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Environmental Law Center  
*Lawyers for the Environment*



Chief, Permits Section  
Missouri Department of Natural Resources  
Air Pollution Control Program  
P.O. Box 176  
Jefferson City, MO 65102-0176  
[apcppermitspn@dnr.mo.gov](mailto:apcppermitspn@dnr.mo.gov)

April 11, 2019

**VIA ELECTRONIC MAIL ONLY**

*Re: Draft Part 70 Operating Permit, Bridgeton Landfill (Installation ID: 189-0312  
Project No.: 2014-09-028)*

Dear Sir or Madam:

The following comments are submitted by the Missouri Coalition for the Environment (“MCE”) and Great Rivers Environmental Law Center (“Great Rivers to the Missouri Department of Natural Resources (“MDNR”), Air Pollution Control Program (“APCP”) regarding the draft Part 70 Operating Permit for Bridgeton Landfill LLC (“BL”)— Installation ID: 189-0312 Project No.: 2014-09-028 (“Draft Permit”).

MCE is a nonprofit independent, citizen’s environmental organization advocating for clean water, clean air, clean energy and a healthy environment. MCE works to educate, organize, and advocate in defense of Missouri’s people and their environment. Its members depend on clean air in Missouri and the St. Louis region. Great Rivers is a non-profit law center that provides free or reduced rate legal services to individuals and organizations working to protect the environment and public health.

### **General Comments**

1. The Draft Permit fails to mention the existence of the subsurface smoldering event (SSE) in the Introduction, Statement of Basis or anywhere in the permit. This fact is a major driver for air emissions at the landfill and is the basis for several requirements in the permit. Because a Part 70 permit is, in part, designed to inform the public about air quality issues and requirements at the facility, the Draft Permit should explain the existence of this condition and its relevance to various requirements in the Draft Permit.

2. The Draft Permit fails to mention the occurrence of at least three surface fires during the duration of the previous permit or detail how surface fires and related air pollution will be addressed in the draft permit for public comment. The most recent fire occurred on November 2, 2018, on the south quarry where the ongoing smoldering fire continues to burn. Another fire occurred in a similar area of the south quarry in February 2014 followed by a surface fire near OU-1 Area 1 in October 2015.

Image 1: November 2, 2018 surface fire.



Image 2: February 2014 surface fire.



Image 3: October 25, 2015 surface fire near OU-1 Area 1.



The fires pictured above clearly violate the prohibition of particulate matter in the ambient air beyond the premises of origin (10 CSR 10-6.170). DNR should detail how an uncontrolled fire is regulated by the State of Missouri, especially in the case of a fire that burns landfill gas from a well. DNR should find a way to calculate these emissions toward the accounting for the yearly emissions to determine threshold levels for PM, CO, NO<sub>2</sub>, SO<sub>2</sub> and other appropriate contaminants. Uncontrolled fires are a serious concern for the people who live closest to the landfill as plumes of smoke have reached the area where people live. Considering the recent history of fires, DNR should do everything necessary to protect people living closest to the landfill, including the immediate deployment of air monitoring equipment in residential areas.

### **Specific Comments**

#### *Permit Condition Subpart M- Asbestos*

1. Emission/Operational Limitation #5 requires the recordation of a deed notification on the property regarding the presence of asbestos material within 60 days of the site becoming inactive. Since the permit states in the introduction that the site has been inactive since 2005, this deed restriction should have already been recorded. This permit condition is unnecessary unless BL has not complied with this requirement.

2. 40 CFR 61.151 describes “standards” applicable to municipal solid waste landfills (MSWLs) that allow permittees to select from four options how the MSWL intends to prevent the discharge of asbestos materials into the ambient air. While 40 CFR 61.151(a)(1) is

understood as an emission limit of zero, the options in 40 CFR 61.151(a)(2) through 40 CFR 61.151(a)(4) are more easily understood as standards, or perhaps operational limitations. To cover both emissions limitations, operational limitations, and standards, the Recordkeeping/Reporting section of Permit Condition Subpart M should state:

2. The permittee shall report any exceedance of the emission limitation, **operational limitation or standard** no later than ten days after the end of the month during which any record shows an exceedance of the emissions [or], operational limitation, **or standard**.

*Permit Condition 042018-005- SOx*

3. Special Condition #4.B.3 should refer to Table 2 (LFG Sulfur Content Sampling Frequency) not Table 1 (Legend Requirements).

4. Table 2 (LFG Sulfur Content Sampling Frequency) fails to mention a unit of measure for sulfur content (e.g. 75 (unit) or 50 (unit))

5. EIQs from the facility demonstrate that in two of the last five reporting years (2015 and 2016), BL has emitted more than 100 tons per year (tpy) SO<sub>2</sub>. BL has taken a voluntary reduced emission limitation of <100 tpy for the operation to qualify as a synthetic minor source for SO<sub>x</sub>. While BL emitted 95.61 tons of SO<sub>2</sub> in 2017, it is very possible the BL will exceed the 100 tpy emission threshold for SO<sub>2</sub> due to the presence of the SSI. Special Condition #7 should therefore state that if BL exceeds this threshold, in addition to needing a new construction permit to reflect actual emissions, the facility must be classified as a major source for SO<sub>2</sub> and go through PSD requirements. This would comport with the monthly NOV's issued by MDNR to BL from February, 2015 through April, 2018. For example, the April 27, 2018 NOV issued to BL states:

Based upon review of the landfill's "Odor Mitigation Pilot Study Report," submitted November 14, 2014, and the "Sulfur Removal Technology Evaluation, Stage 2," report submitted January 23, 2015, the Department's Air Pollution Control Program has conducted calculations for the landfill gas and determined the combined emissions from the flares exceeds 250 tons of sulfur dioxide per year. **Therefore, the construction permits should have been submitted for review pursuant to 10 CSR 10-6.060(8), Prevention of Significant Deterioration (PSD) program.** Bridgeton Sanitary Landfill will remain in violation of 10 CSR 10-6.060 until Bridgeton Sanitary Landfill obtains applicable PSD permit(s) pursuant to 10 CSR 10-6.060(8), or until Bridgeton Sanitary Landfill initiates control measures that reduce emissions to below de minimus levels allowing them to obtain a de minimus, Section (5) permit.

Strangely, BL was issued a Section (6) permit on April 3, 2018 (without public notice or comment) twenty-four (24) days before the issuance of this NOV which expressly requires BL to

submit to PSD review or reduce emissions to de minimis levels. BL neither submitted to PSD review nor reduced its emissions to below de minimis levels. MDNR should explain why no public notice or comment occurred for this construction permit despite MDNRs express statement that BL must obtain a PSD review, which requires public notice and comment. It is unfair that the public has endured the large amounts of SO<sub>2</sub> emitted by BL over the last several years that have clearly exceeded major thresholds and yet have had no opportunity in commenting on the issuance of the Section (6) construction permits to BL in lieu of PSD review.

#### *Core Permit Requirement*

6. 10 CSR 10-6.165- The permit does not provide the testing method for determining odor levels. The following language should be added to the permit: “Measurements shall be made with a Nasal Ranger as manufactured by St. Croix Sensory, Inc. or by a similar instrument or technique that will give substantially similar results, or as approved by the department.”

7. 10 CSR 10-6.165(4) requires that Odor control plans be reviewed and updated as necessary a minimum of every five (5) years from the date last approved or when a modification occurs. Bridgeton Landfill’s current Odor control plan is from June 20, 2014 so it must be updated by June 20, 2019. Bridgeton Landfill was required to submit an updated plan or a review letter by January 20, 2019. The Part 70 Permit should expressly incorporate the Odor control plan, and any updates, into this permit condition even if a state only requirement. This is especially true in light of history of odor complaints at and around the facility. In 2016, the St. Louis County Department of Public Health released the Bridgeton Respiratory Health Survey, which found that people living closest to the landfill are statistically more likely to be concerned about odors on a daily basis compared to the control group surveyed in parts of St. Louis County, farther away from the landfill. Following the release of the health survey by St. Louis County, the Missouri Department of Health & Senior Services (DHSS), with consultation from the Agency for Toxic Substances & Disease Registry (ATSDR), determined in a Health Consultation that the ongoing exposure to odors causes chronic stress, which is known to lead to negative health outcomes.

#### *General Permit Requirements*

8. It appears that several of the citations to regulations have changed since the Draft Permit was issued. These citations should all be updated to reflect the most current version of MDNR’s regulations.

9. 10 CSR 10-6.065(6)(C)1.I. Reasonably Anticipated Operating Scenarios. This provision should be amended to add language that BL must comply with the Operating, Maintenance and Monitoring Plan (OM&M), and all documents incorporated into the OM&M. Without such express reference, it is unclear whether documents incorporated by reference into the OM&M are enforceable terms of the permit. These elements of the OM&M plan, such as the Odor control plan should be enforceable terms of the permit.

*Statement of Basis*

10. The Statement of Basis should be updated prior to issuance to include EIQ information from 2018, which should be available to the Department in the month of April if not already in the Department's possession.

Thank you for accepting and considering these comments. We look forward to your response.

Sincerely,



Ed Smith  
MCE Policy Director

Sincerely,



Bob Menees  
Great Rivers Staff Attorney