



# CORNERSTONE

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## Fax Transmittal

To: Ms. Tamiko Endow  
Air Quality Engineer  
939 Ellis Street  
San Francisco, 94109

From: Kathleen Beresh  
Cornerstone  
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Fax No. 415-749-4949

Date: 9/02/2011

Subject: Kirby Canyon Recycling and  
Disposal Facility  
Comment Letter on  
Proposed Major Facility  
Review Renewal Permit

No. of Pages: 10 plus cover

### Message:

Comment Letter on Proposed Major Facility Review Renewal Permit

Kirby Canyon Recycling and Disposal Facility – Facility Number A1812

910 Coyote Creek Golf Drive, Morgan Hill, 95037

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**KIRBY CANYON RECYCLING & DISPOSAL FACILITY**  
A WASTE MANAGEMENT COMPANY

910 Coyote Creek Golf Drive  
P.O. Box 1870  
Morgan Hill, CA 95037  
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September 2, 2011

Tamiko Endow  
Air Quality Engineer  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

RE: Comment Letter on Proposed Major Facility Review Renewal Permit  
Facility Number: A1812  
Facility Location: Kirby Canyon Recycling & Disposal Facility  
910 Coyote Creek Golf Drive  
Morgan Hill, CA 95037

Dear Ms. Endow

Kirby Canyon Recycling & Disposal Facility (KCRDF) is pleased to provide comments on the KCRDF Facility (Facility Number A1812) Proposed Revisions to the Major Facility Review Title V Permit renewal. The Proposed renewal revisions were issued on August 11, 2011. The Bay Area Air Quality Management District (BAAQMD) issued the existing KCRDF Title V Permit on November 13, 2008.

This comment letter is structured in the order that items appear in the proposed permit. Where items appear multiple times in the permit the comments for each item are described when it first appears and then is referenced later when it appears again.

Cover

KCRDF would like to update the facility address zip code to 95037. All correspondence is delivered to the mailing address as nothing is delivered directly to the physical address. All other contact information is current.

KCRDF requests the name of the facility in the header section be revised from Kirby Canyon Landfill to the entity name Kirby Canyon Recycling and Disposal Facility.

Section I. Standard Conditions

KCRDF has no comments on this Section.

## **Section II. Equipment**

### **Table II A, S-1 (Kirby Canyon Landfill), Page 8:**

KCRDF requests the gas collection and control system (GCCS) be updated per the most recent Well Decommissioning Notification Letter dated September 2, 2011. The GCCS currently consists of 58 gas collection wells and one (1) Leachate Collection well.

### **Table II B, A-12 (Enclosed Landfill Gas Flare), Page 10:**

KCRDF requests that the minimum combustion zone temperature remain at 1,400 degrees Fahrenheit (°F) rather than reference the 2008 source test temperature of 1,452°F. Instead of listing specific source test developed minimum flare temperature limits, KCRDF requests that the minimum flare temperature be the greater of a) the average temperature value from the most recent complying source test minus 50°F, or b) 1,400°F.

Additionally, in the Source Description for A-12, KCRDF would like to omit reference to 4,500 standard cubic feet per minute (scfm) landfill gas capacity and instead list the heat input limit of 149 million British thermal units per hour (MMBtu/hr). Since the permitted and monitored emissions are based on heat input rather than flow, it is appropriate to identify the flare thermal limit rather than the estimated hydraulic (flow) capacity.

## **Section III. Generally Applicable Requirements**

KCRDF notes that there are no stationary compression ignition engines at the facility. Therefore referencing the California Health and Safety Code Title 17 Section §93115, Airborne Toxic Control Measure (ATCM) for Stationary Compression Ignition Engines is not generally applicable.

WM does not believe that the Assembly Bill (AB) 32 mandatory reporting rule or the AB 32 landfill methane rule should be considered applicable requirements under our BAAQMD Title V permit. These requirements are derived from the California Air Resources Board's (CARB's) AB 32 climate change legislation, which is not a Clean Air Act (CAA) program, and was not created to comply with the regulation of greenhouse gases (GHGs) under the federal Tailoring Rule. Further, they are not part of or proposed to be part of the BAAQMD's or CARB's State Implementation Plan (SIP) for CAA compliance. The United States Environmental Protection Agency (USEPA) has already clarified for their own GHG mandatory reporting rule that such a requirement is not to be considered an applicable requirement under 40 Code of Federal Regulations (CFR) Part 70 despite the designation of GHGs as a regulated pollutant under the CAA. USEPA stated in the preamble to the Tailoring Rule that GHG reporting is for informational purposes only and should not be an applicable requirement under Title V. AB 32 mandatory reporting should be no different.

Note below is definition of applicable requirement from Part 70. AB 32 would not be covered under any of the listed items.

*Applicable requirement* means all of the following as they apply to emissions units in a part 70 source (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future-effective compliance dates):

- (1) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in part 52 of this chapter;
- (2) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under title I, including parts C or D, of the Act;
- (3) Any standard or other requirement under section 111 of the Act, including section 111(d);
- (4) Any standard or other requirement under section 112 of the Act, including any requirement concerning accident prevention under section 112(r)(7) of the Act;
- (5) Any standard or other requirement of the acid rain program under title IV of the Act or the regulations promulgated thereunder;
- (6) Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act;
- (7) Any standard or other requirement governing solid waste incineration, under section 129 of the Act;
- (8) Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act;
- (9) Any standard or other requirement for tank vessels under section 183(f) of the Act;
- (10) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act;
- (11) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under title VI of the Act, unless the Administrator has determined that such requirements need not be contained in a title V permit;

and

(12) Any national ambient air quality standard or increment or visibility requirement under part C of title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act.

#### Section IV. Source-Specific Applicable Requirements

**Table IV, S-8 (Portable Diesel IC Engine for a Portable Air Compressor), Page 26:** KCRDF notes that S-8 Portable Diesel Internal Combustion (IC) Engine for a Portable Air Compressor is not a stationary source, and therefore is not subject to BAAQMD Regulation 9 Rule 8 *Inorganic Gaseous Pollutants: Nitrogen Oxides and Carbon Monoxide from Stationary Internal Combustion Engines*. BAAQMD Regulation 9 Rule 8 clearly states the regulation is applicable to stationary IC engines, thereafter defining the differences between stationary and portable engines (sources). Additionally, it is clear from a thorough reading of the Regulation 9 Rule 8 Staff Report that the regulation was never intended for portable engines. Therefore, KCRDF requests that all references to Regulation 9 Rule 8 and SIP Regulation 9 Rule 8 for S-8 be stricken from Section IV.

Regarding this issue, Waste Management (WM) will provide further comments on the applicability of BAAQMD Regulation 9 Rule 8 to portable engines in a forthcoming letter to Engineering Division Director John Chiladakis.

#### Section V. Schedule of Compliance

KCRDF has no comments on this Section.

#### Section VI. Permit Conditions

**Condition Number 1437 for S-1 (Landfill with Gas Collection System), Part 6a, Page 37:**

Part 6a lists the number of wells at the site as well as the number of wells for which a permit application has been issued. The total listed is 57 vertical landfill gas extraction wells, 0 horizontal landfill gas trench collectors, and 4 leachate collection wells.

KCRDF requests that the Title V Permit reflect the actual number of **58** vertical landfill gas extraction wells, 0 horizontal landfill gas trench collectors, and **1** leachate collection well at the site. This total represents the latest well counts after implementation of ATC application Number 21786, and decommissioning of one vertical well per the Decommissioning Notification Letter submitted to the BAAQMD on September 2, 2011.

As discussed on Page 5 of the Permit Evaluation and Statement of Basis, Permit Application 23446 for alterations of the GCCS for well additions, removals and replacements has not been incorporated into the proposed Title V Permit. KCRDF

requests that if the Change of Permit Conditions is approved reference to the Application 23446 is included in this condition.

**Condition Number 1437 for S-1 (Landfill with Gas Collection System): Part 6b, Page 37:**

Part 6b lists the authorized number of GCCS component alterations described in Application Number 21786. As discussed on Page 5 of the Permit Evaluation and Statement of Basis, Permit Application 23446 for alterations of the GCCS for well additions, removals and replacements has not been incorporated into the proposed Title V Permit. KCRDF requests that if the Change of Permit Conditions is approved reference to the Application 23446 is included in this condition.

If Permit Application 23446 is not approved and incorporated into the final Title V Permit, KCRDF requests that the approved maximum GCCS component alterations be updated per the most recent Well Decommissioning Notification Letter submitted to the BAAQMD on September 2, 2011:

|   | Proposed Title V Permit GCCS Alterations (Maximum) | Remaining Alterations (September 1, 2011 Well Decommissioning Notification) |
|---|--|---|
| Install new Vertical Gas Extraction Wells     | 70   | 64  |
| Replace Vertical Gas Extraction Wells         | 40   | 38  |
| Decommission Vertical Gas Extraction Wells    | 15   | 10  |
| Install new Horizontal Trench Collectors      | 5  | 5   |
| Decommission new Horizontal Trench Collectors | 2  | 2   |
| Install new Leachate Cleanout Risers          | 15   | 15  |
| Decommission Leachate Cleanout Risers         | 8  | 5   |

**Condition Number 1437 for S-1 (Landfill with Gas Collection System), Part 9, Page 39:**

KCRDF requests that the minimum combustion zone temperature remain at 1,400°F rather than reference the 2008 source test temperature of 1,452°F. Instead of listing specific source test developed minimum flare temperature limits, KCRDF requests that the minimum flare temperature be the greater of a) the average temperature value from the most recent complying source test minus 50°F, or b) 1,400°F.

**Condition Number 1437 for S-1 (Landfill with Gas Collection System), Part 14, Page 40:**

The current landfill gas (LFG) condensate injection rate into the flare shall not exceed 5 gallons per minute (gpm) and the 12-month condensate injection throughput shall not exceed 1,500,000 gallons. KCRDF requests that the 12-month condensate injection throughput limit be increased to 2,000,000 gallons.

The October 13, 2010 A-12 Flare source test was conducted with both condensate injection on and off. Results indicated the A-12 Flare was below the permitted limit of all criteria pollutants. Preliminary results indicate the A-12 Flare also passed the August 31, 2011 source test. KCRDF has made numerous GCCS improvements since the A-12 Flare was installed which has resulted in increased LFG flow and condensate. As such, KCRDF believes an increased 12-month condensate injection throughput limit of 2,000,000 will allow the GCCS to operate more efficiently while remaining within the current 149 MMBTU/hr A-12 Flare limit.

**Condition Number 1437 for S-1 (Landfill with Gas Collection System) Part 17, Page 42:**

Part 17 includes a listing of all wells currently operating with a Higher Operating Value (HOV) limit. KCRDF requests that the list of BAAQMD approved HOV wells is updated to include the following wells:

- Well 53 (included in April 22, 2009 request; approved May 22, 2009);
- Wells 74, 77, 78, 79, 80, and 87 (included in July 30, 2010 request; approved August 29, 2011);
- Wells 75, 76, 86, and 81 (included in September 8, 2010 request; approved October 7, 2010);
- Wells 57 and 66 (included in November 1, 2011 request; approved December 1, 2011);

Decommissioned Wells 41 and 42 are still noted on the temperature HOV list. KCRDF requests that these two wells are removed from the current list of HOV approved wells.

All wells listed above were requested to operate with a HOV of 145°F. Additionally, per correspondence from the BAAQMD dated March 24, 2011, Wells 75 and 80 are approved to operate at a HOV temperature of 156°F. KCRDF requests these wells be included in the list of wells permitted to operate up to 156°F.

**Condition Number 1437 for S-1 (Landfill with Gas Collection System), Part 18, Page 43:**

Part 18(e)(ii) specifies that if the HOV approved wells as specified in Part 17 exceeds a temperature of 140°F KCRDF must evaluate the wellhead for possibility of subsurface fire by monitoring the carbon monoxide (CO) concentration. KCRDF requests that the temperature to trigger CO monitoring be increased to 145°F, which has been approved for other BAAQMD landfill facilities. KCRDF will continue to adhere to the monitoring and reporting requirements of CO monitoring for HOV wells.

**Condition Number 1437 for S-1 (Landfill with Gas Collection System), Part 19, Page 46:**

Part 19 specifies the operating requirements of the leachate collection risers (LCRs) and includes a list of the existing LCRs. KCRDF decommissioned LR-03 and LR-06, and requests that these LCRs be removed from the list of existing collectors. LR-04 is the only existing LCR currently at KCRDF.

**Section VI. Permit Condition 23022 for S-8 (Portable Diesel IC Engine for a Portable Air Compressor)**

KCRDF has no comments on this Section.

**Section VII. Applicable Limits and Compliance Monitoring Requirements**

**Table VII-A S-1 (Kirby Canyon MSW Landfill – Waste Decomposition Process; Equipped with Landfill Gas Collection System), Page 52:**

In Table VII-A for *Temperature of Gas at Wellhead*, KCRDF requests that Wells 75 and 80 be included in the list of wells approved to operate up to 156°F, as discussed in the comments for Condition 1437, Part 14. The BAAQMD approved Wells 75 and 80 to operate up to 156°F on March 24, 2011.

**Table VII-A S-1 (Kirby Canyon MSW Landfill – Waste Decomposition Process; Equipped with Landfill Gas Collection System), Page 53:**

In Table VII-A for *Gas Concentrations at Wellhead*, KCRDF requests that CO monitoring for BAAQMD HOV approved wells to be initiated once the wellhead temperature is 145°F, as discussed in the comments for Condition 1437, Part 18. The BAAQMD has approved other landfill facilities to initiate CO monitoring once the wellhead temperature is 145°F.

**Table VII-A S-1 (Kirby Canyon MSW Landfill – Waste Decomposition Process; Equipped with Landfill Gas Collection System), Page 55:**

In Table VII-A for *Temperature of Combustion Zone (CT)*, KCRDF requests that the 1,452°F recent source test developed limit be removed, and replaced with the following:

*CT ≥ the higher of either the average flare temperature of the most recent complying source test minus 50°F or 1,400°F, averaged over any 3-hour period.*



**Table VII-B S-8 (Portable Diesel IC Engine for a Portable Air Compressor), Page 62:**

As discussed in the comments for Section IV (Portable Diesel IC Engine for a Portable Air Compressor), S-8 is not subject to BAAQMD Regulation 9 Rule 8, a regulation specific to stationary IC engines. BAAQMD Regulation 9 Rule 8 clearly states the regulation is applicable to stationary IC engines, thereafter defining the differences between stationary and portable engines (sources). Additionally, it is clear from a thorough reading of the Regulation 9 Rule 8 Staff Report that the regulation was never intended for portable engines. KCRDF therefore requests that all references, standards and monitoring and reporting requirements specific to Regulation 9 Rule 8 and SIP Regulation 9 Rule 8 for S-8 be stricken from Table VII-B.

WM will provide further comments on the applicability of Regulation 9 Rule 8 to portable diesel engines in a forthcoming letter to Engineering Division Director John Chiladakis.

**VIII Test Methods**

KCRDF requests that all *Applicable Requirements*; *Description(s) of Requirements*; and *Acceptable Test Methods* referencing BAAQMD Regulation 9 Rule 8 be removed from Table VIII. Since there are no stationary IC engines at KCRDF, the test methods specific to Regulation 9 Rule 8 should be stricken. WM will provide further comments on the applicability of BAAQMD Regulation 9 Rule 8 to portable diesel engines in a forthcoming letter to Engineering Division Director John Chiladakis.

KCRDF also requests that under the *Applicable Requirement* column of Table VIII, all references to California Code of Regulations (CCR) Title 17 contain the following notation in parenthesis after the regulatory citation: (*CARB Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines*).

**IX Permit Shield**

KCRDF has no comments on this Section.

**X Revision History**

KCRDF has no comments on this Section.

**XI Glossary**

KCRDF has no comments on this Section.

**Statement of Basis Comments**

In addition to the comments listed above, the KCRDF also has comments on the Statement of Basis for renewal of the Major Facility Review Permit.

## Cover Page

KCRDF would like to update the facility and mailing addresses:

*Facility Address:* 910 Coyote Creek Golf Drive, **San Jose, CA 95037**

*Mailing Address:* P.O. Box 1870, Morgan Hill, CA **95038**

All correspondence is delivered to the mailing address as nothing is delivered directly to the physical address. All other contact information is current.

KCRDF requests the name of the facility in the header section be revised from Kirby Canyon Landfill to the entity name **Kirby Canyon Recycling and Disposal Facility**.

**Section III Generally Applicable Requirements Page 8, listing of California Health and Safety Code Section 93115, Airborne Toxic Control Measure for Stationary Compression Ignition Engines, Page 8:**

KCRDF notes that there are no stationary compression ignition engines at the site, therefore this requirement is not generally applicable and should be removed from this section.

## **Section IV Source Specific Applicable Requirements, Page 9:**

Under the discussion for S-8, a sound argument is made that the engine is portable as far as the federal stationary compression ignition engine regulations are concerned. KCRDF comments that the engine is also clearly portable as far as BAAQMD regulations are concerned, and therefore should not be subject to any stationary IC regulations.

As stated previously in the Title V permit comments for Sections IV and VII, portable diesel engine S-8 is not subject to BAAQMD Regulation 9 Rule 8, a regulation specific to stationary internal combustion engines. Regulation 9 Rule 8 clearly states the regulation is applicable to stationary IC engines, thereafter defining the differences between stationary and portable engines (sources). Additionally, it is clear from a thorough reading of the BAAQMD Regulation 9 Rule 8 Staff Report that the regulation was never intended for portable engines. KCRDF therefore requests that all references, standards and monitoring and reporting requirements specific to Regulation 9 Rule 8 and SIP Regulation 9 Rule 8 for S-8 be stricken from Table VIIB.

WM will provide further comments on the applicability of BAAQMD Regulation 9 Rule 8 to portable diesel engines in a forthcoming letter to Engineering Division Director John Chiladakis.

**Section V. Schedule of Compliance, Page 12:**

KCRDF has no comments on this Section.

**Section VI. Permit Condition, Page 13:**

KCRDF requests the comments on the Permit Conditions addressed in this letter be updated accordingly in this Section.

**Summary**

KCRDF appreciates the opportunity to provide comments on the Major Facility Review Title V Permit Renewal for the KCRDF.

If you have any questions regarding our comments, please do not hesitate to contact me at (408) 779-2206

Sincerely,

Kirby Canyon Recycling and Disposal Facility



Becky Azevedo  
Environmental Manager

cc: Bill Spence, Kirby Canyon Recycling and Disposal Facility  
Christian Colline, Waste Management  
Paul Stout, Cornerstone Environmental Group, LLC