



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

November 22, 2011

Kirby Canyon Recycling and Disposal Facility
P.O. Box 1870
Morgan Hill, CA 95038
Attention: Ms. Becky Azevedo

ALAMEDA COUNTY
Tom Bates
(Chairperson)
Scott Haggerty
Jennifer Hosterman
Nate Miley

Application Number: 17168
Facility Number: A1812
Equipment Location:
910 Coyote Creek Golf Dr.
Morgan Hill, CA 95037

CONTRA COSTA COUNTY
John Gioia
(Vice-Chair)
David Hudson
Mark Ross
Gayle B. Uilkema

RE: District Response to 9/2/11 Comment Letter from Waste Management on the BAAQMD's August 2011 Preliminary Draft of the Title V Renewal Permit and Statement of Basis for Site # A1812

MARIN COUNTY
Harold C. Brown, Jr.

Dear Ms. Azevedo:

NAPA COUNTY
Brad Wagenknecht

Thank you for providing comments on the draft Title V Permit renewal for the Kirby Canyon Recycling and Disposal Facility (KCRDF), Plant A1812. Below is a summary of the submitted comments and the District's responses.

SAN FRANCISCO COUNTY
John Avalos
Edwin M. Lee
Eric Mar

On the draft Permit:

SAN MATEO COUNTY
Carol Klatt
Carole Groom

COMMENT 1: Cover

KCRDF would like to update the facility address and zip code to Morgan Hill, 95037. 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.

SANTA CLARA COUNTY
Susan Garner
Ash Kalra
(Secretary)
Liz Kniss
Ken Yeager

RESPONSE 1: The business name, city, and zip code have been updated throughout the proposed Title V renewal permit and the Statement of Basis for this draft renewal permit.

SOLANO COUNTY
James Sperring

COMMENT 2: Section II. Equipment, Table II A, S-1 Kirby Canyon Landfill, p8 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 (1) Leachate Collection well.

SONOMA COUNTY
Susan Gorin
Shirlee Zane

RESPONSE 2: Since the requested change of conditions in Application 23446 has now been reviewed and issued, the current well counts and revised permit conditions have been updated in the proposed Title V permit.

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

COMMENT 3: Table II B, A-12 Enclosed Landfill Gas Flare, p10

KCRDF requests that the minimum combustion zone temperature for the A-12 Flare remain at 1,400 degrees Fahrenheit (°F) rather than the temperature of 1,452 °F, which was derived from the 2008 source test.

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 (MM BTU/hr).

RESPONSE 3: The minimum operating temperature for flare is defined in Condition #1437, Part 9 as: the average temperature at which compliance with all applicable requirements has been demonstrated during source testing, minus 50 °F, but not less than 1400 °F. It is standard practice for the District to replace this language with a specific temperature after the initial source testing has been completed. The District has reviewed two subsequent source tests at A-12 conducted on January 20, 2009 and October 13/14, 2010. During these tests, compliance with all applicable requirements was demonstrated while the flare was operating at 1478-1479 °F. Based on these more recent source tests and the criteria in Condition # 1437, Part 9, the District proposes to change the minimum required operating temperature for the A-12 Flare to 1428 °F (in Table II-B, in Condition #1437 Part 9, and in Table VII-A). To ensure enforceability and clarity, the District requires that a specific minimum temperature be identified in the permit conditions rather than just referencing the procedure for establishing this minimum operating temperature. This method and the Part 9 conditions are consistent with the conditions that are in place for other Title V facilities that have enclosed landfill gas flares. In the future, KCRDF may request to this lower minimum temperature limit to 1400°F, if source testing on A-12 demonstrates compliance with all applicable limits at an operating temperature of 1450 °F or less. KCRDF should follow standard District procedures for requesting a permit condition change including submittal of an application for a District permit condition change and an application for a Title V permit revision.

The District has proposed deletion of the 4,500 scfm flow rate in the flare description in Table II-B. The maximum heat input rating of 149 MM BTU/hour is already in this description.

COMMENT 4: 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 AB32 landfill methane rule should be considered applicable requirements under our BAAQMD Title V permit.

RESPONSE 4: The ATCM for Stationary Compression Ignition Engines has been deleted from Section III, since the site has no stationary engines. Any stationary engines installed at this site in the future that would be subject to this ATCM would also require District permits. In this case, the applicable ATCM would be included in a source specific table in Section IV. Stationary engines that are exempt from District permit requirements (< 50 bhp) would also be exempt from the stationary engine ATCM.

Regarding AB32, the District agrees with this comment and will remove the AB 32 provisions from the proposed permit. Health and Safety Code section 38580 provides that the Air Resources Board (“ARB”) will have primary legal authority to enforce AB 32 requirements. In the case of the mandatory reporting rule, the District currently has no authority to enforce the rule nor does it have a role in implementation. The District does have a role in implementation of the landfill methane rule, as set forth in the August 29, 2011, Memorandum of Understanding (“MOU”) between the District and ARB. However, the MOU does not give the District legal authority beyond what it previously had. The District will implement the MOU using its own authority and will refer cases to ARB for enforcement where appropriate.

COMMENT 5: Section IV. Source-Specific Applicable Requirements, Table IV, S-8 Portable Diesel IC Engine for a Portable Air Compressor, p26

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.

RESPONSE 5: All references to S-8 have been proposed for deletion from Sections IV and VII of the permit, since the District has determined that S-8 is exempt from the Title V requirements under Regulation 2-6-114, because S-8 is a nonroad engine. This exemption status is explained in Section II-C.

Although the requirements for S-8 will no longer be specifically identified in Section IV of the Title V permit, the operator must still comply with all applicable requirements for S-8. Currently applicable requirements for S-8 include: BAAQMD Regulation 6, Rule 1; SIP Regulation 6; BAAQMD Regulation 9, Rule 1; the CARB ATCM for Diesel Particulate Matter from Portable Engines Rated at 50 bhp and Greater; and BAAQMD Condition # 23022.

Until 1/1/12, diesel fueled engines and engines smaller than 250 bhp are exempt from all requirements under BAAQMD Regulation 9, Rule 8. BAAQMD Regulation 9, Rule 8

was amended on July 25, 2007.¹ This Regulation 9, Rule 8 amendment eliminated the exemption for liquid fueled engines (effective 1/1/12), reduced the small sized engine exemption to < 50 bhp (effective 1/1/12), and added new NOx and CO limits for subject engines, 50 bhp or larger (effective 1/1/12). Regulation 9, Rule 8 contains a unique definition of stationary internal combustion engine (Regulation 9-8-204, adopted in 1993) that includes engines operated at a site for more than a year or engines attached to a foundation at a site. While S-8 is not attached to a foundation at this site, it has been operating at this facility for more than one year. Therefore, the District Engineering staff considered S-8 to be a stationary internal combustion engine pursuant to Regulation 9-8-204 and proposed to include Regulation 9, Rule 8 requirements for S-8 in the preliminary draft of the Title V renewal permit for this site. As indicated above, the District has now determined that S-8 is a nonroad engine and is therefore exempt from major facility review per Regulation 2-6-114. However, the matter of Regulation 9, Rule 8 applicability remains an unresolved issue for S-8. The District's preliminary determination that Regulation 9, Rule 8 applies to S-8 is being reviewed further by our Compliance and Enforcement and Legal staff. The results of that review will be transmitted separately.

COMMENT 6: Section VI. Permit Conditions, Condition Number 1437 for S-1 Landfill with Gas Collection System, Parts 6a and 6b, p37

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.

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

RESPONSE 6: The requested gas collection system description changes have been incorporated throughout the permit. See also Response 2.

COMMENT 7: Condition Number 1437 for S-1 Landfill with Gas Collection System, Part 9, p39

KCRDF requests that the minimum combustion zone temperature remain at 1,400°F rather than reference the temperature of 1,452°F derived from a 2008 source test. 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.

RESPONSE 7: The District is proposing to change the minimum combustion zone temperature for A-12 to 1428 degrees F, which is derived from the 1/20/09 source test in

¹ The District reviewed the Staff Report for this 2007 rule amendment. While these types of District permitted portable engines were not specifically called out or highlighted in the Staff Report, the inventory of engines that was prepared for this rule (to evaluate costs and emission reductions) included a number of District permitted portable engines that are similar in function and operation to S-8.

which the average combustion zone temperature was 1478 °F while A-12 was operating without condensate injection and meeting all applicable limits. See also response to Comment 3.

COMMENT 8: Condition Number 1437 for S-1 Landfill with Gas Collection System, Part 14, p40

KCRDF requests that the 12-month condensate injection throughput limit be increased to 2,000,000 gallons.

RESPONSE 8: This request is a Change of Conditions that must first be reviewed under the District's New Source Review program. Please submit an application for a Change of Conditions for this request. If the requested change in throughput is approved under the District's New Source Review program, the change will be updated to the Title V permit under a separate action.

COMMENT 9: Condition Number 1437 for S-1 Landfill with Gas Collection System, Part 17, p42

KCRDF requests that the list of BAAQMD approved HOV wells be 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.

RESPONSE 9: The requested well updates have been made to the proposed permit.

COMMENT 10: Condition Number 1437 for S-1 Landfill with Gas Collection System, Part 18, p43

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.

RESPONSE 10: This request is a Change of Conditions that must first be reviewed under the District's New Source Review program. Please submit an application for a Change of Conditions for this request. If the requested change in temperature that triggers CO monitoring is approved under the District's New Source Review program, the change will be updated to the Title V permit under a separate action.

COMMENT 11: Condition Number 1437 for S-1 Landfill with Gas Collection System, Part 19, p46
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.

RESPONSE 11: The requested updates have been made to the proposed permit.

COMMENT 12: 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, p52
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.

RESPONSE 12: The requested updates have been made to the proposed permit.

COMMENT 13: Table VII-A, S-1 Kirby Canyon MSW Landfill – Waste Decomposition Process; Equipped with Landfill Gas Collection System, p53
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.

RESPONSE 13: As indicated in Response 10, this request is for a Change of Conditions that must first be reviewed under the District's New Source Review program. Please submit an application for a Change of Conditions for this request. If the requested change in temperature change is approved under the District's New Source Review program, the change will be updated to the Title V permit under a separate action.

COMMENT 14: Table VII-A, S-1 Kirby Canyon MSW Landfill – Waste Decomposition Process; Equipped with Landfill Gas Collection System, p55
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.

RESPONSE 14: The District is proposing to change the minimum combustion zone temperature for A-12 to 1428 degrees F, which is derived from the 1/20/09 source test in which the average combustion zone temperature was 1478 °F while A-12 was operating without condensate injection and meeting all applicable limits. See also response to Comment 3.

COMMENT 15: Table VII-B, S-8 Portable Diesel IC Engine for a Portable Air Compressor, p62

KCRDF requests that all references, standards and monitoring and reporting requirements specific to BAAQMD and SIP Regulation 9 Rule 8 for S-8 be stricken from Table VII-B.

RESPONSE 15: As indicated in Response 4, all references to S-8 have been removed from Section VII of the permit since S-8 is exempt from the Title V requirements pursuant to Regulation 2-6-114. However, Regulation 9, Rule 8 may still apply to S-8. This applicability issue will be addressed in separate correspondence.

COMMENT 16: 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.

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).

RESPONSE 16: All references to Regulation 9, Rule 8 and CCR Title 17 have been removed from Section VIII, since they are not listed in Section VII of the proposed permit.

COMMENT 17: On the draft Statement of Basis, Cover Page:

KCRDF would like to update the facility and mailing addresses:

Facility Address: 910 Coyote Creek Golf Drive, Morgan Hill, CA 95037

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

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.

RESPONSE 17: The addresses have been updated, as well as the business name.

COMMENT 18: On the draft Statement of Basis, Section III Generally Applicable Requirements, listing of California Health and Safety Code Section 93115, Airborne Toxic Control Measure for Stationary Compression Ignition Engines, p8:

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.

RESPONSE 18: See Response 4.

COMMENT 19: On the draft Statement of Basis, Section IV Source Specific Applicable Requirements, p9:

KCRDF 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.

RESPONSE 19: See Responses 4 and 15.

COMMENT 20: On the draft Statement of Basis, Section VI Permit Conditions, p13:

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

RESPONSE 20: The discussion in the Statement of Basis on the permit condition changes has been updated.

The District will be proposing the Title V Permit renewal with the changes detailed above. You will have an additional opportunity to comment on these revisions and the proposed permit as a whole during the public notice period for the proposed permit renewal. The proposed permit can be viewed on the District website at:

<http://www.baaqmd.gov/Divisions/Engineering/Title-V-Permit-Programs/Title-V-Permits.aspx>

If you have any questions regarding this permit, please contact Tamiko Endow, Air Quality Engineer, at (415) 749-4939.

Sincerely yours,

Signed by Jeff McKay for Jack P. Broadbent
Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

TDE:tde

Cc: Bill Spence, Kirby Canyon Landfill