



ENVIRONMENTAL PROTECTION DIVISION

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April 30, 2020

Sent via email to Wierzbicki.Wendy@epa.gov

Wendy B. Wierzbicki
Management Analyst
US EPA OIG
109 TW Alexander Drive
Research Triangle Park, NC 27709

Re: Georgia Comments on OIG Draft Report

Dear Ms. Wierzbicki:

The Georgia Environmental Protection Division (GEPD) appreciates the opportunity to comment on sections of the OIG draft report related to MSW landfills in Georgia. We offer the following comments.

Title V permitted landfills per the 1996 MSW landfill New Source Performance Standards and MSW Emission Guidelines

1)Of the five MSW landfills meeting or nearly meeting the Title V permit capacity requirements of NSPS WWW that had not obtained Title V permits you investigated, OIG contends Toombs County MSW Landfill is operating improperly by not having a Title V permit.

GEPD response:

GEPD disagrees with EPA OIGs determination. The design capacity for Toombs County MSW Landfill is below 2.5 million megagrams. According to 60.752(c) owners or operators of a MSW landfill subject to this subpart with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters is not subject to the requirements to obtain an operating permit for the landfill under 40 CFR Part 70 or 71. Although OIG's calculations indicate Toombs County MSW LF has a design capacity over the 2.5 million cubic meters threshold, the Toombs County MSW LF submits quarterly tonnage reports and annual remaining capacity reports to the Land Branch which include site-specific density, recalculated annually. Toombs County MSW LF Remaining Capacity Reports calculate waste compaction densities of 1000 pounds per cubic yard or less. From the volume capacity amount provided by OIG (2.814M m³), the waste density would have to be 1,497 pounds per cubic yard (0.89 Mg/m³) or greater for the landfill to be subject to the requirements to obtain a Part 70 Operating Permit.

2)OIG found one instance in Georgia where MSW landfill regulation were misinterpreted or not fully understood by the state permitting agency or the MSW landfill operator. In reference to the Toombs County Landfill, landfill staff did not know that (1) they were required to submit a design capacity report to the state and (2) closed phases of the MSW landfill should be included in calculating the MSW landfill's maximum capacity. MSW staff could not provide

us with an initial design capacity report and staff did not have capacity information from all solid waste permits covering the closed phases of the MSW landfill.

GEPD response:

This statement should be deleted. The initial design capacity report was due June 10, 1996, which is well beyond the 5-year record retention requirements of 60.758(a). At the time of the April 26, 2019 inspection, the Design and Operational Plans, which included the design capacity information requested by OIG, were available for Lifts I through VI (including closed sections Lift I, II, and III) of the landfill.

3)OIG requested copies of initial design capacity report for 30 MSW landfills in Georgia. Georgia could not locate 10 reports.

GEPD response:

This statement should be deleted. Retaining the initial design capacity reports in perpetuity is not required. The initial design capacity reports were due June 10, 1996, which is well beyond the 5-year record retention requirements of 60.758(a). The Design and Operational Plans were available for all the requested MSW landfills and included all information requested by OIG, including maps or plot of the landfill, size and location of the landfill, and identifying all areas where solid waste may be landfilled according to the permit issued by the State, and the maximum design capacity of the landfill.

MSW landfill design capacity reporting process

4)We found that Georgia used state design capacity forms that did not specifically require MSW landfills to report “waste in place” (i.e., closed portions of the landfill) in design capacity calculations. We also found that Georgia used state design capacity report forms that were not comprehensive. Although not required, the state’s design capacity report form did not provide information regarding:

- Whether MSW landfills should include the volume of material used in daily and final MSW landfill cover in the design capacity calculation.*
- What thresholds trigger an MSW landfill’s obligation to apply for a Title V permit and calculation of NMOC emissions.*

GEPD Response:

OIG’s statements that the state’s design capacity report form does not provide information ***that is not required*** [emphasis added] should be deleted. GPD’s Initial Design Capacity Form satisfied the regulatory requirements of NSPS WWW, 60.757(a)(2). GEPD’s Initial Design Capacity Reporting Form requires landfills to list the Solid Waste Handling Permit(s) issued for their MSW landfill. Solid Waste Handling Permits and Design and Operational Plans were available for the MSW landfills.

1996 MSW Landfill Emission Guideline State Plans

5)Georgia had not submitted a new state plan and thus was still operating under their 1996 MSW landfill EG state plan.

GEPD Response:

Georgia followed the recommendation of EPA R4 by waiting for EPA to revise the 2016 Emission Guidelines before proceeding with development of a new state plan to replace the existing state plan. 41 other states and territories did not submit plan to date; in all likelihood for similar reasons. In March 2020, EPA finalized amendments to 40 CFR Part 63 Subpart AAAA, 40 CFR Part 60 Subpart Cf, 40 CFR Part 60 Subpart WWW and 40 CFR Part 60 Subpart XXX. Georgia is now moving forward with development of an approvable state plan. An excerpt from the March 26, 2020 preamble is below:

This action finalizes the residual risk and technology review (RTR) conducted for the Municipal Solid Waste (MSW) Landfills source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, we are taking final action to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM); revise wellhead operational standards and corrective action to improve effectiveness and provide compliance flexibility; reorganize rule text to incorporate provisions from the new source performance standards (NSPS) within this subpart; and add requirements for electronic reporting of performance test results. The EPA is also finalizing minor changes to the MSW Landfills NSPS and Emission Guidelines (EG) and Compliance Times for MSW Landfills. Specifically, the EPA is finalizing provisions to the most recent MSW Landfills NSPS and EG that would allow affected sources to demonstrate compliance with landfill gas control, operating, monitoring, recordkeeping, and reporting requirements by following the corresponding requirements in the MSW Landfills NESHAP. These final amendments will result in improved compliance and implementation of the rule.

DATES: This final rule is effective on March 26, 2020.

Currently, Georgia operating under their 1996 MSW landfill EG state plan.

6) Georgia's state plan did not identify which office would conduct periodic MSW landfill inspections after the program's first year of implementation and did not identify how the state would select MSW landfills for inspection.

GEPD Response:

This statement is not accurate and should be removed prior to the OIG report being finalized. All periodic MSW landfill inspections conducted under the state plan are conducted by GEPD. Section G – Source Surveillance, Compliance Assurance & Enforcement of Georgia's 111(d) State Plan for implementation of the requirements under 40 CFR 60, Subpart Cc identifies the Air Protection Branch's Stationary Source Compliance Program (SSCP) as responsible for compliance and enforcement of Georgia's air quality regulations. During the first year of implementation of the landfill regulations, the SSCP will conduct periodic inspections of a portion of the MSW landfills to determine compliance with state and federal regulations. The SSCP will use an inspection targeting procedure to prioritize landfills for inspection purposes. After the first year, the GEPD Regional Offices may be assigned responsibility for conducting these inspections to verify compliance with the regulations. In addition to periodic inspections, the facility will be inspected on a complaint basis.

GEPD submits an Annual Compliance Monitoring Strategy Plan in accordance with an approved Clean Air Act Stationary Source Compliance Monitoring Strategy to EPA. The plan includes a

list of all sources in GEPD's CMS Plan, including the list of all Title V major sources and synthetic minor sources that are not included in the plan, including the reasons why.

MSW Landfill Emission Guideline state plan annual progress reports

Also part of Section G: The APB currently submits annual 51.321 reports in a format previously approved by EPA Region 4.

Thank you for allowing us the opportunity to comment on the OIG initial thoughts regarding the review of landfill files in Georgia. Please contact James Eason at james.eason@dnr.ga.gov if you have any follow-up questions.

Sincerely,

A handwritten signature in black ink that reads "Karen Hays". The signature is written in a cursive, flowing style.

Karen Hays, P.E
Chief
Georgia Environmental Protection Division
Air Protection Branch

cc: US EPA Region 4