

**OhioEPA**  
Division of Air Pollution Control (DAPC)

**Response to Comments**

**Project: Erie County Sanitary Landfill; Draft Title V Chapter 3745-77 Permit**  
**Ohio EPA ID #: Title V permit for Facility ID 03-22-01-0254**

**Agency Contacts for this Project**

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Ohio EPA held a public hearing on February 7, 2008 regarding the draft Title V air pollution permit for Erie County Sanitary Landfill. This document summarizes the comments and questions received at the public hearing and during the associated comment period, which ended on February 12, 2008.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health. Often, public concerns fall outside the scope of that authority. For example, concerns about zoning issues are addressed at the local level. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format.

**Comment 1:**           **Clarification was requested regarding areas the Title V permit addressed.**

Response 1:           The Title V permit addresses the following three operations that result in the emission of air contaminants:

- (1)     Landfill roadways and parking areas (Emissions Unit F001) addresses fugitive particulate emissions (i.e. dust) from paved and unpaved roadways and parking areas.
  
- (2)     Municipal solid waste (MSW) landfill - Passive gas collection operating scenario (Emissions Unit F002). F002 addresses fugitive nonmethane organic compounds (NMOC) and fugitive methane emissions generated by the disposal of MSW.

Passive operations allow natural pressure created by the landfill gas (LFG) generation to mobilize the gas for collection.

- (3)     MSW landfill - Active gas collection operating scenario (Emissions Unit P901). Active collection systems use mechanical blowers to extract LFG, which is either sent offsite as a fuel or is destructed in a flare. P901 addresses NMOC and methane emissions along with combustion emissions associated with destructing LFG with a flare.

**Comment 2a:**           **Permits issued to the facility require that, “The permittee shall promptly remove, in such a manner as to minimize or prevent resuspension, earth/or other material from paved streets onto which such material has been deposited by ...”. Photographs from January 13, 20, and 28 of 2008 show evidence of excessive soil being deposited on Hoover Road.**

**Comment 2b:**           **Record keeping to demonstrate compliance with permit conditions is required, what permit documents exist from “Erie County” describing this obvious non-conformance?**

**Comment 2c:**           **As the soil on the road appears to be out-of-control, how will “Erie County” measure and report the fugitive dirt and dust that is tracked down Hoover Road?**

Response 2a: Ohio EPA has viewed the photographs of Hoover Road during three days in January 2008. Ohio EPA does not view the photographs as overwhelming evidence that the permittee has not promptly removed material from Hoover Road, in such a manner as to minimize or prevent the resuspension such material. The January 28 photograph provides more evidence that resuspension of such material was not minimized or prevented, and that instance is being addressed.

It should be noted that Ohio EPA's inspections of the facility have not revealed problems associated with soil deposits on Hoover Road. Ohio EPA does invite citizens to report complaints when they feel problems do exist. Ohio EPA will promptly investigate complaints and take appropriate action if deemed necessary.

Response 2b: Ohio EPA does not see any evidence of non-conformance. All records, reports and other documents show compliance with permit requirements.

Response 2c: Emissions of fugitive dust from Hoover Road associated with resuspension of material from the landfill must be minimized or prevented. As such, the dust is considered negligible and does not is not required to be quantified by the permittee.

**Comment 3: In 2006 the landfill was given permission to use contaminated soil from the Plum Brook Ordnance Works (PBOW) environmental clean-up as temporary cover. With this and other Brownfield remediation occurring in Erie County what assurances and precautions are there to protect the community from fugitive emissions of contaminated soil including the Mud Brook tributary which traverses through the middle of the landfill properties.**

Response 3: All landfills, including the Erie County Sanitary Landfill, are permitted to accept only materials that are deemed suitable and safe for disposal. Additional approval can be granted to a landfill to use certain suitable and safe material as daily temporary cover. The contaminated soil associated with the PBOW project was treated on site at the Plum Brook facility to reduce contaminant levels (nitroaromatics) to a suitable and safe level. During the PBOW project, any soils which had elevated levels of nitroaromatics were properly handled and disposed of in a hazardous waste landfill.

Beyond the requirements for solid waste landfills to receive only material that is suitable and safe for disposal, permits issued to the landfill require the use of best available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust. Best available control measures are required for all fugitive dust sources at the landfill, including disposal and daily cover operations. Permit requirements include inspections, monitoring, record keeping and reporting to ensure that control measures are employed and that emissions of fugitive dust are minimized or eliminated.

**Comment 4:** Please explain why the fugitive permit limits for nonmethane organic compounds (NMOC) and methane do not experience the same proportional difference when the limits for passive and active operations are compared.

Response 4: The basis for establishing fugitive NMOC emissions from passive operations differs from the basis of the fugitive NMOC emissions from active operations, thus the reason for the proportional difference between fugitive NMOC and methane limitations. Permit limits for fugitive emissions of NMOC from passive operations were based on the maximum amount allowed by 40 CFR Part 60 Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills. Permit limits for fugitive NMOC from active operations, fugitive methane from active operations, and fugitive methane from passive operations are not specifically restricted by 40 CFR Part 60 Subpart WWW, and are regulated under a different standard based on the landfill's waste capacity.

**Comment 5:** From the testing that has been performed on the landfill gas emitted under active operations, what NMOC compounds are present and at what levels?

Response 5: Testing performed at the Erie County Landfill was done for purposes of determining landfill gas generation rates and did not involve a site-specific determination of specific NMOCs and their levels of emission. The quantification of specific NMOC emissions was conducted in conformance with U.S. EPA's technical document - AP 42, Fifth Edition, Compilation of Air Pollutant Emission Factors, Volume 1: Stationary Point and Area Sources, Chapter 2.4, which can be found at:

<http://www.epa.gov/ttn/chief/ap42/ch02/final/c02s04.pdf>

**Comment 6:**           **The closed portion of the landfill will forever go uncollected, what is the environmental impact to Milan Township? What testing has been performed on the landfill gas from the closed portion, what chemical constituents are present and at what levels?**

Response 6:           Permit requirements for the Erie County Sanitary Landfill operations including the closed portion were developed in accordance with air pollution rules and regulations which protect public health and the environment including the area surrounding the landfill. Gas generated by the landfill was sampled and tested in accordance with regulatory requirements to determine the concentration of NMOC. Sampling and testing included gas generated by the closed portion of the landfill. The results of the landfill gas sampling and testing are available for review by calling Linda Tilse at (419) 352-8461. Information regarding specific NMOC emissions is addressed in Comment 5.

**Comment 7:**           **It is accepted in the environmental community that the sub-surface migration of landfill gases contribute to VOC contamination. What are the potential hazards and what steps will the Ohio EPA take to monitor for this problem at both the active and inactive landfill cells?**

Response 7:           Landfill gas migration and groundwater issues are governed by rules, regulations, permits, etc. that fall under the jurisdiction of the Division of Solid and Infectious Waste Management (DSIWM). For additional information, contact DSIWM at the Agency's Northwest District Office at (419) 352-8461.

**Comment 8a:**           **While burning landfill gas will eliminate the problem of fugitive methane, there are other pollutants released during combustion such as carbon monoxide, nitrogen dioxide, nitric oxide, sulfur dioxide, and nonmethane organic chemicals.**

**Comment 8b:**           **During testing in early 2004, what were the products of combustion released during the flare operation and a what levels?**

**Comment 8c:**           **What are the hazards to the environment and the nearby community from the afore-mentioned chemical releases?**

Response 8: In February 2004, Erie County Sanitary Landfill performed a test to research the possible development of a landfill gas collection system which would provide LFG as an alternative fuel source to neighboring industries. The test results provided the following information:

- 529.29 hours of operation
- average gas flow rate of 680 scfm
- total test flow rate of 21.596 mmft<sup>3</sup>
- average methane concentration of 54.8 percent

The test results included information regarding the products of combustion from the test flare which were estimated at the following levels:

- 0.237 ton of nitrogen oxide
- 4.438 tons of carbon monoxide
- 0.101 ton of particulate matter 10 microns or less in size (PM<sub>10</sub>)
- 0.00044 ton of volatile organic compounds
- 0.002 ton of NMOC

The gas collection test was performed in accordance with landfill regulations which are designed to be protective of human health and the environment.

**Comment 9: What EPA documents exist that show that Milan Township Trustees were officially notified that an open burning source would be installed at the landfill? When was their approval obtained for the zoning exception?**

Response 9: The use of a flare for control of LFG is not considered an open burning source, so no requirements associated with open burning are required.

**Comment 10: This permit application has been in-process for almost 3 ½ years. What is the law relative to the amount of time between application and an approval of an air permit? Why has it taken so long?**

Response 10: Ohio Administrative Code rule 3745-31-09(E) sets a maximum of 180 days to act on a permit application after receiving a complete application. Permit-to-Install (PTI) 03-16197, which addresses the active landfill operations, involved 120 days of processing time by

Ohio EPA. During the remaining time, the permit processing was on hold pending decisions by the applicant to move forward with the project.

**Comment 11:** **Ohio EPA considers stakeholders very important to the process of creating and maintaining a clean environment. If this is the case, why has it taken over 90-days after activation and operation of the flare to hold the public hearing? What should public perception be about their role in process and the importance of their input about local environmental issues?**

Response 11: Ohio EPA's vision is one of being a trusted leader and environmental steward using innovation, quality service and public involvement to ensure a safe and healthy environment for all Ohioans. The Agency realizes we cannot achieve our vision without input from Ohio citizens and places a high priority on public involvement. We encourage citizens to become involved in the decision-making process. A public hearing associated with the permit to allow the installation and use of a flare was not initially held mainly due to the absence of any actual concerns being presented to the agency. During the comment period associated with the draft PTI addressing the active landfill operations, Ohio EPA became aware there were possible concerns regarding the proposed permit. The Agency offered several times to meet directly with concerned citizens to discuss their concerns. Ohio EPA was willing to hold a public hearing regarding the proposed permit if provided documentation related to citizens' concerns. Such information was not presented, so holding a public hearing was not deemed justifiable.

Actually items of concerns were presented for the first time by a community member as part of an appeal of the PTI after the permit had been issued as a final effective action. Because of the presentation of actual items of concern in the appeal process, Ohio EPA felt holding a public hearing associated with the draft Title V permit for the facility was justified.

**Comment 12:** **Presently, the Environmental Review Appeals Commission (ERAC) Case No: 225990 is pending concerning actions to approve the flare at the Erie County Landfill. What will be the impact of this Title V permit if ERAC finds that the EPA director erred in issuing the permit for the flare and the process must start over?**

Response 12:      Any modifications of the PTI for the active landfill operations required through the appeal process would be incorporated into the Title V permit by the appropriate modification process. It should be noted that it is unlikely that the appeal process will result in re-starting the permitting process.

Comment 13:      **Several years ago tests were performed on the wells in the area by the local Health Department which indicated the water was unfit to drink. Did the Ohio EPA ever follow-up on any of these tests?**

Response 13:      The ground water at the landfill is monitored through a series of wells. Monitoring results show that the landfill does not contribute to any contamination of the ground water in the area. The ground water contamination that appeared in the tests by the Health Department is associated with natural contamination from underground rock formations. Questions and inquiries regarding well water contamination should be referred to the Erie County General Health District at (419) 626-5623.