



24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411 • FAX: (831) 647-8501

May 13, 2021

Guy Petraborg
Monterey Regional Waste Management District
14201 Del Monte Blvd, Monterey County.
Via email to: gpetraborg@mrwmd.org

SUBJECT: Notices of Noncompliance for Installing Equipment and Landfill Surface Emissions

Dear Mr. Petraborg:

The Monterey Bay Air Resources District (MBARD) is writing to address two issues of noncompliance. First, MBARD received an application for a permanent hydrogen sulfide treatment system on June 10, 2019. Based on observations in the field, MRWMD has installed, but not operated, the permanent system without receiving an Authority to Construct (ATC). This is a violation of MBARD Rule 200 Section 3.1. During our meeting on April 16, 2021 with Tim Flanagan and Richard Stedman, it was our understanding we would have received the outstanding items needed to process the application by now. It is critical for us to have all the information to evaluate the application and issue the ATC.

The following summarizes some of the history for the application:

Jun 14, 2019	MBARD deemed the application for permanent hydrogen sulfide treatment system to be incomplete and requested a BACT analysis and additional process design parameters.
Oct 21, 2019	SCS Engineers submitted a BACT analysis on behalf of MRWMD.
Oct 25, 2019	MBARD issued a second incompleteness letter based upon a review of the BACT analysis.
March 11, 2021	MBARD inspector observed permanent hydrogen sulfide treatment system installed at the facility and MRWMD requested to start operating system.
Apr 6, 2021	MBARD met with MRWMD and SCS Engineers to discuss revisions to the BACT analysis.
Apr 23, 2021	MRWMD submitted the additional process design parameters.
May 7, 2021	MBARD requested an update on when the revised BACT analysis would be submitted.

To date we have not received the revised BACT analysis and cannot proceed with processing the application for the permanent hydrogen sulfide treatment system without this document. Please submit the revised BACT analysis by May 21, 2021 so MBARD can move forward to issue the ATC for the permanent hydrogen sulfide system. This will allow MRWMD to begin temporary operation of the system.

Second, MBARD reviewed the 2020 Annual Report submitted as required by the State Regulation for Methane Emissions from Solid Waste Landfills (LMR). MBARD found violations of the requirement to take corrective actions within 120 days for both instantaneous and integrated surface emissions exceedances after the third exceedance. MBARD has the ability to approve alternative compliance options in accordance with LMR Section 95468 related to additional time for leak repairs. In the future to avoid violations of LMR Sections 95469(a)(1)(B)(2) and 95469(a)(2)(B)(2), MRWMD may consider requesting an alternative compliance option to address leak repairs.

Finally, MBARD was notified of wellhead replacement work in 2020 along with an ongoing project to install additional wells beginning in December 2020. These actions appear to have improved the surface emissions as the first quarter 2021 surface monitoring data showed no exceedances during the second 10-day monitoring event.

Please let me know if you have additional questions, I can be reached at aclymo@mbard.org.

Sincerely,



Amy Clymo
Engineering and Compliance Manager

Cc:

Tim Flanagan, MRWMD General Manager
Richard A. Stedman, MBARD Air Pollution Control Officer
Armando Jimenez, MBARD Engineer
Bronwyn Nielson, MBARD Inspector

Attachments:

NON – Installation without an Authority to Construct
NON – Landfill Methane Regulation

Monterey Bay Air Resources District

24580 Silver Cloud Court, Monterey, CA 93940 • (831) 647-9411 • www.mbard.org

Notice of Noncompliance

Issued To: Monterey Regional Waste Management District

Date: 5-13-2021

Address: 14201 Del Monte Blvd., Monterey County, CA

Permit No. GNR-018139
(If applicable)

This facility has been found to be operating in noncompliance with District regulations as described below. You are urged to determine the cause of the noncompliance, and to correct it as soon as possible. A follow up inspection may be conducted by the District at any time.

Please note that each day during which a violation occurs or continues constitutes a separate violation.

Violation of Air District Rule:

Rule 200 Permits

3.1 Construction/Installation/Alteration

3.2 Operation, Use

3.7 Permit condition

Other: _____

ATCM

Diesel Fueled Engines

Dry Cleaning

School Bus Idling

Other: _____

Smoke Management

PFIRS

(Rx) Smoke Management Permit

Other: _____

Rule 438 Open Outdoor Fires

3.1 General Prohibition – unapproved material

3.3.1 Burn Permit

Other: _____

Hearing Board Order

CCR Title 13 PERP

Rule 1002 – Vapor Recovery (Gas Stations)

Rule 1010 – Stationary Compression Ignition Engines

Rule 434 Metal Parts and Coatings

Rule 400 Visual Emissions

Rule 402 Nuisance

Rule 416 Solvents

Rule 424 Asbestos Renovation/Demolition

Other: _____

DESCRIPTION OF NONCOMPLIANCE:

Violation of District Rule 200 3.1 that no person shall build or erect any article, machine, or equipment which may eliminate or reduce the issuance of air contaminants at the facility unless the owner or operator has obtained a separate written Authority to Construct (ATC) permit from the Air Pollution Control Officer; to wit the permanent H2S emission control system at the landfill was observed installed during an inspection on March 11, 2021 without a ATC issued by the Air Pollution Control Officer.

YOU ARE HEREBY NOTIFIED TO:

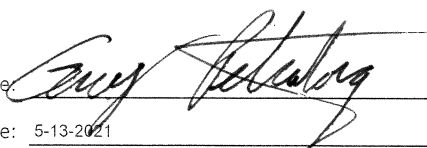
Submit the BACT analysis needed to complete application submitted in June 2019.

Noncompliance must be corrected immediately

Noncompliance must be Corrected By: Due Date: 05/21/2021

The District settles most violations within our Mutual Settlement Program in lieu of formal court proceedings. The attached questionnaire provides an opportunity for you to tell your side of the incident, what was done to correct the violation, and what actions have been taken to prevent a future violation. Information you provide in the questionnaire may reduce potential penalties for this violation.

Recipients Name Printed: Guy Petraborg by email

Recipients Signature: 

District Representative: Bronwyn Nielson

Date: 5-13-2021

APCD FORM 16 (FORM 16nonform.docx)

Monterey Bay Air Resources District

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Notice of Noncompliance

Issued To: Monterey Regional Waste Management District Date: May 13, 2021

Address: 14201 Del Monte Blvd, Monterey County Permit No. _____
(If applicable)

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Please note that each day during which a violation occurs or continues constitutes a separate violation.

Violation of Air District Rule:

- | | |
|--|---|
| <input type="checkbox"/> Rule 200 Permits | <input type="checkbox"/> ATCM |
| <input type="checkbox"/> 3.1 Construction/Installation/Alteration | <input type="checkbox"/> Diesel Fueled Engines |
| <input type="checkbox"/> 3.2 Operation, Use | <input type="checkbox"/> Dry Cleaning |
| <input type="checkbox"/> 3.7 Permit condition | <input type="checkbox"/> School Bus Idling |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Smoke Management | <input type="checkbox"/> Rule 438 Open Outdoor Fires |
| <input type="checkbox"/> PFIRS | <input type="checkbox"/> 3.1 General Prohibition – unapproved material |
| <input type="checkbox"/> (Rx) Smoke Management Permit | <input type="checkbox"/> 3.3.1 Burn Permit |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Hearing Board Order | <input type="checkbox"/> Rule 400 Visual Emissions |
| <input type="checkbox"/> CCR Title 13 PERP | <input type="checkbox"/> Rule 402 Nuisance |
| <input type="checkbox"/> Rule 1002 – Vapor Recovery (Gas Stations) | <input type="checkbox"/> Rule 416 Solvents |
| <input type="checkbox"/> Rule 1010 – Stationary Compression Ignition Engines | <input type="checkbox"/> Rule 424 Asbestos Renovation/Demolition |
| <input type="checkbox"/> Rule 434 Metal Parts and Coatings | <input checked="" type="checkbox"/> Other: <u>CARB's Regulation: Methane Emissions from Municipal Solid Waste Landfills</u> |

DESCRIPTION OF NONCOMPLIANCE:

- Failure to install a new or replacement well as determined to achieve compliance no later than 120 calendar days after detecting the third exceedance pursuant to 95469(a)(1)(B)(2)
- Failure to install a new or replacement well as determined to achieve compliance no later than 120 calendar days after detecting the third exceedance pursuant to 95469(a)(2)(B)(2)

YOU ARE HEREBY NOTIFIED TO:

- Provide MBARD with updates on the progress to install additional vertical and horizontal wells to reduce surface emission exceedances.
- Consider alternative compliance options allowed by the regulation to assist with achieving compliance.

Noncompliance must be corrected immediately Noncompliance must be Corrected By: Due Date: _____

The District settles most violations within our Mutual Settlement Program in lieu of formal court proceedings. The attached questionnaire provides an opportunity for you to tell your side of the incident, what was done to correct the violation, and what actions have been taken to prevent a future violation. Information you provide in the questionnaire may reduce potential penalties for this violation.

Recipients Name Printed: Guy Petraborg by email

Recipients Signature: 

District Representative: Amy Clymo

Date: 05/13/2021