



DEPARTMENT OF ENVIRONMENTAL QUALITY
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Ursula Kramer, P.E.
Director

(520) 243-7400
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October 17, 2011

BY E-MAIL
pwslarry@msn.com

Larry Hank
DKL Holdings, Inc
Marana Regional Landfill
P.O. Box 32803
Tucson, AZ 85751-2803

Re: Air Quality Permit Application received September 23, 2011 (Permit # 6133)

Dear Mr. Hank:

Pima County Department of Environmental Quality (PDEQ) staff has completed its review of DKL Holdings, Inc (DKL) application for a new Marana Regional landfill to be located in Marana, Pima County. This application is incomplete pursuant to Pima County Code (PCC) 17.12.165.B.2 & 17.12.165.E. Pursuant to PCC 17.04.340.A.52, the application does not contain all information necessary for processing the application. The additional information necessary for the application to be complete is provided in the attachment "Required Information for Incomplete Marana Regional Landfill Air Quality Permit Application".

PDEQ requests that the required information be provided within 60 days of your receipt of this letter. Pursuant to PCC 17.12.165.E.5, failure to submit the requested information may result in the application being rejected. If you feel that you need additional time to provide the information, DKL may request the additional time needed in writing.

If you have any questions, comments or additions to the application, please call Mukonde Chama, Air Permits Supervisor at (520) 243-7400.

Sincerely,

A handwritten signature in black ink, appearing to read "Mukonde Chama".

Mukonde Chama, P.E.
Air Permits Supervisor

**Required Information
for Incomplete Marana Regional Landfill
Air Quality Permit Application**

- I. Pima County Department of Environmental Quality (PDEQ) issues permits based upon sufficient evidence that the source will be designed and controlled such that it may be expected to operate in compliance with all applicable requirements. This ensures that the final permit incorporates any and all enforceable emission limitations and standards, including operational requirements and limitations that assure compliance at the time of permit issuance.
- II. DKL is required to include all the applicable requirements to which the source may be subject as required by PCC 17.12.165. Applicable requirement is defined in PCC 17.12.04.A (26) to include any federal applicable requirement. Not all SIP requirements have been included in the application.
 - A. Federal applicable requirement is defined in PCC 17.12.04.A (85) to include any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rule making under Title I of the Act (Air Pollution Prevention and Control) that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52 and any standard or other requirement under section 111 of the Act (Standards of Performance for New Stationary Sources).
 - B. Submit information necessary to enable the Control Officer to make a determination to grant or deny a permit pursuant to Pima County SIP Rule 211.
- III. The Potential To Emit (PTE) estimates at 184.77 for PM₁₀ contained in the application for the Marana Regional Landfill indicate that emissions exceed the major source threshold of 100 tpy. As PM₁₀ is a component of Total Suspended Particulates (TSP), PDEQ concludes that TSP emissions will also be greater than 100 tpy.
- IV. Pursuant to Pima County SIP Rule 171 (C)(2), a major source is defined as one or more sources owned or operated by the same owner, operator, or lessee at a contiguous geographical area which collectively, i.e., with total emissions aggregated, either emits or has the potential for emitting 100 tons per year or more of a single air contaminant. For purposes of applying this definition, fugitive emissions as well as stack emissions shall be included in calculating or estimating potential emissions. However, emissions from mobile sources, as well as emissions which result solely from construction and/or any other closely related, temporary emissions operation or activity, shall not be use in calculating or estimating potential emissions.
- V. Pursuant to Pima County SIP Rule 171 (C)(1) & (C)(2), a new source is a source that commences construction, installation, modification, operation after the effective date of the rules.

- A. Pima County SIP Rule 341 states that Regulation 34 applies to all areas, classes, sizes, and ages of sources, including major sources and minor sources, existing as well as new sources, and to fugitive air polluting activities as well as stack emissions.
- B. Regulation 34, Pima County SIP Rule 342, states the maximum allowable concentration of air pollutants in the ambient air in all areas of the County shall be those listed table of Maximum Allowable Pollutant Concentration Ceilings in the Ambient Air.
- C. Pima County SIP Rule 504 (B) requires that an application for a permit for a new major source must include an estimate of the effects of the source's planned emissions on the ambient air near the source.
- D. Pima County SIP Rule 504 (C) requires that "an estimate of the concentration of a pollutant in the ambient air near a proposed new major source shall be made in accordance with the reference Guideline on Air Quality Models (EXPOS 1.2-080) contained in Chapter IX, provided such document includes a method applicable to the proposed source. If this document does not contain an applicable model, the Control Officer shall refer to Workbook for the Comparison of Air Quality Models contained in Chapter IX herein, and other pertinent guidance furnished to the Control Officer in writing by the Administrator of the Environmental Protection Agency, in specifying to the permit applicant a suitable method for meeting these requirements."
- E. Pima County SIP Rule 504 (E) requires that an ambient-air study shall be conducted as specified in writing by the Control Officer. PDEQ requests that DKL Holdings submit an ambient-air study for approval by the Control Officer.

Based on the information outlined above, the Control Officer has determined that DKL Holdings, Inc cannot prove on the basis of information presented in the application, that the planned source is designed, controlled, equipped, or capable of being operated or conducted such that compliance with all applicable provisions of the SIP rules would be possible throughout the term of the permit and therefore PDEQ has determined that the application is incomplete pursuant to Pima County Code 17.12.165.

The application will be placed on hold until DKL Holdings, Inc's next submittal.