

  
**Division of Air Pollution Control**

**Response to Comments**

**Project: Washington Environmental, Air permit-to-install  
Ohio EPA ID #: 01-12041**

**Agency Contacts for this Project**

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Ohio EPA held a public hearing and comment period on April 12, 2007 regarding a proposed railcar transfer station for Washington Environmental, Ltd. This document summarizes the comments and questions received at the public hearing and during the associated comment period, which ended on May 10, 2007.

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.

The following are responses to questions and comments received during the hearing and comment period pertinent to the draft air permit. The comments received are all numbered and followed by Ohio EPA's responses. Some comments, especially those received from several different commenters, have been summarized and are not quoted word-for-word. The comments are also categorized into appropriate subject categories for reference.

**Health Related Issues:**

**Comment 1:**                    **The recently announced federally funded study on fine grit in air pollution proves women are more susceptible to heart attacks, coronary disease, strokes and clogged arteries. Do the specifications cited in the PTI either meet or exceed the findings of this study?**

**Response 1:**                    The study referred to was published in the *New England Journal of Medicine* in January 2007, and asserted that there was a connection between fine grit air pollution and the risk of heart disease in women.

The study specifically referenced emissions of “fine particles,” also known as PM 2.5. Sources of fine particles include many types of combustion activities (motor vehicles, power plants, wood burning, etc.) and certain industrial processes. The type of particle expected from the dust in the landfill operations is referred to as “course” and was not specifically addressed in the study. U.S. EPA does have established standards for fine particles that Morrow County currently meets.

Ohio EPA reviews the information provided by the applicant and information found from other sources (including information provided by citizens) to determine whether the proposed source would comply with all applicable air pollution requirements. If, based on this information, it does comply, then air pollution coming from the proposed source would not be expected to cause adverse health affects to citizens near the facility, including women and children. Ohio EPA reviews every permit to make sure the proposed source complies with all air pollution requirements and that the permit protects public health.

Ohio EPA is also required to issue permits that meet U.S. EPA guidelines. Ohio EPA regulations must either meet or exceed the regulations set forth by the federal U.S. EPA.

**Comment 2:**

**There were several comments concerning the protection of children and citizens from the dust in the air and questioning whether air monitoring would be required off site. The comments addressed monitoring of arsenic, hydrogen sulfide, asbestos and other pollutants.**

**Response 2:**

Ohio EPA is not requiring Washington Environmental to install any air monitoring equipment at or around the transfer station. However, Ohio EPA has required several measures at the transfer station to ensure that dust does not become airborne. All railcar unloading operations are required to be contained within a permanent structure; plastic sheeting must be used as dust inhibitors across all truck and railcar

doorways; material handling operations shall minimize free-fall distance; and, water spray bars at the railcar unloading point and truck loading point must be employed.

Along with being required to meet all of the above requirements through their air permit, the landfill is also required to perform daily monitoring of dust and report their findings to Ohio EPA. Ohio EPA staff will be performing periodic inspections along with responding to complaints received from citizens.

Unlike other pollutants that may be brought in with the waste material, hydrogen sulfide gas is created when accumulated C&DD material containing gypsum and water are combined. Storage piles of any type are not allowed at the transfer station. Therefore, C&DD material will not accumulate at the transfer station and does not have the potential to cause hydrogen sulfide gas emissions.

**Proposed Containment Building:**

**Comment 3:** We have been told by an Ohio EPA representative that this containment building is the first of its kind. However, we have photographs of such a facility at a solid waste loading station, thus it doesn't seem to be a first of its kind, unless the Ohio EPA representative actually meant that this is the first for a C&DD facility. Please clarify this situation and advise us where we can go to visit an operating C&DD facility utilizing this technique.

**Response 3:** When Ohio EPA referred to the containment building as being a first of its kind they were referring to the containment building being the first of its kind for a C&DD transfer station. Washington Environmental is currently the only C&DD transfer station in Ohio that plans to utilize a total enclosure for unloading and loading waste materials.

**Comment 4:** We have documented evidence that to assure the structural integrity of the building, it must meet the requirements of the international building code, or be approved by the State of Ohio

**Division of Factory and Buildings? Has the company submitted a complete set of plat and design drawings?**

**Response 4:**

Ohio EPA does not have the regulatory authority to require a facility to meet building codes. However, under General Terms and Conditions, Part I.A.1 reads: "The emissions unit(s) identified in this permit-to-install shall remain in full compliance with all applicable State laws and regulations and the terms and conditions of this permit". Therefore, we believe that the building will be constructed in compliance with the Ohio Building Codes. The company is not required to submit plat drawings; however they have submitted design drawings.

**Comment 5:**

**How is the polluted air to be prevented from escaping as trucks and railcars move in and out of the building for unloading?**

**Response 5:**

There are several measures to be used at the transfer station to ensure that dust from operations does not escape from the building. Plastic sheeting must be used as dust inhibitors across all truck or railcar doorways; water spray bars must be used at the railcar unloading point and truck loading point; and the facility must minimize the free fall distance of the processed material. This permit does allow the transfer station to emit minimal amounts of dust each day. We would expect that small amounts will escape the containment measures.

**Comment 6:**

**How will the developer monitor the dust escaping from the building? How will we know what is in the dust which escapes?**

**Response 6:**

The facility is responsible for performing daily checks, when the emissions unit is in operation and when the weather conditions allow, for any visible emissions of fugitive dust resulting from unloading operations. The presence or absence of any visible emissions of fugitive dust shall be noted in an operations log. If visible emissions are observed, the permittee shall also note the following in the operations log:

- a. the color of the emissions;

- b. whether the emissions are representative of normal operations;
- c. if the emissions are not representative of normal operations, the cause of the abnormal emissions;
- d. the total duration of any visible emission incident; and
- e. any corrective actions taken to eliminate the visible emissions.

The facility is required to report findings to the Ohio EPA quarterly.

The component of the dust could vary on any given day depending on the type of C&DD debris being unloaded at the transfer station. C&DD material consists of structural and building materials involved in construction, renovation and demolition projects. The materials may include brick, concrete and other masonry materials, stone, glass, wall coverings, plaster, drywall, framing and finishing lumber, roofing materials, plumbing fixtures, heating equipment, electrical wiring and components, insulation, affixed carpeting, asphaltic substances and metals. The amount of dust generated by the handling these materials may also vary.

**Comment 7:**

**What assurance do we have that the dust will be controlled? I have been told that plastic curtains will be at each end of the building. What guarantee do we have that they will be in place and stay in place? What recourse do we have if the plastic is compromised and dust is released?**

**Response 7:**

The permittee must maintain the building, including the plastic sheeting, in order to comply with the visible particulate emissions limitations and the permit requirements. If the permittee fails to control dust emissions or maintain the building and sheeting as outlined in their permit-to-install they will be in violation of the permit and could be subject to enforcement. Ohio EPA will also follow up when citizens observe and report noncompliance.

**Comment 8:** Can the EPA require the applicant to install a building with solid walls and a collection vacuum to collect the particles; then test the dust and if it tests for asbestos or other hazardous particles it be removed from the site and placed in an appropriate landfill facility?

**Response 8:** Ohio EPA has required the permittee to install a building with plastic sheeting used as dust inhibitors across all truck or railcar doorways; water spray bars at the railcar unloading point and truck loading point and minimize the free fall distance of the processed material. This is currently considered the best available technology for C&DD railcar transfer stations.

**Comment 9:** Have air locks been considered as a method used to stop dust from leaving the building as opposed to curtains?

**Response 9:** Air locks have not been considered as a method used to stop dust from leaving the building. The facility proposed using a building enclosure and plastic sheeting along with other methods to control dust. Ohio EPA determined the proposal to be adequate and in accordance with current rules and available technology.

**Comment 10:** Will there be other openings in the building to provide ventilation? How will the egress of contaminated dust be controlled at these openings?

**Response 10:** Ventilation to the building will be provided through the two main openings where the railcars and trucks enter and exit. Plastic sheeting will cover the two main openings where the railcars and trucks enter and exit the building. There will also be standard doors for workers to enter and exit through. The doors will remain closed when not in use.

**Comment 11:** How many doors will have curtains?

**Response 11:** Plastic sheeting will be covering the two main openings where the railcars and trucks enter and exit the building.

## **Emission Limitations**

**Comment 12:** It is claimed that these curtains are 85% efficient in preventing contaminated dust from escaping into the atmosphere. Who came up with this figure - the manufacturer, the applicant or your office; and are there documented studies to validate this claim?

**Response 12:** The 85% efficiency referenced is for the entire building enclosure, including the plastic curtains. This figure was derived from an Ohio EPA report referred to as Reasonably Available Control Measures (RACM). The purpose of this report is to provide agency personnel with information concerning fugitive dust for various industries. The report includes identification of fugitive dust sources, a listing of available fugitive dust emissions factors and control techniques and their effectiveness. The emission factor for the building enclosure was taken from this source.

**Comment 13:** Several commenters were interested in clarification of how Ohio EPA calculated the emissions used in the permit and what the basis was for their determination.

**Response 13:** The maximum amount of C&DD material the landfill is able to accept is limited to 624,000 tons per year by the landfill permit-to-install (PTI # 01-8788). The permittee is limited to this amount and must maintain records of shipments through the landfill permit requirements. The calculation used to determine the particulate emissions rate is as follows:

The emission factor calculation for material handling in U.S. EPA Emission Factor, AP-42 section 13.2.4 (January, 1995) was used to determine potential emissions. Initial compliance has been determined using inputs representing current conditions as follows:

$$E = k (0.0074) [(U/5)^{1.3} / (M/2)^{1.4}]$$

E = emission factor expressed in pounds (lbs) / ton

k = particle size multiplier (dimension less) = 0.74  
U = mean wind speed expressed in miles per hour (MPH) = 11\*  
M = material moisture content (%) = 11.0\*\*

$E = 0.74 (0.0032) [ (11 \text{ mph}/5)^{1.3} / (11/2)^{1.4} ]$   
E = 0.000607 pounds of particulate/ton of material

The total tons of uncontrolled particulate / year emitted is calculated as follows:

(E) x (No. Transfer Points) x (Tons Per year Throughput) x (1 ton/2000lbs)

Number of Transfer Points: 1 (load out from railcar to truck);

Tons Per year Throughput: 624,000

(624,000 tons/year) (0.000607 lbs/ton) = 378.9 lbs/year  
(378.9 lbs/year) (1 ton/2000 lbs) = 0.19 tons of particulate/year

\* The highest average wind speed in the State Of Ohio. 11 miles per hour is worst case scenario from Mansfield, Ohio.

\*\* The material moisture content of 11% for municipal solid waste operations, miscellaneous fill materials from Table 13.2.4-1, AP-42, January 1995.

If the control efficiency of the building of 85% (from Ohio EPA RACM study) is included, then the calculation would include the following:

$(0.19 \text{ tons/yr}) * (1-85) = 0.03 \text{ ton per year particulate emissions}$

**Comment 14:**

**Is 85% an average for a 24 hour day or for any given period of time while in use? For example, the curtains could be 100% efficient at night when the doors are closed and there is no activity that would generate dust and only 70% efficient during the daytime operations and maintain a 85% average efficiency.**

**Response 14:**

The 85% efficiency is for any period of time during which operations are taking place.

**Comment 15:**

**Are there any studies as to the efficiency of the curtains at varying wind speeds? What studies are these? Will the facility be required to**

**shutdown when the efficiency of the curtains drops below 85% due to the wind? If so who will enforce that?**

**Response 15:** Ohio EPA is not aware of any studies conducted to determine the efficiency of the curtains at varying wind speeds. The facility will not be required to shutdown operations due to wind speed. The 85% control efficiency is considered to be the entire building enclosure with plastic sheeting used as dust inhibitors across the doorways. It should be noted that even if the sheeting was temporarily compromised by a gust of wind the other dust control measures such as water spray and minimization of drop height would still be in effect.

**Comment 16:** **What percentage of the dust entering the atmosphere is generated during the unloading of the trains?**

**Response 16:** The only particulate emissions generated at the transfer station are from the unloading of railcars and the subsequent loading of the trucks. The emissions limitation in the permit is based upon both activities. Of the 0.19 tons per year of particulate emissions generated at the transfer station, half is from the unloading of railcars.

**Comment 17:** **What are the amounts of out-of-state waste you are allowing this developer to dump per this permit. How will this be measured? How do we know this amount will not be exceeded? Is that left up to the developer to monitor?**

**Response 17:** The landfill is limited to accepting 624,000 tons of C&DD material per year by the landfill permit-to-install (PTI # 01-8788). The permittee is limited to this amount and must maintain records of shipments through the landfill permit requirements. There is not a limit placed on "out of state" versus "in state" waste.

**Best Available Technology (BAT)**

**Comment 18:** **In permit # 01-12041, Part I A.12 states that best available technology is to be used. Whereas in Part II A.2.d it states that best available**

**technology requirements under 3745-31-05 (A)(3) do not apply because expected emissions will be less than 10 tons per year. This is a contradiction within the permit. Which rule is correct and why?**

**Response 18:**

The best available technology (BAT) requirements under Ohio Revised Code 3745-31-05(A)(3) do not apply to the particulate emissions from the transfer station because the uncontrolled potential to emit for particulate emissions is less than 10 tons per year. This is specified in recently enacted Ohio Senate Bill 265 which became effective August 3, 2006. If a new emissions source has emissions of greater than 10 tons per year of a pollutant, then BAT would apply.

**Comment 19:**

**The developer states there will be three minutes of dust in the air per 60 minute period. Based on technology being used in Gerard, nine seconds per hour is BAT. Why is the developer not using BAT?**

**Response 19:**

Ohio EPA has done a review of the C&DD landfill located in Girard, Ohio, Trumbull County. The permit-to-install for this facility is for material handling and roadways and parking areas at a construction and demolition debris landfill. The permit states that for material handling operations, visible emissions shall not exceed six minutes during any sixty-minute observation period and visible particulate emissions from any unpaved roadway or parking area shall not exceed six minutes during any sixty-minute observation period. There is no building located at this facility and therefore, no visible particulate emissions except for three minutes during any 60-minute period from building egress points requirement.

Ohio EPA has determined that the current requirement for fugitive dust emissions is "no visible particulate emissions except for three minutes during any 60-minute period from building egress points." As stated above, BAT does not apply to this emissions unit; however, Ohio EPA believes that the visible emissions restriction would be equivalent to current BAT for Ohio.

**Comment 20:**                   **Who determines the Best Available Technology?  
Will it be used at this plant?**

**Response 20:**               The Director of Ohio EPA determines BAT based on technical and economical feasibility of control measures. The BAT requirements under 3745-31-05(A)(3) do not apply to the particulate emissions from the transfer station since the uncontrolled potential to emit for particulate emissions is less than ten tons per year (specified in Ohio Senate Bill 265 which became effective August 3, 2006). However, it has been determined by Ohio EPA that BAT for the transfer station is a building enclosure. By including a building in the permit application, Washington Environmental is now required to install a building for unloading operations.

**Asbestos:**

**Comment 21:**                   **Why was permit # 01-12041 reissued to include  
asbestos?**

**Response 21:**               The original draft of the railcar transfer station permit (#01-12041) was issued on November 2, 2006. The terms and conditions of that permit specified the types of asbestos-containing materials that *cannot* be accepted by the site but did not specify the types of materials that *can* be accepted.

The revised draft permit, issued January 9, 2007, includes terms that specify which asbestos-containing materials can be accepted at the landfill site and imposes additional requirements on the handling and disposal of the materials. Since these terms and conditions were not included in the first draft issued on November 2, 2006, Ohio EPA decided to issue a second re-draft the permit in order to ensure the opportunity for public comment on the revised permit terms.

**Comments 22:**               **The draft PTI does not specify testing, corrective  
action and associated facilities for handling  
asbestos waste which may be unlawfully included  
in C&DD waste that was shredded at a transfer  
station. What are your requirements for  
responding to the illegal receipt of asbestos  
contained in unidentifiable shredded waste?**

- Response 22:** The federal asbestos rule, National Emissions Standard for Hazardous Air Pollutants (NESHAP), specifies notification and disposal procedures for demolition sites where regulated asbestos is being handled. Under federal law, the asbestos must be identified and taken to a landfill that has been approved to accept asbestos. Washington Environmental landfill has not been approved to accept regulated asbestos. It would be a violation of federal law for the out-of-state regulated asbestos waste to be sent to Washington Environmental. If regulated asbestos were to arrive at the landfill, the facility is not permitted to accept it. In the event that illegal asbestos waste is accepted at the transfer station, Washington Environmental would be subject to enforcement action. Please note that the license issued by the Morrow County Health Department states the landfill is not permitted to accept materials that have been shredded or pulverized (i.e., unidentifiable).
- Comment 23:** **How many parts per million of asbestos is allowed in our air?**
- Response 23:** Asbestos is measured as the number of fibers per volume and generally expressed as cubic centimeters or cc. The federal rules for asbestos do not place specific numerical emission limitations for asbestos fibers but rather regulate asbestos as work practice and material handling standards.
- Comment 24:** **Isn't asbestos illegal to be in this trash by Ohio law?**
- Response 24:** The types of asbestos specified as allowable in the draft air permit to install are in accordance with Ohio law. All other types of asbestos-containing materials must be sent to a specially licensed landfill.
- Comment 25:** **How can asbestos simply be added to a new permit without going through the Morrow County Board of Health for approval?**
- Response 25:** The original draft of the railcar transfer station permit (#01-12041) was issued with terms and conditions

that specified the types of asbestos-containing materials that were not accepted by the site but did not state the types of materials allowed. The revised draft permit includes terms that specify which asbestos-containing materials are accepted at the landfill site and imposes additional requirements on the handling and disposal of the materials. There was no change in the types of asbestos-containing materials permitted to be accepted at the landfill and therefore, the action did not require the approval of the Morrow County Health Department.

See also the response to comment 21.

**Comment 26:** **How will you guarantee clean air with asbestos floating in the air which never disintegrates? Will you require the developer to perform asbestos testing and monitoring?**

**Response 26:** The concentration of asbestos in the dust from the facility is expected to be minimal because of the restrictions on the types of asbestos-containing debris accepted at the facility and the several measures required at the transfer station to ensure that dust from operations does not become airborne. The Ohio EPA permit does not require Washington Environmental to do testing or monitoring of asbestos and other dust emissions in the air.

**Comment 27:** **Who will be checking the type of asbestos that is being accepted at this site?**

**Response 27:** Washington Environmental must monitor each load they receive for asbestos. Testing of asbestos is not a requirement of this permit. The federal asbestos NESHAP regulations specify notification and disposal procedures for demolition sites where regulated asbestos is being handled. Under federal law, asbestos must be identified and taken to a landfill that has been approved to accept asbestos. Washington Environmental landfill has not been approved to accept regulated asbestos. It would be a violation of federal law for the out-of-state regulated asbestos waste to be sent to Washington Environmental. If regulated asbestos were to arrive at the landfill, the facility is not permitted to accept it.

**Comment 28:**                    **The movement of asbestos by large tractors and backhoes, in all reality, will cause it to be ground and sanded, thus becoming “friable” asbestos. Is this not illegal to have in a landfill? Why is Ohio EPA allowing waste containing asbestos to be handled and transferred with methods that create friable asbestos?**

**Response 28:**                The permittee is required to ensure that the Category I nonfriable asbestos-containing material will not become friable during processing at the landfill. The facility is not allowed to accept any asbestos except for Category I nonfriable asbestos-containing material and unregulated residential asbestos-containing materials.

If asbestos-containing material were to become friable while handling debris at the transfer station, it is not expected to become airborne because of the strict requirements on the building and water spray specified above. Please note that a material is only considered friable if it, when dry, can be crumbled, pulverized or reduced to powder by hand pressure.

**Comment 29:**                    **Will the EPA require the developer to have air monitoring equipment for the inside of our children’s school, playground, bus, etc.? Will you be requiring the developer to take air sample slides? Will they be analyzed by polarized light microscopy?**

**Response 29:**                Ohio EPA is not requiring Washington Environmental to install any air monitoring equipment at or around the transfer station because the concentration of dust coming from the transfer station is expected to be minimal. Ohio EPA focuses its efforts and requirements on the point of dust generation and requires several control measures to ensure that dust from operations does not become airborne.

**Comment 30:**                    **Section B. Operational Restrictions describes allowable waste. The section starts in the first sentence that the facility cannot accept regulated asbestos containing material. It later states “If any material arrives at the landfill from**

**unregulated residence and meets the description of regulated asbestos-containing material as described in (a) through (d) above, the landfill shall.” The Ohio Revised Code only allows NESHAP exempted asbestos into a C&DD landfill and specifically restricts regulated asbestos. How will Ohio EPA resolve the error regarding regulated asbestos acceptance into the landfill and allow public comment?**

**Response 30:**

The Federal NESHAP only applies to regulated asbestos-containing material. There is an exemption for single residential dwellings that are not regulated by the NESHAP. The permit requirement in question refers to any asbestos-containing material coming from an unregulated source. In the event that the transfer station receives asbestos-containing material from an unregulated source (i.e., residential dwelling), but has the characteristics of regulated asbestos-containing, this requirement outlines how the asbestos should be handled.

**Compliance Determination:**

**Comment 31:**

**Will Ohio EPA be inspecting the site on a daily basis? If not, why?**

**Response 31:**

Ohio EPA is not able to inspect the transfer station on a daily basis because we do not have the resources needed for such activities. Ohio EPA will inspect the facility upon startup and as needed while it is in operation. The facility is required to do daily self monitoring for fugitive dust which is reported to Ohio EPA. The Morrow County Health Department will be at the facility on at least a quarterly basis to determine compliance with the C&DD license. Also, if citizens suspect a violation has occurred, they are encouraged to call Ohio EPA and report their concerns. Ohio EPA often must rely on self-reporting to assist in assessing compliance along with oversight and inspections for verification.

**Comment 32:**

**In the question and answer sent to my home Q & A number 14 states that all terms and conditions within the permit must be fulfilled or the facility maybe subject to enforcement. If it may be**

**subject to enforcement then it may not be. What determines if it is subject to enforcement or not? How many violations does it take to closedown a facility?**

**Response 32:**

A facility is subject to an enforcement action when a violation of the terms and conditions of their permit occurs. A Notice of Violation (NOV) letter would be sent within 30 days of discovery of the violation. The letter would contain the rules violated, the time period of the violation, request for explanation of the violation, request for submittal of an expeditious plan and schedule to correct the violation and a timely request for response.

Ohio EPA does not necessarily look at the number of violations, but the severity of the violations when considering enforcement action against a facility. We take violations seriously and will take necessary enforcement actions. Our first priority is protecting human health and the environment, so we will likely order the landfill to come back into compliance before moving forward on enforcement actions.

**Comment 33:**

**How can a layman tell what three minutes of dust per hour is?**

**Response 33:**

Ohio EPA utilizes U.S. EPA test Method 22 to determine the frequency of fugitive emissions from stationary sources. This procedure can be done by anyone without the need for specific training. The only equipment you will need will be two stopwatches.

Dust emissions produced during the transfer operations can be visually determined by an observer without the aid of instruments. The following method determines the amount of time that visible emissions occur during the observation period (i.e., the accumulated emission time).

As stated in the permit, the transfer station is allowed no visible particulate emissions except for three minutes during any 60-minute period from building egress points. In order to determine if the facility is in compliance, the following procedure may be used:

1. Select an observation location. Look at the building to determine the locations of potential emissions. A position at least 15 feet, but not more than 1,200 hundred feet from the emission source is recommended. Also, select a position where the sunlight is not shining directly in the observer's eyes.

2. Use one stopwatch to monitor the 60-minute duration of the observation period. Start this stopwatch when the observation period begins. If the observation period is divided into two or more segments by process shutdowns or observer rest breaks, stop the stopwatch when a break begins and restart the stopwatch without resetting it when the break ends.

3. Stop the stopwatch at the end of the 60 minute observation period. During the 60- minute observation period, continuously watch the emission source. Upon observing an emission, start the second stopwatch; stop the watch when the emission stops. Continue this procedure for the entire 60-minute observation period. The accumulated elapsed time on this stopwatch is the total time emissions were visible during the observation period.

If the observation time for visible emissions is greater than three minutes during the 60-minute period, then there may be a violation of the terms and conditions of the permit.

It may not be necessary to observe the source for the entire 60-minute period if the emission time required to indicate noncompliance is a shorter time period. In other words, the permit states, "no visible particulate emissions except for three minutes during any 60-minute period from building egress points."Therefore, observations may be stopped after an emission time of 3 minutes is exceeded.

**Comment 34:**

**What are the documents that Ohio EPA will use in their inspection process prior to issuing a final permit-to-operate (PTO) and will those documents be made available to the public upon request so the public can likewise make related inspections?**

**Response 34:** The documentation needed by Ohio EPA to issue a final permit-to-operate is an issued permit-to-install, properly completed Emissions Activity forms and a permit-to-operate application. All of this information is available for the public to review upon request.

**Miscellaneous:**

**Comment 35:** **When the debris is moved from the building to the landfill, how is it transported and handled at the landfill without creating dust?**

**Response 35:** When C&DD material is moved from the transfer station to the working face of the landfill it will have been watered-down inside the transfer station in order to minimize the amount of dust coming from the bed of the truck. It is then transported to the working face of the landfill by truck. As the trucks leave the transfer station the C&DD material then becomes regulated under the landfill permit-to-install (PTI 01-8788).

**Comment 36:** **Questions were raised concerning potential unidentifiable materials that may arrive at the landfill. The commenters wanted to know if the material could be accepted and how the process for rejection worked.**

**Response 36:** According to the C&DD landfill license, the landfill is not permitted to accept materials that have been shredded or pulverized and therefore unidentifiable. The acceptance and rejection of unidentifiable material loads is regulated through the C&DD license issued by the Morrow County Health Department.

**Comment 37:** **Ohio needs to have a provision that allows this state to pass a law allowing a permit denial. Where we have the power to declare for ourselves that “we have no local or regional need for this facility”. Do we have such a provision at this time?**

**Response 37:** The Director of Ohio EPA does have the authority to deny a permit if it does not meet applicable state and federal air pollution regulations. In this case, we

believe that the proposed installation will be able to comply with state and federal air pollution regulations.

The Director of Ohio EPA does not have the regulatory authority to deny permits on a regional basis or on the basis of local popularity/unpopularity.

**Comment 38:** **Does the landfill still need a PTO (permit-to-operate) for the landfill site according to Ohio law since ground has yet to be broken? Or have they already received this one as well?**

**Response 38:** A permit-to-operate is a permit issued after a permit-to-install and after the emissions unit is constructed and is in operation. The landfill is authorized to operate under their permit-to-install as long as the PTO application has been submitted to Ohio EPA. The PTO application for Washington Environmental was received at Ohio EPA on May 1, 2006.

**Comment 39:** **How many C&DD landfills have reported air pollution in the last year?**

**Response 39:** Specific data for the previous year is not readily available because Ohio EPA tracks emissions through fee reports which are generally submitted every two years for non-major facilities (C&DD landfills are typically in this category). The latest reporting cycle covers the calendar years 2004 and 2005 and was required to be submitted to Ohio EPA by the end of April 2006. The next reporting cycle will cover the years 2006 and 2007 and will be due in April 2008.

According to a data search of the licensed C&DD facilities in Ohio, 53 facilities reported air emissions for the 2004-2005 cycle. The vast majority of C&DD facilities reported less than 10 tons of total emissions per year.

**Comment 40:** **How far out from C&DD landfill sites has air pollution extended? Are prevailing winds taken into effect?**

**Response 40:** Once dust or any pollutant becomes airborne, the distance it travels is dependent on several factors

including wind speeds, direction, type of material, etc. Ohio EPA often relies on computer modeling programs which predict concentrations of pollutants at certain distances. Modeling is conducted for all new emission sources that are expected to emit greater than one ton of a toxic pollutant per year.

**Comment 41:** **Will aluminum waste be brought to this site?**

**Response 41:** Aluminum waste is not considered construction and demolition waste and cannot be accepted at this transfer station.

**Comment 42:** **Will mercury be permitted?**

**Response 42:** The majority of C&DD entering the transfer station comes from building demolition and renovation, and the rest comes from new construction. A small amount of mercury could be expected to be part of this waste stream from materials such as thermostats and lighting ballasts.

**Comment 43:** **It is my understanding that Washington Environmental operates more than 70 sites in other areas of Ohio. I would appreciate in detail OEPA's experience with this Limited Liability group; for instance, the number of complaints by residents adjacent to these operations, the number of complaints after inspections by OEPA, type and remedy.**

**Response 43:** Upon review of licensed C&DD landfills in Ohio, the Division of Air Pollution Control is only aware of one other C&DD facility operated by the permittee (located in Dayton, Ohio). After conducting a records review detailing the past five years of operation, it appears that facility has had no violations of their air permit and the local air agency has received no complaints from citizens. The landfill has received letters of warning from the local air agency about dragging dirt from its driveway onto the city street. Corrective action was taken by the landfill once the local air agency official notified them of the drag-out problem.

**Comment 44:** **The public notice is contradictory in that it first specifies that all written testimony must be**

**received by February 20<sup>th</sup> in order to be considered, yet immediately following it states that written testimony may be submitted at the Hearing. In the interest of fairness, in order to hear all concerns, we therefore assume that there is no mail-in deadline.**

**Response 44:**

On January 31, 2007, Ohio EPA published notice in the Morrow County Sentinel that a public hearing would be held on March 6, 2007 and an incorrect deadline for submitting comments of February 20, 2007. To correct this error, on February 28, 2007, Ohio EPA published another notice in the Sentinel that the public hearing was rescheduled for April 12, 2007 and the public comment period would last for a week after the hearing (until April 19, 2007.) Further, at the request of citizens, Ohio EPA extended the date for submitting written comments to May 10, 2007 (published in the Sentinel on April 25, 2007). The mail-in deadline for submitting comments was May 10, 2007.

**Comment 45:**

**We were promised you would stay as long as people had questions. Why did you stop the Q&A session?**

**Response 45:**

Ohio EPA public involvement staff provided several opportunities for dialogue concerning the proposed transfer station. An informal information session was held on March 13th, at the request of local citizens. Prior to the April 12 public hearing, an information session was held which included a question and answer portion. It was the preference of the crowd that evening that as much time be given as possible for the public hearing portion of the meeting, which is where citizens have the opportunity to put comments on the official record. However, staff from Ohio EPA's Division of Air Pollution Control were also available, in a separate room, to answer any individual questions regarding the draft permit while the public hearing was taking place. Due to time constraints that evening, citizens were urged to submit additional questions in writing so that we could respond to all questions in this Responsiveness Summary. Finally, Ohio EPA staff have made every effort to respond

fully and quickly to every phone call, email and other request for information related to the draft permit

**Comment 46: Will leachate be used for dust control?**

**Response 46:** According to the permittee, water from wells will be used to spray-down C&DD material as it is unloaded and loaded at the transfer station.

**Comments 47: Why is the landfill not being looked at as a whole? You said this is about air quality and won't answer any water related questions. Can't airborne contamination get into the ground and surface water?**

**Response 47:** All aspects of the landfill are being examined by the appropriate regulatory authorities including Ohio EPA who is examining all air related issues. All potential ground water monitoring issues are covered by the Morrow County landfill license.

**Comment 48: Heavy metals testing on a monthly basis should be an additional requirement to be added to the permit at the expense of the permittee and available for public review.**

**Response 48:** Heavy metals monitoring is a requirement of the C&DD license enforced through the Morrow County Health Department.

**Comment 49: The address for the property to be controlled under this permit (#01-12041) is not valid. The permit and the application state the address is in Edison, Ohio. The U.S. Postal Service has stated that the intersection of State Route 61 and County Road 29 is not in Edison, Ohio. This permit should not be considered valid.**

**Response 49:** The permit application included an accurate location of the proposed transfer station location. While this location may not be a location in Edison, Ohio, it is, as stated in the application, located at the northwest corner of the intersection of State Route 61 and County Road 29 in Morrow County, about 6.5 miles north of Mount Gilead, Ohio.

**Comment 50:** The PTI application # 01-12041 Part II.A. states that ORC Rule 3704.03(T)(4) is an applicable rule with the response referred to A.2.e. The document does not contain a section A.2.e and therefore has not reconciled this applicable rule in the public notice review. Therefore, this application is in violation and should be rejected.

**Response 50:** Draft permit-to-install # 01-12041 contains an error in Part II.A1. ORC rule 3704.03(T)(4) mistakenly references A.2.e in the permit but the correct reference should reference A.2.d. This correction will be made in the final permit.

**Comment 51:** Has Ohio EPA conducted an Environmental Impact Statement?

**Response 51:** No. Environmental Impact Statements are a specific federal requirement of the National Environmental Policy Act. They only apply to federal government agencies that are planning to undertake a major program that may affect the environment.

Ohio EPA believes that the information that facilities are required to supply through its air permit-to-install applications is sufficient to assess the potential impact of the project on air quality.

**End of Response to Comments**