

May 03, 2006

RECEIVED

Gerardo Rios, Chief, Permits Office
U.S. EPA Region 9
75 Hawthorne Street
Mail Code: AIR-3
San Francisco, CA 94105

MAY - 8 2006

Permits Office Air-3
U.S. EPA, Region 9

Re: Objection to YCCL Title V Permit F-01392-0

Dear Mr. Rios:

I am submitting a petition of objection for Permit F-01392-0. I request that the U.S. Environmental Protection Agency (USEPA) not to take final action on the title V permit before resolving the outstanding issues I have raised in this petition. As you know, the District has a federally enforceable state operation program (FESOP) and a state implementation plan (SIP) that apply to the Yolo County Central Landfill (YCCL) title V permit.

BACKGROUND

On April 07, 2006 I submitted public comments to the District and receive their response to my comments on March 07, 2006. My comments were brief and the outcome was that the District ignored all of my comments. For this reason, I have chosen to submit this letter of objection to your office

My objection includes the following documents:

1. Detailed History – Yolo Landfill Gas Collection System (Attachment A); and
2. Offset Determination – Minnesota Methane LLC, Yolo County Landfill Gas Collection System (Attachment B).

Since 1988 this landfill has gone through numerous changes to the landfill gas collection and control system that are subject to the District's rules and regulations. My comments will focus on three (3) main elements of the title V permit that are clearly defective as written. Specifically, the District's evaluation is lacking the following areas:

Comment 1. New Source Review Evaluation

According to ATC C-03-226 for YCCL, the District has determined that YCCL source is not subject to the District's NSR rule requirements. However, the Clean Air Act Amendments of 1990, in conjunction with District Rules 3.1, General Permit Requirements, 3.4, New Source Review, and 3.8, Federal Operating Permits, do in fact require the District to evaluate YCCL's title V permit to incorporate a "lookback" evaluation to properly permit this source (see page III-31 of the USEPA Region 9's guidance document). This fact is evident by referring to Attachment A showing the District incorrectly permitted YCCL in 2005 for past permitted activities going back to 1996 when the District's BACT and offset thresholds were changed to 25 tons per day and 7,500 pounds per quarter, specifically. I request the USEPA reject the final permit as written based on the information provided.

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Attachment B contains the District's offset evaluation for an increase in flare capacity completed in 1997. As evidence in the District's own evaluation, the evaluation relies on an incorrect interpretation of an exemption for "significant" modifications until Title I of the CAAA. This evaluation is incorrect because it is for determining whether or not the modification is a major modification for title V permitting purposes, not whether the emission increases are subject to the District's BACT and offset thresholds. The District made a significant mistake at this point in the evaluation process and has never corrected their mistake. Now it the time to correct their mistake. As such, I request the USEPA reject the final permit as written based on the information provided.

Comment 2. Title V Applicability (Common Control Determination)

The title V permit's applicable requirements for compliance with 40 CFR Part 60, Subparts Cc and WWW are inconsistent with EPA's online guidance on the subject matter as documented in EPA WWW APPL Determinations 1997-2000adi.txt, Control Number: 9900002. The correct applicability determination is that YCCL is responsible for compliance with the NSPS because it is the landfill owner/operator for the landfill gas collection system and the flare. NEO Yolo LLC and YCCL have a contract in place for NEO Yolo LLC to maintain and operated the gas collection system and flare but, Yolo County is ultimately responsible for the landfill gas generated at the landfill site and cannot contract their regulatory obligation's away.

In addition, NEO Yolo LLC owns the gas collection system but this is through a lease agreement with YCCL. As such, the title V permit for YCCL must contain all of the local, state and federal requirements for the landfill gas collection and control system (fugitive and point source emissions from operation of the gas collection system, the flare and landfill surface (fugitives)). In short, the point source emissions found on NEO Yolo's title V permit are missing from YCCL's title V permit and must be included at this time. I request the USEPA reject the final permit as written based on the information mentioned above.

Thank you for your consideration of my comments and I look forward to receiving your response. If you have any questions, please call me at (530) 297-7908.

Sincerely,



David Morales
206 2nd Street
Davis, CA 95616

Copy. Scott Walker, CIWMB
Steve Wall, USEPA
Sherri Walker USEPA