

Walker, Elizabeth (AIR)

From: Arif, Syed
Sent: Tuesday, January 05, 2010 10:59 AM
To: Walker, Elizabeth (AIR)
Subject: FW: Trail Ridge letter rec'd May 18, 2006
Attachments: 0310358-005comments-AC.pdf

From: Woosley, Jerry [mailto:WOOSLEY@coj.net]
Sent: Wednesday, August 23, 2006 2:47 PM
To: Arif, Syed
Cc: Robinson, Richard
Subject: Trail Ridge letter rec'd May 18, 2006

Attached is the referenced letter.

Thanks,

Jerry



May 17, 2006

RB, 5/18/06

Mr. Richard L. Robinson, P.E., Manager
Air Pollution Source Permitting Section
Environmental Quality Division
117 Duval St
Suite 225
Jacksonville, FL 32202



WASTE MANAGEMENT
2859 The Ferry Road
Suite 1000
Atlanta, GA 30329
(770) 805-4130 Main

Dear Mr. Robinson:

The purpose of this letter is to update the Environmental Quality Division of the City of Jacksonville's Environmental Resource Management Department (EQD/ERMD), the Florida Department of Environmental Protection (FDEP), and EPA Region IV on the status of the action that Trail Ridge Landfill, Inc. is taking to ensure compliance with its Title V permit and the requirements of the applicable New Source Performance Standard (40 CFR Part 60, Subpart WWW), for the Trail Ridge Landfill. As explained below, this letter also requests prompt action by the EQD/ERMD on our soon-to-be-resubmitted application for a construction permit that is needed to maintain Subpart WWW compliance or, in the alternative, requests an extension of the 120-day deadline for action specified under Subpart WWW.

As you know, Trail Ridge Landfill, Inc. is the Title V permittee for the Trail Ridge Landfill in Duval County, Florida. The landfill is subject to Subpart WWW. Section 60.753(a) of Subpart WWW requires the operator of a landfill subject to that NSPS to install and operate a gas collection and control system meeting certain specifications. If monitoring demonstrates that the operational requirements are not being satisfied, section 60.753(g) requires that corrective action be taken, in order to avoid a violation. That corrective action is specified in section 60.755(a)(3). Section 60.755(a)(3) states the following:

For the purposes of demonstrating whether the gas collection flow rate is sufficient to determine compliance with 40 CFR 60.752(b)(2)(ii)(A)(3), the owner or operator shall measure gauge pressure in the gas collection header at each individual well, monthly. If a positive pressure exists, action shall be initiated to correct the accident within 5 calendar days, except for the three conditions allowed under 40 CFR 60.753(b). If negative pressure cannot be achieved without excess air infiltration within the 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial measurement of positive pressure. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the Administrator for approval.

As part of on-going gas management activities at the landfill, thirty-five new wells were added to the gas collection system and became operational on February 17, 2006. Initial monthly monitoring of these new wells was performed on February 22, 2006, and

they continue to be monitored on a monthly basis, in compliance with Subpart WWW. During the initial and sequential monthly monitoring events, the new wells were found to have positive pressure. Initial correction to the positive pressure was made within 5 days of the first measurement that resulted in exceedance (February 22), by adjusting the well field vacuum, in an attempt to bring these wells into a non-positive pressure operational mode. These initial attempts to correct the pressure exceedances were performed in compliance with the requirements of 40 CFR section 60.755(a)(3). The initial corrective action did not reduce the well pressure to a non-positive reading and therefore, in accordance with 40 CFR section 60.755(a)(3), Trail Ridge Landfill, Inc. decided that it needed to replace the 2800 SCFM existing flare with a new flare that has a capacity of 5000 SCFM. That new flare should accommodate all current and future landfill gas generated by the landfill and alleviate the positive pressure problems that the landfill is currently experiencing.

According to section 60.755(a)(3), Trail Ridge Landfill, Inc. has 120 days from the initial measurement of positive pressure to accomplish the necessary corrective action (absent an extension). This means that the gas collection system expansion must be completed by June 22, 2006, unless an alternative timeline request is submitted and approved. A letter dated February 28, 2006, was sent to Mr. Wayne Tutt, informing the Environmental Quality Division of our situation and the plan of action for the Trail Ridge Landfill. Thereafter, Trail Ridge Landfill, Inc. promptly retained Earth Tech to prepare, and on March 21, 2006 submitted to Richard Robinson, EQD/ERMD, a permit application for construction of the new 5000 SCFM flare.

On March 29, 2006, Jerry Woosley of the EQD/ERMD called Suzanne Thomas-Cole of Earth Tech and asked her if Earth Tech knew about a PSD application that had been submitted to the FDEP by Trail Ridge Energy, LLC for a proposed landfill gas-fueled electricity generating facility to be located at the Trail Ridge Landfill. Also during this call, Ms. Thomas-Cole was informed that a letter would be sent to Trail Ridge Landfill, Inc. requesting that the new flare permit application be withdrawn and resubmitted to the FDEP because the construction of the new flare would have to be considered as part of Trail Ridge Energy's PSD application and included in the dispersion modeling exercise. On April 10, 2006, Mr. David McConnell, Vice-President of Trail Ridge Landfill, Inc. received a letter dated April 3, 2006, from Richard Robinson of the EQD/ERMD, requesting the withdrawal of the flare construction permit application by April 17, 2006, and resubmittal of that permit application to FDEP, to be considered in conjunction with the PSD permit application submitted by Trail Ridge Energy, LLC. (A copy of this letter was also sent to Earth Tech, Syed Arif of the FDEP, and David Derenzo, the consultant for Trail Ridge Energy, LLC.)

On April 19, 2006, Jerry Woosley, EQD/ERMD, called Ms. Suzanne Thomas-Cole of Earth Tech and informed her that he had not received a flare construction permit application withdrawal letter as requested, and therefore was left with two choices. The EQD/ERMD could either deny the permit outright, or call the application incomplete and ask for more information. On April 20, 2006, an email containing a letter was sent to David McConnell from Richard Robinson, EQD/ERMD, stating that the new flare construction permit application was incomplete. The letter asked for additional information, primarily to reconcile the permit application with the PSD application that had been received from Trail Ridge Energy, LLC. A response was requested within 45 days of receipt of this letter.

Most recently, on May 4, 2006, Jerry Woosley, EQD/ERMD, sent an e-mail to Suzanne Thomas-Cole of Earth Tech and informed her that the flare permit application would be processed by EQD/ERMD, and that FDEP would address the flare emissions in the context of the PSD permit proceeding for the electricity generating facility. The e-mail reiterated that the flare permit application was still incomplete. Attached to the e-mail was an e-mail from Syed Arif, FDEP, to Jerry Woosley requesting that EQD/ERMD process the flare permit application, but also indicating that the flare would be considered in the FDEP's processing of Trail Ridge Energy's PSD application.

Based on further investigation by our lawyers, we believe that we have identified the basis for the confusion that, to date, has led the EQD/ERMD to decline to issue the construction permit for the new flare. The PSD application from Trail Ridge Energy, LLC asserted, without any explanation or justification, that the proposed electricity generating facility "is part of the Trail Ridge Landfill stationary source" and therefore the PSD permit would be "required to be incorporated into the landfill Title V operating permit." PSD Application of Trail Ridge Energy, LLC, at page 14 (February 22, 2006). Based on this representation, apparently both the EQD/ERMD and the FDEP concluded that the application for the new flare would need to be combined with the PSD application. This apparently was the basis for the April 3 and April 20 letters sent by Richard Robinson to David McConnell. Although, as of May 4, EQD/ERMD now appears ready to process the flare permit application as soon as the application is deemed complete, FDEP still apparently believes that the flare must be considered in addressing the PSD application for the electricity generating facility.

Trail Ridge Landfill, Inc. disagrees with the conclusions in Trail Ridge Energy's permit application regarding the proposed electricity generating facility and its relationship to the landfill. Under the FDEP air quality regulations, a "Title V Source" is defined as a "Major Source of Air Pollution," which in turn is defined as "a **facility** containing an emissions unit, or any group of emissions units, which is or includes any of" a list of numerous types of stationary sources. FDEP Regulations, Chapter 62-210.200 (162) and (274) (emphasis added). The term "facility" is defined as "all of the emissions units which are located on one or more contiguous or adjacent properties, **and which are under the control of the same person (or persons under common control).**" Chapter 62-210.200(115) (emphasis added).

Trail Ridge Landfill, Inc. is the Title V permittee for the Trail Ridge Landfill, and as such, has sole and complete "control" of that facility for purposes of air quality regulation and compliance. Our understanding is that Trail Ridge Energy, LLC will have sole and complete "control," for air quality regulatory purposes, over the electricity generating facility. Trail Ridge Landfill, Inc. and Trail Ridge Energy, LLC are completely independent and unrelated corporate entities. Therefore, the landfill facility and the electricity generating facility are not, and will not be, "under the control of the same person." Indeed, Trail Ridge Landfill, Inc. was not even aware of the PSD application that had been submitted by Trail Ridge Energy, LLC, until the existence of that application was revealed to Earth Tech on March 29, 2006.

Nor are the landfill and the electricity generating facility, for purposes of air quality regulation, under the control of "persons under common control." Trail Ridge Landfill, Inc. is a subsidiary of Waste Management, Inc. of Florida, and Trail Ridge Energy, LLC is a subsidiary of Landfill Energy Systems, Inc. Those parent corporations are not related in any way. For purposes of air quality regulation, no third party will have control


of both Trail Ridge Landfill, Inc. and Trail Ridge Energy, LLC. Each has or will have full responsibility for satisfying the air quality regulations applicable to their respective facilities. Thus, the landfill and electricity generating facility are not, and will not be, under the control of "persons under common control."

Therefore, for purposes of Title V regulation, the landfill facility and the proposed electricity generating facility are not the same "facility," and each must be permitted separately under the Title V program. For similar reasons, the proposed electricity generating facility is not a "major modification" of the existing landfill facility under the PSD program, but rather is a separate "major stationary source" that must receive its own PSD permit. ("Major stationary source" contains the same "control" limitation as does the definition of "facility" discussed above. Trail Ridge Landfill, Inc. will have no "control" over the electricity generation facility.) Trail Ridge Energy, LLC was simply incorrect in characterizing the proposed electricity generating facility as part of the same stationary source as Trail Ridge Landfill, Inc.'s landfill facility.

In light of these facts, we believe that there was no sound basis for EQD/ERMD's April 3 request for the withdrawal of the flare permit application, or the April 20 request for reconciliation of the application's data with the information contained in Trail Ridge Energy's unrelated PSD application. Moreover, given the passage of time since the permit application for the new flare was submitted, Trail Ridge Landfill, Inc. now runs the risk of not having sufficient time in which to satisfy the Subpart WWW 120-day corrective action provision, absent an extension. Trail Ridge Landfill, Inc. therefore intends to re-submit, later this week, the permit application for the flare with minor updates to respond to EQD/ERMD's April 20 letter, and requests prompt action on that permit application. Trail Ridge Landfill, Inc. notes, however, that unless the flare permit is issued by May 31, there will likely not be sufficient time to install and begin operation of the new flare before the 120-day period expires. Therefore, if the EQD/ERMD cannot issue the permit by May 31, Trail Ridge Landfill, Inc. formally requests an extension of the 120-day period, pursuant to the last sentence of 40 CFR section 60.755(a)(3). Trail Ridge Landfill, Inc. requests a day-for-day extension beyond the 120-day period, to correspond to the number of days beyond May 31 that the permit is actually issued.

Thank you for your prompt attention to this request. If you have any questions, please do not hesitate to contact me.

Sincerely,



David McConnell
Vice-President, Trail Ridge Landfill, Inc.

Cc: Mr. Wayne Tutt, EQD/ERMD
Mr. Syed Arif, FDEP
Mr. Gregg Worley, EPA Region IV
Mr. Chris Pearson, Solid Waste Division, City of Jacksonville
Mr. Jerry Woosley, EQD/ERMD