required by 40 CFR Part 70 or by the Georgia Rules for Air Quality Control. The Division's policy regarding dissemination of permit materials is to post all relevant materials pertaining to the Title V permits being proposed, including the Title V application, the permit narrative, the draft permit, and a copy of the public notice, on the Division's Title V web site. These electronic documents can be accessed by any citizen, from their home, if he or she has a computer and an Internet account, or at county, municipal and college library. In addition these documents are always available at the Air Protection Branch's office in Atlanta. (It should be noted that EPD's Air Protection Branch's office is located approximately eight miles from the Seminole Road Landf

In cases when electronic copies of the application forms are not available, paper copies of the permit application, permit narrative and draft permit are provided at the Air Protection Branch's main offices in Atlanta for sources located within the Atlanta metropolitan area, or at the local courthouse or EPD regional office (if the regional office is in the same county as the source in question) for sources located outside the Atlanta area.

In cases where historical permit files are requested, the Division allows for members of the public to review these materials at the Air Protection Branch's main offices. The Division's policy on this matter is applied consistently and is fully compliant with the requirements of 40 CFR 70.7(h).

4. A comment was made that the Permit must require the Permittee to submit all monitoring information to EPD. The comment goes on to indicate that this must be done to allow all persons access to that monitoring data.

Response: The section of the United States Code cited by the commenter requires that the Permittee submit, no less than every six months, the results of any required monitoring. CFR Chapter 40, Part 70.6(a)(3)(iii) and Georgia Rule 391-3-1-.03(10)(d)1.(i), which incorporates the federal requirements by reference, require the submittal, at least every six months, of reports of any required monitoring. These citations do not require the submittal of copies of all monitoring data recorded by the Permittee; rather, they require submittal of reports on the results of this monitoring. Condition 5.3.1 of the permit for which these comments were submitted requires such reports to be submitted semi-annually, by June 30 and December 31 of each year.

5. A comment was made that the Permit cannot limit credible evidence from being used in an enforcement action.

Response: The Division believes that adequate provisions for consideration of credible evidence have been included in Condition 8.17.1, which states, in part, that “Determination of whether acceptable operating and maintenance procedures are being used will be based on any information available to the Division which may include, but is not limited to, monitoring results, observations of the opacity or other characteristics of emissions, review of operating and maintenance procedures or records, and inspection or surveillance of the source.”

Furthermore, the prescribed performance test methods and procedures, which are incorporated in the Georgia Rules for Air Quality Control, contain clear provisions that, by prescribing such procedures, nothing would preclude the additional use of other credible evidence, either for compliance certifications or for establishing whether or not a source is in violation of any emissions limitation or standard. [See Rule 391-3-1.02(3)(a) and the referenced Procedures for Testing and Monitoring Sources of Air Pollutants at Section 1.3(g).] Even without this direct inclusion, the Rules themselves are cited in all permits issued by the Division.

The Division has elected not to include any additional language beyond the Rules cited above because it is our belief that any attempt to clarify the rule or define credible evidence will generally produce an impression of limitation of the rule. This we do not wish to do. The Division believes that any challenge to the authority of the U.S. EPA, State of Georgia, or any citizen with standing to use any credible evidence would easily be turned away. On the other hand, if limiting language such as that offered in the referenced EPA text were to be used, arguments to use such statements to “whither away” at the general principle could and most probably would be made. For instance, petitioners might suggest that the statement was only meant to apply to stated test methods and not work practice or other parts of the applicable standards, including the general provisions to the rules. Therefore, for the benefit of the enforceability of the standards by using any credible evidence available, the permit need not and is not being modified.

6. A comment was made that the Permit must require all exceedances, excursions and excesses be reported. The commenter requests that Condition 6.1.7 be removed.

Response: The Division agrees that all exceedances, excursions and excesses be reported and therefore Condition 6.1.4 of the proposed permit states “The Permittee shall submit a written report containing any excess emissions, exceedances, and/or excursions...” Condition 6.1.7, by listing explicitly what constitutes an excess emission, exceedance, and excursion, makes this requirement practically enforceable. Note that there are no incidences that are defined as excess emissions or excursions for the Seminole Road Landfill, thus none are required to be reported.

7. A comment was made that the facility is out of compliance with the Clean Air Act. The commenter complains that this situation was left out of Title V applications and several updates submitted by DeKalb County, each of which included a signed statement that they were in compliance with the air quality rules at the time. Furthermore, the non-compliance is mentioned nowhere in the Title permit review narrative.

Response: The commenter is partially correct. The source has been out of compliance with the New Source Performance Standards for landfills. This has been dealt with by the Stationary Source Compliance Program (SSCP) of the Air Protection Branch and enforcement was pursued in accordance with EPD's enforcement policies. The non-compliance has been satisfied with a signed Consent Order.

The Land Protection Branch, as the lead agency, entered into a Consent Order with DeKalb County in the summer of 2000 that, among other things, required that additional areas be controlled by a landfill gas collection and control system (GCCS). The GCCS uses a flare to combust landfill gas. The Order included alleged violations of the Clean Air Act as well as the solid waste rules. The Order required no up-front penalties but required that the company pay \$100 per day if the deadline was not met.

DeKalb County has informed the SSCP that the system is installed and functioning. The SSCP has inspected the landfill and verified that all the required work has been done and that the equipment is working correctly. The Division will be sending the landfill a letter stating that the Air Quality portion of the Order has been satisfied. As this landfill is now in compliance, there is no need to put a compliance schedule in the Title V permit.

The Division notes that the Order was being negotiated during the calendar year 2000 and that there were three Title V updates received during that year, on March 8, March 22, and October 30. The instructions for filling out Section 11.10 include Subsection 5 "ENTER THE CONSENT ORDER NUMBER...IF APPLICABLE." The instructions also require that the company fill in Subsection 6 which asks: "WHAT CORRECTIVE ACTIONS HAVE BEEN TAKEN AND/OR WILL BE PERFORMED IN THE FUTURE?"

The Division therefore agrees that the non-compliance, and the proposed means for coming into compliance, should have been included in Section 11.10 of one or more of the Title V application updates submitted during this period. It also appears that another update should have been submitted after the Order was final. Furthermore, the Division agrees that it is reasonable to expect that such recent or current non-compliance would be described and evaluated in the permit review narrative. However, since the conditions of the Order did not alter the manner in which the landfill proposes to operate, and since the Order has been satisfied, the Division believes that this issue has been rendered moot, so that including this explanation in the addendum is sufficient to provide adequate explanation of the non-compliance and its remedy.

Comment: The commenter complained that the listing of 51 tons per year of NO<sub>x</sub> emissions indicates that the plant is major for NO<sub>x</sub> and should have going through Non-Attainment Area (NAA) New Source Review (NSR), which would require LAER and offsets, and NO<sub>x</sub>-RACT. The commenter further states that the Permittee is therefore in violation of the rules and will be until the Division establishes a 50 tpy NO<sub>x</sub> cap in the permit. He also goes on to say that, since DeKalb County has more than one tub grinder which can be used at that site (and since the internal combustion engines powering tub grinders emit the majority of the NO<sub>x</sub> from this landfill), the permit should restrict them to the use of one grinder at a time.

Response: The Division agrees that the Permittee cannot be allowed to emit more than 50 tons per year of NO<sub>x</sub> and believes that this has been made clear in the permit narrative. However, an emission cap for NO<sub>x</sub> is not practically enforceable for this site since the sources of NO<sub>x</sub> emissions do not have continuous NO<sub>x</sub> monitors installed. Therefore the Division has not put a 50 ton per year limit in the permit and does not intend to.

The standard method the Division employs to protect a major source pollutant threshold from being exceeded is to institute practically enforceable production limits which protect that pollutant limit. In this case, an hours of operation limitation on tub grinder(s) serves that purpose and effectively limits NOx emissions to less than 50 tons per year. The commenter is correct that it is possible for the county to use of two grinders simultaneously. It is known that the county owns a second grinder that is in operation at another location which could theoretically be moved to this landfill. It is also possible for the county to buy or lease another grinder. Up until now, this has not been done at this landfill, and there are no plans to do so. If this was done, two grinders that would produce more NOx emissions than one. However, the amount of NOx emitted at one time is not what determines whether the site is a major source, it is the total potential NOx emissions per year. Permit Condition No. 3.2.1, limiting grinder hours, will therefore be modified to assure that, no matter how many grinders operate at one time, total grinder hours cannot exceed 4200 hours per year. Condition 6.2.15, which requires record-keeping of grinder hours, is also modified to reflect this possibility. Condition 6.1.7 b.v is modified to make it clear that exceeding 4200 hours per year of total grinder operation is an exceedance.

8. A comment was made that the Narrative does not provide the complete factual and legal basis for the Permit.

The commenter states that the narrative should spell out the non-compliance past.

Response: In this case, it seems reasonable, especially since the non-compliance is very recent. Since this addendum is being attached to the narrative, we have determined that this is sufficient for this purpose.

The commenter states that Section V.B indicates that the permit requires monitoring and corrective action, but does not explain that the permit actually allows the permittee to avoid corrective action by submitting a request to EPD.

Response: It is always true that the holder of a Title V permit can submit a request to modify the permit which will be reviewed in accordance with Air Quality Rules and policies and carried out according to Division procedures.

The commenter states that the narrative does not explain the legal authority EPD has to allow the Permittee to avoid the new source performance standards.

Response: While there have been some delays in implementation of parts of the NSPS, the Division has not allowed avoidance of these standards. In fact, the Order and this Title V permit require compliance with the standards.

The commenter states that Section VI. maintains that the permit requires the reporting of any exceedance, excess and excursion." However, the narrative does not explain that Section 6.1.7 of the permit exempts the permittee from reporting all excess emissions and excursions and many exceedances.

Response: This has already been addressed above. Condition 6.1.4 requires the permittee to report all excess emissions, excursions and exceedances.

9. A comment was made that condition No. 8.20. does not include monitoring and reporting for Rule(g).

Response: The commenter has correctly pointed out an omission in the permit conditions regarding the subjection of the tub grinder internal combustion (IC) engine to Rule(g) "Sulfur Dioxide." I have also determined that this grinder is also subject to Rule(b) "Opacity," because Rule(b) subjects all sources which are subject to any other standard in 391-3-1-.02. Table 3.1 of the permit conditions will therefore be modified to indicate that GRIN1 is subject to these rules. The

commenter also correctly noted that monitoring for Rule(g) should have been addressed in the narrative. To remedy that, it will be evaluated in this addendum to the narrative (below), and changes will be made to the permit if determined necessary.

The IC engine is subject to the Rule(g) limit of 2.5 percent sulfur which applies to all fuel combustion devices with input heat capacity up to 250 MMBtu/hour. The fuel used by diesel engines is usually highway diesel which contains less than 0.05 percent sulfur. The engine is capable of using any distillate fuel oil, of which No. 1 and No. 2 fuel oil are common examples. No. 2 fuel oil is generally manufactured for sale in Georgia with a limit of 0.5 percent sulfur, although the sulfur content can be higher. In almost any case, however, the sulfur content will be far below the Rule(g) allowable so that the chance of them of violating Rule(g) are negligible. However, because it is possible to use fuel with more sulfur than allowed and because it is relatively simple and inexpensive to keep records showing that the Rule(g) allowable is not exceeded, periodic monitoring is required. Condition 3.4.1 is added to establish that the internal combustion engines powering grinders are subject to Rule(g) and Condition 6.2.16 is added to require record keeping to assure that the sulfur content of fuel purchased for use in such engines complies with Rule(g).

The IC engine is subject to the 40% opacity standard in Rule(b). It is possible for a diesel engine to exceed 40% opacity when the engine is under heavy load, when started up cold, or if malfunctioning. Opacity is measured over a six minute period. It is unlikely that start-up or a heavy load would result in opacity beyond 40% for more than a few seconds (which would not constitute a violation because opacity the applicable method is to take a six minute average). It would be unlikely for the operator of a tub grinder to allow the IC engine to operate it while emitting more than 40% opacity for any length of time, as that would indicate a problem likely resulting in the eventual severe damage to the engine. I also note that, during a recent inspection of the site, GRIN1 was observed operating with very low opacity. The likelihood of violation is minimal and thus no periodic monitoring for opacity is required to show ongoing compliance with Rule(b).