REGION 9
SAN FRANCISCO, CA 94105

June 4, 2024

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Steve Cassulo
District Manager
Waste Connections
Chiquita Canyon LLC
29201 Henry Mayo Drive
Castaic, California 91384

Re: Finding of Violation
Chiquita Canyon Landfill
Castaic, CA

Dear Steve Cassulo:

The U.S. Environmental Protection Agency ("EPA") is issuing the enclosed Finding of Violation ("FOV") to Chiquita Canyon LLC, dba Waste Connections, owner and operator of the Chiquita Canyon Landfill (CCL), under Section 113(a) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(a). We find that Chiquita Canyon LLC is violating the New Source Performance Standards ("NSPS") and National Emission Standards for Hazardous Air Pollutants ("NESHAP") for municipal solid waste landfills, the NSPS and NESHAP General Provisions, as well as conditions in your Title V permit issued to you by the South Coast Air Quality Management District ("South Coast AQMD") at your landfill in Castaic, California.

Sections 113(a)(1), 113(b), and 113(d) of the CAA authorize EPA to issue an order requiring compliance with the requirements of the CAA, issue an administrative penalty order, or commence a civil action seeking an injunction and/or civil penalty. *See* 42 U.S.C. §§ 7413(a), 7413(b), 7413(d). Further, Section 113(c) of the CAA provides for criminal penalties in certain

cases. *See* 42 U.S.C. § 7413(c). CCL may, upon request, confer with EPA. CCL may request a conference with EPA within ten (10) working days of the receipt of this FOV. The conference will afford CCL an opportunity to present information on the specific findings of violation, the nature of the violations, and any efforts CCL may have taken to comply and the steps CCL will take to prevent future violations. In addition, in order to make the conference more productive, we encourage CCL to submit to EPA information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

If you have any questions pertaining to this FOV, please contact Tyler Holybee of the Enforcement and Compliance Assurance Division at (415) 972-3765 or holybee.tyler@epa.gov, or have your attorney contact Catherine Schluter of the Office of Regional Counsel at 415-972-3911 or schluter.catherine@epa.gov. You may call or email them to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

/s/ June 4, 2024

Amy C. Miller-Bowen
Division Director
Enforcement and Compliance Assurance Division
US EPA Region 9

cc: Terrence Mann, South Coast AQMD
Heather Quiros, California Air Resources Board

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 9

In the Matter of:	)	**Docket No. R9-CAA-24-1022**
Chiquita Canyon LLC, dba Waste Connections	)	**Finding of Violation**

The U.S. Environmental Protection Agency ("EPA") finds that the Chiquita Canyon LLC, dba Waste Connections ("CCL") is violating Sections 111(e) and 112 of the Clean Air Act, 42 U.S.C. §§ 7411(e) and 7412 ("CAA" or "Act") at Chiquita Canyon Landfill ("Landfill") located at 29201 Henry Mayo Drive in Castaic, CA 91384. Specifically, CCL has violated and is violating the Standards of Performance for New Stationary Sources, General Provisions at 40 C.F.R. Part 60, Subpart A ("NSPS General Provisions"); the Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014, at 40 C.F.R. Part 60, Subpart XXX ("NSPS Subpart XXX"); the National Emission Standards for Hazardous Air Pollutant Source Categories, General Provisions at 40 C.F.R. Part 63, Subpart A ("NESHAP General Provisions"); the National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills at 40 C.F.R. Part 63, Subpart AAAA ("Landfill NESHAP"); and/or the Title V Air Quality Operating Permit, issued November 14, 2017, and revised September 28, 2023 ("Title V Permit") for the Landfill, as follows:

I. STATUTORY AND REGULATORY BACKGROUND

A. New Source Performance Standards (NSPS) General Provisions and Subpart XXX

1. Section 111(b) of the CAA, 42 U.S.C. § 7411(b), requires EPA to promulgate standards of performance for new stationary sources, which reflect the degree of emission limitation achievable through the application of the best system of emission reduction for each source category.

2. Pursuant to Section 111(b) of the CAA, 42 U.S.C. § 7411(b), EPA promulgated the NSPS General Provisions, at 40 C.F.R. Part 60, Subpart A, which apply to owners or operators of any stationary source that contains an affected facility, the construction or modification of which is commenced after the date of publication of any NSPS standard applicable to the facility.

3. The NSPS General Provisions were first promulgated on December 28, 1971, at 36 Fed. Reg. 24877, and have been amended numerous times since then.

4. Pursuant to Section 111(b) of the CAA, 42 U.S.C. § 7411(b), on August 29, 2016, EPA promulgated the NSPS Subpart XXX at 40 C.F.R. Part 60, Subpart XXX. *See* 81 Fed. Reg. 59368, as amended.

5. The NSPS Subpart XXX applies to municipal solid waste ("MSW") landfills that commenced construction, reconstruction, or modification after July 17, 2014. 40 C.F.R. § 60.760(a).

6. Section 60.762(b)(2) of the NSPS Subpart XXX provides, in pertinent part, that each owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams ("Mg") and 2.5 million cubic meters ("m^3"), as well as a calculated nonmethane organic compound ("NMOC") emission rate equal to or greater than 34 Mg per year, shall comply with 40 C.F.R. § 60.762(b)(2)(i)–(v).

B. National Emission Standards for Hazardous Air Pollutants (NESHAP) General Provisions and Subpart AAAA

7. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), requires EPA to promulgate emission standards for sources of hazardous air pollutants ("HAPs") to achieve the maximum emission reduction of HAPs achievable for each source category.

8. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA first promulgated the NESHAP General Provisions, at 40 C.F.R. Part 63, Subpart A, on March 16, 1994, at 59 Fed. Reg. 12430. They have been amended numerous times since then and apply as specified in the relevant NESHAP, 40 C.F.R. § 63.1(a)(4)(i).

9. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), on January 16, 2003, EPA promulgated the Landfill NESHAP at 40 C.F.R. Part 63, Subpart AAAA. *See* 68 Fed. Reg. 2227.

10. The HAPs emitted by MSW landfills include, but are not limited to, vinyl chloride, ethyl benzene, toluene, and benzene. Each of the HAPs emitted from MSW landfills can cause adverse health effects. *See* 68 Fed. Reg. 2227.

11. EPA promulgated amendments to the Landfill NESHAP at 40 C.F.R. Part 63, Subpart AAAA on March 26, 2020. *See* 85 Fed. Reg. 17,244.

12. The NESHAP General Provisions that apply to Subpart AAAA are specified in 40 C.F.R. Part 63, Subpart AAAA, Table 1, and include the operation and maintenance requirements in 40 C.F.R. § 63.6(e)(1)(i)-(ii).

13. Section 63.1935(a)(3) of the Landfill NESHAP provides, in pertinent part, that an owner or operator of an MSW landfill that has accepted waste since November 8, 1987, is subject to the Landfill NESHAP if the landfill has a design capacity equal to or greater than 2.5 million

Mg and 2.5 million m^3 and has estimated uncontrolled emissions equal to or greater than 50 Mg per year of NMOC.

14. Section 63.1930(a) of the Landfill NESHAP provides, in pertinent part, that before September 28, 2021, MSW landfills subject to the Landfills NESHAP must meet the requirements of the NSPS at 40 C.F.R. Part 60, Subpart WWW.

15. Section 63.1930(b) of the Landfill NESHAP provides, in pertinent part, that beginning no later than September 27, 2021, MSW landfills subject to the Landfill NESHAP must meet the requirements of Subpart AAAA.

C. Applicable NSPS Subpart XXX and Landfill NESHAP Requirements

16. The NSPS Subpart XXX and Landfill NESHAP require each owner or operator of an MSW landfill with a gas collection and control system ("GCCS") used to comply with applicable provisions to operate the collection and control device in accordance with the operational, compliance and monitoring provisions of the NSPS Subpart XXX and the Landfill NESHAP. 40 C.F.R. §§ 60.752(b)(2)(iv), 60.762(b)(2)(iv), and 63.1957(a).

17. The NSPS Subpart XXX and Landfill NESHAP require that each subject owner or operator of an MSW landfill that has a GCCS with an active collection system used to comply with applicable provisions must use the active collection system to collect gas from each area, cell, or group of cells in the MSW landfill in which solid waste has been in place for five or more years if the landfill is active or two years or more if closed or at final grade. 40 C.F.R. §§ 60.752(b)(2)(ii)(A)(*2*), 60.762(b)(2)(ii)(C)(*2*), 63.1958(a), and 63.1959(b)(2)(ii)(B)(*2*).

18. The NSPS Subpart XXX and Landfill NESHAP require that each subject owner or operator of an MSW landfill with a GCCS with an active collection system used to comply with the applicable provisions must use the active collection system to collect gas at a sufficient extraction rate. 40 C.F.R. §§ 60.752(b)(2)(ii)(A)(*3*), 60.762(b)(2)(ii)(C)(*3*), and 63.1959(b)(2)(ii)(B)(*3*).

19. The NSPS Subpart XXX and Landfill NESHAP define "sufficient extraction rate," as "a rate sufficient to maintain a negative pressure at all wellheads in the collection system without causing air infiltration, including any wellheads connected to the system as a result of expansion or excess surface emissions, for the life of the blower." 40 C.F.R. §§ 60.751, 60.761, and 63.1990.

20. The NSPS Subpart XXX and Landfill NESHAP require each owner or operator of an MSW landfill with a GCCS used to comply with applicable provisions to operate the collection system with negative pressure at each wellhead except during a fire or elevated temperature, during the use of a geomembrane or synthetic cover, or on a decommissioned well. 40 C.F.R. §§ 60.753(b), 60.763(b), and 63.1958(b).

21. The NSPS Subpart XXX and Landfill NESHAP require each owner or operator of an MSW landfill with a GCCS used to comply with applicable provisions to operate the control or treatment system at all times when the collected gas is routed to the system. 40 C.F.R. §§ 60.753(f), 60.763(f) and 63.1958(f).

22. The Landfill NESHAP requires each owner operator of an MSW landfill with a GCCS used to comply with applicable provisions to, in the event the collection or control system is not operating, repair and return the collection and control system to operation in a manner such that downtime is kept to a minimum. 40 CFR § 63.1958(e)(1)(ii).

23. The Landfill NESHAP provides that where an owner or operator subject to the provisions of the Landfill NESHAP seeks to demonstrate compliance with the temperature and nitrogen or oxygen operational standards in the introductory paragraph of § 63.1958(c), for the purpose of identifying whether excess air infiltration into the landfill is occurring, the owner or operator must monitor each well monthly for temperature for the purpose of identifying whether excess air infiltration exists. If a well exceeds the operating parameter for temperature as provided in § 63.1958(c)(1), action must be initiated to correct the exceedance within 5 days. Any attempted corrective measure must not cause exceedances of other operational or performance standards. 40 C.F.R. § 63.1960(a)(4)(i).

24. The Landfill NESHAP requires that if a landfill gas temperature measurement below 145 degrees Fahrenheit ("°F") cannot be achieved within 15 days of the first measurement of landfill gas greater than 145°F, the owner or operator must conduct a root cause analysis and correct the exceedance as soon as practicable, but no later than 60 days after a landfill gas temperature greater than 145°F was first measured. 40 C.F.R. § 63.1960(a)(4)(i)(A).

25. The Landfill NESHAP provides that if corrective action pursuant to 40 C.F.R. § 63.1960(a)(4)(i)(A) cannot be fully implemented within 60 days following the temperature measurement for which the root cause analysis was required, the owner or operator must also conduct a corrective action analysis and develop an implementation schedule to complete the corrective action as soon as practicable, but no more than 120 days following the measurement of landfill gas temperature greater than 145°F. The owner or operator must submit the root cause analysis, corrective action analysis, and implementation schedule as part of the next semi-annual report. 40 C.F.R. § 63.1960(a)(4)(i)(B).

26. The Landfill NESHAP provides that if a landfill gas temperature measured at either the wellhead or at any point in the well is greater than or equal to 170°F and the carbon monoxide concentration measured, according to the procedures in § 63.1961(a)(5)(vi) is greater than or equal to 1,000 ppmv the corrective action(s) for the wellhead temperature standard (145°F) must be completed within 15 days. 40 C.F.R. § 63.1960(a)(4)(i)(D).

27. The Landfill NESHAP requires that each owner or operator seeking to comply with § 63.1959(b)(2)(ii)(B) for an active gas collection system must install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead. 40 C.F.R. § 63.1961(a).

28. The Landfill NESHAP provides that where an owner or operator subject to the provisions of the Landfill NESHAP seeks to demonstrate compliance with the operational standard for temperature in § 63.1958(c)(1), unless a higher operating temperature value has been approved by the Administrator of the EPA, you must initiate enhanced monitoring at each well with a measurement of landfill gas temperature greater than 145°F. 40 C.F.R. § 63.1961(a)(5).

29. The Landfill NESHAP requires that enhanced monitoring described in § 63.1961(a)(5) must begin 7 calendar days after the first measurement of landfill gas temperature greater than 145°F. 40 C.F.R. § 63.1961(a)(5)(vii).

30. The Landfill NESHAP requires enhanced monitoring defined in § 63.1961(a)(5) be conducted on a weekly basis. 40 C.F.R. § 63.1961(a)(5)(viii).

31. The Landfill NESHAP requires that each owner or operator seeking to comply with § 63.1959(b)(2)(ii)(B) for an active gas collection system must annually monitor the temperature of each wellhead with a measurement of landfill gas temperature greater than or equal to 165°F every 10 vertical feet of the well. This temperature can be monitored either with a removable thermometer, or using temporary or permanent thermocouples installed in the well. 40 C.F.R. § 63.1961(a)(6).

32. The Landfill NESHAP requires that at all times, beginning no later than September 27, 2021, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. 40 C.F.R. § 63.1955(c).

33. The NSPS Subpart XXX requires each owner or operator of an MSW landfill to comply with the applicable provisions in this subpart at all times, including periods of startup, shutdown, and malfunction. 40 C.F.R §§ 60.755(e) and 60.765(e).

34. To determine compliance with the surface methane operational standard, the NSPS Subpart XXX and Landfill NESHAP require each owner or operator to monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30-meter intervals (or a site-specific established spacing) for each collection area on a quarterly basis using an appropriate detection device. 40 C.F.R. §§ 60.765(c)(1), 60.755(c)(1), and 63.1960(c)(1).

35. Any reading of 500 ppm or more above background at any location shall be recorded as a monitored exceedance and the landfill owner or operator shall take the prescribed steps in the NSPS and the NESHAP to remain in compliance. Any location that initially showed an exceedance but has a methane concentration less than 500 ppm methane above background at the 10-day re-monitoring specified in the NSPS and the NESHAP shall be re-monitored 1 month from the initial exceedance. 40 C.F.R. §§ 60.765(c)(4)(iv), 60.755(c)(4)(iv), and 63.1960(c)(4)(iv).

D. Title V Permit

36. Pursuant to Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), it is unlawful to violate any requirement of a Title V permit issued by a permit authority with a program approved under Title V of the CAA.

37. Effective November 30, 2001, EPA issued final full approval of South Coast AQMD's Title V permit program. *See* 40 C.F.R. Part 70, Appendix A.

38. On November 14, 2017, South Coast AQMD issued a Title V Permit for the Landfill containing approval for the landfill to operate and to expand capacity, and on September 28, 2023, South Coast AQMD issued a renewal with revisions to the Landfill's Title V Permit.

39. The Title V Permit requires the Permittee to operate the collection system such that gas is collected from each area, cell, or group of cells of the landfill in which the initial solid waste has been in place for a period of five years or more if active or two years or more if closed or at final grade. Condition 5.A, Section D, of the Title V Permit.

40. The Title V Permit requires the Permittee to operate the collection system with negative pressure at each wellhead except during a fire or increased well temperature, during the use of a geomembrane or synthetic cover, or on a decommissioned well. Condition 5.B, Section D, of the Title V Permit.

41. The Title V permit requires the Permittee to comply with the requirements for GCCS installation and removal provisions of 40 C.F.R. § 63.1957. Condition 7.A, Section D, of the Title V Permit.

42. The Title V Permit requires the Permittee to comply with the operational standards for GCCS provisions of 40 C.F.R § 63.1958. Condition 7.B, Section D, of the Title V Permit.

43. The Title V Permit requires the Permittee to comply with the compliance provisions of 40 C.F.R. § 63.1960 of the Title V Permit. Condition 7.J, Section D, of the Title V Permit.

44. The Title V Permit requires the Permittee to comply with the monitoring of operations

provisions of 40 C.F.R. § 63.1961. Condition 7.K, Section D, of the Title V Permit.

II. FINDINGS

45. Chiquita Canyon LLC dba Waste Connections ("CCL") operates and owns the Landfill located at 29201 Henry Mayo Drive, Castaic, CA 91384.

46. The Landfill was first approved for waste disposal in 1967 and began accepting waste in 1972. It commenced construction, reconstruction, or modification after November 14, 2017.

47. The Landfill has a design capacity which is greater than 2.5 million Mg and 2.5 million m^3, as well as a calculated NMOC emission rate equal to or greater than 50 Mg per year.

48. At all times relevant to the violations alleged herein, the Landfill operated a GCCS that included gas collection wells, a blower that directs landfill gas to a third-party gas to energy plant, and a flare system. At times during the violations alleged herein, the Landfill also operated a temporary flare and at least one thermal oxidizer.

49. The Landfill was subject to the NSPS General Provisions and NSPS Subpart XXX for all dates applicable to this Finding of Violation ("FOV").

50. The Landfill was subject to the Landfill NESHAP provisions as set out in 40 C.F.R. § 63.1930(a) for all dates applicable to this FOV before September 28, 2021.

51. The Landfill is subject to the requirements of the Landfill NESHAP as set out in § 63.1930(b) for all dates applicable to this FOV starting September 28, 2021.

52. The Landfill was subject to 40 C.F.R. § 63.6(e)(3)(i) for all dates applicable to this FOV before September 28, 2021.

53. On November 2, 2023, November 8, 2023, January 9, 2024, and January 18, 2024, EPA conducted on-site inspections ("Inspections") of the Landfill.

54. On December 28, 2023, EPA issued a CAA section 114(a) information request ("Information Request") to CCL to obtain, among other things, sampling results, standard operating procedures, air monitoring data, wellhead monitoring data, leachate disposal data, and enhanced monitoring data.

55. On January 26, 2024, CCL submitted the response to the Information Request.

56. As part of CCL's response to the Information Request, CCL provided a copy of the Landfill's wellhead monitoring data, covering January 5, 2022, to December 31, 2023, in a document

titled, “Chiquita Wellhead Data – Temp-Press-CO – 01-01-22 through 12-31-23.xlsx” (“Wellhead Data”).

57. As part of CCL’s response to the Information Request, CCL provided copies of the Landfill’s enhanced monitoring data, covering July 3, 2023, to December 29, 2023 in multiple documents titled, “CCL Enhanced Monitoring CO Results – 2023 H2,” “CCL Enhanced Monitoring Down Well Temperatures – 2023 H2,” “CCL Enhanced Monitoring Visual Observation Log – 2023 H2,” and “CCL Enhanced Monitoring Weekly GEM Readings – 2023 H2” (collectively “Enhanced Monitoring Data”).

58. As part of CCL’s response to the Information Request, CCL provided copies of the Landfill’s Semi-Annual NSPS and NESHAP Reports for 2022 and the first half of 2023 (collectively “Semi-Annual Reports”).

59. The Semi-Annual Reports indicate that there was a total of eighty-six (86) wells with downtime exceeding thirty (30) days and for less than or equal to one-hundred and twenty (120) days. The well identification numbers for these wells are H-1751S, H-2054W, H-1404C, H-1409N, H-1760S, TC-1961A, P-72, H-1409S, CV-1606, H-1767S, CV-02, H-2170S, H-1759S, CV-1602D, CV-09, CV-1601D, CV-1601S, CV-1602S, H-1758S, H-1572S, CV-1604, H-1771S, H-1568S, H-1769S, H-1408W, H-1402C, H-2055E, H-1762N, H-1764N, H-1772S, H-1565E, CV-100, H-1760N, CV-1905, H-30, H-1962S, CV-02, H-1804S, H-1763N, H-2167W, CV-03, H-2171A, H-1569S, CV-1418, H-1952S, H-1965S, CV-1419, H-1759N, H-1805S, H-1954S, CV-1906, H-1408E, H-1771N, TC-1961W, H-1568N, H-2277B, H-1751S, H-1571S, H-1763S, H-1962A, H-29, H-1563S, H-1764S, H-1571S, H-55, CV-85S, H-1806B, H-1757S, H-22 (EXP-22), H-1964C, H-1568S, H-1761S, H-1951W, P-47, CV-74R, H-2169W, H-1409E, CV-1903, H-1770A, CV-103, TC-1961C, CV-1902D, H-65, H-1405C, H-1953S, and H-2169B.

60. The Semi-Annual Reports indicate that there was a total of eighty-five (85) wells with downtime exceeding one-hundred and twenty (120) days. The well identification numbers for these wells are H-2274B, H-65, H-1769B, CV-1532, H-1551B, H-1754S, H-1759N, H-1963C, H-1965C, CV-1425, H-1764S, H-1966N, H-2059W, H-2166W, CV-103, H-1773C, H-2055E, H-2274W, H-1772N, H-2168A, H-1754S, H-1956N, H-1763S, H-1408E, CV-2006, TC-1961C, CV-1419, H-1771N, H-1770S, H-1771A, H-1770S, H-1769A, H-1963A, H-2055E, H-2169C, H-1765N, H-1752N, H-1804B, H-1569S, H-1568N, H-1568N, H-2162B, H-2164B, H-2164E, CV-1535, H-1751S, H-1752N, H-1772N, H-1408E, H-1568N, CV-1418, H-1753N, H-1569S, H-1802N, CV-2203, CV-1533, H-1563N, H-1564N, H-1753S, H-1752N, CV-1422, H-12 (EXP-12), H-1760N, H-1772S, CV-1533, TC-1961W, CV-1424, H-1805A, H-1955C, H-2167B, CV-1608D, CV-1608S, H-1767S, H-31, CV-2202, H-1405C, H-1756S, H-1957A, H-2167A, H-1773C, TC-1961W, CV-1423, H-1405E, H-1564N, and H-1754S.

61. The Semi-Annual Reports indicate that there was a total of eight (8) wells with downtime exceeding thirty (30) days and that downtime is ongoing. The well identification numbers for these wells are P-59, P-67R, P-39A, P-74, CV-1610, P-58R, P-68, and P-69.

62. The Wellhead Data indicate that there were thirty-nine (39) wells where the wellhead temperature above 145°F was not corrected within 60 days of the initial measurement. The well identification numbers for those wells are CV-1532A, CV-1534A, CV-1902A, CV-1902D, CV-1902S, CV-2342A, CV-1532, CV-2003, CV-2004, CV-2201, CV-2202, CV-2203, CV-2204, CV-2206, CV-2304, CV-2306, CV-2308, CV-2310, CV-2322, CV-2327, CV-2338, CV-2339, CV-2353, H-1561C, H-1561N, H-1751N, H-1757N, H-1770B, H-1770N, H-1773A, H-1774A, H-1962B, H-1962N, H-1962S, TC-2378, TC-2381E, TC-2382B, TC-2382E, and TC-2385A .

63. The Wellhead Data and Semi-Annual Reports indicate that there were at least five (5) wells with temperature measurements above 145°F for which CCL did not submit a root cause analysis, corrective action analysis, and corresponding implementation timeline. The well identification numbers for those wells are H-1561N, H-1751N, H-1773A, H-1962N, and H-1962S.

64. The Enhanced Monitoring Data and Semi-Annual Reports indicate that there were twenty-seven (27) wells where the wellhead temperature was above 170°F and the carbon monoxide concentration measured was greater than or equal to 1,000 ppmv and corrective actions to return the wells below 145°F were not completed within 15 days and are still uncompleted. The well identification numbers for those wells are CV-2310, H-1561N, CV-1534A, CV-2004, CV-2201, CV-2204, CV-2206, CV-2306, CV-2202, CV-2308, CV-2322, CV-2342A, CV-2353, TC-2382E, CV-1902S, CV-2338, CV-2339, H-1751N, H-1773A, H-1774A, H-1803N, H-1962B, H-1962N, H-1962S, H-1774B, H-64, and CV-1419.

65. The Enhanced Monitoring Data and Semi-Annual Reports indicate that there were ten (10) wells where the wellhead temperature was above 170°F and the carbon monoxide concentration measured was greater than or equal to 1,000 ppmv and corrective actions to return the wells below 145°F had not been completed within 15 days. The well identification numbers for those wells are CV-1532A, TC-2382B, CV-1902D, H-1770N, CV-1532A, CV-2003, TC-2385A, TC-2381E, CV-1418, and H-67.

66. The Enhanced Monitoring Data indicate that CCL performed enhanced monitoring less frequently than the required weekly monitoring 18 times in 2022, totaling 174 days in which weekly monitoring was late; and 222 times in 2023, totaling 1244 days in which weekly monitoring was late, using temperature as a surrogate for all weekly monitoring parameters.

67. The Enhanced Monitoring Data indicate that CCL did not conduct enhanced monitoring at six (6) wells with measured temperatures above 145°F in 2023. The well identification numbers for those wells are H-1960, CV-1419, H-1755N, H-1774B, TC-2381W, and TC-2382B.

68. The Enhanced Monitoring Data indicate that CCL did not conduct annual down well monitoring at two (2) wells in 2023. The well identification numbers for those wells are H-1803N and CV-2022.

III. VIOLATIONS

69. From approximately September 2022 to present, CCL was and continues to be in violation of NSPS Subpart XXX and the Landfill NESHAP as cited below.

70. For various periods between January 1, 2022, and December 31, 2023, CCL failed to operate the Landfill's active collection system at gas collection wells such that gas is collected from each area, cell, or group of cells in the Landfill in which solid waste has been in place for five or more years, in violation of 40 C.F.R. §§ 60.762(b)(2)(ii)(C)(*2*), 60.752(b)(2)(ii)(A)(*2*), 63.1958(a), 63.1959(b)(2)(ii)(B)(*2*), and Condition 5.A, Section D, of the Title V Permit.

71. For various periods between January 1, 2022, and December 31, 2023, CCL failed to operate the Landfill's wells such that they collect gas at a sufficient extraction rate, in violation of 40 C.F.R. §§ 60.762(b)(2)(ii)(C)(*3*), 60.752(b)(2)(ii)(A)(*3*), and 63.1959(b)(2)(ii)(B)(*3*).

72. For various periods between January 1, 2022, and December 31, 2023, CCL failed to operate each of the Landfill's wells with negative pressure, in violation of 40 C.F.R. §§ 60.763(b), 60.753(b), 63.1958(b), and Condition 5.B, Section D, of the Title V Permit.

73. For various periods between January 1, 2022, and December 31, 2023, CCL failed to operate the collection and control devices at the Landfill's gas collection devices in accordance with operational, compliance, and monitoring requirements of the Landfill NESHAP, in violation of 40 C.F.R. §§ 60.752(b)(2)(iv), 60.762(b)(2)(iv), 63.1957(a), and Condition 7.A, Section D, of the Title V Permit.

74. By failing to continuously operate the Landfill's GCCS at the Landfill's gas collection wells without minimizing downtime between January 1, 2022, and December 31, 2023, CCL failed to maintain and operate air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions, in violation of 40 C.F.R. §§ 60.11(d), 63.6(e)(1)(i), and 63.1955(c).

75. CCL failed to return the Landfill's gas collection wells to operation in a manner that minimizes downtime for various periods between January 1, 2022, and December 31, 2023, in violation of 40 CFR § 63.1958(e)(1)(ii) and Condition 7.B, Section D, of the Title V Permit.

76. CCL failed to correct wellhead temperatures at thirty-nine (39) wells, identified in paragraph 62 of this FOV, within 60 days of the wellhead temperature exceeding 145°F, in violation of 40 C.F.R. § 63.1960(a)(4)(i)(A) and Condition 7.J, Section D, of the Title V Permit.

77. CCL failed to submit a root cause analysis, corrective action analysis, and corresponding implementation timeline for at least five (5) wells, identified in paragraph 63 of this FOV, with temperature measurements above 145°F, in violation of 40 C.F.R. § 63.1960(a)(4)(i)(B).

78. CCL failed to complete corrective actions for wellhead temperatures at twenty-seven (27) wells, identified in paragraph 64 of this FOV, within 15 days of the temperature equalling or exceeding 170°F and carbon monoxide equaling or exceeding 1000 ppmv for greater than 15 days, in violation of 40 C.F.R. § 63.1960(a)(4)(i)(D), and Condition 7.J, Section D, of the Title V Permit.

79. CCL failed to complete corrective actions for wellhead temperature at ten (10) wells, identified in paragraph 65, within 15 days of temperatures in the well or wellhead equaling or exceeding 170°F and carbon monoxide equaling or exceeding 1000 ppmv, in violation of 40 C.F.R. § 63.1960(a)(4)(i)(D) and Condition 7.J, Section D, of the Title V Permit.

80. For various periods between January 1, 2022, and present, CCL failed to conduct weekly enhanced monitoring within seven (7) days of the last monitoring event eighteen (18) times in 2022, totaling one hundred seventy four (174) days, and two hundred twenty two (222) times in 2023, totaling one thousand two hundred forty four (1244) days at wells with wellhead temperatures equaling or exceeding 145°F, in violation of 40 C.F.R. § 63.1961(a)(5)(viii) and Condition 7.K, Section D, of the Title V Permit.

81. For various periods between January 1, 2023, and present, CCL failed to conduct weekly enhanced monitoring at six (6) wells, identified in paragraph 67 of this FOV, where wellhead temperatures equaling or exceeding 145°F, in violation of 40 C.F.R. § 63.1961(a)(5)(viii) and Condition 7.K, Section D, of the Title V Permit.

82. In 2023, CCL failed to conduct annual down well temperature monitoring at two (2) wells, identified in paragraph 68 of this FOV, in violation of 40 C.F.R. § 63.1961(a)(6) and Condition 7.K, Section D, of the Title V Permit.

IV. NOTICE OF VIOLATION

83. Notice is given to CCL that the Administrator of the EPA, by authority duly delegated to the undersigned, finds that CCL violated 40 C.F.R. Part 60, Subpart XXX; Part 63, Subpart AAAA; and the Title V Permit as set forth in the Violations section of this FOV.

V. ENFORCEMENT

84. Section 113(a)(3) of the Act provides that when any person has violated any requirement or prohibition of title I of the Act (including CAA sections 111 and 112), EPA may:

- issue an order requiring compliance with the requirement or prohibition;
- issue an administrative penalty order pursuant to section 113(d) of the Act for civil administrative penalties; or
- bring a civil action pursuant to section 113(b) of the Act for injunctive relief and/or civil penalties.

85. The amount of civil penalties that may be recovered for violations such as those discussed above of the CAA and its implementing regulations is set by statute. *See* 40 C.F.R. Part 19.

86. Furthermore, if a person knowingly violates any requirement or prohibition of section 111(e) or section 112 of the Act, section 113(c) of the Act provides for criminal penalties or imprisonment, or both. 42 U.S.C. § 7413(c). Under section 306(a) of the Act (42 U.S.C. § 7606(a)), the regulations promulgated thereunder (2 C.F.R. Part 1532), and Executive Order 11738, persons convicted of an offense under section 113(c) of the Act are disqualified from receiving federal contracts, grants, and loans.

VI. PENALTY ASSESSMENT CRITERIA

87. Section 113(e)(1) of the Act states that, in determining the amount of any penalty to be assessed, the Administrator shall take into consideration (in addition to such other factors as justice may require) the size of the violator, the economic impact of the penalty on the violator, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

88. Section 113(e)(2) of the Act allows the Administrator to assess a penalty for each day of violation. For the purposes of determining the number of days of violation, where EPA makes a prima facie showing that the conduct or events giving rise to this violation are likely to have continued or recurred past the date of this FOV, the days of violation shall be presumed to include the date of this FOV and each and every day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.

VII. OPPORTUNITY FOR CONFERENCE

89. CCL may, upon request, confer with the EPA. The conference will enable CCL to present evidence bearing on the finding of violation, on the nature of the violations, and on any effort, it may have taken or proposes to take to achieve compliance. CCL has the right to be represented by counsel. A request for a conference with the EPA must be made within ten (10) working days of receipt of this FOV, and the request for a conference or other inquiries concerning the FOV should be made in writing to:

Catherine Schluter
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3911
Schluter.catherine@epa.gov

VIII. ENVIRONMENTAL IMPACT OF VIOLATIONS

90. The violations described above have caused or can cause excess emissions of hydrogen sulfide, volatile hazardous air pollutants ("VHAP"), and volatile organic compounds ("VOC") including methane.

91. Hydrogen sulfide can lead to irritation, headaches, nausea, and respiratory stress. Hydrogen sulfide also significantly contributes to local odor nuisances reducing surrounding quality of life.

92. VOCs and methane contribute to ground-level ozone formation. Breathing ozone contributes to a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground-level ozone can also reduce lung function and inflame lung tissue. Repeated exposure may permanently scar lung tissue.

93. VHAP emissions can lead to a variety of adverse health effects including cancer, respiratory irritation, and damage to the nervous system.

94. Methane emissions can lead to fires or explosions as it accumulates on or off site. Methane is a very potent greenhouse gas and a leading contributor to global climate change, and it is also an ozone precursor.

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Amy C. Miller-Bowen
Division Director
Enforcement and Compliance Assurance Division
US EPA Region 9