

BEFORE THE ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY

In the Matter of the Preconstruction and Part 70 Air Operating Permit
for Woodside Sanitary Landfill & Recycling Center
Livingston Parish, Louisiana

Permit No.: 1740-00025-V1
Activity No.: PER20070001
LDEQ Agency Interest No.: 11767

Issued to Waste Management of LA LLC
By the Louisiana Department of Environmental Quality

**PETITION REQUESTING THE ADMINISTRATOR OBJECT TO THE
PRECONSTRUCTION AND PART 70 OPERATING PERMIT PROPOSED FOR
WASTE MANAGEMENT OF LA LLC'S
WOODSIDE SANITARY LANDFILL & RECYCLING CENTER**

Pursuant to section 505(b) of the Clean Air Act, 42 U.S.C. § 7661d(b)(2) and 40 C.F.R. § 70.8(d), the Louisiana Environmental Action Network, Concerned Citizens of Livingston Parish, Mr. O'Neil Couvillion and Mr. Harold Wayne Breaud ("Petitioners") petition the Administrator of the U.S. Environmental Protection Agency ("EPA") to object to the preconstruction and initial Part 70 Air Operating Permit (No. 1740-00025-V1; "Permit") the Louisiana Department of Environmental Quality ("LDEQ") issued to Waste Management of LA LLC for the Woodside Sanitary Landfill & Recycling Center on December 5, 2008.

Petitioners base this petition on comments they filed with LDEQ on March, 2008 during the public comment period on a proposed modification to Woodside Landfill's air permit—before it was vacated by the Louisiana courts. Petitioners incorporate by reference to this petition their public comments, and attach them here as Exhibit A. Petitioners also based their petition on comments they would have made if a public comment period had been provided after Louisiana courts vacated the landfill's air permit and before issuance of a preconstruction and

initial Part 70 operating permit—as required by law. Petitioners reserve the right to submit additional briefing or other materials in support of their petition as needed.

EPA should object to the Permit because it violates the Clean Air Act because: 1) the Permit fails to include monitoring sufficient to assure compliance with permit limits; 2) the Permit fails to include nonattainment new source review; and 3) LDEQ failed to comply with public notice requirements before issuing the Permit. This Permit represents Waste Management’s second attempt to avoid Prevention of Signification Deterioration review, this time by asking LDEQ to lower its emissions limits so it avoids the required review. By lowering the emissions limits without providing a method to ensure that Woodside Landfill is actually complying with the more stringent limitations, LDEQ violated the Clean Air Act when it issued the Permit.

PROCEDURAL BACKGROUND

LDEQ originally issued a Part 70 permit (No. 1740-00025-V0) for Woodside Landfill on December 17, 2004. Petitioners sued LDEQ for issuing an air permit for Woodside Landfill without performing required Prevention of Significant Deterioration review and for failing to include monitoring sufficient to assure compliance with the permit limits. On August 22, 2007, the Louisiana First Circuit Court of Appeals vacated Woodside Landfill’s air permit, finding that LDEQ had issued the permit without the federally mandated Prevention of Significant Deterioration review.¹ Waste Management petitioned for the First Circuit to rehear the case, but it refused. Waste Management then asked the Louisiana Supreme Court to hear the case. This request stopped the permit from being officially vacated until the Supreme Court issued its decision.

¹ The court did not address the monitoring issue.

On October 19, 2007, faced with the probability that the court would permanently vacate its air permit, Waste Management asked LDEQ to modify Woodside Landfill's air permit to lower its permit limits so that the landfill would no longer be subject to Prevention of Significant Deterioration review. LDEQ issued public notice and held a hearing on its plan to reopen and modify the existing air permit on March 25, 2008.

On June 18, 2008, before LDEQ modified Woodside Landfill's existing air permit, the Louisiana Supreme Court denied Waste Management's writ application, finalizing the First Circuit's decision to vacate Woodside Landfill's air permit. Without public notice or opportunity to comment, LDEQ issued Waste Management a new "state preconstruction and Part 70 Operating Permit" on December 5, 2008.

Petitioners ask EPA to object to the new preconstruction and Part 70 Operating Permit because LDEQ failed to include monitoring sufficient to assure compliance, failed to perform nonattainment new source review, and failed to follow proper public notice and comment procedures for the Permit.

Petitioners file this petition within sixty days following the end of EPA's 45-day review period as required by Clean Air Act § 505(b)(2), 42 U.S.C. § 7661d(b)(2).² The Administrator has sixty days to grant or deny this Petition after it is filed. If the Administrator determines that this permit does not comply with the requirements of the Clean Air Act, he must object to issuance of the permit under Clean Air Act § 505(b)(2), 42 U.S.C. § 7661d(b)(2). Louisiana law also authorizes the Administrator to object to a permit where LDEQ "failed to provide public notice where required pursuant to § 531 [of Louisiana's air quality regulations.]" La. Admin. Code tit. 33 pt. III, §533.D.1.d.

² See EPA Timeline, attached as Exhibit B.

SPECIFIC OBJECTIONS

I. EPA SHOULD OBJECT TO THE PERMIT BECAUSE THE PERMIT FAILS TO INCLUDE MONITORING SUFFICIENT TO ASSURE COMPLIANCE WITH PERMIT LIMITS.

The Permit fails to comply with Clean Air Act requirements because it fails to include monitoring sufficient to assure compliance with permit limits. The Clean Air Act requires that all permits include “monitoring ... requirements to assure compliance with the permit terms and conditions.” 42 U.S.C. § 7661c(c). Federal regulations likewise mandate that “[a]ll ... permits shall contain ... monitoring ... requirements sufficient to assure compliance with the terms and conditions of the permit.” 40 C.F.R. 70.6(c).

Louisiana’s regulations also require that “[e]ach permit issued to a Part 70 source shall include... compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit...” La. Admin. Code tit. 33, pt. III § 507.H.1. The law specifies that “Permits shall include... a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices.” *Id.* § 507.H.5.b.

A. *The Permit Fails to Require Monitoring So That Waste Management Can Demonstrate Compliance with the Permit’s Emissions Limits.*

The Permit provides no way for Waste Management to monitor compliance with its emissions limits, and it is therefore illegal. The Permit sets annual, average pounds per hour, and maximum pounds per hour emissions limits for the criteria pollutants: CO, NO_x, PM₁₀, SO₂, and VOC. See Permit “Emission Rates for Criteria Pollutants.” The Permit also sets annual, average pounds per hour, and maximum pounds per hour emissions limits for 30 toxic and/or hazardous air pollutants. See Permit “Emission Rates for TAP/HAP & Other Pollutants.” But

the Permit does not require monitoring so that Waste Management can demonstrate whether or not emissions from the Woodside Landfill comply with those emissions limits.

Even though the Permit sets emissions limits for 5 criteria pollutants and 30 toxic and/or hazardous air pollutants that Waste Management can emit from its flare, the Permit does not require Waste Management to gather data to demonstrate its compliance with those limits. Instead, the Permit only requires Waste Management to monitor “the continuous presence of a flame,” the “gas flow rate” to the flare, the gauge pressure at the gas collection wells, the temperature of each wellhead, the nitrogen or oxygen concentration in each wellhead, and methane concentrations at the surface of the landfill. *See* Response to Public Comments at 9-10. That monitoring allows Waste Management to show that it is complying with the requirement that it have a gas collection and control system, but not that it is complying with the emissions limits in its permit. For example, none of the required data will allow Waste Management to demonstrate whether it is complying with its Carbon Monoxide permit limit of a maximum of 47.61 pounds per hour from the flare. None of the monitoring the Permit requires allows Waste Management to demonstrate compliance with any of its emissions limits. For this reason, the Administrator must object to the Permit and direct LDEQ to add monitoring so that Waste Management can demonstrate compliance with the emissions limits.

B. The D.C. Circuit Acknowledged That Permits Must Contain Monitoring to Assure Compliance.

On August 19, 2008, the D.C. Circuit Court of Appeals issued a decision acknowledging the Clean Air Act’s “statutory directive that each permit must include adequate monitoring requirements.” *See Sierra Club v. EPA*, 536 F.3d 673 (D.C. Cir. 2008). The court overturned EPA’s rule prohibiting states from supplementing federally required periodic monitoring in air

permits, even if that monitoring was not sufficient to assure compliance with the permit. *See id.* at 673. The Court held that the plain language of the “Clean Air Act *requires* such *supplementation*” of inadequate monitoring requirements. *Id.* at 679 (emphasis added). Ultimately, the court found EPA’s rule violated the plain language of the Clean Air Act and affirmed that states must supplement EPA’s periodic monitoring where it is not sufficient to assure compliance with the terms and conditions of the permit. *Id.* at 677.

This means that LDEQ may only issue an air permit that includes monitoring sufficient to assure compliance with the Permit’s emissions limits. Here, the Permit only requires Waste Management to collect data to show that it is operating its gas collection and flaring system in accordance with the regulations, but does not require Waste Management to collect data to show that it is actually complying with the Permit’s emissions limits. To comply with the Clean Air Act, the Administrator must require LDEQ to add monitoring to the Permit so that Waste Management can demonstrate that it is complying with its emissions limits. Specifically, LDEQ must require Waste Management to continuously monitor the composition of the gas entering the flare in order to determine the pollutants exiting the flare and assure compliance with hourly emissions limits.

C. *LDEQ Failed To Show How The Permit’s Monitoring Will Assure Compliance With Emissions Limits.*

Petitioners commented that the draft modified permit LDEQ noticed for public comment did not contain monitoring sufficient to assure compliance with the permit limits. In response to Petitioners’ comment on the draft modified permit, LDEQ failed to explain how the monitoring requirements will assure compliance with the Permit’s emissions limits. Instead, LDEQ alleges that “the permit provides for monitoring in accordance with all applicable regulations.” Resp. to Pub. Comments at 9. LDEQ then listed the performance standards set forth in the regulations to

ensure the gas collection and flare system are functioning properly. *Id.* LDEQ makes no claim that those gas collection and flare system monitoring requirements assure that Waste Management is complying with the Permit's emissions limits.

Instead, LDEQ relies on an interpretation EPA articulated in 71 Fed. Reg. 75,422 (December 15, 2006) to claim that 40 C.F.R. § 70.6(c)(1) “does not establish a separate regulatory standard or basis for requiring or authorizing review and enhancement of existing monitoring....” Resp. to Pub. Comments at 10. But it was this very interpretation that the D.C. Circuit vacated in *Sierra Club v. EPA*. See 536 F.3d at 676-7, 678 (“In December 2006, EPA adopted the rule. 71 Fed.Reg. 75,422 (Dec. 15, 2006) (“2006 rule”)....We hold, under step one of *Chevron*, that Title V of the Act unambiguously precludes EPA's interpretation in the 2006 rule. Accordingly, we vacate the 2006 rule.”).

The court specifically found that, when read in conjunction with the Clean Air Act's mandate that “ [e]ach permit ... shall set forth ... monitoring ... requirements to assure compliance with the permit terms and conditions,”³ 40 C.F.R. 70.6(c) requires “that somebody must fix these inadequate monitoring requirements.” *Id.* at 678 (emphasis in original). Because LDEQ issued the Permit, it carried the responsibility of supplementing the insufficient monitoring requirements so that they assure compliance with the Permit's emissions limits.

LDEQ acknowledges that it is “aware of” *Sierra Club v. EPA*, but mistakenly argues that it is not a binding decision. See Resp. to Pub. Comments at 10. The D.C. Circuit issued the judgment on August 19, 2008 and granted EPA until November 3, 2008 to petition for rehearing or rehearing *en banc*. See Per Curiam Order issued on Oct. 10, 2008. No petition for rehearing or rehearing *en banc* was timely filed, and the D.C. Circuit issued the mandate to EPA on

³ 42 U.S.C. § 7661c(c).

November 13, 2008, making the D.C. Circuit’s judgment final and binding. EPA’s time to petition for a writ of certiorari to the Supreme Court has likewise expired. The Supreme Court rules give a party 90 days from issuance of the *judgment* to file for a writ of certiorari, unless the party timely petitions for rehearing or rehearing *en banc*. Sup. Ct. R. 13. Because EPA did not timely petition for rehearing or rehearing *en banc*, its time to file a writ expired on November 17, 2008. *Sierra Club v. EPA* is therefore binding authority requiring LDEQ to supplement federal monitoring requirements to “assure compliance” with the Permit’s emissions limits.

D. Because LDEQ Failed To Require Monitoring Sufficient To Assure Compliance With The Old Emissions Limits, the New Emissions Limits are Arbitrary and Capricious and Not Based On Sound Evidence.

LDEQ has never required Waste Management to monitor the landfill gas composition so that it could determine emissions from its flare, even though Waste Management has been operating the flare since 2003. Because LDEQ never required Waste Management to conduct monitoring sufficient to assure compliance with the emissions limits for Woodside Landfill, Waste Management does not have data demonstrating how much pollution it has been emitting from its flare over the past several years or to justify reducing its emissions limits. *See* 40 C.F.R. § 70.6(c)

LDEQ admits that “[n]either LDEQ nor Waste Management claims an emission reduction is associated with the revised Part 70 permit.” Resp. to Pub. Comments at 7. Yet the Permit claims that the landfill is emitting nearly **400** fewer tons per year of carbon monoxide than it had originally estimated. *See* Basis for Decision at 4. Waste Management has no emissions data to support this reduction in emissions limits—because LDEQ never required monitoring sufficient to assure compliance with the original emissions limits. Instead, Waste

Management used “results obtained by C-K Associates in 2000 [and]... EPA (AP-42)... to calculate potential emissions.” Resp. to Pub. Comments at 7.

Louisiana has specific regulations that address modifying a permit to accommodate test results. *See* La. Admin. Code tit. 33 pt. III § 523. A facility owner or operator “shall request a permit amendment or modification to reflect the results of any testing required or approved by the permitting authority, if such testing demonstrates that the terms and conditions of the existing permit are inappropriate or inaccurate.” *Id.* § 523.A. This means that Louisiana regulations contemplate reopening a permit to accommodate test results that indicate that emissions limitations based on the potential to emit were either too high or too low. The regulations provided that such request “shall be submitted within 45 days of obtaining the relevant test results.” *Id.* Here, Waste Management attempts to rely on AP-42 factors from 1998 and test results from 2000—8 years ago and 4 years before the old permit was issued—to attempt to justify the emissions reduction. *See* Resp. to Pub. Comments at 7 (“March 2004 testing measured the concentrations of the related compounds in the landfill gas... More accurate test results obtained by C-K Associates in 2000 or provided by EPA (AP-42) are used to calculate potential emissions....”).

EPA recognizes that the AP-42 factors it provides are not appropriate to establish source-specific permit limits. *See* Introduction to AP-42, Vol. 1, 5th ed. at 2, *available at* <http://www.epa.gov/ttn/chief/ap42/c00s00.pdf> (“Use of these factors as source-specific permit limits and/or as emission regulation compliance determinations is not recommended by EPA.”). Because the AP-42 emissions “essentially represent an average of a range of emissions rates, approximately half of the subject sources will have emission rates greater than the emission factor and the other half will have rates less than the factor.” *Id.* EPA recommends that facilities

use “source-specific tests or continuous emissions monitors [to] determine the actual pollutant contribution from an existing source” because such tests can determine emissions “better than can emissions factors.” Introduction to AP-42 at 3. EPA also recommends using emissions information from equipment vendors “[i]f representative source-specific data *cannot* be obtained....” *Id.* (emphasis added).

LDEQ has not determined that source-specific data cannot be obtained. On the contrary, Waste Management ran tests in 2000 and 2004 to determine the constituents of the landfill gas. LDEQ has not explained why it refuses to require Waste Management to perform those tests on a regular basis to assure compliance with the emissions limits or to require Waste Management to install a continuous monitoring device to determine emissions from the flare system. Not only does the Permit fail to include monitoring sufficient to assure compliance with the Permit’s emissions limits, but those emissions limits are arbitrary and not supported by substantial evidence.

Further, the emissions limits are *maximum* amount of pollution that the Woodside Landfill is allowed to emit. Any facility may, and is encouraged to, emit fewer pollutants than it is permitted to emit. Why then would Waste Management ask for a lower emissions limit? And why would it ask to lower the limit based on test results that are 8 years old? At the time it applied for a modified permit, Waste Management was faced with the potential that Louisiana’s courts would vacate Woodside Landfill’s air permit because LDEQ had inappropriately waived Prevention of Significant Deterioration review. Instead of actually doing the court-ordered PREVENTION OF SIGNIFICANT DETERIORATION review, Waste Management essentially asked LDEQ to once again waive PREVENTION OF SIGNIFICANT DETERIORATION review by lowering the Woodside Landfill’s emissions limits without testing results justifying

that reduction. And Waste Management will not even have to comply with the lowered emissions limits because the Permit does not contain monitoring to assure compliance with the Permit's emissions limits.

This is the very situation that the regulations were designed to avoid—a facility suddenly claiming—with no data to support the claim—that it is emitting fewer pollutants in order to avoid court-ordered PREVENTION OF SIGNIFICANT DETERIORATION review. Petitioners welcome an actual emission reduction at the landfill, but they protest the Permit because it merely allows Waste Management to avoid PREVENTION OF SIGNIFICANT DETERIORATION review. Further, because the Permit fails to include monitoring to assure compliance with the reduced permit limits, neither the Petitioners, nor LDEQ, nor Waste Management has any way of determining whether Woodside Landfill's emissions comply with the lowered limits.

II. EPA SHOULD OBJECT TO THE PERMIT BECAUSE THE PERMIT FAILS TO INCLUDE NONATTAINMENT NEW SOURCE REVIEW.

Woodside Landfill emits over 25 tons per year of each of NO_x and VOC and is located in Livingston Parish, which has never been classified as attainment for ozone. Woodside Landfill is therefore a major stationary source subject to nonattainment new source review and offset requirements before LDEQ can issue it a preconstruction and initial Part 70 Operating Permit.

A. *Woodside Landfill is A Major Source Subject to Nonattainment New Source Review.*

EPA “bumped up” the Baton Rouge ozone nonattainment area, which includes Livingston Parish, to a “severe” nonattainment in April 2003.⁴ In 2005, EPA replaced the 1-

⁴ 68 Fed. Reg. 20,077 (April 24, 2003).

hour ozone standard with a revised 8-hour version.⁵ To implement the revised standard, EPA has adopted classifications and deadlines for nonattainment areas, including Baton Rouge,⁶ that differ from those that applied under the 1-hour standard.⁷ But because the polluted air in these areas continues to threaten public health, the pollution control requirements that applied when EPA classified the areas as “severe” must remain in effect. Under the Clean Air Act’s anti-backsliding policy, EPA and the state must implement Congress’ ozone control mandates until the Baton Rouge area finally attains the ozone health protection standard, however EPA may define that standard at the time. *See* Clean Air Act § 172(e), 42 U.S.C. § 7502. In other words, “[t]he Act placed states onto a one-way street whose only outlet is attainment” and protection of public health.⁸

Livingston Parish is still not in attainment for ozone, more than 18 years after Congress re-structured the Clean Air Act such that *any* area that fails to meet the health-protection standard for ozone pollution “9 years” after November 15, 1990, must be classified as a “severe” non-attainment area.⁹ Under the Clean Air Act’s anti-backsliding protections, the protections that apply in “severe” non-attainment areas still apply in Livingston Parish. Therefore, a “major source” in Livingston Parish is one that emits 25 tons per year or more of NO_x or VOC.¹⁰ In

⁵ 69 Fed. Reg. 23,951, 23,954 (Apr. 30, 2004) (“We will revoke the 1-hour standard in full, including the associated designations and classifications, 1 year following the effective date of the designations for the 8-hour NAAQS.”).

⁶ 73 Fed. Reg. 15,087, 15087 (Mar. 21, 2008) (“By operation of law, the Baton Rouge area is to be reclassified from a “marginal” to a “moderate” 8-hour ozone nonattainment area on the effective date of this rule”) (emphasis added).

⁷ *See* Clean Air Act § 181(a)(1), tbl. 1, 42 U.S.C. § 7511(a)(1), tbl. 1.

⁸ *South Coast Air Quality Management Dist. v. EPA, v. EPA*, 472 F.3d 882, 900 (D.C. Cir. 2006).

⁹ 42 U.S.C. § 7511(a)(1), tbl. 1. The only exceptions to this principle are very narrow and do not apply to the Baton Rouge area. *See id.* § 7511(a)(5) (providing limited authority for one year extensions).

¹⁰ 42 U.S.C. §§ 7511a(d) (setting the major source threshold at 25 tons per year for “severe” areas); *see also id.* § 7511a(c) (setting the major source threshold at 50 tons per year for “serious” areas).

addition, the Clean Air Act requires an emissions offset ratio of 1.3 tons of reductions for each 1 ton of new emissions from major sources in Livingston Parish.¹¹

According to the Permit, Woodside Landfill emits 65.32 tons per year of NO_x and 34.27 tons per year of VOC. Therefore, the landfill is a major source for both NO_x and VOC and nonattainment new source review and offset provisions apply.

B. LDEQ Cannot Exempt Woodside Landfill From Meeting Required Protections Based on an Application Made 7 Years Ago.

LDEQ refuses to subject Woodside Landfill to Nonattainment New Source Review even though it is now issuing Waste Management a “*preconstruction* permit” and a “Title V Regular Permit *Initial*.” See Permit, Cover letter and Emission Rates for TAP/HAP & Other Pollutants. Yet, LDEQ relies on a “NO_x increases” exemption for applications deemed administratively complete prior to December 20, 2001 to claim that does not have to perform Nonattainment New Source Review. See Resp. to Pub. Comments at 6.

First, Woodside Landfill is a major source for both NO_x and VOC. A NO_x increases exemption cannot excuse nonattainment new source review for VOC. Second, LDEQ already acted on Waste Management’s December 20, 2001 application when it issued Waste Management an illegal air permit on December 17, 2004. Indeed, LDEQ’s own regulations limit the time LDEQ has to take action on a given permit application. Louisiana regulations require that “final action shall be taken on any application relating to a new facility or to a

¹¹ 42 U.S.C. § 7511a(d)(2) (providing for a more protective offset ratio—1.3 tons of reductions for each 1 ton of new emissions—in severe areas); see also *id* § 7511a(c)(10) (offsets required in serious areas are 1.2 to 1).

substantial permit modification... within 410 days of receipt of the permit application.” La Admin. Code tit. 33 pt. III § 519.C.4.

The application at issue here is the application Waste Management submitted to LDEQ on October 19, 2007. Waste Management both claims that it is an application for a permit revision, but that it was “resubmitting [its] initial permit application.” *See* Waste Management Permit Application, Oct, 19, 2007, cover letter and executive summary, EDMS Doc # 36354673. The March 2001 application is stale and does not meet the requirements for a complete permit application under § 519.D. of Louisiana’s air regulations. The facility for which Waste Management is seeking a permit now differs vastly from the one they sought a permit for in 2001. Waste Management is now seeking a permit for a landfill that emits pollutants from a flare and from bioremediation and is nearly double the size Waste Management was seeking a permit for back in 2001.

LDEQ is now issuing a preconstruction permit and initial operating permit to a landfill. It cannot refuse to enforce Clean Air Act protections in place now by pointing to the law that applied seven years ago. For example, Louisiana law requires that:

“As a condition for issuing a permit to construct a major stationary source ... in a nonattainment area, the public record must contain an analysis, provided by the applicant, of alternate sites, sizes, production processes, and environmental control techniques and demonstrate that the benefits of locating the source in a nonattainment area significantly outweigh the environmental and social costs imposed.”

La. Admin. Code tit. 33, pt III § 504.D.7. LDEQ is issuing Waste Management a preconstruction permit for a major stationary source in a nonattainment area. Yet the public record is devoid of any showing of how the benefits of locating the landfill in a nonattainment area significantly outweigh the environmental and social costs imposed.

LDEQ must perform nonattainment new source review for ozone precursors NO_x and VOC before it can legally issue a preconstruction and initial Part 70 Operating Permit for Woodside Landfill.

III. EPA SHOULD OBJECT TO THE PERMIT BECAUSE LDEQ FAILED TO PROVIDE PUBLIC NOTICE AND OPPORTUNITY TO COMMENT ON THE PRECONSTRUCTION AND INITIAL PART 70 OPERATING PERMIT.

LDEQ never publicly noticed or accepted public comment on the preconstruction and initial part 70 operating permit it issued on December 5, 2008. Instead, LDEQ publicly noticed a permit minor modification for an existing permit and held a public hearing on the modification in March 25, 2008. But before LDEQ modified the existing permit, the Louisiana courts vacated the existing air permit. Therefore, LDEQ could not act on the application before it—an application to modify an existing permit—because that permit no longer existed. LDEQ needed to review Waste Management’s application to ensure it contained all necessary information for a preconstruction and initial operating permit, revise the draft permit to reflect that the permit it previously issued had been vacated by Louisiana courts, and re-notice the revised draft permit for public comment to reflect that the proposed permit was now a preconstruction and initial operating permit instead of a permit revision.

According to Louisiana regulations, “public notice shall be published by the permitting authority prior to the issuance of any permit which is the initial permit issued in accordance with a federally approved operating permit program....” La. Admin. Code tit. 33 pt. III § 531.A.2.a. The public notice must identify “the activities involved in the permit action...” along with “copies of the proposed permit [and] the application....” *Id.* § 531.A.2.b; *see also* 40 C.F.R. §70.7(h)(2).

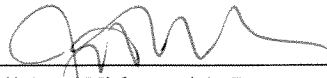
The public was notified that Waste Management was seeking a revision to an existing permit, not a preconstruction and initial Part 70 Operating Permit. The public notice reads: “the company requested *revision* to the Part 70 Air Operating Permit for Woodside Landfill and Recycling Center (WLRC).” *See* Public Notice (emphasis added), attached as Exhibit C. Likewise, the proposed permit with the public notice was a revision to an existing permit, not a preconstruction and initial operating permit. The air permit briefing sheet provided along with the public notice states: “A permit application and Emission Inventory Questionnaire dated October 19, 2007, were submitted by Waste Management of Louisiana, LLC requesting a *revision* of Part 70 operating permit.” Air Permit Briefing Sheet at 1 (emphasis added), attached as Exhibit D.

After the public was provided an opportunity to comment on a proposed revision to an existing permit, the Louisiana courts vacated the existing air permit. The public must be afforded an opportunity to comment on an initial permit, and they must be afforded an opportunity to comment on the significantly changed conditions at the landfill—namely, the fact that the court vacated the air permit.

CONCLUSION

For the foregoing reasons, Petitioners ask that EPA object to the preconstruction and initial Part 70 Air Operating Permit (No. 1740-00025-V1) for Woodside Landfill.

Respectfully submitted on January 2, 2009,



Jill M. Witkowski, Deputy Director
TULANE ENVIRONMENTAL LAW CLINIC
6329 Freret Street
New Orleans, Louisiana 70118
Phone (504) 865-8814
Fax (504) 862-8721
*On behalf of Louisiana Environmental Action
Network, Concerned Citizens of Livingston Parish,
Mr. O'Neil Couvillion and Mr. Harold Wayne
Breaud*

I hereby certify that I have this 2nd day of January, 2009, served a copy of this
Petition to those listed below.


Jill M. Witkowski

Stephen Johnson, Administrator
U.S. EPA Headquarters
Ariel Rios Bldg.
1200 Pennsylvania. Ave., NW
Mail Code 1101A
Washington, D.C. 20460

Mr. Jeffery Robinson
Chief, Air Permits Section (6PD-R)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Harold Leggett, Ph.D.
Secretary
LDEQ
602 N. Fifth Street
Baton Rouge, LA 70802

C T Corporation System
Lisa Uttech,
Registered Agent for Waste Management
5615 Corporate Boulevard, Suite 400B
Baton Rouge, LA 70808

Mr. Bryan D. Johnston
Administrator
LDEQ, Air Permits Division
P.O. Box 4313
Baton Rouge, LA 70821-4313

Anne J. Crochet, Esq.
Counsel for Waste Management
P.O. Box 2471
Baton Rouge, LA 70821



Tulane Environmental Law Clinic

April 25, 2008

Via Fax (225) 219-3309 and E-Mail to soumaya.ghosn@la.gov

Ref: 101-093.2

Ms. Soumaya Ghosn
Public Participation Group
Louisiana Department of Environmental Quality
P.O. Box 4313
Baton Rouge, LA 70821-4313

**RE: Comments on Woodside Landfill, AI # 11767,
Permit # 1740-00025-V1, Activity # PER2007001,
Waste Management, Inc., Applicant**

Dear Ms. Ghosn,

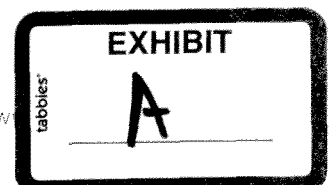
Louisiana Environmental Action Network,¹ Harold Wayne Breaud, O'Neil Couvillion, and Concerned Citizens of Livingston Parish² respectfully submit the following comments on Waste Management Inc.'s Proposed Part 70 Operating Air Permit for the Woodside Landfill. Louisiana Environmental Action Network, Harold Wayne Breaud, O'Neil Couvillion, and Concerned Citizens of Livingston Parish reserve the right to rely on all public comments submitted.

BACKGROUND

On August 22, 2007, the Louisiana First Circuit Court of Appeals vacated Waste Management's Part 70 permit for Woodside Landfill because LDEQ failed to perform a statutorily required prevention of significant deterioration ("PSD") review to ensure that the

¹ Louisiana Environmental Action Network is a non-profit corporation organized under the laws of the State of Louisiana. Louisiana Environmental Action Network serves as an umbrella organization for environmental and citizen groups. Louisiana Environmental Action Network's purpose is to preserve and protect the state's land, air, water, and other natural resources, and to protect its members and other residents of the state from threats of pollution. Louisiana Environmental Action Network has members statewide, including members who live, work, or recreate near the affected streams.

² Concerned Citizens of Livingston is a non-profit corporation organized under the laws of the State of Louisiana. Concerned Citizens oppose the expansion of landfills and speak out on ground water contamination issues in Livingston Parish. It was formed in February of 1999 by Dr. Ivor van Heerden.



landfill did not deteriorate the air quality. "The landfill expansion and flare installation at issue qualifies as a major modification to a major stationary source and, thus, must undergo pre-construction review, namely PSD." In re Waste Mgmt. of La., L.L.C., 2007 La. App. Unpub. LEXIS 7, at 8 (La. 1st Cir. App. 2007). Waste Management petitioned the Court for rehearing on September 4, 2007 and on September 24, 2007, filed an additional Motion for Suspension or Stay... or ... Remand. The First Circuit Court of Appeals denied the motions on November 15, 2007. Waste Management then revised and resubmitted the Woodside permit application and requested expedited consideration on October 19, 2007. Waste Management has concurrently filed a Writ of Certiorari to the Louisiana State Supreme Court appealing the First Circuit's order. This writ is currently under review. LDEQ and the Louisiana Association of Business and Industry have submitted briefs.

The most notable change in Waste Management's new permit application is that Waste Management discovered a new way to estimate its emissions to nudge Woodside Landfill's *estimated* emissions numbers below the trigger point for PSD review. According to Waste Management's new estimates, the landfill's estimated carbon monoxide emissions dropped from 621 tons per year³ to 237.73 tons per year,⁴ despite the landfill doubling in size and without Waste Management installing new pollution control equipment.⁵ The new estimates place Woodside Landfill's carbon monoxide emissions at mere 12 tons per year shy of PSD review⁶—immediately after the court deemed the prior permit invalid for failing to conduct PSD review. LEAN, Mr. Breaud, Mr. Couvillion, and Concerned Citizens of Livingston Parish would welcome a drastic carbon monoxide emissions reduction—but only if it represents an *actual* emissions reduction. Instead, the timing and magnitude of the reductions suggest that the change is nothing more than creative math to avoid PSD review. Before issuing a new air permit for Woodside Landfill, LDEQ should require Waste Management to show that this proposed permit represents an actual emissions reduction. LDEQ should require Waste Management to monitor landfill gas flow and composition entering Woodside Landfill's flare system to calculate actual emissions and then base permit limits on those actual emissions.

Further, LDEQ should not issue Waste Management a new air permit until it rectifies the previous permit's problems. LDEQ must require Waste Management to monitor landfill gas flow and composition entering the flare system in order to assure compliance with permit limits. LDEQ must require Waste Management to provide complete data detailing how much landfill acreage is routed to the flare system and how much acreage will be releasing fugitive air emissions. LDEQ should require Waste Management to install ambient air monitors to track

³ Woodside Landfill Part 70 Operating Permit, Basis for Decision, pg. 3, December 17, 2004.

⁴ Woodside Landfill Part 70 Operating Permit, Air Permit Briefing Sheet, Pg. 2, October 2007.

⁵ Woodside Landfill Part 70 Operating Permit, Basis for Decision, pg. 3, December 17, 2004, See also Woodside Landfill Part 70 Operating Permit, Statement of Basis, October 2007, at 2.

⁶ The discrepancy in emission rates allows the Woodside Landfill to avoid a PSD review. La Admin. Code tit. 33, pt. III, § 509 ("any stationary source that emits, or has the potential to emit, 250 tons per year or more of any air pollutant subject to regulation under this Section.").

fugitive emissions and follow Woodside Landfill's contribution to the Baton Rouge 8-hour ozone nonattainment area. LDEQ should also consider additional steps to minimize Woodside Landfill's contributions to the ozone non-attainment area and global warming. LDEQ must perform nonattainment new source review on Woodside Landfill because of its NOx emissions. Finally, as public trustee, LDEQ must consider the effects of Woodside's emissions on global warming and climate change prior to issuing the permit.

I. TO DEMONSTRATE THAT WASTE MANAGEMENT ACTUALLY REDUCED CARBON MONOXIDE EMISSIONS, LDEQ SHOULD BASE PERMIT LIMITS ON ACTUAL EMISSIONS.

Waste Management installed a flare system to capture and burn landfill gases in 2003 and has used the system ever since. Woodside Landfill Part 70 Operating Permit, Air Permit Briefing Sheet, Pg. 1, October 2007. But instead of using data from the site's flare system to calculate actual emissions, Waste Management estimated its air emissions with the EPA Landfill Gas Emissions Model ("LandGEM") and emission factors provided by the flare vendor, LFG Specialties, LLC. Woodside Landfill Part 70 Operating Permit, Air Permit Briefing Sheet, Pg. 2, October 2007; Miller Aff. ¶ 10, attached hereto as Exhibit A.

Waste Management has already demonstrated that it is capable of collecting landfill gas composition and flow rate data needed to calculate actual emissions. In 2004, Waste Management ran a compliance test. The test results showed the flow rate at 32.54 ft/sec. Compliance Test, Landfill Flare, March 19, 2004, at 2-1, EDMS Doc. 36580609. This test also produced a gas composition report listing the percentages of notable pollutants and their respective weights. Compliance Test, Landfill Flare, March 19, 2004, Certificate of Analysis Number 2004030239-001A, EDMS Doc. 36580609.

Best engineering practices require LDEQ to use existing emission rates to establish accurate emission limits in the air permit. Ex. A, Miller Aff. ¶ 11. Even the LandGEM user's manual recognizes that the model numbers should be used to calculate emissions only "*when site specific information is not available.*" Landfill Gas Emissions Model, Version 3.02 User's Guide, Amy Alexander, Clint Burklin, and Amanda Singleton, pg. 1, May 2005, available at <http://www.epa.gov/ttnca1/dir1/landgem-v302-guide.pdf>, emphasis added. In this case, actual emissions data was not available only because LDEQ had not asked for it. LDEQ should have required Waste Management to collect new data showing the landfill gas composition and flow rate and then based permit limits on that actual emissions data. LDEQ could then use the LandGEM model and the flare vendor estimates to calculate a maximum emission estimate for the landfill in 2040. Ex. A, Miller Aff. ¶ 12

It is particularly crucial for LDEQ to use actual emissions to set permit limits given the magnitude of the claimed emissions reduction and the timing of the purported reduction in relation to ongoing litigation about PSD review. The new emissions estimates purport to reduce

Woodside Landfill's carbon monoxide emissions by 383 tons per year, just 12 tons per year shy of PSD review. That 12 tons per year margin between PSD review and no PSD review represents *less than 2%* of Woodside Landfill's estimated 621 tons per year of carbon monoxide emissions in 2004. Waste Management has not shown the sensitivity of its estimates, but if Waste Management underestimated any of the factors that the model uses to estimate emissions by a fraction, the actual emissions could be above PSD significance level. Given the level of public concern about this landfill and the estimated emissions' proximity to required PSD review, LDEQ should use actual emissions to set permit limits and should perform PSD review on the entire landfill.

II. WASTE MANAGEMENT MUST MONITOR FLOW AND COMPOSITION OF LANDFILL GAS ENTERING THE FLARE SYSTEM TO ASSURE COMPLIANCE WITH THE PERMIT LIMITS.

Waste Management must monitor the landfill gas flow and composition in order to assure compliance with permit limits. Federal and state regulations require Woodside Landfill's air permit to contain "emission limitations and standards, including those operational requirements and limitations that *assure compliance* with all applicable requirements at the time of permit issuance." La Admin. Code tit. 33, pt. III, § 507, emphasis added; 40 C.F.R. 70.6(a)(1). Without monitoring the gas flow and composition, Waste Management cannot assure compliance with permit limits.

In the proposed air permit, LDEQ does not require Waste Management to continuously or periodically monitor landfill gas composition, even though Waste Management can only demonstrate compliance with permit limits if it knows landfill gas composition. Ex. A, Miller Aff. ¶ 13. Without gas composition monitors, Waste Management cannot identify which substances are being burned in the flare and what pollutants Waste Management is ultimately emitting. *Id.* Without gas flow rates, LDEQ cannot calculate the actual emissions from the flare system. Consequently, without continuously monitoring gas composition and flow rates, Waste Management cannot prove that it will be able to comply with its permit limits.

Part 70 Air permits must include regular monitoring, compliance certification and testing to assure compliance with the permit. Specifically, Louisiana regulations require each sufficient air permit to include "periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to 40 C.F.R. 70.6(a)(3)(iii)." La Admin. Code tit. 33, pt. III, § 507.H.1.a. The draft permit does not require Waste Management to monitor the gas composition entering the flare system at the Woodside landfill. However, due to the fluctuating composition of landfill gas, Waste Management cannot know what pollutants it is emitting without monitoring gas composition as it enters the flare. See Ex. A, Miller Aff. ¶ 13. Without knowing exactly what pollutants it is emitting, Waste Management cannot assure compliance with permit limits. *Id.* Therefore, Waste

Management must, at the very least, periodically monitor gas composition and flow entering the flare to assure compliance with permit limits.

Further, the "umbrella rule" requires that a Part 70 permit include periodic monitoring, reporting and recordkeeping. Envtl. Integrity Project v. EPA, 368 U.S. App. D.C. 116 (D.C. Cir. 2005). The "umbrella" rule, 40 C.F.R. § 70.6(c)(1), arguably requires that each Title V permit contain, 'consistent with paragraph (a)(3) of this section [i.e., the "periodic monitoring" rule], compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit.' Envtl. Integrity Project v. EPA, 425 F.3d 992, 994-95 (D.C. Cir. 2005). When there is some periodic monitoring but it is not sufficient to assure compliance, the "umbrella rule's 'separate regulatory standard' governs instead and requires case-by-case enhancement of existing monitoring 'as necessary to be sufficient to assure compliance.'" Id. at 995. This umbrella rule assures that emissions comply with the air permits.

Without monitoring gas composition, Waste Management cannot prove that it is in compliance with permit limits. Ex. A, Miller Aff. ¶ 13. The proposed Part 70 air permit does not require Waste Management to monitor gas compliance. Further, the draft permit only requires Waste Management to monitor gas flow rates monthly. The proposed permit will violate federal requirements and not assure compliance without including regular monitoring in the current permit limitations. Therefore, Waste Management must regularly monitor the landfill gas composition entering the flare and the gas flow rate to assure compliance with its permit and comply with federal law

III. THE PROPOSED PART 70 OPERATING AIR PERMIT IS INCOMPLETE WITHOUT ACREAGE FIGURES FOR THE LANDFILL.

Waste Management submitted incomplete data in the permit application's emission inventory. Waste Management did not identify the landfill acreage that is currently routed to the gas collection system. Ex. A, Miller Aff. ¶ 14. The Louisiana Administrative Code requires applicants for Part 70 Air Permits to provide information on the location and size of each potential emission. La Admin. Code tit. 33, pt. III, § 517.D.3.b. ("At a minimum, each permit application submitted under this Chapter shall contain the following: ... information regarding emissions from the source of all regulated air pollutants, including: a. the identity and location of each point of emissions; b. the size and height of the outlets of such emissions."). Waste Management did not include acreage in the proposed air permit and used conflicting numbers in past applications. The 2004 permit application states that Woodside occupied 67 acres of a 488 acre parcel, with plans to occupy another 140 acres. Woodside Landfill Part 70 Operating Permit, Basis for Decision, pg. 3, December 17, 2004. Yet, the site's annual water report states that the landfill is approximately 100 acres. Semi-Annual Groundwater Report, September 21, 2007, at 1. This report's value still contradicts the 2005 solid waste permit which states that the

Woodland Landfill operates on 192 acres of disposal land. Type I, IA, II, IIA Solid Waste Renewal Permit Application, Vol. I of V, January 2005, at A-1. Without such information, LDEQ cannot distinguish how many acres contribute to fugitive gases for the site. By failing to provide the required information, Waste Management violated Louisiana Code and therefore LDEQ must deny the proposed air permit.

The proposed air permit does not state how many acres are directly routed to the flare system. The Statement of Basis for the draft permit states that the gas collection system consists of "extraction wells, which are operated under slight vacuum such that gas preferentially migrates to the wells. This prevents... landfill gas migrating to and emitting from the surface of the landfill." Woodside Landfill Part 70 Operating Permit, Statement of Basis, pg. 1, October 2007. Waste Management does not state how many acres from the 200+ acre site are routed to the flare. Without data on the acreage of the landfill included in the collection system, Waste Management cannot accurately estimate the yearly emissions from the surface area of the landfill. Ex. A, Miller Aff. ¶ 15. LDEQ must deny the proposed air permit without the required acreage data. Ex. A, Miller Aff. ¶ 16.

IV. LDEQ SHOULD REQUIRE WASTE MANAGEMENT TO INSTALL AMBIENT AIR MONITORS WITHIN AND AROUND THE WOODSIDE LANDFILL.

LDEQ should require Waste Management to regularly monitor emissions within the landfill site and at perimeter points to assure compliance with its proposed air permit, and state law. La Admin. Code tit. 33, pt. III, § 507.H.1.a. Waste Management built the flare system to siphon landfill gases from each area of the landfill where solid waste has been placed for a period of five or more years. The 2004 air permit states that acreage added to the landfill since 2004 would not be added to the gas collection and control system for the first five years after being filled. Woodside Landfill Part 70 Operating Permit Application, Statement of Basis, pg. 2-3, December 17, 2004. Landfill areas not routed to the flare will emit fugitive gases. To assure compliance with the proposed permit, and state air regulations, LDEQ should require regular ambient monitoring. Ex. A, Miller Aff. ¶ 20.

Further, ambient air monitors will provide much needed information to people living near the landfill. Waste Management could improve its relationship with Woodside Landfill's neighbors by installing monitors and providing the gathered information to the public.

V. LDEQ SHOULD CONSIDER REQUIRING ALTERNATIVES OR STRICTER LIMITS TO ADDRESS THE BATON ROUGE AND LIVINGSTON PARISH NONATTAINMENT AREAS.

The draft air permit allows Waste Management to emit pollutants, including ozone precursors, into the Livingston parish and greater Baton Rouge ambient air. Ex. A, Miller Aff. ¶ 19. These areas were originally classified as severe 1-hour ozone nonattainment areas by

operation of law on June 23, 2003. (68 FR 20077); Ex. A, Miller Aff. ¶ 18. However, due to regular failures to attain the national ambient air standard, the EPA created a new ozone classification system and placed Baton Rouge and Livingston Parish in an 8-hour moderate nonattainment area. 73 FR 15087. The Part 70 Permit will allow emissions of NO_x, CO, and Volatile Organic Compounds (VOCs) into the Baton Rouge and Livingston nonattainment area. Woodside Landfill Part 70 Operating Permit, Air Permit Briefing Sheet, Pg. 2, October 2007. NO_x and VOCs are precursors to ozone non-attainment. U.S. Environmental Protection Agency, Ground-Level Ozone, available at <http://www.epa.gov/air/ozonepollution/>. "Without monitoring, Waste Management will emit these ozone precursors in a nonattainment area unchecked." Ex. A, Miller Aff. ¶ 19. Because "states have considerable leeway in selecting the particular methods and programs they will use to achieve compliance with the national standards," Env'tl. Def. v. EPA, 369 F.3d 193, 197 (2d Cir. 2004), LDEQ should consider requiring alternatives and stricter limitations for ozone precursors in the Waste Management Proposed Part 70 Operating Air Permit.

Waste Management should use proactive methods of disposal and reuse at the Woodside Landfill. Waste Management has used green alternatives to combat gas emissions in other locations. At Waste Management's Altamont Landfill in Livermore, California, landfill gas is used to generate 9 megawatts of electric energy to power local homes. "Converting Landfill Gas to Energy," available at <http://www.wm.com/WM/ThinkGreen/RE/g2e.asp>. Waste Management has also created a program in Canada to recover and transport methane gas from its Sainte-Sophie Landfill to replace 75 percent of a local paper mill's natural gas usage. "Sainte-Sophie Landfill Gas Powers Paper Mill" available at <http://www.wm.com/WM/ThinkGreen/RE/saintesophie.asp>. Waste Management has also allowed its subsidiary, Wheelabrator Technologies Inc., to use trash as fuel to generate power through 17 waste-to-energy plants. "Converting Waste to Energy," available at <http://www.wm.com/WM/ThinkGreen/RE/w2e.asp>. Waste Management should adopt cutting edge technology here in order to limit its contribution to the Baton Rouge and Livingston Parish nonattainment areas.

VI. LDEQ MUST PERFORM NONATTAINMENT NEW SOURCE REVIEW ON WOODSIDE LANDFILL BECAUSE OF WOODSIDE LANDFILL'S NO_x EMISSIONS.

LDEQ must perform nonattainment new source review on Woodside Landfill because it is a significant source of NO_x emissions. Woodside Landfill is not exempt from review because when LDEQ initially deemed the permit application administratively complete, the landfill's emissions had not yet triggered review. Louisiana's NO_x grandfathering provision only applies to increases in applications deemed administratively complete prior to December 20, 2001. La. Admin. Code tit. 33 pt. III § 504.A.7. Waste Management sought to modify the permit application to increase Woodside Landfill's NO_x emissions *after* December 20, 2001. Therefore, Woodside Landfill is subject to nonattainment new source review because of its NO_x emissions.

VII. LDEQ MUST CONSIDER THE LANDFILL EMISSION EFFECTS ON GLOBAL WARMING AND CLIMATE CHANGE TO MEET ITS PUBLIC TRUSTEE DUTIES.

The Louisiana Constitution provides that “[t]he natural resources of the state . . . shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people.” La. Const. Art. IX, § 1. The Supreme Court of Louisiana has recognized LDEQ’s role as the “primary public trustee of natural resources and the environment” in protecting this public interest in the state’s natural resources. Save Ourselves, Inc. v. Louisiana Env’tl. Control Comm’n, 452 So. 2d 1152, 1157 (La. 1984). As trustee, before approving a proposed action, the administrator must determine that the adverse environmental impacts have been minimized or avoided as much as possible. Id. “In determining whether the proposed project fully minimizes adverse environmental effects, the commission necessarily must consider whether alternate projects, alternate sites, or mitigative measures would offer more protection for the environment than the project as proposed without unduly curtailing non-environmental benefits.” Id.

As public trustee, LDEQ must consider the effects of landfill greenhouse gases on global warming and climate change, and consider alternatives to minimize or avoid their adverse environmental impacts. The Woodside Landfill releases greenhouse gases—NO_x, CO and VOCs—into the atmosphere. Woodside Landfill Part 70 Operating Permit, Air Permit Briefing Sheet, Pg. 2, October 2007. These greenhouse gases contribute to global warming and climate change. The Pew Center on Global Climate Change documented the connection between greenhouse gases and climate change phenomena. “Pew Center for Climate Change” available at www.pewcenter.org. Greenhouse gases contribute to sea rise, temperature rise and, more importantly for Louisiana, a 40% rise in tropical storm frequency in the North Atlantic. “Impacts: Facts and Figures” available at http://www.pewclimate.org/global-warming-basics/facts_and_figures/impacts/. Louisiana stands to suffer increased precipitation, water level rise and agriculture failures due to rising temperatures. As public trustee, LDEQ must consider these ramifications when reviewing Part 70 air permits. Therefore, LDEQ should require Waste Management to consider proactive alternatives to reduce its footprint on global warming and climate change.

CONCLUSION

LDEQ should not issue Waste Management a Part 70 Operating Air Permit for Woodside Landfill until it addresses several problems with the proposed permit. LDEQ should have required Waste Management to collect landfill gas composition data and set limits on calculated actual emissions. Additionally, the significant difference between the emission calculations of the 2004 and 2007 applications requires a PSD review. Waste Management must monitor the site and gas collection system in order to create a meaningful permit and assure compliance. The proposed air permit is incomplete without acreage figures for the landfill. Omitting the acreage

figures for the operating landfill affects emission levels calculations. LDEQ should require Waste Management to install ambient air monitors within and around the landfill. LDEQ should consider requiring Waste Management to consider alternatives or stricter limits to address the Baton Rouge and Livingston Parish nonattainment areas. LDEQ must perform nonattainment new source review on Woodside Landfill because of its NOx emissions. Finally, as trustee, LDEQ should consider and minimize the effects of the Woodside Landfill on global warming and climate change. For these reasons, LDEQ must deny the Woodside Landfill Proposed Part 70 Operating air permit.

Respectfully Submitted on April 25, 2008 by:

/s/ Jill M. Witkowski
Jill M. Witkowski, SBN: 30121
Tulane Environmental Law Clinic
6329 Freret Street
New Orleans, Louisiana 70118
(504) 865-8814
(504) 862-8721 (fax)
jwitkows@tulane.edu
*Counsel for Louisiana Environmental Action
Network, Harold Wayne Breaud, O'Neil
Couvillion, and Concerned Citizens of
Livingston Parish*

Prepared by:

/s/ Heather Janis Gaw
Heather Janis Gaw
Tulane Environmental Law Clinic
6329 Freret Street
New Orleans, Louisiana 70118
hgaw@tulane.edu

AFFIDAVIT OF GARY MILLER PH.D.

BEFORE ME, the undersigned authority, personally came and appeared, Gary Miller Ph.D., who, after being duly sworn, did depose and say:

Qualifications

1. My name is Dr. Gary Miller. I am an expert in the study of the sources, transport, and fate of air pollutants in the atmosphere. A true and correct copy of my resume is attached to this Affidavit and incorporated by reference.
2. I am a technical consultant with the Louisiana Environmental Action Network, and am working on behalf of the commenting parties in this matter.
3. I received my Bachelor of Science in Chemical Engineering in 1976 from the University of Arkansas where I also received my Masters in 1980. I became a registered professional engineer in 1982 in the state of California, although I am no longer registered there. I received my Ph.D. in 1989 in Engineering Science from Louisiana State University.
4. I work primarily in Louisiana and am familiar with the Baton Rouge nonattainment area and the history of the state's efforts to achieve compliance with the one-hour ozone National Ambient Air Quality Standard for ozone, which I shall refer to as the "ozone health-protection standard."
5. I have reviewed the draft Part 70 Air Permit for Woodside Landfill, # 1740-00025-V1 (the "Air Permit"). The application is for a modification to the previous Part 70 permit for Waste Management Inc's Woodside Landfill.
6. This Affidavit contains my expert opinions, which I hold to a reasonable degree of scientific certainty. My opinions are based on my application of professional judgment, training and expertise of sufficient facts or data, consisting specifically of a review of the regulations and documents related to the general permit at issue in this matter. These are facts and data typically and reasonably relied upon by experts in my field.

Background

7. On August 22, 2007, the First Circuit Court of Appeals of Louisiana vacated Waste Management's existing Part 70 Air Permit for Woodside Landfill because LDEQ failed to perform a statutorily required prevention of significant deterioration review to ensure that the landfill did not deteriorate the air quality.
8. Waste Management submitted a revised air permit application on Oct 19, 2007. LDEQ issued a draft permit on February 14, 2008. The draft permit poses many of the same problems as the prior permit. LDEQ should take this opportunity to correct these problems before issuing the Air Permit.

Summary of Opinions

9. In my expert opinion, LDEQ should require Waste management to collect gas composition data and use actual data to set permit limits. LDEQ must require Waste Management to continuously monitor landfill gas composition entering the flare system in order to assure compliance with permit limits. LDEQ must require Waste Management to properly detail the acreage emitting gases under the Air Permit. Emissions under the Air Permit will contribute to air pollution of a non-attainment area. LDEQ should consider alternatives and stricter limitations in the Air Permit. Finally, LDEQ should require Waste Management to install ambient air monitors to track fugitive emissions.

LDEQ Should Have Based Permit Limits on Actual Emissions.

10. The Air Permit bases its emission limits on new Waste Management calculations for expected landfill gas composition and flow rates to the flare system. The calculation relies on a computer model using input from "historical waste receipt information, currently permitted volume ... and projected future waste receipts" to produce emissions estimates. Waste Management of Louisiana, Inc., Woodside Landfill Part 70 Operating Permit Application, Executive Summary, Pg 4.
11. Waste Management's use of the EPA Landfill Gas Emissions Model (LandGEM) and the manufacturer's model numbers do not reflect the best engineering practices. Instead, best engineering practices require Waste Management to use actual gas composition and flow data to calculate existing emission rates. Best engineering practices require LDEQ to use existing emission rates to establish accurate emission limits in the Air Permit.
12. Waste Management has already demonstrated it is capable of collecting landfill gas composition and flow data as the gas is routed to the flare system. Waste Management should use actual gas composition data instead of the LandGEM estimates and actual flow data instead of numbers from the manufacturer. Because landfill gas composition fluctuates, the Air Permit must use actual data to set permit limits. LDEQ should only use LandGEM and the manufacturer's model to predict the increase in air emissions from today's values to the expected maximum value in approximately 2040.

LDEQ Must Require Waste Management to Continuously Monitor Gas Composition and Flow Entering the Flare System to Assure Compliance with Permit Limits.

13. The Air Permit must require Waste Management to monitor the gas composition entering the gas collection and control system. Currently, Waste Management does not regularly monitor the gas composition or flow rate of gas entering the flare system at the Woodside Landfill. Without continuous gas composition and flow monitoring, Waste Management does not have the ability to detail what substance the flare is burning and what pollutants are ultimately emitted from the flare. Best engineering practices require Waste Management to continuously monitor composition and flow rate of landfill gas routed through the flare system in order to assure compliance with permit limits. Without continuous monitoring, Waste Management cannot assure that it is complying with Air Permit limits. Waste

Management must monitor gas composition at the landfill to comply with state and federal law.

***The Gas Collection and Flare System Should Encompass
The Entirety of the Active Landfill.***

14. Various Woodside Landfill permits provide differing acreage amounts. Waste Management's 2007 Air Permit application fails to include the total acreage of the Woodside Landfill and is therefore incomplete. Without that data, LDEQ cannot evaluate the landfill's fugitive emissions. Waste Management's 2004 permit application stated that the original landfill occupied 67 acres of the 488 acre section of land, owned by Waste Management of Louisiana, Inc.. Woodside Landfill Part 70 Operating Permit Application, Basis for Decision, Pg. 3, December 17, 2004. In the same permit application, Waste Management proposed a modification to occupy 140 acres of an adjacent 424 acre parcel of land. Id. There is no language in the current proposed permit detailing which acres are currently routed to the flare system, which acres are active but not routed to the flare, and which will be directed to the flare in the future.
15. Without proper data in this permit, LDEQ cannot distinguish which acres are maintained by the gas collection and control system and which contribute to the fugitive gases. In effect, this permit provides the same emission levels for the original landfill and its expansion.
16. While the Air Permit lists the maximum ton capacity of the landfill, there is no mention of current acreage or anticipated usage in the permit. LDEQ should require Waste Management to provide data as to the current number of acres of the landfill from which it currently collects gas and the number of acres in use but for which it is not collecting gas. LDEQ should not issue the Air Permit until Waste Management supplies the necessary information.

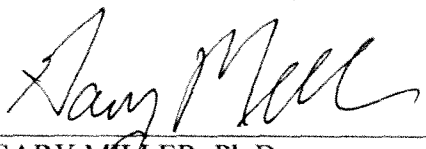
Air Permit Emissions Will Further Pollute the Non-Attainment Area of Baton Rouge.

17. There are many sources of air emissions of ozone precursor chemicals in the Baton Rouge area itself. Indeed, this area is highly industrialized, including major refining and plastics facilities owned by a variety of major corporations. Based on EPA's Toxic Release Inventory data from 1999, these facilities emit more than 14,755 tons of volatile organic compounds into the atmosphere each year. The state of Louisiana continues to approve permits for new emissions. It is clear that a significant source of the Baton Rouge area's nonattainment problem is emissions from sources in the Baton Rouge area.
18. The Baton Rouge area was originally classified as a severe 1-hour ozone nonattainment area on June 23, 2003. In 2004, the EPA created a new ozone classification system and placed Baton Rouge and Livingston Parish in an 8-hour moderate nonattainment area.
19. Under the Air Permit, Waste Management will discharge of PM₁₀, SO₂, NO_x, CO, Volatile Organic Compounds (VOCs) and Toxic Air Pollutants (TAPs) into the Baton Rouge non-attainment area. NO_x and VOCs are precursors to ozone non-attainment. Without monitoring,

Waste Management will emit ozone precursors in a nonattainment area unchecked. LDEQ should consider alternatives and stricter limitations as a step towards ozone attainment.

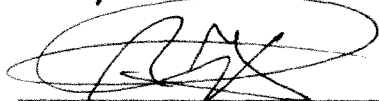
Waste Management Should Install Monitors To Track Fugitive Emissions.

20. The Air Permit provides emission limits for the entire Woodside Landfill as a facility. LDEQ should require Waste Management to install ambient air monitors in order to accurately account for fugitive gas emissions. LDEQ should require frequent monitoring of the site in order to assess Waste Management's compliance with permit standards.



GARY MILLER, Ph.D.

SWORN TO AND SUBSCRIBED
BEFORE ME, THIS 24 DAY
OF APRIL, 2008.



NOTARY PUBLIC #50540,
ROBERT G. GHOMRAMANI
MY COMMISSION IS FOR LIFE



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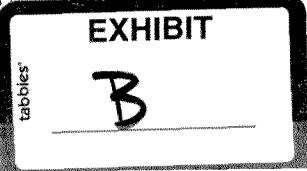
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Operating Permit Timeline for Louisiana

(Note: Print Landscape)

Source	Number(s)	EPA Review Start Date	EPA Review End Date	60 Day Public Petition to EPA Start Date	60 Day Public Petition to EPA End Date	Comments
Basel USA Inc - Westlake Facility, Cogeneration Plant	2868-V1	10/08/2008	11/22/2008	11/23/2008	01/22/2009	RTC and propo.
BASF Corporation - Geismar Site, Utilities Plants	2265-V5	08/01/2008	09/15/2008	09/16/2008	11/15/2008	
Boise Packaging and Newsprint, LLC - DeRidder Mill	0320-00002-V1	07/30/2008	09/13/2008	09/14/2008	11/13/2008	RTC, BFD and ;
BP America Production Co - Judge Digby Gas Plant	2260-00023-V5	10/16/2008	11/30/2008	12/01/2008	01/30/2009	
Bunge North America, Inc - Des Moines Grain Elevator	2520-00048-V0	11/06/2008	12/21/2008			Comments and
Calumet Shreveport Lubricants & Waxes LLC - Shreveport Refinery	3065-V0	09/26/2008	11/10/2008	11/11/2008	01/10/2009	
CenterPoint Energy Field Services, Inc. - Foxskirt Compressor Station	0400-00002-V6	12/02/2008	01/16/2009	01/17/2009	03/18/2009	
Chalmette Refining, L.L.C - Chalmette Refinery - Sulfur Recovery Unit, Hydrodesulfurization Unit, Amine Treating Unit, Sour Water Stripper, Waste Gas System, Benzene Recovery Unit, Liquefied Petroleum Gas Recovery, and Flares 1 & 2	3023-V0, 3016-V	09/19/2008	11/03/2008	11/04/2008	01/03/2009	Response to Pt
City of Baton Rouge, Parish of East Baton Rouge - EBR Parish Renewable Energy Center	0840-00174-V3	11/28/2008	01/12/2009	01/13/2009	03/14/2009	
Colonial Pipeline Company - Baton Rouge Junction Facility	3033-V2	10/16/2008	11/30/2008	12/01/2008	01/30/2009	
Columbia Gulf Transmission Co - Delhi Compressor Station	2400-00004-V4	10/07/2008	11/21/2008	11/22/2008	01/21/2009	
ConocoPhillips Company - Alliance Refinery - Units 291/1391/1791/1792	2775-V1	07/29/2008	09/12/2008	09/13/2008	11/13/2008	
ConocoPhillips Company - Lake Charles Refinery	2623-V5, 2625-V	09/12/2008	10/27/2008	10/28/2008	12/27/2008	
CONSOLIDATED ENVIRONMENTAL MANAGEMENT, INC. - NUCOR STEEL LOUISIANA	2560-00281-V0	10/19/2008	11/29/2008			Comments re
Crosveter LIG, LLC - Red River Compressor Station	1980-00051-V0	09/30/2008	11/14/2008	11/15/2008	01/14/2009	
DCP Midstream Operating LP - Ada #1 Compressor Station	3080-00024-V6	07/24/2008	09/07/2008	09/08/2008	11/07/2008	
EDO Corporation - EDO Specialty Plastics, Inc	0840-00173-V0	07/24/2008	09/07/2008	09/08/2008	11/07/2008	
Entergy Louisiana, LLC - Little Gypsy Generating Plant	2520-00009-V2	12/24/2008	02/07/2009	02/08/2009	04/09/2009	RTC, BFD, and
Entergy New Orleans, Inc - Michoud Electric Generating Plant	2140-00014-V1	11/11/2008	12/26/2008	12/27/2008	02/25/2009	
Enterprise Gas Processing LLC - Troca Gas Processing Plant	2500-00013-V6	10/24/2008	12/08/2008	12/09/2008	02/07/2009	
ExxonMobil Chemical Company - Baton Rouge Chemical Plant, ESCOREZ 1000 (E-1000) Unit	2156-V1	10/24/2008	12/08/2008	12/09/2008	02/07/2009	
ExxonMobil Chemical Company - Baton Rouge Chemical Plant; Maintrain Ethylene Production Facilities	2031-V7	10/13/2008	11/27/2008	11/28/2008	01/27/2009	Re-public notice
ExxonMobil Refining and Supply Company - Catalytic Cracking Complex	2385-V5	08/15/2008	09/29/2008	09/30/2008	11/29/2008	
ExxonMobil Refining and Supply Company - Hydroprocessing Complex	2447-V2	07/23/2008	09/06/2008	09/07/2008	11/06/2008	
ExxonMobil Refining and Supply Company - Pipetill Complex	2755-V3	07/30/2008	09/13/2008	09/14/2008	11/13/2008	
ExxonMobil Refining and Supply Company - Uffies	2363-V2	08/25/2008	10/09/2008	10/10/2008	12/09/2008	
Formosa Plastics Corporation - Baton Rouge Facility, Polyvinyl Chloride (PVC) Unit	1004-V1	12/11/2008	01/25/2009	01/26/2009	03/27/2009	
Gulf South Pipeline Company LP - Bismarck Compressor Station	0360-00007-V2	07/31/2008	09/14/2008	09/15/2008	11/14/2008	
Honeywell International Inc - Geismar Plant - Fluorocarbon Plants	0180-00003-V2	10/03/2008	11/17/2008	11/18/2008	01/17/2009	
Intercontinental Terminals Co - Anchorage Chemical Terminal	3120-00002-V0	11/06/2008	12/21/2008	12/22/2008	02/20/2009	
LA Energy & Power Authority (LEPA) - City of New Roads, New Roads Power Plant	2260-00057-V3	07/24/2008	09/07/2008	09/08/2008	11/07/2008	
Lafayette Consolidated Government/Lafayette Utilities Systems - Hargis-Hebert Generating Station	1520-00131-V1	10/23/2008	12/07/2008	12/08/2008	02/06/2009	
Lake Charles Cogeneration, LLC - Lake Charles Gasification Facility	5220-00041-V0	11/20/2008	01/04/2009	01/05/2009	03/06/2009	
Louisiana Generating, LLC - Big Cajon 1 Power Plant	2260-00007-V2	12/04/2008	01/18/2009	01/19/2009	03/20/2009	
Methua Enterprises LLC - Convent Refinery	2560-00001-V6	08/07/2008	09/21/2008	09/22/2008	11/21/2008	
North American Shipbuilding, LLC - Larose Shipyard	1960-00136-V0	11/02/2008	12/17/2008	12/18/2008	02/16/2009	
NRG South Central Generating LLC - Bayou Cove Peaking Power Plant	0040-00106-V1	12/19/2008	02/02/2009	02/03/2009	04/04/2009	
Omega Natchez, Inc - New Iberia Facility	1260-00085-V1	12/30/2008	03/13/2009	02/14/2009	04/15/2009	
Pioneer Americas LLC - d/b/a Olin Chlor-Alkali Products	1260-00011-V0	10/14/2008	11/28/2008	11/29/2008	01/28/2009	
Placid Refining Company, L.L.C. - Port Allen Refinery	3120-00012-V6	10/23/2008	12/07/2008	12/08/2008	02/06/2009	
PrattPack Inc - Shreveport Facility	0400-00032-V4	12/26/2008	02/09/2009	02/10/2009	04/11/2009	
Regency Gas Services, LLC - Mainline Compressor Station	3068-V0	08/14/2008	09/28/2008	09/29/2008	11/28/2008	
Regency Instate Gas, LLC - Cane Hill Compressor Station	0640-00035-V0	11/05/2008	12/20/2008	12/21/2008	02/19/2009	
Rubicon LLC - Hedcote Plant	2378-V1	11/07/2008	12/22/2008	12/23/2008	02/21/2009	
Rubicon, LLC - Geismar Plant, MD) Plant	2391-V9	10/28/2008	12/12/2008	12/13/2008	02/11/2009	
Saint-Gobain Containers, Inc. - Ruston Plant	1720-00002-V0	11/20/2008	01/04/2009	01/05/2009	03/06/2009	
Sewerage & Water Board of New Orleans - East Bank Sewage Treatment Plant	2140-00089-V0	08/06/2008	09/20/2008	09/21/2008	11/20/2008	
SHINTECH LOUISIANA, LLC - Plaquemine PVC Plant, HCl Production Furnace No. 1	3064-V0	10/30/2008	12/14/2008	12/15/2008	02/13/2009	
Sid Richardson Carbon & Energy Company - Addis Facility	3120-00006-V1	08/21/2008	10/05/2008	10/06/2008	12/05/2008	
Stupp Corp-Baton Rouge Facility	0840-00147-V0	11/20/2008	01/04/2009	01/05/2009	03/06/2009	



Laminac High Pressure Inc. - St. Gabriel Plant
Tennessee Gas Pipeline Company - Compressor Station 40500C1
TIN Inc. dba - Bogalusa Box Plant
TIN Inc. dba Tampa Inland - Southwest Louisiana Lumber Operations (SWLA)
Wabco Refining Co. - New Orleans, LLC. St. Charles Refinery
Waste Management - Woodside Landfill and Recycling Center
Westlake Vinyls Company, LP - Geismar Site, VCM/E Plant

1280-00031-V5 12/11/2008 01/25/2009 01/25/2009 05/27/2009
1980-00011-V4 09/24/2008 11/08/2008 11/09/2008 01/08/2009
2468-V5 11/24/2008 01/12/2009 01/13/2009 03/14/2009
0520-00018-V2 05/01/2008 03/15/2008 04/16/2008 11/15/2008
2520-00027-V6 08/07/2008 08/21/2008 08/22/2008 11/21/2008
1740-00025-V1 05/18/2008 11/02/2008 11/03/2008 01/02/2009
1248-V3 05/12/2008 10/27/2008 10/28/2008 12/27/2008 Response to do

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PUBLIC NOTICE
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY (LDEQ)
WASTE MANAGEMENT OF LOUISIANA/WOODSIDE LANDFILL AND RECYCLING CENTER

PUBLIC HEARING AND REQUEST FOR PUBLIC COMMENT

ON THE
TECHNICALLY COMPLETE SOLID WASTE PERMIT RENEWAL APPLICATION,
PROPOSED PART 70 AIR OPERATING PERMIT
& THE ASSOCIATED ENVIRONMENTAL ASSESSMENT STATEMENT

The LDEQ, Office of Environmental Services, will conduct a public hearing to receive comments on the Technically Complete Solid Waste Permit Renewal Application, proposed Part 70 Air Operating Permit and the Associated Environmental Assessment Statement (EAS) for Waste Management of Louisiana, LLC, 29375 Woodside Drive, Walker, Louisiana 70785 for the Woodside Landfill and Recycling Center. **The facility is located at 29375 Woodside Drive, approximately two (2) miles east of the town of Walker and approximately one half mile south of the intersection of US Highway 190 and Woodside Drive, Walker, Livingston Parish, Louisiana.**

The hearing will be held on **Tuesday, March 25, 2008, beginning at 6:30 p.m., at the Livingston Parish Courthouse, Court Room #1, 20180 Iowa Street, Livingston, LA.** During the hearing, all interested persons will have an opportunity to comment on the permitting activities.

Waste Management of Louisiana, LLC requested to renew their Standard Solid Waste Permit to continue operation of their existing Type I and Type II Landfill.

Also, the company requested a revision to the Part 70 Air Operating Permit for its Woodside Landfill and Recycling Center (WLRC). WLRC is a municipal solid waste disposal facility with a design capacity of 41,410,552 cubic yards (approximately 31,600,609 cubic meters). It receives a variety of non-hazardous solid wastes (including municipal solid waste, such as residential and commercial solid waste, and industrial solid waste), which are disposed of by landfilling. A Gas Collection and Control System (GCCS) was installed in 2003 to control landfill gas emissions. Currently, the landfill is supported by a variety of operations and maintenance-related activities, including operation and maintenance of mobile equipment, non-mobile equipment powered by internal combustion engines, leachate handling, and the storage of motor fuels and lubricants. It is anticipated that the bioremediation of hydrocarbon-contaminated sludge and soils (non-hazardous) will take place at WLRC.

The proposed Part 70 air operating permit was processed as an expedited permit in accordance with LAC 33:I.Chapter 18.

Estimated emissions from the facility in tons per year are as follows:

<u>Pollutant</u>	<u>Previous Estimate</u>	<u>Updated Emission Rate</u>
PM ₁₀	27.90	16.91
SO ₂	12.18	10.31
NO _x	65.59	65.32
CO	621.06	237.73
VOC	37.89	34.27

EXHIBIT

C

tabbles

A technical review of the working draft of the proposed permit was submitted to the facility representative and the LDEQ Surveillance Division. Any remarks received during the technical review will be addressed in the "Worksheet for Technical Review of Working Draft of Proposed Permit". All remarks received by LDEQ are included in the record that is available for public review.

All interested persons will be afforded the opportunity to comment on the technically complete solid waste permit application, the proposed Part 70 air operating permit and the EAS.

The EAS submitted by the applicant addresses avoidance of potential and real environmental effects, balancing of social and economic benefits against environmental impact costs, and alternative sites, projects, and mitigative measures.

Written comments or written requests for notification of the final decision regarding these permitting actions may also be submitted to Ms. Soumaya Ghosn at LDEQ, Public Participation Group, P.O. Box 4313, Baton Rouge, LA 70821-4313. **Written comments and/or written requests for notification must be received by 12:30 p.m., Monday, April 28, 2008.** Written comments will be considered prior to a final permit decision.

LDEQ will send notification of the final permit decision to the applicant and to each person who has submitted written comments or a written request for notification of the final decision.

The technically complete solid waste permit renewal application, air permit application, proposed permit, statement of basis, Worksheet for Technical Review and the EAS is available for review at the LDEQ Public Records Center, Room 127, 602 North 5th Street, Baton Rouge, LA. Viewing hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday (except holidays). **The available information can also be accessed electronically on the Electronic Document Management System (EDMS) on the DEQ public website at www.deq.louisiana.gov.**

Additional copies may be reviewed at the Livingston Parish President's Office, 20180 Iowa Street, Livingston, LA 70754 and the Denham Springs-Walker Branch Library, 239 Florida Avenue S.E., Denham Springs, LA 70727-1838.

Previous notices regarding different activities associated with the solid waste technically complete application have been published in The Advocate on September 22, December 6, 15 & 20, 2007 and in The Livingston Parish News on September 23, December 6, 16 & 20, 2007.

Individuals with a disability, who need an accommodation in order to participate in the public hearing, should contact Ms. Heather Manry at the above address or by phone at (225) 219-3279.

Inquiries or requests for additional information regarding these permitting actions should be directed to Sonya Eastern, LDEQ, Waste Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313, phone (225) 219-3551 regarding the technically complete solid waste permit application and directed to Dr. Qingming Zhang, LDEQ, Air Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313, phone (225) 219-3140 regarding the proposed air permit.

Persons wishing to be included on the LDEQ permit public notice mailing list or for other public participation related questions should contact the Public Participation Group in writing at LDEQ, P.O. Box 4313, Baton Rouge, LA 70821-4313, by email at deqmaillistrequest@la.gov or contact the LDEQ Customer Service Center at (225) 219-LDEQ (219-5337).

**AIR PERMIT BRIEFING SHEET
AIR PERMITS DIVISION
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Woodside Landfill & Recycling Center
Agency Interest No. 11767
Waste Management of Louisiana, LLC
Walker, Livingston Parish, Louisiana**

I. Background

Woodside Landfill and Recycling Center (WLRC) is a municipal solid waste landfill owned and operated by Waste Management of Louisiana, LLC. It has been in operation since 1987. The original Part 70 operating permit application for the referenced facility was submitted to LDEQ in October 1996. The application was revised on March 20, 2001. The initial Part 70 Operating Permit No. 1740-00025-V0 was issued for the facility on December 17, 2004. On August 22, 2007, the First Circuit Court of Appeal issued an opinion vacating the permit on the basis that the Pollution Control Project (PCP) exemption from PSD review for the Gas Collection and Control System at WLRC is not valid. An appeal of the First Circuit Court of Appeal's decision by the facility is pending.

This permit reevaluates emissions from the facility and determines all applicable requirements to the facility based on the Part 70 operating permit application submitted by the Waste Management of Louisiana, LLC.

II. Origin

A permit application and Emission Inventory Questionnaire dated October 19, 2007 were submitted by Waste Management of Louisiana, LLC requesting a revision of Part 70 operating permit. Additional information dated December 7, 2007 was also received.

III. Description

WLRC is a municipal solid waste disposal facility with a design capacity of 41,410,552 cubic yards (approximately 31,600,609 cubic meters). It receives a variety of non-hazardous solid wastes (including municipal solid waste, such as residential and commercial solid waste, and industrial solid waste), which are disposed of by landfilling. Currently, the landfill is supported by a variety of operations and maintenance-related activities, including operation and maintenance of mobile equipment, non-mobile equipment powered by internal combustion engines, leachate handling, and the storage of motor fuels and lubricants. It is anticipated that the bioremediation of hydrocarbon-contaminated sludge and soils (non-hazardous) will take place at WLRC.

The most significant source of emissions at WLRC is landfill gas. A gas collection and control system (GCCS) was installed in 2003 and is in operation. The GCCS consists of an "active" landfill gas extraction/collection system, which routes the collected gas to a control device (flare). The active gas collection system consists of extraction wells, which are operated under slight vacuum such that gas preferentially migrates to the wells. This prevents, to a large extent,

