



REGION 8

DENVER, CO 80202

June 18, 2024

Bryce Bird
Director Division of Air Quality
Utah Department of Environmental Quality
195 North 1950 West,
Salt Lake City, UT 84116

Re: EPA Comments on Wasatch Integrated Waste Management District, Davis Landfill, #1100033004

Dear Bryce Bird:

The Environmental Protection Agency (EPA) Region 8 has completed its review of the Wasatch Integrated Waste Management District, Davis Landfill (Davis Landfill) title V renewal permit, #1100033004. The public comment period for the Davis Landfill runs from May 19, 2024, through June 18, 2024. The attached contains EPA's comments on the permit.

This permit action has been assigned to Julia Witteman. If you have any questions, or if you would like to schedule a meeting to discuss this matter further, please contact Julia Witteman at witteman.julia@epa.gov. We look forward to hearing from you and working with you on this permit.

Sincerely,

6/18/2024

X Adrienne Sandoval

Signed by: Environmental Protection Agency

Adrienne Sandoval

Director

Air and Radiation Division

ENCLOSURES

1. EPA Comments on Wasatch Integrated Waste Management District, Davis Landfill, #1100033004

cc: David Beatty, Scott Hanks

EPA Comments on Wasatch Integrated Waste Management District, Davis Landfill, #1100033004

Title V Compliance Assurance and Monitoring Requirements

All title V permits must contain sufficient monitoring to assure compliance with the applicable requirements in the permit. 42 U.S.C. Section 7661c(a) states that each title V permit must include “conditions as are necessary to assure compliance with applicable requirements of this chapter, including the requirements of the applicable implementation plan.” 42 U.S.C. Section 7661c(c) requires “inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions.” Additionally, 40 C.F.R. Section 70.6(c)(1) states that, consistent with 40 C.F.R. Section 70.6(a)(3), all part 70 permits shall contain “compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit.

Each of the comments below highlight specific instances where there do not appear to be adequate inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions. The EPA recommends that for each of the permit conditions described below, the Utah Department of Environmental Quality (UDEQ) makes necessary revisions to the permit to ensure incorporation of appropriate requirements to assure compliance and to provide transparency and clarity to the source, the EPA, and the public. While we have specifically highlighted these instances, this may be a non-comprehensive list and encourage a thorough review of the conditions within the permit.

1. Condition II.B.1.a, on page 14 of the draft permit contains monitoring and recordkeeping requirements for fugitive dust control and relies on a fugitive dust control plan (FDCP), required by Condition II.B.1.a(2), to demonstrate compliance. However, the conditions of the FDCP that are used to demonstrate compliance are not specified in the permit.

For example, Condition II.B.1.a.1 on page 14 of the draft permit states:

“In lieu of monitoring via visible emissions observations, adherence to the most recently approved fugitive dust control plan shall be monitored to demonstrate that appropriate measures are being implemented to control fugitive dust.”

Furthermore, Condition II.B.1.a.2(3) on page 14 of the draft permit states:

“Records of measures taken to control fugitive dust shall be maintained to demonstrate adherence to the most recently approved fugitive dust control plan. Records shall be maintained in accordance with the plan.”

As currently drafted, the monitoring and recordkeeping requirements of this permit cannot be determined without access to the FDCP and standing alone, are not “sufficient to assure compliance with the terms and conditions of the permit.” 40 C.F.R. Section 70.6(c)(1).

While the FDCP in its entirety does not need to be included in the title V permit, it is necessary that the specific monitoring, recordkeeping, and reporting requirements from the FDCP that are

used to demonstrate compliance be included. Title V permits must, “set forth ... monitoring ... requirements to assure compliance with the permit terms and conditions.” 42 U.S.C. Section 7661c(c). These include “monitoring and analysis procedures or test methods,” or “terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement.” 40 C.F.R. Section 70.6(a)(3)(i)(A), (B); *see* 42 U.S.C. Section 7661c(a), (c). As the permit establishes that the recordkeeping requirements of the FDCP are to be used as the monitoring for the applicable requirement, it is necessary and appropriate that those recordkeeping portions of the FDCP be stated in the title V permit.

Since the Davis Landfill’s FDCP is closely related to assuring compliance with the source’s fugitive dust requirements, aspects of the plan need to be included in the title V permit itself to provide transparency and clarity to the source, the EPA, and the public.

The EPA recommends the UDEQ incorporate the monitoring, recordkeeping and reporting requirements from the FDCP into the monitoring, recordkeeping and reporting conditions of the title V permit to demonstrate compliance with the applicable regulations.

2. Condition II.B.1.a.3 on page 15 of the draft permit outlines the reporting requirements for fugitive dust, stating: “There are no reporting requirements for this provision except those specified in Section I of this permit.” The reporting requirements are specified in Section I on pages 10 and 11 of the draft permit.

In particular, Condition I.S.2.a states:

“Monitoring reports shall be submitted to the Director every six months, or more frequently if specified in Section II. All instances of deviation from permit requirements shall be clearly identified in the reports. (R307-415-6a(3)c(i)).”

The Section I reporting requirements cite back to the Section II monitoring requirements, and the Section II monitoring requirements cite to the Section I reporting requirements, creating a circular reference. Nowhere in the permit does it establish the requirement to create monitoring reports or specify what the reports shall contain. The EPA recommends the UDEQ include provisions in Section II of the draft permit that detail the content of monitoring reports required by the underlying applicable requirements.