

**L AND D LANDFILL LIMITED PARTNERSHIP
P.O. BOX 255009
SACRAMENTO, CALIFORNIA 95865-5009
916-737-8640**

May 19, 2017
E-Mail

Clerk of the Board
California Air Resources
Board 1001 I Street
Sacramento, California 95814

Re: California State Emission Guidelines
Plan Comments on Applicability to
L and D Landfill Limited Partnership

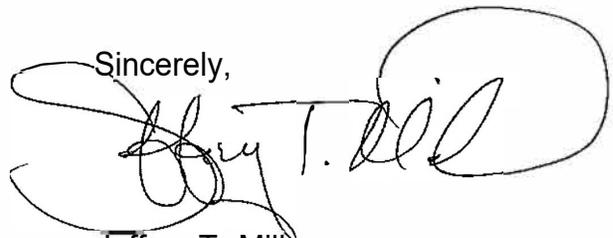
Honorable Board Members,

This letter will serve as our comments to the rulemaking package being considered on May 25, 2017, the adoption of the draft Emission Guidelines (EG) rule for California. Appendix C of the package contains a listing of Municipal Solid Waste (MSW) Landfills, determined by the California Air Resources Board (GARB), to be subject to the Federal Emission Guidelines. L and D Landfill is not an MSW Landfill and, as such, should not be included on the list.

Please find enclosed the "Emission Guideline Applicability Review", prepared for L and D Landfill by SCS Engineers, in support of our request to be removed from the list of Municipal Solid Waste Landfills Affected by the Emission Guidelines (Appendix C of the rulemaking package).

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey T. Mills", with a large, loopy flourish extending to the right.

Jeffrey T. Mills
L and D Landfill
Limited Partnership

Enclosure
JTM/as

cc: Michael P. Lien
Timothy S. Lien
Pat Sullivan, SCS Engineers
Kevin Roberson, SMAQMD

SCS ENGINEERS

May 17, 2017
File No. 01204084.01

Jeff Mills
L and D Landfill, LP
P.O. Box 255009
Sacramento, CA 95865-5009

SUBJECT: Emission Guideline Applicability Review, Land D Landfill, Sacramento, CA

Dear Mr. Mills:

At your request, SCS Engineers (SCS) has reviewed the applicability of the federal Emission Guideline (EG) under 40 Code of Federal Regulations (CFR) Part 60, Subpart Cf to the L and D Landfill. A summary of our analysis is detailed below. We understand that this letter will be submitted to the California Air Resources Board (CARB) as part of the stakeholder comments on the draft EG rule for the State of California.

Background

CARB is in the process of adopting a new landfill air quality regulation to address the requirement to promulgate an EG for California to comply with 40 CFR Part 60, Subpart Cf. The current CARB proposal, to be submitted to the U.S. Environmental Protection Agency (EPA) for approval, is for EPA to consider the AB 32 landfill methane rule (LMR) under 17 California Code of Regulations (CCR) as equivalent to or more stringent than the EG. CARB plans to adopt this proposed State Plan for the EG using the LMR as the compliance strategy at its Board meeting on May 25, 2017. Comments are due on the draft rulemaking by 5 PM on May 24, 2017 or at the hearing.

Based on our review of the rulemaking materials posted on CARB's website, Appendix C of the rulemaking package contains a listing of "Municipal Solid Waste Landfills Affected by the Emission Guidelines," as determined by CARB. L and D Landfill is included on this list, and SCS has completed a review to assess whether this listing is accurate or not.

EG Applicability

The first step for determining applicability of the EG is to assess whether a particular landfill is the type of landfill to which the regulation applies. The EG rule clearly states that applicability is limited to municipal solid waste (MSW) landfills as defined in the regulations per the description of "designated facilities" under 40 CFR 60.31f. The EG defines "MSW landfill" as follows (**bold** text has been added for emphasis) under 40 CFR 60.41f:



"Municipal solid waste landfill or MSW landfill means an entire disposal facility in a contiguous geographical space **where household waste is placed in or on land**. An MSW landfill may also receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D wastes (§ 257.2 of this title) such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion."

"Household waste" is further defined as shown below under 40 CFR 60.41f.

"Household waste means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including, but not limited to, single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). **Household waste does not include fully segregated yard waste**. Segregated yard waste means vegetative matter resulting exclusively from the cutting of grass, the pruning and/or removal of bushes, shrubs, and trees, the weeding of gardens, and other landscaping maintenance activities. **Household waste does not include construction, renovation, or demolition wastes, even if originating from a household."**

L and D Landfill

Land D Landfill (Site) is a construction and demolition (C&D) landfill, which is limited in the types of waste it can accept. As a landfill in California, the Site has undergone the required environmental review and obtained the necessary permits to operate as a C&D landfill. An initial environmental review was done to comply with the California Environmental Quality Act (CEQA). The Site also has a Conditional Use Permit (CUP), Waste Discharge Requirements (WDRs), and a Solid Waste Facility Permit (SWFP), each of which limits the acceptable wastes for the Site. Details from these documents are provided below.

CEQA Disposal Limitations

The Site went through the CEQA process in 1996 for an expansion of the permitted waste containing area. The CEQA process resulted in a Negative Declaration. The Site proposed to accept only "construction wastes, wood, concrete, paper, asphalt, and similarly non-putrescible materials." Disposal of household garbage, liquid, hazardous, or infectious wastes was explicitly ruled out in the Negative Declaration.

CUP Disposal Limitations

The CUP issued to the site subsequent to the CEQA Negative Declaration in 1996 also prohibits the acceptance of "liquid, hazardous, infectious waste, or household garbage" in Condition C5 and tires, ashes, and auto bodies in Condition 12. Condition C26 limits the fraction of acceptable tree and garden/green waste to 3.5 percent of the total waste stream.

WDR Disposal Limitations

The 2002 WDR states that the Site

" ... accepts solid wastes defined as "inert" or "nonhazardous" under Section 20164 of Title 27"

The WDR describes the waste stream as containing

" ... construction and demolition debris, paper, concrete, asphalt, dirt, green waste and wood, tires¹, plastic, non-friable asbestos and other miscellaneous nonhazardous wastes."

The WDR also prohibits the discharge (acceptance) of hazardous or designated wastes as defined in Title 23 and Title 27 of the CCR, respectively. The site is further prohibited from accepting putrescible wastes except small amounts of green waste.

SWFP Disposal Limitations

The Site's current SWFP clearly defines the Site as a C&D landfill and prohibits the disposal of waste that is hazardous, radioactive, medical, liquid, designated or otherwise subject to special waste handling requirements. It further prohibits the disposal of liquid or semi-solid waste, large dead animals, hot or burning ashes, fuel contaminated soils, dewatered non-hazardous non-publicly owned treatment works (POTW) sludges, friable asbestos, and putrescible household waste.

Disposal Limitations Summary

Based on the collective disposal restrictions contained in the permits and regulatory approvals listed above, the Site is only permitted to accept C&D waste as well as segregated green (yard) waste, both of which are excluded from the definition of household waste under the EG rule. Therefore, Land D Landfill is effectively prohibited from accepting household waste, and if the Site cannot accept household waste, then it is not an MSW landfill as defined by the EG.

Summary

Based on the applicability review completed by SCS, the Land D Landfill is not subject to the EG rule under 40 CFR Part 60, Subpart Cf. Therefore, the Site is erroneously listed in Appendix C in the rulemaking package for CARB's State Plan for the EG.

Mr. Jeff Mills
May 17, 2017
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Further, based on your discussion with staff from the Sacramento Metropolitan Air Quality Management District (SMAQMD or District) and information provided by the District, it appears that the SMAQMD agrees with our conclusions on EG applicability for the L and D Landfill. This is also consistent with how C&D landfills around the country have been exempted from the original EG and New Source Performance Standards (NSPS) since 1996.

If you have any further questions regarding this submittal, please contact the undersigned at (916) 361-1297.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick S. Sullivan". The signature is written in a cursive style with a large initial "P" and "S".

Patrick S. Sullivan, REPA, CPP,
BCES Senior Vice President
SCS ENGINEERS

cc: Kevin Roberson; SMAQMD