

ALLEGHENY COUNTY HEALTH DEPARTMENT

IN RE:

Browning-Ferris Industries)	PLAN APPROVAL ORDER
of Pennsylvania, Inc.)	AND AGREEMENT NO. 231A
P. O. Box 47)	<u>UPON CONSENT</u>
Imperial, PA 15126)	
Allegheny County)	

AND NOW, this 28th day of April, 1997,

WHEREAS, the Allegheny County Health Department, (hereafter referred to as "Department"), has determined that the Browning-Ferris Industries of Pennsylvania, Inc., (hereinafter referred to as "BFI"), P.O. Box 47, Imperial, PA 15126, is the owner and operator of a municipal solid waste landfill at Route 980 and Boggs Road, Findlay Township, Allegheny County, PA 15126 (hereafter referred to as "the Facility"), is a major stationary source of volatile organic compounds (hereafter referred to as "VOCs") emissions as defined in Section 2101.20 of Article XXI, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control (hereafter referred to as "Article XXI"); and

WHEREAS, the Department has determined that Section 2105.06.a. of Article XXI, entitled "Major Sources of NO_x and VOCs" is applicable to BFI's operations at this facility; and

WHEREAS, BFI has promptly submitted to the Department all documents required by Section 2105.06.b of Article XXI (hereafter collectively referred to as "the

Proposal"); and

WHEREAS, the Department, after a review of the submitted proposal has determined the Proposal to be complete; and

WHEREAS, the Department has further determined, after review, that BFI's Proposal, constitutes Reasonably Available Control Technology (hereafter referred to as "RACT") for control of VOC emissions from the facility; and

WHEREAS, the parties have agreed that entering into this Consent Order and Agreement is the most appropriate vehicle to confirm BFI's VOCs RACT plan and constitute the Department's approval of the Plan for the purpose of submission of the same to the U.S. Environmental Protection Agency (hereafter referred to as "US EPA") as a revision to the Commonwealth of Pennsylvania State Implementation Plan (hereafter referred to as "SIP"; and

WHEREAS, the Department and BFI desire to memorialize the details of the Proposal by entry of this RACT Plan Approval Order and Agreement Upon Consent; and

WHEREAS, pursuant to Section 2109.03 of Article XXI, the Director of the Allegheny County Health Department or his designated representative may issue such orders as are necessary to aid in the enforcement of the provisions of Article XXI, notwithstanding the absence of any violation or any provision of Article XXI;

NOW, THEREFORE, this day first written above, the Department, pursuant to Section 2109.03 of Article XXI, and upon agreement of the parties as hereinafter set forth, hereby issues the following RACT Plan Approval Order and Agreement No. 231A Upon Consent superseding and replacing Enforcement Order No. 231, dated December 30, 1996.

I. ORDER

- 1.1. BFI shall, except during emergency situations requiring shutdown or periodically when shutdowns are required to perform routine maintenance, at all times have a properly maintained and operated active landfill off gas collection system which collects off gas from each cell, area or group of cells in which initial solid waste has been placed for a period equal to or exceeding five (5) years if the subject cell, area or group of cells is active, with the exception of Area Seven (7), Phase Two (2), or two years if the subject cell, area or group of cells is closed or at grade.
- 1.2. The average facility collection system efficiency of the active off gas collection system specified in paragraph 1.1 above, shall be a minimum of seventy five (75) percent at all times.
- 1.3. The average facility-wide collection efficiency specified in paragraph 1.2 above shall be determined by calculating the VOC emission rate from the cells, areas or groups of cells treated by the off gas collection system,

according to current approved U.S. EPA estimation procedures and actual collection system off gas flowrate data. Such collection efficiency determinations shall be conducted annually and reported to the Department.

- 1.4. BFI shall, except during emergency situations requiring shutdown or periodically when shutdowns are required to perform routine maintenance, at all times, with the exception of Area Seven (7), Phase Two (2), have a properly maintained and operated off gas control system which shall process collected off gas and meet the following reduction efficiency criteria:
 - A. A minimum VOC destruction efficiency of ninety-eight (98) percent, by weight percent; or
 - B. Twenty parts per million (20ppm) as hexane by volume, dry basis at three percent (3%) oxygen or less.
- 1.5. Compliance with the reduction criteria specified in paragraph 1.4 above shall be determined by emission testing. Such testing shall be conducted every five (5) years according to applicable U.S. EPA approved test methods and Section 2108.02 of Article XXI. The first test shall be

conducted by the end of calendar year 1997.

- 1.6. The collection system referenced in paragraph 1.1 above shall be operated with negative pressure at each wellhead at all times, except the following:
 - A. When a fire is present or when increased well temperature indicates the possibility of a fire, or
 - B. When a geomembrane or synthetic cover is in place, or
 - C. A decommissioned well may experience static positive pressure after shutdown to accommodate declining off gas flows.

- 1.7. BFI shall operate each interior wellhead in the collection system specified in paragraph 1.1 above, with a landfill gas temperature less than one-hundred and thirty-one (131) degrees fahrenheit at all times and with the exception of increased levels necessary to control offsite migration, a nitrogen level less than twenty (20) percent or an oxygen level less than five (5) percent. The facility shall monitor each well monthly for temperature and nitrogen or oxygen levels according to U.S. EPA approved methods.

- 1.8. BFI shall maintain all records regarding gas monitoring data, tonnage records and waste characterization. Such records shall provide sufficient data and calculations to clearly demonstrate that all requirements of both Section 2105.06 of Article XXI and this Order are being met.
- 1.9. BFI shall retain all records required by both Section 2105.06 of Article XXI and this Order for the facility for at least 2 years and shall make the same available to the Department upon request.
- 1.10. By no later than September, 1997, BFI shall implement the monitoring requirements of paragraphs 1.6 and 1.7 of this Order, with the exception of Area Seven (7), Phase Two (2).
- 1.11. BFI shall, within one (1) year from the effective date of this Order, submit a plan for the installation and proper operation and maintenance of a landfill gas collection and control system that meets all of the conditions of the Order, without exception, for Area Seven (7), Phase Two (2), to be installed within one (1) year of achieving final grade for that area and phase.

II. AGREEMENT

The foregoing Plan Approval Order shall be enforced in accordance with and is subject to the following agreement of the parties, to wit;

- 2.1. The contents of this Order shall be submitted to the U.S. EPA as a revision to the Commonwealth of Pennsylvania's State Implementation Plan, (hereafter referred to as "SIP").
- 2.2. Failure to comply with any portion of this Order and Agreement is a violation of Article XXI that may subject BFI to the remedies provided in Article XXI for any violation of that Article, unless U.S. EPA disapproves this Consent Order and Agreement as a SIP revision, in which case this Consent Order & Agreement shall be null and void.
- 2.3. This Order does not, in any way, preclude, limit or otherwise affect any other remedies available to the Department for violations of this Order or of Article XXI, including, but not limited to, actions to require the installation of additional pollution control equipment and the implementation of additional corrective operating practices.
- 2.4. BFI hereby consents to the foregoing Order and hereby knowingly waives all rights to appeal said Order, and the undersigned represents that he is

authorized to consent to the Order and to enter into the RACT Plan Approval Order and Agreement Upon Consent on behalf of BFI.

~~2.5. BFI acknowledges and understands that the purpose of this Agreement is to establish RACT for the control of emissions of VOCs from this facility. BFI further acknowledges and understands the possibility that the U.S. EPA may decide to not accept the Agreement portion of this RACT Plan Approval Order and Agreement by Consent as a revision to the Commonwealth of Pennsylvania's SIP.~~

2.6. If any event occurs which is beyond the control of BFI and which causes or may cause delays in the achievement of the actions required under this Order, then:

- a. BFI shall notify the Department in writing within ten (10) days of the delay or anticipated delay, describing in detail the nature of the delay, the anticipated length of the delay, the precise cause or causes of the delay, the measures taken and to be taken by BFI to prevent or minimize the delay, and the timetable by which those measures will be implemented. BFI shall adopt all reasonable measures to avoid or minimize any such delay. Failure by BFI to comply with the notice requirement of this subparagraph, (1.13.a.)

specifically may in sole discretion of the Department render the remaining provisions of this paragraph (1.13.b. - 1.13.c.) void and of no effect as to the particular incident involved.

- b. If the Department agrees that the delay or anticipated delay in complying with this Order has been or will be caused by circumstances beyond the control of BFI, the time for performance hereunder may be extended for a period no longer than the delay resulting from such circumstances.
 - c. The burden of proving that any delay is caused by circumstances beyond the control of BFI shall rest with BFI. Increased costs or expenses associated with the implementation of actions called for by this Order shall not, in any event, be a basis for changes in this Order or extensions of time under this paragraph.
- 2.7. The paragraphs of the Consent Order and Agreement shall be severable, and should any part be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.
- 2.8. This Consent Order and Agreement shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications

shall be relevant or admissible for the purpose of determining the extent of any provision herein in any litigation or any other proceeding.

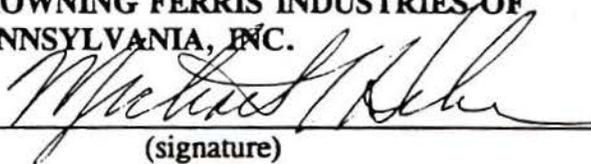
- 2.9. No changes, additions, modifications or amendments of this Consent Order and Agreement shall be effective unless they are set out in writing, signed by the parties hereto.
- 2.10. This Consent Order and Agreement shall apply to and be binding upon BFI, its assignees and successors.
- 2.11. The parties agree that nothing contained herein shall in any way affect BFI's right to contest the EPA's determination on the subject SIP revision.
- 2.12. The parties agree that by entering into this Consent Order and Agreement, BFI does not admit to any issue of fact or law not specifically admitted by BFI herein.
- 2.13. Nothing contained herein shall be construed to preclude BFI from requesting a variance from any standard contained in the emission guidelines that may be hereinafter be promulgated or incorporated by the Department or Pennsylvania Department of Environmental Protection.

2.14. Upon promulgation of regulations or revisions to existing regulations affecting BFI's facility, the County shall, upon request by BFI, accept and evaluate a request for an amendment to Allegheny County's portion of the SIP in order that it be consistent with promulgated regulations and if appropriate, submit the amendment to the U.S. EPA for incorporation into the SIP.

IN WITNESS WHEREOF, and intending to be legally bound, the parties hereby consent to all of the terms and conditions of the foregoing Order and Agreement as of the date of the above written.

**BROWNING FERRIS INDUSTRIES OF
PENNSYLVANIA, INC.**

By:



(signature)

Print or type Name: Michael T. Heher

Title: Vice-President

Date: April 25, 1997

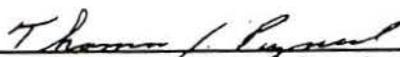
ALLEGHENY COUNTY HEALTH DEPARTMENT

By:



Bruce W. Dixon, M.D., Director
Allegheny County Health Department

and By:



Thomas J. Puzniak, Engineering Manager
Air Quality Program

