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RECEIVED

AUG 07 2003

AIR PROTECTION BRANCH

August 5, 2003

Via Hand Delivery

FILE COPY

Mr. David M. Word
Assistant Director
Georgia Department of Natural Resources
Environmental Protection Division
2 Martin Luther King, Jr. Drive
Ste. 1152 East
Atlanta, GA 30334

Re: Notice of Violation dated March 19, 2003, Gun Club Road Landfill,
Permit No. 060-026D(SL) City of Atlanta

Dear David:

As you will recall, we spoke briefly when I saw you about a week ago regarding the Notice of Violation pending against the City of Atlanta. I am sending you this letter to fill you in on some of the details of the situation. I would be most pleased to meet with you and your staff if that will facilitate the resolution of this matter. The City is committed to compliance with the requirements applicable to the Gun Club Landfill and is anxious to work with your office to resolve this matter. An overview of the issues follows.

The City of Atlanta received a Notice of Violation (NOV) for the Gun Club Landfill on March 19, 2003. The Air Branch of the Environmental Protection Division (EPD) alleges that the Gun Club Landfill is in violation of Rule 391-3-1.02(2)(ggg)(3)(vi)(I) and (II) for failure to submit an initial reporting form by October 1, 1997 and failure to submit the annual NMOC emission rate reports required for landfills with a design capacity greater than 3.2 million cubic yards. The EPD further alleges that Rule 391-3-1-.02(2)(ggg)(3)(i)(III) required a Title V permit application to be submitted by June 23, 1997.

Closure of the Gun Club Landfill began in May of 1996. The city hired a consultant, Roy F. Weston, Inc., to implement the closure/post-closure care plan and to install the gas management system for the landfill. Weston contracted to obtain all necessary permits to assure the landfill was properly closed. Site-specific testing performed by Weston determined that a Title V permit would not be required, and the site would be exempt from the New Source Performance Standards (NSPS), and the Existing Guidelines regulations. The site was closed, as planned and post-closure care has continued since. A gas collection system is operating to address off-site migration only.

The Land Protection Branch of EPD recently determined that the "design capacity" of the landfill was 9.2 million cubic yards. This determination was made using plans submitted by the City of Atlanta, which were included in the 1976 permit application to operate the Gun Club landfill. As presented in the City's letter to EPD in response to the NOV, dated July 18, 2003 (a copy of which is attached), the City evaluated the historic landfill information to determine the landfill design capacity, or the maximum amount of solid waste a landfill *can* accept. The evaluation concluded that the landfill design capacity at Gun Club Road is approximately 2,606,110 cubic yards (CY) or 1,183,520 megagrams. The landfill design capacity is lower than the regulatory threshold, 3.27 million CY or 2.5 million megagrams, for submittal of the annual NMOC emission rate reports [40 CFR Part 60.752(b)] or for the submission of an application for a Title V permit. Pursuant to our calculations, the capacity being relied on by the Land Branch, and upon which the NOV is based, is incorrect. Although the "design capacity" of the landfill was, at one time, 9.2 million CY, we believe this number is not relevant for determining these issues, because the landfill is now closed and cannot accept any more waste.

The challenge facing the City of Atlanta with regard to the NOV issued on the Gun Club Landfill is to show that it is not in violation of the above-named regulations based on data obtained by the application of good engineering practices. It appears that the Air Branch is relying on the information it has received from the Land Protection Branch regarding the design capacity of the landfill in issuing the NOV. We believe it would be very useful for the Land Protection Branch to re-evaluate how it is determining the capacity of the landfill that is creating the issue of a violation of the air protection regulations. We certainly understand that, if the landfill were still operating, the design capacity number might be relevant. However, given the significantly reduced size of the footprint of the landfill over its life and the fact that the landfill is closed, we believe reliance on an old number regarding "design capacity" is skewing the appropriate analysis in this matter.

We have performed the following tasks in response to the NOV:

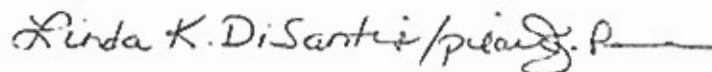
1. Reviewed the available records and extracting relevant data from them;
2. Obtained assistance from an engineering consulting firm, CH2MHill, with experience in managing closed landfills; and

3. Utilized mathematical models to evaluate the actual amount of solid waste in the landfill, and the actual size of the landfill, as it exists now, as approved by EPD when issuing the permit allowing the City to proceed with closure/post-closure care plans.

Enclosed with this letter are several documents intended to provide you with more detail on this matter. We have filed timely responses to the Air Branch of EPD, as required, and these items are enclosed for your review.

Thank you very much for your willingness to review our responses and to provide your guidance in settling this matter.

Sincerely,



Linda K. DiSantis

cc: Pilar Jan Penn, Esq.
Commissioner David E. Scott
Srini Dasappa, Ch2MHill
K.C. Marks
James Swope