



## **GROUP AGAINST SMOG & POLLUTION**

**1133 South Braddock Ave., Suite 1A**

**Pittsburgh, PA 15218**

**412-924-0604**

**gasp-pgh.org**

---

July 31, 2018

### **VIA EMAIL**

Allegheny County Health Department

Air Quality Program

301 39th St., Bldg. 7

Pittsburgh, PA 15201

aqpermits@alleghenycounty.us

**Re:   Comments of Group Against Smog and Pollution and the  
Environmental Integrity Project, Regarding the draft Title V  
Operating Permit for the Kelly Run Landfill  
(Permit # 0190)**

---

Dear Sir or Madam:

Please accept these comments regarding the draft Title V Operating Permit ((#0190) (the "Permit") for the Kelly Run Landfill (the "Facility"), which I am submitting on behalf of the Group Against Smog and Pollution. According to the notice posted on its website, the Allegheny County Health Department is accepting comments on the Permit through August 8, 2018.

Very truly yours,

/s

John K. Baillie  
Senior Attorney

**COMMENTS OF THE GROUP AGAINST SMOG AND POLLUTION  
REGARDING THE DRAFT TITLE V OPERATING PERMIT FOR  
KELLY RUN LANDFILL (#0190)**

**I. THE PERMIT MUST INCLUDE PERIODIC MONITORING OF VISIBLE EMISSIONS FROM THE ENCLOSED GROUND FLARE THAT IS SUFFICIENT TO ASSURE COMPLIANCE WITH § V.B.1.f**

A Title V Operating Permit must include monitoring requirements that are sufficient to assure compliance with the permit's terms and conditions.<sup>1</sup> If an applicable permit requirement does not contain such a monitoring requirement, the responsible permitting authority must add to the permit "periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit."<sup>2</sup>

The Permit requires that the Enclosed Ground Flare be "operated with no visible emissions except for periods not to exceed a total of 5 minutes every two consecutive hours."<sup>3</sup> The Permit requires that Performance Testing of the Enclosed Ground Flare be conducted only once every five years.<sup>4</sup> The Permit does not appear to require that the opacity of emissions from the Enclosed Ground Flare be monitored at all.<sup>5</sup>

Performance tests that are conducted only once every five years are obviously not adequate to assure compliance with a limit on visible emissions that applies continuously on an

---

<sup>1</sup> See *Sierra Club v. Environmental Prot. Agency*, 536 F.3d 673, 677 (D.C. Cir. 2008) (determining that 42 U.S.C. § 7661c(c) requires all Title V Operating Permits to include monitoring requirements sufficient to assure compliance with permit terms).

<sup>2</sup> 40 C.F.R. § 70.6(a)(3)(i)(B).

<sup>3</sup> § V.B.1.f.

<sup>4</sup> See § V.B.2.a.

<sup>5</sup> See §§ V.A.3 and V.B.3.

hourly basis.<sup>6</sup> The Permit must be revised to add a monitoring requirement that is sufficient to assure compliance with the hourly limit on visible emissions from the Enclosed Ground Flare.

## **II. THE DEPARTMENT SHOULD SHOW ITS BACT ANALYSIS FOR THE ENCLOSED FLARE**

Section V.B.1.g of the Permit requires that the Facility's Enclosed Ground Flare be operated so that it destroys at least 98% of the non-methane organic compounds ("NMOCs") in the Facility's collected landfill gas. According to the Department's review memo, the Facility's operator requested that section V.B.1.g be modified so that it could also demonstrate compliance by showing that emissions from the Enclosed Ground Flare contain no more than 20 ppm NMOC, measured as hexane on a dry basis at 3% oxygen. The Department denied that request on two bases: 1) compliance with the 98% destruction efficiency requirement assures compliance with the New Source Performance Standard at 40 C.F.R. § 60.752(b)(2)(iii)(B); and 2) the 98% destruction efficiency standard satisfies Article XXI's "Best Available Control Technology" requirement.<sup>7</sup> However, the Department's review memo does not include its BACT analysis.

40 C.F.R. §60.752(b)(2)(iii)(B) states:

---

<sup>6</sup> See *In the Matter of Luke Paper Co.*, 2010 EPA CAA Title V LEXIS 7, \*15 (Oct. 18, 2010) (determining that performance tests that were conducted once every two years were not adequate to assure compliance with an hourly emission limit).

<sup>7</sup> Article XXI requires that new sources implement "Best Available Control Technology," or "BACT." See Art. XXI, §§ 2102.04.b.6 (requiring BACT for Installation Permits for new sources) and 2103.12.a.2.D (requiring BACT for Operating Permits for new sources). Article XXI defines BACT to mean:

an emission limitation based on the maximum degree of reduction of each air contaminant regulated by this Article, which the Department determines on a case-by-case basis to be achievable taking into account the energy, environment, and economic impacts and other costs. In no event shall application of BACT result in emissions of any air contaminant exceeding the emissions allowed under any applicable NSPS, any NESHAP, or any RACT emission limit under this Article.

Art. XXI, § 2102.20.

A control system designed and operated to reduce NMOC by 98 weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by 98 weight percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume, dry basis as hexane at 3 percent oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test to be completed no later than 180 days after the initial startup of the approved control system using the test methods specified in § 60.754(d).

Thus, a landfill operator can satisfy the New Source Performance Standard either by meeting the 98% destruction efficiency requirement or by meeting the 20 ppm hexane standard.

The only apparent valid basis for the Department to deny the operator's request to use the 20 ppm hexane standard is thus the Department's statement that the 20 ppm hexane standard is not BACT, even though use of the standard is expressly authorized by the applicable federal regulations. However, that statement is not explained in any way. To avoid any allegation that its BACT determination is arbitrary and capricious, the Department should revise its review memo to include its BACT determination for the Enclosed Ground Flare.