UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 28, 2012

Mr. Dick Boranian
Green Gas, LLC
1914 W. Orangewood Ave., Suite 203
Orange, CA 92868

Dear Mr. Boranian:

This letter is in response to the January 19, 2012 submission by Keramida, Inc., the consultant representing Green Gas, LLC, providing further information regarding the application for a preconstruction permit for Green Gas, LLC-Mecca facility. In accordance with the *Review of New Sources and Modifications in Indian Country* rule additional information is needed before we can consider your application complete.

EPA believes that this unit is subject to requirements of Section 129- *Solid Waste Combustion* of the Clean Air Act. Based on currently submitted materials, the pyrolytic emissions system is subject to 40 Code of Federal Regulations (CFR) Part 60 Subpart AAAA- *Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001.* As a result, further information is required in order to satisfy the preconstruction requirements of this New Source Performance Standard. As stated in our August 11, 2011 letter, these preconstruction requirements which include a siting analysis and a materials separation plan must be satisfied before the preconstruction application for construction can be determined to be administratively complete. This information is discussed in more detail in the enclosure.

If you should have any questions concerning application completeness, a claim of confidentiality, or any question regarding the review of your application, please contact me at (415) 972-3974 or rios.gerardo@epa.gov, or Omer Shalev of my staff at (415) 972-3538 or shalev.omer@epa.gov.

Sincerely,

Gerardo C. Rios
Chief, Permits Office

Enclosure

cc: Jim Schifo, Keramida Inc.
Paul Slama, Cabazon Band of Indian Affairs
Larry Blevins, Bureau of Indian Affairs

Enclosure: Green Gas, LLC Mecca Facility (Green Gas) Pyrolytic System (System)– Review of New Sources in Indian Country Incompleteness Determination

New Source Performance Standards for Small Municipal Solid Waste Combustion Units (NSPS)

Green Gas's initial application material stated that the System was not subject to any of the requirements listed in 40 Code of Federal Regulations (CFR) Part 60- *Standards of Performance for New Stationary Sources.* Green Gas subsequently revised its application and stated that it was, in fact, subject to 40 CFR Part 60-Subpart AAAA- *Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001.* Based on materials submitted by Green Gas to EPA, we have confirmed that the System is subject to the requirements of Clean Air Act section 129, *Solid Waste Combustion,* and 40 CFR Part 60 Subpart AAAA. The System is a Class II Municipal Solid Waste Combustion Unit because it has the capacity to combust 40 tons per day of municipal solid waste or refuse-derived fuel, as set forth in 40 CFR §60.1010(b) and does not qualify for any of the exemptions listed in 40 CFR §60.1020. The System is therefore subject to the preconstruction requirements of Subpart AAAA, which must be met before commencing construction. These preconstruction requirements involve two components, a materials separation plan (MSP) and a siting analysis (SA).

A MSP identifies a goal and an approach for separating certain components of municipal solid waste for a given service area prior to waste combustion and making them available for recycling. 40 CFR §60.1055. In addition to drafting a MSP, Green Gas must meet other requirements outlined for the MSP in 40 CFR §60.1060, including holding a public meeting and taking public comment. Green Gas's submitted documentation does not identify how certain components of municipal solid waste within its service area will be made available for recycling. In addition, there has not been any opportunity for public comment regarding this issue. Please refer to 40 CFR §§60.1050-60.1105 for more details regarding MSP requirements.

A SA addresses how your municipal waste combustion unit affects ambient air quality, visibility, soils, vegetation, and other relevant factors. The analysis can be used to determine whether the benefits of your proposed facility significantly outweigh the environmental and social costs resulting from its location and construction. The analysis must also consider other major industrial facilities near the proposed site. 40 CFR §60.1115. The SA that Green Gas described in its January 19, 2012 documentation refers to a draft Environmental Impact Statement, dated June 1999.[1] The draft EIS, however, does not specifically detail how the System will affect ambient air quality, visibility, soils and vegetation or other relevant factors, including development over the past 13 years. Please refer to 40 CFR §§60.1110-60.1150 for more details regarding the requirements for the SA.

As detailed in 40 CFR Part 60, Subpart AAAA, Green Gas must hold public meetings for both the MSP and the SA at least 30 days after it makes relevant materials available to the public. 40 CFR §§60.1080(c), 60.1140(c). Please note that Green Gas may combine the public meeting for the MSP with any other public meeting required as part of any other Federal, State, or local permit review; however, it may not combine it with the public meeting required for the SA. 40 CFR §§60.1080(d).

[1] Cabazon Resource Recovery Park, Cabazon Indian Reservation, Mecca, California- Revised Draft Programmatic Environmental Impact Statement, June 1999.

Review of New Sources and Modifications in Indian Country (Tribal Minor NSR)

Emission limitation means a requirement established by the reviewing authority that limits the quantity, rate or concentration of emissions of air pollutants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emissions reduction and any design standard, equipment standard, work practice, operational standard or pollution prevention technique. 40 CFR §49.152.

The emission limitations required by the reviewing authority may consist of numerical limits on the quantity, rate or concentration of emissions; pollution prevention techniques; design standards; equipment standards; work practices; operational standards; requirements relating to the operation or maintenance of the source or any combination thereof. 40 CFR §49.152(c)(3).

The emission limitations required by the reviewing authority must assure that each affected emissions unit will comply with all requirements of parts 60, 61 and 63 of this chapter as well as any FIPs or TIPs that apply to the unit. 40 CFR §49.152(c)(4).

As stated above, Green Gas has not fulfilled the preconstruction requirements of 40 CFR Part 60-Subpart AAAA. Therefore, it has not assured that the affected System will comply with emission limitations required under the Tribal Minor NSR rule. The application will remain incomplete until Green Gas can assure that it will comply with the preconstruction requirements under the NSPS.

In its January 19, 2012 documentation Green Gas amended its application, and stated that steam from the System will be utilized for a "proprietary" continuous rubber extruding process system at a commonly owned facility located across the street from Green Gas. However, Green Gas did not provide historical air emissions data for the facility performing the rubber extruding process. Subsequently, Jim Schifo, a consultant for Green Gas, informed EPA that Green Gas was in the process of reconsidering whether to use steam output for the rubber extruding process. In order to process a permit to Green Gas, EPA must determine whether Green Gas is a modification to an existing facility or a new facility under Tribal Minor NSR; therefore, Green Gas must submit information to clarify the interaction between the two facilities before the application is determined to be complete.