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March 15, 2012

Mukonde Chama, Air Permits Supervisor
Pima County Department of Environmental Quality
33 North Stone Avenue, Suite 700
Tucson, AZ 85701- 1317

Re: Marana Regional Landfill
Comments to Draft Air Quality Installation & Operating Permit, Permit Number 6133
PN 090250

Dear Mukonde:

On behalf of DKL Holdings Inc. (DKL), Cornerstone Environmental Group, LLC (Cornerstone) respectfully submits the following comments to the Marana Regional Landfill (MRL) Draft Air Quality Installation & Operating Permit. We appreciate this opportunity to comment and work with the Pima County Department of Environmental Quality (PDEQ) to address our concerns. We are providing a list of the specific terms and conditions below, along with our comment for each, to assist in your review. Suggested revised text for these terms and conditions are provided as track changes in the attached Permit. The resulting revisions to the Technical Support Document (TSD) are also provided in the attached TSD with track changes.

<u>Comments to the MRL Draft Installation & Operating Permit</u>

Summary

Page 2 – Paragraph 1: In addition to the listed applicable rules, the stationary reciprocating internal combustion engines (RICE) proposed at MRL is subject to 40 CFR Part 63 Subpart ZZZZ. This applicable rule was inadvertently missed in the permit application.

Page 2 – Paragraph 2: Design capacity of the landfill in tons may vary dependent upon various factors related to waste types received. Therefore, DKL believes it is more appropriate to represent the design capacity as an "approximate" 76,000,000 tons.

Page 2 - Summary of Emissions-Table: The PM_{10} and $PM_{2.5}$ PTE listed within the table have been revised through an Amendment to the Permit Application submitted December 5, 2011. The revised PTE is 172.65 tons per year (tpy) and 17.48 tpy, respectively. It is DKL understanding that the PDEQ has already made this revision.

Page 2 - Summary of Emissions-Paragraph 2: The discussion regarding the air dispersion modeling conducted in accordance with the Pima County State Implementation Plan (SIP) is not entirely accurate. The SIP modeling was performed pursuant to SIP Rule 504 to demonstrate compliance with the ambient air standard for total suspended particulate matter (TSP) as identified within SIP Rule 342, Table 342. This standard is no longer a National Ambient Air Quality Standard (NAAQS) as the permit text states. This fact illustrates that the SIP does not reflect either federal rule or current Pima County Code. DKL understands that the SIP revisions necessary to correct these inconsistencies have not yet occurred. This delay between state/county rule revisions which are undertaken in response to federal rule changes and the subsequent approval of SIP revisions is not unusual and is commonly referred to as a "SIP Gap". Imposing permanent requirements during the SIP Gap which are without basis under current state, county or federal rule places a competitive disadvantage on MRL. Therefore, DKL believes the requirements imposed by the SIP should be removed at such time as the SIP is revised or deemed inapplicable.

Part A- General Provisions

Page 16 – XVII Testing Requirements (F): DKL requests that the requirement to submit test results within 30 days of completion of testing be revised to 60 days to allow sufficient time for receipt and review of all laboratory results. This submittal time frame was not found in rule and therefore would appear to be within PDEQ's discretion.

Part B- Specific Conditions

Page 18 – I Applicability (C): MRL is not subject to 40 CFR Part 60 Subpart Cc or Pima County Code (PCC) 17.16.390 as these are applicable to existing municipal solid waste (MSW) landfills which were constructed prior to 1991. MRL is also not subject to 40 CFR Part 63 Subpart AAAA as this is not applicable to conventional area source landfills that have estimated uncontrolled emissions of less than 50 Mg/yr NMOC.

Part B- Section 1 Landfill Operations

Page 19 – II Emission Limits/Standards (A)(2): The NSPS in 40 CFR Part 60 Subpart WWW allows for submittal of the NMOC emission report on a 5-year basis. Although this would not be triggered during the term of this initial permit, DKL requests this term and condition be revised to accurately reflect the NSPS requirement.

Page 19 – II Emission Limits/Standards (A)(5): The operations at MRL were limited to 19 hours per day only during Phase III (construction of Module 1B) within the air dispersion modeling report submitted and approved by the PDEQ in compliance with the SIP. At no other times were operations limited in the modeling inputs. Imposing additional restrictions beyond that necessary for compliance goes beyond the authority within the SIP and places added constraints on DKL's operations. Therefore, DKL requests this term be revised to reflect the restriction as only during construction of Module 1B. As noted in previous comment, DKL feels strongly that any limitation imposed as a result of the SIP should no longer be effective upon SIP revision. DKL

has provided additional suggested language to this term to reflect this. DKL requests that the **[Federally Enforceable & Material Permit Condition]** be removed in that the SIP is federally enforceable and that the terms and conditions imposed pursuant to the SIP do not appear to be a material permit condition as defined.

Page 19 – II Emission Limits/Standards (A)(6): DKL disagrees with PDEQ limiting the position of these roads. As PDEQ states in the TSD the fugitive particulate emissions are dependent upon the length and of the proposed road, as well as vehicular traffic and not the specific position of the roads. Roadway fugitive emissions were calculated using worst case assumptions for length, width and vehicle traffic. The geographic positions of each roadway were, however, estimated. Actual construction/operational conditions may dictate the position of these roads be altered slightly from that depicted in the modeling report. DKL requests that this limitation be removed or otherwise revised to afford DKL necessary flexibility during the construction and operation of MRL. Only geographic position relative to the fence line effects modeled impacts considering the same emissions rate. Therefore, DKL suggests, as an alternate limitation, restricting the roadway distance from any fence line to that as noted in the MRL Modeling Report. These distances are provided within the Draft Permit track changes. As noted in previous comment, DKL feels strongly that any limitation imposed as a result of the SIP should no longer be effective upon SIP revision. DKL has provided suggested language to this term to reflect this. DKL requests that the **[Federally Enforceable & Material Permit Condition]** be removed in that the SIP is federally enforceable and that the terms and conditions imposed pursuant to the SIP do not appear to be a material permit condition as defined.

Page 19 – II Emission Limits/Standards (A)(7): During the operation and construction phases at MRL certain road segments may not be in use at all times. The requirement to maintain asphalt millings on these roads would be unnecessary. Therefore, DKL has proposed revised language in this term. As noted in previous comment, DKL feels strongly that any limitation imposed as a result of the SIP should no longer be effective upon SIP revision. DKL has also provided suggested language to this term to reflect this. DKL requests that the **[Federally Enforceable & Material Permit Condition]** be removed in that the SIP is federally enforceable and that the terms and conditions imposed pursuant to the SIP do not appear to be a material permit condition as defined.

Page 24 – III Monitoring Requirements (A)(2): The terms and conditions in this section fall short of including all options within 40 CFR Part 60 Subpart WWW for determining when the NMOC emission rate has exceeded the trigger threshold of 50 Mg for installation of a gas collection and control system (GCCS) in accordance with 60.752(b)(2). The NSPS allows for a three Tier approach. Tier 1 entails using default inputs, Tier 2 using a site specific NMOC concentration, and Tier 3 using a site specific methane generation rate constant. DKL has proposed insertion of an additional term to reflect the Tier 3 option.

Page 24 – III Monitoring Requirements (B)(1 and2): Using a Method 9 certified observer for the bi-weekly visual observations would impose additional costs to MRL which would seem unnecessary for demonstrating compliance. Given the extensive fugitive dust compliance measures which MRL has committed to in this permit for fugitive sources, compliance with the

opacity limitation for these sources would be assumed. The only stack sources at the facility are those stationary reciprocating internal combustion engines (RICE) which are certified by the manufacturer to meet the emission limitations under relevant subparts of 40 CFR Part 60 and therefore compliance with opacity limitations would also be assumed. Therefore, DKL requests that these terms be revised to allow MRL to conduct the bi-weekly observations in accordance with Method 22 and if observations find excessive visible emissions are occurring then a certified Method 9 observer would take readings consistent with Method 9 to confirm compliance with the opacity limitation.

Page 24 – III Monitoring Requirements (C)(1): The monitoring requirements of this section are based upon the SIP emission limits/standards in Section II (A)(7) and should be noted as no longer effective upon revision of the SIP as noted in previous comments above.

Page 26 – IV Recordkeeping Requirements (C)(1and 2): The recordkeeping requirements of this section are based upon the SIP emission limits/standards in II (A)(5) and (6) and should be noted as no longer effective upon revision of the SIP as noted in previous comments above. Also, term and condition (C)(1) should be revised to reflect the changes requested in II(A)(5) and term and condition (C)(2) should be revised to reflect the changes requested in II(A)(6).

Page 27 – V Reporting Requirements (B)(2) Semiannual Reports of Required Monitoring: DKL wishes to clarify that the Semiannual reporting listed in sentence (2) is for the fugitive dust observations of Section III (B) and should only be submitted if a deviation of the opacity is recorded during that period. The requirements of sentence (2) do not apply to the semiannual reporting listed in sentence (3) of V Reporting Requirements (B) which is a separate semiannual report.

Part B- Section 2 Combustion Processes

Page 29-33 – General Comment: In the MRL Permit Application DKL proposed installation of one stationary compression ignition internal combustion engine (CI ICE). This engine is a diesel water pump which would be used during normal operations. It is, therefore, not an emergency-use engine. This engine is subject to 40 CFR Part 60 Subpart IIII and 40 CFR Part 63 Subpart ZZZZ. DKL has proposed new terms and conditions in the Draft Permit track changes, replacing the draft permit terms and conditions for emergency/fire pump engines, to address this error.

Although, DKL anticipates that some emergency use engines will be necessary at MRL, specific engine types and numbers are not known at this time. DKL plans to submit this information to PDEQ as soon as these details are known.

Part B- Section 3 Storage Tanks

Page 34 – I emission Limitations and Standards (B)(1): The section heading for (B) is Used Oil Storage Tank, but sentence (1) references diesel storage tanks. DKL changed diesel to used oil to be consistent with the section heading for (B).

Page 35 – II Monitoring 7 Recordkeeping (A)(3): DKL added the words "(or acceptable equivalent)" to be consistent with I(A)(2) on page 34 which allows an acceptable equivalent to a submerged filling device. If an acceptable equivalent to a submerged filling device is utilized, then the monitoring and recordkeeping should reflect this also.

Part B- Section 4 Mobile Sources

Page 37 – Mobile Sources: DKL requests that this section be removed from the permit. Mobile Sources would not be considered part of the stationary sources and thus should not be included in the permit. PDEQ does not impose this requirement on the other existing landfills permitted in the County.

General Comments

In addition to the specific comments above, DKL has made typographic or minor editorial corrections to the Draft Permit text. These are all shown as track changes in the attached permit document.

Comments to the Technical Support Document

DKL has also requested changes to the TSD which reflect the changes in the Draft Permit as noted above. These are provided in the attached TSD track change document.

Since the site is a true minor source based on non-fugitive emissions being below major source levels, and the large number of public hearing that have previously occurred for the landfill during the zoning and solid waste approval processes, DKL requests that a 30 day public notice period be given for the air permit.

If you have any questions on the requested changes to the draft permit please contact us at (630) 633-5830 (Kay) or (520) 888-4800 (Craig).

Sincerely,

Cornerstone Environmental Group, LLC

Carl Bueter for
Kay Gilmer
Air Compliance Technical Group Lead

Craig W. Young
Craig W. Young, P.E.
Project Manager

Enclosure: Draft Air Quality Installation & Operating Permit (track changes)
Technical Support Document (track changes)

cc: Larry Henk, DKL Holdings, Inc.
Garth Bowers, Cornerstone