

Attachment 1

Title V Renewal Permit for Potrero Hills Landfill (Site # A2039, Application # 17480)

Summary of Applicant's Comments on Proposed Title V Renewal Permit and District Responses to Applicant's Comments

Comment 1: Section II. Equipment, Table II-B, Abatement Devices.

A-2: Suggest the following be included for this parameter: The minimum combustion zone temperature shall be established and/or adjusted annually based on the source test for the applicable abatement device.

District Response: The District's standard practice is to include the actual numerical operating parameter for the abatement device in Table II-B. However, the District has evaluated the source tests conducted on the A-2 Landfill Gas Flare during the last five years, which all demonstrated compliance with the Regulation 8-34-301.3 NMOC emission limit. For these compliant source tests, the average operating temperature for A-2 ranged from 1554 °F to 1700 °F. In accordance with the flare minimum operating temperature criteria identified in Condition # 1948, Part 9, the District may change the minimum operating temperature of the flare to the average operating temperature during a compliant source test minus 50 °F. In the case of A-2, a 2008 source test demonstrated compliance with the NMOC limit while the flare was operating at 1554 °F. As a result, the District is changing the minimum operating temperature for A-2 to: $1554\text{ °F} - 50\text{ °F} = 1504\text{ °F}$.

Comment 2: Section III. Generally Applicable Requirements, Table III.

There are numerous changes to Applicable Requirements as being Federally Enforceable from the current permit. If the requirement for Federally Enforceable has changed from "Y" to "N", can this requirement be removed from our Annual Compliance Evaluation?

Likewise, if the requirement for Federally Enforceable has changed from "N" to "Y", must this requirement be added/included in our Annual Compliance Evaluation?

In addition, if the Permit renewal is approved in the middle of a semi-annual or annual reporting period, which requirements shall be included for our compliance evaluation? Those that were in effect in the existing Title V permit (prior to the Title V permit renewal) or those that were in the most recently approved Title V permit renewal

District Response: The Annual Compliance Certification must indicate compliance or non-compliance with all requirements listed in the Title V permit, whether federally enforceable or not. Non-compliance with respect to non-federally enforceable regulations are subject to enforcement action by the District. Non-compliance with federally enforceable requirements are subject to enforcement action by both the District and by EPA.

The semi-annual and annual reports must address requirements that are in the Title V permit that is in effect at the time the reports are submitted. The renewal of the Title V permit will be effective upon the date of issuance.

Comment 3: Section V. Schedule of Compliance

Items 3, 4, and 5: Please provide us with a detail of what additional information is required and the fee payment amounts which are considered outstanding.

District Response:

Item 3, Diesel Tipper Engines: All fees billed at this time have been paid. No additional information was received, so the application will be processed as submitted.

Item 4, Composting, Crushing/Grinding, Stockpiles, Quarry, Leachate/Condensate Storage: All fees billed at this time have been paid. No additional information was received, so the application will be processed as submitted.

Item 5, Landfill: The information requested on December 6, 2012 for Application # 24634 has not been received – the revised design capacity report, copies of the current solid waste permit reflecting this design capacity, in addition to a copy of the solid waste facility permit that was in effect in 1999, plus all changes to date. The deadline for submittal of this information has been revised to March 31, 2013.

Fees are also due for this application, and the District has assessed the fees due based on the assumption that this application will trigger a modification of each of the landfill sources. If the solid waste facility permit submittals demonstrate that this application does not trigger a modification of one or more of the landfill sources, the District will reassess the fees due and refund any overpayments. Payment is due March 27, 2013.

Comment 4: Item 4: Quarry: The quarry is currently inactive and is a permitted operation under the Department of Conservation. The activity associated with the quarry is currently limited to daily cover soil operations associated with the permitted landfill and thus is covered under current operation conditions. It is suggested that a separate permit to operate the quarry only be required when, and if, the quarry is operated for commercial operations not affiliated with the landfill.

District Response: The District permits quarries as well as landfills. The landfill permit covers excavation at the active face of the landfill and any soil storage pile at the active face containing the material excavated at that location. For excavation that occurs in any other location and storage piles located at any other location on-site, separate permits are required. The excavation of soil in locations other than the active face and the associated stockpiles will be evaluated under Application # 16322.

Comment 5: Item 4: Storage Tank for Leachate and Condensate: This single tank is currently used for the storage and handling of combined leachate and landfill gas condensate. It should be considered exempt from permitting as there is no release to the atmosphere as documented in test results of the stored liquid. In a letter send to BAAQMD in November 2009, based on the leachate tank sample results, the leachate tank maintains its exempt status of less than one percent by weight organic compounds.

District Response: The determination of the permit status (whether required or exempt from permits) will be evaluated under Application # 16322. If exempt, a Letter of Exemption will be issued to the storage tank at that time.

Comment 6: Section VI. Permit Conditions

Condition 14.c: This condition should be changed to read that only the odorous alternate daily cover (ADC) shall cease being used. It is not appropriate for a(ny) non-odorous ADC to be prohibited based on the distinct and verified odor from a(ny) particular ADC material(s).

Example substitute language: “If the District receives and verifies 4 or more odor complaints originating from use of alternative daily cover in any consecutive 3-month period, Potrero Hills Landfill shall cease using the odor-causing alternative daily cover materials until the problem has been identified and corrected to the satisfaction of the APCO.”

District Response: The requested change has been made.

Comment 7: Condition #14098 and #25107: These two conditions relate to the same source (S-14, Non-Retail Gasoline Dispensing Facility G#11138). Can the two conditions be merged into a single Condition (a. and b.) for ease of reporting and reduced confusion?

District Response: Due to the huge number of gasoline dispensing facilities (GDF) permitted by the District, both retail and non-retail facilities, the District has prepared standard conditions for different types of GDFs. For example, every GDF in the bay area that is subject to a 940,000 gallon annual throughput limit is subject to Condition #14098. The District uses this type of standard condition so that any necessary future changes to the condition language can be made to all subject facilities at once. Therefore, the District prefers to keep these standard conditions as they are currently written and does not plan to merge these two conditions or to make a site-specific GDF condition for the Potrero Hills Landfill.