

**PETITION FOR HEARING BEFORE
HEARING BOARD, AIR QUALITY MANAGEMENT DISTRICT
COUNTY OF BUTTE, CALIFORNIA**

SECTION I

Petitioner: Butte County Neal Road Recycling and Waste Facility	Telephone: 530-345-4917
Address: 1023 Neal Road, Paradise, CA 95969	
Person(s) to receive notice, or to appear: Names, addresses, telephone numbers:	
Name: Todd Storti, Deputy Director (Eric Miller, Manager, alternate)	Telephone: 530-693-7835
Address: Same	

SECTION II

Type of Business Involved: Landfill	
Location of Business: Same address as Petitioner	Telephone 530-345-4917
Brief description of particular machine, equipment, article, or other contrivance involved in petition, and Permit To Operate #:	
Landfill, Gas Collection System, Flare, Leachate Pond and Collection System	

SECTION III – Type of Petition

Status of Petitioner: (Regulatory agency, individual, co-partnership, corporation in connection with business involved; or, as an interested party)	
Type of Petition: (Please complete the appropriate section)	
<input checked="" type="checkbox"/> Petition for a Variance: X Regular <input checked="" type="checkbox"/> Interim <input type="checkbox"/> Short <input type="checkbox"/> Emergency.....	Section IV
<input type="checkbox"/> Petition to have a Variance Revoked or Modified.....	Section IV
<input type="checkbox"/> Petition for Appeal from a Denial, Suspension, or Conditions of Permit.....	Section V
<input type="checkbox"/> Petition to have a Permit Revoked, Suspended, or Modified.....	Section VI
<input type="checkbox"/> Petition for an Order for Abatement	Section VI
<input type="checkbox"/> Petition to have a Suspended Permit Reinstated	Section VII

SECTION IV – Facts constituting the reasons for granting variance - describe how:

(a) that the petitioner for a variance is, or will be, in violation of section 41701 or of any rule, regulation or order of the district.

Violation of Permit to Operate NRL-01-01 requiring operational landfill gas collection system and VOC destruction efficiency of 98% at all times and other requirements affected by the loss of power and fire damage caused by the Camp Fire (Paradise, CA)

(b) that, due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either (1) an arbitrary or unreasonable taking of property, or (2) the practical closing and elimination of a lawful business.

It is not possible to stop methane production in the closed section of the landfill and at least 25 people rely on this service for employment. Landfill services for Butte County are essential.

(c) that the closing or taking would be without a corresponding benefit in reducing air contaminants.

It is not feasible to stop methane production in the existing, damaged area. Diverting current waste intake would not impact the current crisis.

(d) that the applicant for the variance has given consideration to curtailing operations of the source in lieu of obtaining a variance.

It is not feasible to stop this natural biological process in the closed cells. Curtailing operations is not possible.

(e) during the period the variance is in effect, that the petitioner will reduce excess emission to the maximum extent feasible.

Petitioner is working to reconnect the unaffected portions of the landfill gas collection systems to the flare until materials and repairs can be scheduled.

(f) during the period the variance is in effect, that the petitioner will monitor or otherwise quantify emission levels from the source, if requested to do so by the district, and report these emission levels to the Hearing Board pursuant to a schedule established by the Hearing Board.

Petitioner has contracted with Golder and Associates and SCS Engineers to monitor emission and address leaks as identified.

SECTION IV – (continued)

<i>Describe the Emission Points associated with the petition.</i>
Landfill gas wells (horizontal, vertical, and Vasdose zone), Flare, Facility Roads, Leachate Pond(s)
<i>List any additional material or attachments the petitioner intends to file in support of this petition.</i>
None
<i>Describe how the petitioner will provide Increments Of Progress to show steps in resolving the issue.</i>
Petitioner will keep BCAQMD informed of repair progress.
<i>Describe what effect this issue will have upon attainment and maintenance of pertinent National or State Ambient Air Quality Standards.</i>
In relation to the existing fire conditions, the VOC emissions will not contribute significant impact to any NAAQS or State AAQS. VOCs are precursors to ozone; however, the winter months are not usually affected by ozone issues since heat and sunlight are contributing factors.

SECTION V – Appeal from a Denial, Suspension, or Conditions of Permits

Summary of application for permit involved (or attach copy):
Reason(s) for denial, suspension, or conditions:
Reason(s) for this appeal:

SECTION VI – Petition to have a Permit Revoked, Suspended, Modified or an Order for Abatement

Permit No.(s):
Rule(s) under which the permit was granted:
Rule(s) and/or permit condition(s) alleged to have been violated:


SECTION VI – (continued)

Facts of violations(s):
Proposed order for abatement:

SECTION VII – Suspended Permit Reinstated

Permit No.(s)
Rule(s) under which the permit was granted:
Information, analysis, plans, or specifications required by the Butte County Air Quality Management District:
Why such information, analyses, plans, or specifications were not furnished:
Why such information, analyses, plans, or specifications are not pertinent, or when such will be furnished:

SECTION VIII - Verification

I, the undersigned, do hereby declare under penalty of perjury that I have read the foregoing document; that I know its contents, and that it is true.
Signed this <u>14th</u> day of <u>November</u> 2018
Name: <u>Todd Storti</u> Title: <u>Deputy Director</u>
Signature of petitioner 

Assistance for filling out this application is available for small businesses.

One signed copy of the petition with the filing fee of \$300.00 to be submitted to the Butte County Air Quality Management District Hearing Board, 629 Entler Avenue, Suite 15, Chico, California 95928

Additional Hearing Fees may apply. See Rule 504-Hearing Board Fees

FEE Request Hearing Board Waive fees Receipt No. _____ Type of Payment _____
Date Received _____