

State Registration Number

N5985

RENEWABLE OPERATING PERMIT

ROP Number

MI-ROP-N5985-20XX

**DECEMBER 13, 2018 - STAFF REPORT
ADDENDUM**

Purpose

A Staff Report dated November 12, 2018, was developed to set forth the applicable requirements and factual basis for the draft Renewable Operating Permit (ROP) terms and conditions as required by Rule 214(1) of the administrative rules promulgated under Act 451. The purpose of this Staff Report Addendum is to summarize any significant comments received on the draft ROP during the 30-day public comment period as described in Rule 214(3). In addition, this addendum describes any changes to the draft ROP resulting from these pertinent comments.

General Information

Responsible Official:	Section 1: Richard Rolf, General Manager 810-768-2232 Section 2: Dennis Bollinger, VP Assets & Regulatory Affairs 615-574-7563 and Jim Grant, North America CEO 517-208-0739
AQD Contact:	Gina McCann, Senior Environmental Quality Analyst 989-439-2282

Summary of Pertinent Comments

No comments were received from the public. Comments were received from USEPA and changes were made to the November 12, 2018, draft ROP as follows:

EPA Comment 1:

Section 1.E. This section includes a non-applicability permit shield for 40 CFR Part 60, Subpart XXX, on the basis that the landfill did not undergo construction, reconstruction, or modification after July 17, 2014. In accordance with 40 CFR 70.6(f)(1)(ii), the permitting authority can grant a non-applicability permit shield provided that there is a determination that the requirements specifically identified are not applicable to the source. In order to meet the non-applicability permit shield requirements, please provide specific information supporting the broadly-based negative declaration, and narrow the scope of the non-applicability shield accordingly. This could include, for example, a determination that a specific post-2014 construction activity was not subject to Part 60, Subpart XXX. Alternatively, MDEQ could consider removing the broad based shield and discuss any applicability considerations in the regulatory analysis section of the Staff Report.

AQD Response:

The AQD removed the non-applicability permit shield for 40 CFR Part 60, Subpart XXX.

The facility did not undergo construction, reconstruction, or modification after July 17, 2014. Per 40 CFR Part 60, Subpart XXX, modification mean an increase in the permitted volume design capacity of the landfill by either lateral or vertical expansion based on its permitted design capacity as of July 17, 2014. Modification does not occur until the owner or operator commences construction on the lateral or vertical expansion. The Whitefeather Landfill was last issued a construction permit from Waste Management and Radiological Protection Division (WMRPD) on October 7, 2008. Commencement of construction on subsequent construction permits will be evaluated for 40 CFR Part 60, Subpart XXX applicability.

EPA Comment 2:

Section 2, FGICENGINES III.2. Please ensure that the malfunction abatement/preventative maintenance plan for FGICEENGINES is readily accessible in the permit record, including online Internet availability if feasible. As addressed by EPA's March 5, 1996 "White Paper Number 2 for Improved Implementation of The Part 70 Operating Permits Program," information cited or cross-referenced in permits should be current and readily available to the permitting agency and to the public.

AQD Response:

The referenced plans are a part of the ROP Renewal Application and available online, as well as listed individually.

EPA Comment 3:

Section 2, FGICENGINES, III.2. The underlying applicable requirement citations for the malfunction abatement/preventative maintenance plan include authority from the Permit to Install program. Please review condition III.2. and include the Footnote 2 designation, as appropriate, to identify that the condition is enforceable pursuant to Title I of the Clean Air Act and the state procedures for identifying the Source-wide Permit to Install.

AQD Response

Conditions in Section 2, FGICENGINES III.2. were reviewed and a Footnote 2 designation was appropriately added.