



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

September 4, 2001

Kathryn Lewis and Lynn Saxton
Golden Gate University
Environmental Law and Justice Clinic
School of Law
536 Mission Street
San Francisco, CA 94105-2968

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Executive Officer/
Air Pollution Control Officer

Subject: Public Comment on Title V permits for:
Browning Ferris Facility A2266
Guadalupe Rubbish Disposal Company Facility A3294

Dear Mss. Lewis and Saxton:

Thank you for your letter of April 24, 2001, commenting on the above permits. Your letter comments on the following items:

- I. Failure to Include a Statement of Basis
- II. Ensuring Compliance and Enforceability
- III. Monitoring and Record Keeping Provisions
- IV. Schedule of Compliance (Browning-Ferris Proposed Permit Only)
- V. Schedule of Compliance (Browning-Ferris and Guadalupe)

Failure to Include a Statement of Basis

The District does not prepare a separate statement of basis for the Title V permits because the statement of basis is contained in each permit within the citations of the applicable requirements, and where the citations are not sufficient, such as citations of the case-by-case permit conditions, by adding the basis for the case-by-case permit conditions. This approach has been considered adequate by Region IX to date.

Ensuring Compliance and Enforceability

The phrase "District-approved log" is part of the District's standard recordkeeping condition. The District's experience is that this language has been adequate.

In practice, the required records are generally very simple. Most, if not all, parameters to be recorded are already collected and recorded by the operators. The District's experience is that compliance is better when the facility develops log formats to be compatible with existing records, rather than imposing an unfamiliar District format. The records are subject to inspector review. The purpose of retaining the authority to approve the recordkeeping format is to allow the inspectors to compel facilities to make any necessary improvements to recordkeeping.

In the particular cases of the permits for Browning-Ferris and Guadalupe Rubbish, most of the records that are required are simple and well defined. We see no need to change the District's standard language in this case.

Condition #6188, part 9, which requires records of all site watering and road cleaning activities, has been strengthened. The condition has been revised to require daily records. This makes the condition consistent with the monitoring table, which already requires daily records.

Thank you for calling our attention to this issue. A copy of the parts of the conditions that contain this language is attached for reference in Appendix A.

Monitoring and Record Keeping Provisions

Standard condition I.F requires "reports of all required monitoring..." Your comment that the permit "...fails to make clear that monitoring reports are required for all of the conditions for which monitoring is performed..." is incorrect. It is not necessary to include additional language in Section VII of the permit.

Schedule of Compliance (Browning-Ferris Proposed Permit Only)

The District has agreed to insert the phrase "on a timely basis" into the schedule of compliance for all permits and will do so in this case. Thank you for calling our attention to this omission.

Schedule of Compliance (Browning-Ferris and Guadalupe)

As we have explained previously in correspondence to and phone conversation with the Law Clinic at Golden Gate University, the current schedule of compliance is in compliance with the requirements in Part 70 and the District's rule.

The District intends to issue the above Title V permits soon. I will enclose a copy of your comment and this response in our submittal to EPA. Thank you for your comments.

If you have any questions about these issues, please call me at (415) 749-4704.

Yours truly,



William de Boisblanc
Director, Permit Services

WDB:BFC:blg

Attachment

cc: Helen Kang, Golden Gate University,
Jack Broadbent, Amy Zimpfer, Environmental Protection Agency

Appendix A

Condition Parts Containing Phrase "District approved log"

Conditions for Plant 2266, Browning Ferris

Condition # 16316

For S-13, TUB GRINDER AND CONVEYOR:

6. To demonstrate compliance with Part 1, the Permit Holder of S-13 shall maintain the following records in a District approved log:
 - a. Daily records of the operating hours for the Tub Grinder.
 - b. For each load, record of the amount of waste material processed by the Tub Grinder.

These records shall be kept on site for at least 5 years from the date of entry and shall be made available to District personnel upon request.

[Basis: Cumulative Increase]

Condition # 16317

For S-14, DIESEL ENGINE FOR S-13 TUB GRINDER:

7. To demonstrate compliance with Parts 1-3, the Permit Holder of S-14 shall maintain the following records in a District approved log:
 - a. Daily records of the operating hours for the S-14 Diesel Engine.
 - b. Daily records of the type and amount of diesel oil used at S-14.

These records shall be kept on site for at least 5 years from the date of entry and shall be made available to District personnel upon request.

[Basis: Cumulative Increase and Offsets for POC]

Conditions for Plant 3294, Guadalupe Rubbish

Condition #6188

For S-9: Landfill with Gas Collection System

9. In order to demonstrate compliance with ~~conditions #6 and #7~~ parts #7 and #8, the operator of this facility shall keep records of all site watering and road cleaning activities in a District approved log on a daily basis. These records shall be kept

on-site and be made available for inspection to District personnel upon request for a period of five years from the date on which a record was made. (basis: BACT)

10. The Permit Holder shall limit the quantity of VOC soil handled per day so that no more than 15 pounds of total carbon could be emitted to the atmosphere per day. VOC soil is any soil that contains volatile organic compounds, as defined in Regulation 8-40-213, at a concentration of 50 ppmw or less. Soil containing more than 50 ppmw of VOC is considered to be "contaminated soil" and is subject to Part 11 of these conditions. Soil containing only non-volatile hydrocarbons and meeting the requirements of Regulation 8-40-113 is not subject to Parts 10 and 11 of these conditions. In order to demonstrate compliance with this condition, the Permit Holder shall maintain the following records in a District approved log:

- a. Daily records of the amount of VOC soil handled at the landfill. The total amount (in pounds per day) represents Q in the equation in part c of this condition. (see below)
- b. Daily records of the VOC content of all soils handled at the landfill. The VOC content (C in the equation below) is expressed as parts per million by weight total carbon.
- c. Calculate and record on a daily basis the VOC Emission Rate (E) using the following equation:

$$E = Q \times C / 1,000,000$$

These records shall be maintained on site or shall be made readily available to District staff upon request for at least 5 years from the date on which a record was made. (basis: Regulation 8-2-301)

Condition #6385

For S-3: Woodchipper/Tubgrinder

2. A District approved logbook of hours of operation of S-3 shall be maintained on a daily basis. Records shall be kept for a period of ~~two~~ five years from the date of entry and shall be made readily available to District staff upon request. (basis: Cumulative Increase)

Condition #7649

For S-5: Wood Debris Stockpiles

2. A District approved logbook of hours of operation of S-5 shall be maintained on a daily basis. Records shall be kept for a period of at least ~~two~~ five years from the date of entry and shall be made readily available to District staff upon request. (basis: Cumulative Increase)

Condition #7650

For S-6: Shredded Wood Storage Stockpiles and Loadout

2. A District approved logbook of hours of operation of S-6 shall be maintained on a daily basis. Records shall be kept for a period of at least ~~two~~ five years from the date of entry and shall be made readily available to District staff upon request. (basis: Cumulative Increase)

Condition #12063

For S-11: Trommel Screen

2. A District approved logbook of hours of operation of this source shall be maintained on a daily basis. Records shall be kept for a period of at least ~~two~~ five years from the date of entry and shall be made readily available to District staff upon request. (basis: Cumulative Increase)