



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

September 26, 2023

VIA EMAIL

John Jones
City of Dallas
McCommas Bluff Landfill
5100 Youngblood Rd
Dallas, Texas 75241

RE: Notice of Violation and Opportunity to Confer

Dear Mr. Jones:

The United States Environmental Protection Agency, Region 6 ("EPA") has identified the City of Dallas (the "City") as having violated the Clean Air Act ("CAA"). This Notice of Violation and Opportunity to Confer ("NOVOC") is issued to the City for violations of the CAA, 42 U.S.C. § 7401 et seq., at the McCommas Bluff Landfill located at 5100 Youngblood Road, Dallas, Texas, 75241 (the "Facility"). Based on information currently available, EPA finds that the City has committed violations of the CAA. By this letter, EPA is extending to you an opportunity to advise the Agency, via a conference call or in writing, of any further information EPA should consider with respect to the violations.

This NOVOC is issued pursuant to Section 113(a)(1) and (3) of the CAA, 42 U.S.C. § 7413(a)(1) and (3). Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1) requires the Administrator of the EPA to notify any person in violation of a SIP or permit of the violation, and this NOVOC serves as such notice. The authority to issue this NOVOC has been delegated to the Director of the Enforcement and Compliance Assurance Division, EPA Region 6.

CAA Violations

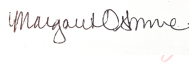
We are sending this NOVOC to inform the City of violations of Texas's federally-approved State Implementation Plan ("SIP"), 40 C.F.R. Part 62, Subpart OOO – Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014, and Have Not Been Modified or Reconstructed Since July 17, 2014, and 40 C.F.R. Part 63, Subpart AAAA – National Emissions Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills.

Please review the specific violations and information we have provided in the Enclosure regarding the Facility.

Opportunity to Confer

This NOVOC provides you with the opportunity to confer with EPA. We request the City contact Jamie Lee, Assistant Regional Counsel, at lee.jamie@epa.gov, or (214) 665-6795, within ten (10) business days to discuss this pending matter. Any technical questions may be directed to Benjamin Rosenthal, Physical Scientist, at rosenthal.benjamin@epa.gov or (214) 665-6453.

Sincerely,

 Digitally signed by
MARGARET OSBOURNE
Date: 2023.09.26
09:50:36 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

cc: michael.delacruz@tceq.texas.gov

EPA is providing the City with the opportunity to request a conference with EPA to discuss the violations alleged in this NOVOC. This conference will provide the City with the opportunity to present information on the identified violations, any efforts it has undertaken to comply, and the steps it will take to prevent future violations. You may have legal counsel represent and accompany you at this conference.

I. Statutory and Regulatory Background

1. The purpose of the CAA “is to protect and enhance the quality of the [United States’] air resources so as to promote the public health and welfare and the productive capacity of its population.” CAA Section 101(b)(1), 42 U.S.C. § 7401(b)(1).

A. Texas State Implementation Plan

2. Section 108(a) of the CAA, 42 U.S.C. § 7408(a), requires the Administrator of EPA to identify and prepare air quality criteria for each air pollutants, emissions of which may endanger public health or welfare, and the presence of which results from numerous or diverse mobile or stationary sources. For each such “criteria” pollutant, Section 109 of the CAA, 42 U.S.C. § 7409, requires EPA to promulgate national ambient air quality standards (“NAAQS”) requisite to protect the public health and welfare.
3. Under Section 107(d) of the CAA, 42 U.S.C. § 7407(d), each state is required to designate those areas within its boundaries where the air quality either meets or does not meet the NAAQS for each criteria pollutant, or where the air quality cannot be classified due to insufficient data. An area that meets the NAAQS for a particular criteria pollutant is termed an “attainment” area with respect to such pollutant. An area that does not meet the NAAQS for a particular criteria pollutant is termed a “nonattainment” area with respect to such pollutant.
4. Section 110(a) of the CAA, 42 U.S.C. § 7410(a), requires each state to adopt and submit to the Administrator of EPA a plan that provides for implementation, maintenance, and enforcement, for each promulgated NAAQS, in each air quality control region (or portion thereof). Each such plan (*i.e.*, SIP), must include enforceable emission limitations and other control measures as well as a permit program to regulate the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that NAAQS are achieved. Section 110(a)(2)(A) of the CAA, 42 U.S.C. § 7410(a)(2)(A). The SIP must also provide for the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality and, upon request, make such data available to EPA. Section 110(a)(2)(B) of the CAA, 42 U.S.C. § 7410(a)(2)(B).
5. Pursuant to Section 113(a) and (b) of the CAA, 42 U.S.C. § 7413(a) and (b), upon EPA approval, SIP requirements are federally enforceable under Section 113.
6. Pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, the State of Texas adopted regulations that comprise the SIP for Texas (the “Texas SIP”). The Texas SIP regulations as approved by EPA are set forth in 40 C.F.R. § 52.2270(c). The Texas SIP incorporates the State Plan, including 30 TAC § 113.2061.

B. Clean Air Act Section 111 and New Source Performance Standards

7. Section 111(b)(1)(A) of the CAA, 42 U.S.C. § 7411(b)(1)(A), requires EPA to publish and periodically revise a list of categories of stationary sources, including those categories that, in

EPA's judgment, cause or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare.

8. Once a category is included on the list, Section 111(b)(1)(B) of the CAA, 42 U.S.C. § 7411(b)(1)(B), requires EPA to promulgate a federal standard of performance for new sources within the category, also known as an NSPS. Section 111(e) of the CAA, 42 U.S.C. § 7411(e), prohibits an owner or operator of a new source from operating that source in violation of an NSPS after the effective date of the NSPS applicable to such source.
9. The NSPS rules are located in Part 60 of Title 40 of the Code of Federal Regulations.
 - a. **40 C.F.R. Part 60, Subpart WWW – NSPS for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014**
10. Section 111 of the CAA authorizes EPA to develop technology-based standards which apply to specific categories of stationary sources.
11. EPA first promulgated 40 C.F.R. Part 60, Subpart WWW (“NSPS Subpart WWW”) on March 12, 1996. *See* 61 Fed. Reg. 9,905. EPA has subsequently amended NSPS Subpart WWW on several occasions.
12. NSPS Subpart WWW applies to municipal solid waste (“MSW”) landfills that commenced construction, reconstruction, or modification on or after May 30, 1991, but before July 18, 2014. 40 C.F.R. § 60.750(a). An affected MSW landfill must continue to comply with NSPS Subpart WWW until the landfill either (1) “[b]ecomes subject to the more stringent requirements in an approved and effective state or federal plan that implements [40 C.F.R. Part 60, Subpart Cf]” or (2) “[m]odifies or reconstructs after July 17, 2014, and thus becomes subject to” 40 C.F.R. Part 60, Subpart XXX. 40 C.F.R. § 60.750(d).
13. The State of Texas submitted the Texas State Plan to control landfill gas from existing MSW landfills (“State Plan”) to EPA on November 3, 1998. EPA approved the State Plan on June 17, 1999. 64 Fed. Reg. 32,427 (June 17, 1999). *See* 40 C.F.R. § 62.10880.
14. The State Plan was codified under Title 30 Texas Administrative Code (“TAC”) Chapter 113 Subchapter D. 30 TAC § 113.2061(a) states, “An owner or operator of an existing municipal solid waste landfill (MSWLF) shall comply with all provisions specified in 40 Code of Federal Regulations (CFR) Part 60, §§ 60.751–60.759 as promulgated on March 12, 1996, and amended on August 17, 1998. For purposes of this rule, the term ‘Administrator’ wherever it appears in 40 CFR Part 60, §§ 60.751–60.759 shall refer to the commission.”
15. 40 C.F.R. § 60.752 establishes standards for air emissions from MSW landfills.
16. 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, shall either comply with 40 C.F.R. § 60.752(b)(2) or calculate a nonmethane organic compounds (“NMOC”) emission rate for the landfill using the procedures specified in 40 C.F.R. § 60.754. The NMOC emission rate shall be recalculated annually, except as provided in 40 C.F.R.

§ 60.757(b)(1)(ii). The owner or operator of an MSW landfill subject to NSPS Subpart WWW with a design capacity greater than or equal to 2.5 million Mg and 2.5 million cubic meters is subject to 40 C.F.R. Parts 70 or 71 permitting requirements. 40 C.F.R. § 60.752(b).

17. For an MSW landfill complying with 40 C.F.R. § 60.752(b)(2), if the calculated NMOC emission rate is equal to or greater than 50 Mg per year, the owner or operator shall install a collection and control system that captures the gas generated within the landfill as required by 40 C.F.R. § 60.752(b)(2)(ii)(A) or (B) and 60.752(b)(2)(iii) within 30 months after the first annual report in which the emission rate equals or exceeds 50 Mg per year, unless Tier 2 or Tier 3 sampling demonstrates that the emission rate is less than 50 Mg per year, as specified in 40 C.F.R. § 60.757(c)(1) or (2). 40 C.F.R. § 60.752(b)(2)(ii).
18. 40 C.F.R. § 60.752(b)(2)(ii)(A) describes the requirements of an active collection system if the calculated NMOC emission rate for an MSW landfill is equal to or greater than 50 Mg per year. An active collection system must meet the following: (1) be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control or treatment system equipment; (2) collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of five years or more if active, or two years or more if closed or at final grade; (3) collect gas at a sufficient extraction rate; and (4) be designed to minimize off-site migration of subsurface gas. 40 C.F.R. § 60.752(b)(2)(ii)(A)(1)–(4).
19. 40 C.F.R. § 60.752(b)(2)(iv) requires an owner or operator of an MSW landfill with a calculated NMOC emission rate equal to or greater than 50 Mg per year to operate the collection and control device installed to comply with NSPS Subpart WWW in accordance with the provisions of 40 C.F.R. §§ 60.753, 60.755, and 60.756.
20. 40 C.F.R. § 60.753 establishes operational standards for gas collection and control systems of MSW landfills used to comply with the provisions of 40 C.F.R. § 60.752(b)(2)(ii).
21. 40 C.F.R. § 60.753(b) requires the owner or operator to operate the collection system with negative pressure at each wellhead except under the following conditions: a fire or increased well temperature, use of a geomembrane or synthetic cover, or a decommissioned well.
22. 40 C.F.R. § 60.753(c) requires the owner or operator to operate each interior wellhead in the collection system with a landfill gas temperature less than 55 °C and with either a nitrogen level less than 20 percent or an oxygen level less than five percent, unless the owner or operator established a higher operating temperature, nitrogen, or oxygen value at a particular well per the requirements of 40 C.F.R. § 60.753(c)(1)–(2).
23. 40 C.F.R. § 60.753(d) requires the owner or operator to operate the collection system so that the methane concentration is less than 500 parts per million (“ppm”) above background at the surface of the landfill.
24. 40 C.F.R. § 60.753(g) requires that, if monitoring demonstrates that the operational requirements in 40 C.F.R. § 60.753(b)–(d) are not met, corrective action shall be taken as specified in 40 C.F.R. § 60.755(a)(3)–(5) or (c). If corrective actions are taken as specified in

40 C.F.R. § 60.755, the monitored exceedance is not a violation of the operational requirements in 40 C.F.R. § 60.753.

25. 40 C.F.R. § 60.755 establishes compliance provisions for MSW landfills.
26. 40 C.F.R. § 60.755(b) requires, for purposes of compliance with 40 C.F.R. § 60.753(a), each owner or operator of a controlled landfill to place each well or design component as specified in the approved design plan. Each well shall be installed no later than sixty (60) days after the date on which the initial solid waste has been in place for a period of: (1) five years or more if active, or (2) two years or more if closed or at final grade. 40 C.F.R. § 60.755(b).
27. 40 C.F.R. § 60.755(c) establishes procedures for compliance with the surface methane operational standard. In particular, 40 C.F.R. § 60.755(c)(5) requires the owner or operator of an MSW landfill to implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.
28. 40 C.F.R. § 60.755(e) establishes that the provisions of NSPS Subpart WWW apply at all times, except during periods of start-up, shutdown, or malfunction, provided that the duration of start-up, shutdown, or malfunction shall not exceed five days for collection systems and shall not exceed one hour for treatment or control devices.
29. 40 C.F.R. § 60.756 establishes monitoring provisions for MSW landfills.
30. 40 C.F.R. § 60.757 describes reporting requirements for an owner or operator of an MSW landfill. Each owner or operator of a landfill seeking to comply with 40 C.F.R. § 60.752(b)(2) using an active collection system designed in accordance with 40 C.F.R. § 60.752(b)(2)(ii) shall submit to EPA annual reports of the recorded information in 40 C.F.R. § 60.757(f)(1)–(6). The initial annual report shall be submitted within 180 days of installation and start-up of the collection and control system, and shall include the initial performance test report required under 40 C.F.R. § 60.8. 40 C.F.R. § 60.757(f).
31. 40 C.F.R. § 60.759 establishes specifications for active collection systems. Each owner or operator seeking to comply with 40 C.F.R. § 60.752(b)(2)(i) must site collection devices at a sufficient density throughout all gas producing areas using the procedures in 40 C.F.R. § 60.759(a)(1) – (3) unless EPA approved alternative procedures. In particular, 40 C.F.R. § 60.759(a)(2) requires the sufficient density of gas collection devices to address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior. In addition, 40 C.F.R. § 60.759(a)(3) requires that the placement of gas collection devices control all gas producing areas.

C. Clean Air Act Sections 111(d) and Approval and Promulgation of State Plans for Designated Facilities and Pollutants

32. Section 111(d)(1) of the CAA, 42 U.S.C. § 7411(d)(1), requires EPA to establish a procedure for each state to submit to EPA a plan which (a) establishes standards of performance for any existing source for any air pollutant (i) for which air quality criteria have not been issued or which is not included on a list published under 42 U.S.C. § 7408(a) or emitted from a source

category which is regulated under 42 U.S.C. § 7412 but (ii) to which a standard of performance under this section would apply if such existing source were a new source, and (b) provides for the implementation and enforcement of such standards of performance.

33. Section 111(d)(2) of the CAA, 42 U.S.C. § 7411(d)(2), gives EPA the authority to prescribe a plan for a state in cases where the state fails to submit a satisfactory plan and to enforce the provisions of such plan in cases where the state fails to enforce them under 42 U.S.C. §§ 7413 and 7414.

a. 40 C.F.R. Part 62, Subpart OOO – Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014, and Have Not Been Modified or Reconstructed Since July 17, 2014

34. Section 111(d)(2) of the CAA, 42 U.S.C. § 7411(d)(2), and 40 C.F.R. § 60.27(c) and (d) require EPA to develop, implement, and enforce a Federal plan for existing MSW landfills located in any state (*i.e.*, state, territory, or protectorate) or Indian country that does not have an approved state plan that implements the Emissions Guidelines (“EG”) for MSW landfills. The EG for MSW landfills were promulgated on March 12, 1996, and subsequently amended on June 16, 1998, February 24, 1999, and April 10, 2000. The EG for MSW landfills was last amended on August 29, 2016 (“2016 MSW Landfills EG”). 81 Fed. Reg. 59,275 (Aug. 29, 2016).
35. On February 29, 2022, EPA found that the State of Texas failed to submit a state plan for the 2016 MSW Landfills EG. 85 Fed. Reg. 14,474 (Feb. 29, 2020).
36. EPA promulgated 40 C.F.R. Part 62, Subpart OOO (“MSW Landfills Federal Plan”) on May 21, 2021. *See* 86 Fed. Reg. 27,756. The MSW Landfills Federal Plan implements the 2016 MSW Landfills EG in, among other states, the State of Texas. The MSW Landfills Federal Plan went into effect on June 21, 2021 (“Effective Date of the Federal Plan”).
37. The MSW Landfills Federal Plan applies to MSW landfills that commenced construction, reconstruction, or modification on or before July 17, 2014, and that accepted waste at any time since November 8, 1987, or has additional capacity for future waste deposition, except those MSW landfills regulated by an EPA-approved and currently effective state or tribal plan. 40 C.F.R. § 62.16711(a)(1)–(2).
38. For purposes of submitting a timely application for an operating permit under 40 C.F.R. Part 70 or 71, the owner or operator of an MSW landfill subject to the MSW Landfills Federal Plan with a design capacity greater than or equal to 2.5 million Mg and 2.5 million cubic meters, and not otherwise subject to either 40 C.F.R. Part 70 or 71, becomes subject to the requirements of 40 C.F.R. §§ 70.5(a)(1)(i) or 71.5(a)(1)(i) and must obtain a Title V operating permit. 40 C.F.R. § 62.16711(e).
39. 40 C.F.R. § 62.16714 establishes emissions standards for MSW landfills. 40 C.F.R. § 62.16714(b) sets out requirements for the gas collection and control system of MSW landfills.

40. An active collection system of the gas collection and control system of an MSW landfill must: (1) be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control system equipment; (2) collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of five years or more if active; (3) collect gas at a sufficient extraction rate; and (4) be designed to minimize off-site migration of subsurface gas. 40 C.F.R. § 62.16714(b)(2)(i)–(iv).
41. 40 C.F.R. § 62.16714(e) requires the owner or operator of an MSW landfill with a design capacity equal to or greater than 2.5 million Mg and 2.5 million cubic meters either to install a collection and control system as provided in 40 C.F.R. § 62.16714(b) and (c) or calculate an initial NMOC emission rate. If the calculated NMOC emission rate is equal to or greater than 34 Mg per year using Tier 1, 2, or 3 procedures, the owner or operator must either: submit a collection and control system design plan prepared by a professional engineer to EPA within one year as specified in 40 C.F.R. § 62.16724(d), except for exemptions allowed under 40 C.F.R. § 62.16711(g)(3); calculate NMOC emissions using a higher tier in 40 C.F.R. § 62.16718; or conduct a surface emission monitoring demonstration using the procedures specified in 40 C.F.R. § 62.16718(a)(6). 40 C.F.R. § 62.16714(e)(2).
42. 40 C.F.R. § 62.16716 establishes operational standards for collection and control systems at MSW landfills.
43. 40 C.F.R. § 62.16716(b) requires the owner or operator of an MSW landfill with a gas collection and control system to operate the collection system with negative pressure at each wellhead except under certain conditions.
44. 40 C.F.R. § 62.16716(c) requires the owner or operator of an MSW landfill with a gas collection and control system to operate each interior wellhead in the collection system with a landfill gas temperature less than 55 degrees Celsius (131 degrees Fahrenheit), unless a higher operating temperature value has been established at a particular well.
45. 40 C.F.R. § 62.16716(d) requires the owner or operator of an MSW landfill with a gas collection and control system to operate the collection system so that the methane concentration is less than 500 ppm above background at the surface of the landfill. To determine if this level is exceeded, the owner or operator must conduct surface testing. Such surface testing must be conducted around the perimeter of the collection area and along a pattern that traverses the landfill at no more than 30-meter intervals and where visual observations indicate elevated concentrations of landfill gas. The owner or operator may establish an alternative traversing pattern that ensures equivalent coverage.
46. If monitoring demonstrates that the operational requirements in 40 C.F.R. § 62.16716(b), (c), or (d) are not met, corrective action must be taken as specified in 40 C.F.R. § 62.16720(a)(3) and (5) or (c). If corrective actions are taken as specified in 40 C.F.R. § 62.16720, the monitored exceedance is not a violation of the operational requirements in 40 C.F.R. § 62.16716. 40 C.F.R. § 62.16716(g).

47. 40 C.F.R. § 62.16720 establishes compliance provisions for MSW landfills with a gas collection and control system used to comply with 40 C.F.R. § 62.16714(b) and (c).
48. 40 C.F.R. § 62.16720(b) requires, for purposes of compliance with 40 C.F.R. § 62.16716(a), each owner or operator of a controlled landfill to place each well or design component as specified in the approved design plan as provided in 40 C.F.R. § 62.16724(d). Each well must be placed no later than 60 days after the date on which the initial solid waste has been in place for a period of: (1) 5 years or more if active, or (2) 2 years or more if closed or at final grade. 40 C.F.R. § 62.16720(b).
49. For compliance with the surface methane operational standard in 40 C.F.R. § 62.16716(d), the owner or operator of an MSW landfill must implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis. 40 C.F.R. § 62.16720(c)(5).
50. 40 C.F.R. § 62.16724 establishes reporting guidelines for the owner or operator of an MSW landfill. The owner or operator of a landfill seeking to comply with 40 C.F.R. § 62.16714(e)(2) using an active collection system designed in accordance with 40 C.F.R. § 62.16714(b) must submit annual reports to EPA. 40 C.F.R. § 62.16724(h).
51. 40 C.F.R. § 62.16728 describes specifications for active collection systems.
52. 40 C.F.R. § 62.16728(a) requires each owner or operator seeking to comply with 40 C.F.R. § 62.16714(b) site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures, unless alternative procedures have been approved by the Administrator: (1) collection devices within the interior must be certified to achieve comprehensive control of surface gas emissions by a professional engineer; (2) the sufficient density of gas collection devices must address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior; and (3) the placement of gas collection devices must control all gas producing areas, unless exceptions apply. 40 C.F.R. § 62.16728(a)(1)–(3).

D. Clean Air Act Section 112 and National Emission Standards for Hazardous Air Pollutants

53. Section 112 of the CAA, 42 U.S.C. § 7412(c)(1)–(2) and (d)(1)–(2), requires EPA to identify categories and subcategories of major sources of hazardous air pollutants (“HAPs”), and to establish emission standards requiring the maximum degree of reduction in emissions of HAPs that EPA determines is achievable through the application of measures, processes, methods, systems, or techniques including, but not limited to, the enclosure of systems or processes to eliminate emissions, and design, equipment, work practice, or other operational standards.
54. Section 112(a)(1)(A) of the CAA, 42 U.S.C. § 7412(a)(1)(A), defines a “major source” to mean “any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the

aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants.” *See also* 40 C.F.R. § 63.2.

a. 40 C.F.R. Part 63, Subpart AAAA – NESHAP for Municipal Solid Waste Landfills

55. EPA first promulgated 40 C.F.R. Part 63, Subpart AAAA (“NESHAP Subpart AAAA”) on January 16, 2003. *See* 68 Fed. Reg. 2,227. EPA has subsequently amended this subpart on several occasions. *See* 71 Fed. Reg. 20,462; 85 Fed. Reg. 17,244; 85 Fed. Reg. 64,400; 87 Fed. Reg. 8,203.
56. NESHAP Subpart AAAA applies to the owner or operator of an MSW landfill that has accepted waste since November 8, 1987, or has additional capacity for waste deposition and meets any one of the following criteria: (1) is a major source as defined in 40 C.F.R. § 63.2, (2) is collocated with a major source, or (3) is an area source landfill that has a design capacity equal to or greater than 2.5 million Mg and 2.5 million cubic meters and has estimated uncontrolled emissions equal to or greater than 50 Mg per year NMOC as calculated according to 40 C.F.R. § 63.1959. NESHAP Subpart AAAA also applies to the owner or operator of an MSW landfill that has accepted waste since November 8, 1987, or has additional capacity for waste deposition, that includes a bioreactor, as defined in 40 C.F.R. § 63.1990, and that meets any one of the following criteria: (1) is a major source, (2) is collocated with a major source, or (3) is an area source landfill that has a design capacity equal to or greater than 2.5 million Mg and 2.5 million cubic meters and that is not permanently closed as of January 16, 2003. 40 C.F.R. § 63.1935.
57. Before September 28, 2021, all landfills described in 40 C.F.R. § 63.1935 must meet the requirements of NSPS Subpart WWW or an approved state or federal plan that implements 40 C.F.R. Part 60, Subpart Cc, and requires timely control of bioreactors and additional reporting requirements. Landfills must also meet the startup, shutdown, and malfunction (“SSM”) requirements of the general provisions as specified in Table 1 to NESHAP Subpart AAAA and must demonstrate compliance with the operating conditions by parameter monitoring results that are within the specified ranges.
58. Beginning no later than September 27, 2021, all landfills described in 40 C.F.R. § 63.1935 must meet the requirements of NESHAP Subpart AAAA. A landfill may choose to meet the requirements of NESHAP Subpart AAAA rather than the requirements identified in 40 C.F.R. § 63.1930(a) at any time before September 27, 2021. 40 C.F.R. § 63.1930(b).
59. 40 C.F.R. § 63.1955(c) requires, at all times beginning no later than September 27, 2021, that the owner or operator 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.
60. 40 C.F.R. § 63.1960 establishes the compliance provisions for MSW landfills.
61. 40 C.F.R. § 63.1960(b) requires the owner or operator of a controlled landfill place each well or design component as specified in the approved design plan.

62. 40 C.F.R. § 63.1960(c) establishes procedures that must be used for compliance with the surface methane operational standard as provided in 40 C.F.R. § 63.1958(d). Specifically, 40 C.F.R. § 63.1960(c)(5) requires an owner operator to implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.
63. Where an owner or operator subject to NESHAP Subpart AAAAA seeks to demonstrate compliance with the operational standards in the introductory paragraph of 40 C.F.R. § 63.1958(e), the provisions of NESHAP Subpart AAAAA apply at all times, except during periods of SSM, provided that the duration of SSM does not exceed five days for collection systems and does not exceed one hour for treatment or control devices. The owner or operator must comply with the provisions in Table 1 to NESHAP Subpart AAAAA that apply before September 28, 2021. 40 C.F.R. § 63.1960(e)(1).
64. 40 C.F.R. § 63.1962 establishes specifications for active collection systems. 40 C.F.R. § 63.1962(a) requires each owner or operator seeking to comply with 40 C.F.R. § 63.1959(b)(2)(i) site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures, unless alternative procedures have been approved by the Administrator: (1) collection devices within the interior must be certified to achieve comprehensive control of surface gas emissions by a professional engineer; (2) the sufficient density of gas collection devices must address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior; and (3) the placement of gas collection devices must control all gas producing areas, unless exceptions apply. 40 C.F.R. § 63.1962(a)(1)–(3).
65. Table 1 to NESHAP Subpart AAAAA specifies the provisions of 40 C.F.R. Part 63, Subpart A (“NESHAP General Provisions”) that apply to owners or operators subject to NESHAP Subpart AAAAA prior to September 27, 2021. According to Table 1, the requirements of 40 C.F.R. § 63.6(e)(1)(i)–(ii) apply to owners and operators of MSW landfills subject to NESHAP Subpart AAAAA.
66. 40 C.F.R. § 63.6(e)(1)(i) requires that, at all times, including periods of startup, shutdown, and malfunction, 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. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires that the owner or operator reduce emissions from the affected source to the greatest extent which is consistent with safety and good air pollution control practices. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup,

shutdown, and malfunction plan required in 40 C.F.R. § 63.6(e)(3)), review of operation and maintenance records, and inspection of the source.

II. Factual Background

67. The City owns and operates the Facility located at 5100 Youngblood Road, Dallas, Texas 75241.
68. The Facility is a Municipal Solid Waste (“MSW”) landfill owned by the City and operated by the City Sanitation Services Department. The Facility operates six days per week. The Facility received a solid waste permit in 1975 and began receiving waste in October 1980. The Facility owns 2,039 acres. Sectors 1 through 3 are areas that predate the Resource Conservation and Recovery Act (“RCRA”) Subtitle D and are underlain with a clay liner. Cells 1 through 16 are bottom-lined with liner compliant with RCRA Subtitle D and integrated with leachate recovery and disposal equipment. The RCRA Subtitle D-applicable cells cover approximately 770 acres. Sectors 1 through 3 and the RCRA Subtitle D-applicable cells have not exhausted their available air space and are covered with an intermediate cover. No area of the landfill is officially closed or capped with final cover. The working face is covered with a daily cover and is temporarily authorized to encompass no more than two acres. According to City officials, no design capacity expansions have been requested or approved since the initial design capacity report was submitted in 1975. The total maximum MSW design capacity is 66.48 million Mg. The current estimated waste-in-place is 49 million Mg as of 2020. The Facility accepts approximately 1.5 to 2 million tons of waste per year.
69. The Facility has a Gas Collection and Control System (“GCCS”) based on a design plan first submitted to the State of Texas in 1998. The design plan was revised in 2001, 2006, and 2016. The GCCS consists of vertical Landfill Gas (“LFG”) extraction wells spaced approximately 200 feet apart in Sectors 1–3 and Cells 1–16. The Facility currently contains over 500 active wells. In addition to the wells, four of the eleven (11) leachate risers are incorporated into the GCCS from collection piping originating at the respective leachate riser cleanouts. LFG captured by the GCCS is routed offsite to Dallas Clean Energy McCommas Bluff (“Gas Treatment Plant”), a gas treatment plant that is owned and operated in a public-private partnership with Energy Power Partners, LLC (“EPP”). Treated gas is then supplied for sale through a pipeline interconnect with the local gas utility distribution network. The Gas Treatment Plant has a daily maximum processing capacity of approximately 9.4 million cubic feet per day, according to the 2016 GCCS plan. The Gas Treatment Plant also maintains an unassisted semi-enclosed flare as an alternative means of control for the treated gas.
70. The Facility operates under the authorization of permit number 74705, a standard permit issued by the State of Texas under 30 Texas Administrative Code (“TAC”) 330 Subchapter U. The Facility applied to the State of Texas for an operating permit under Title V of the CAA. The permit application was approved by the Texas Commission on Environmental Quality (“TCEQ”) on December 9, 2021. A minor revision to the permit was issued on December 30, 2021.

71. EPA Region 6 inspectors conducted an announced inspection of the Facility on September 23–24, 2021 (the “EPA Inspection”).
72. EPA Region 6 issued a final inspection report to the City on November 12, 2021.
73. EPA Region 6 issued an Information Request on September 16, 2022, pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, to the City regarding the Facility (“Information Request”). EPA received the City’s response to the Information Request on December 22, 2022 (“114 Response”).

III. Violations

COUNT 1: Violation of 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.752(b)(2)(ii)(A)(1), and 40 C.F.R. § 62.16714(b)(2)(i), by not designing the active collection system to handle the maximum expected gas flow rate of the Facility.

74. Following the EPA Inspection, EPA inspectors reviewed records of the volume of LFG flowing through the gas collection header to the Gas Treatment Plant from the Facility. The records date from September 2020 through September 2021. The average value of gas throughout the period of review is 9,786 Standard Cubic Feet per Minute (“scfm”). The maximum recorded inlet flow is 14,022 scfm. The mode inlet flow is 10,835 scfm. In the 2016 GCCS design plan, the calculated LFG flow rate for 2015 is indicated to be 24,517 scfm. The treatment capacity of the Gas Treatment Plant is 9,600 scfm according to the 2016 GCCS design plan. Based on data provided by the City in the 114 Response, the current calculated LFG flow rate is over 28,000 scfm. The City provided design specifications in the 114 Response that indicated the maximum flow rate capacity for the Gas Treatment Plant’s header is 18,300 Cubic Feet per Minute (“cfm”). The header, blowers, and associated components of the Gas Treatment Plant are all undersized for the current flow rate and the maximum gas flow rate.
75. The City violated 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.752(b)(2)(ii)(A)(1) by failing to design the active collection system to handle the maximum expected gas flow rate of the Facility prior to the Effective Date of the Federal Plan.
76. The City violated 40 C.F.R. § 62.16714(b)(2)(i) for failing to design the active collection system to handle the maximum expected gas flow rate of the Facility from the Effective Date of the Federal Plan to present.

COUNT 2: Violation of 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.752(b)(2)(ii)(A)(3), and 40 C.F.R. § 62.16714(b)(2)(ii), by not collecting gas at a sufficient extraction rate at the Facility.

77. Following the EPA Inspection, the City provided records of well gauge pressure measurements during the EPA Inspection. These records showed numerous positive pressure measurements, a deviation of the monitored parameter standard (*i.e.*, negative pressure). EPA requested additional information via the Information Request regarding corrective actions

taken in response to the numerous exceedances noted in EPA's compliance review of the 114 Response. The City provided no information regarding corrective actions on a per-exceedance basis.

78. The City violated 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.752(b)(2)(ii)(A)(3) by failing to collect gas at a sufficient extraction rate at the Facility prior to the Effective Date of the Federal Plan.
79. The City violated 40 C.F.R. § 62.16714(b)(2)(ii) for failing to collect gas at a sufficient extraction rate at the Facility from the Effective Date of the Federal Plan until present.

COUNT 3: Violation of 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.752(b)(2)(ii)(A)(4), and 40 CFR § 62.16714(b)(2)(iv), by not minimizing off-site migration of subsurface gas at the Facility.

80. During the EPA Inspection, EPA inspectors observed passive turbine ventilators or vents at the perimeter service road of the Facility, which, according to the City, disperse migrating sub-surface gas to prevent its collection in low lying areas and mitigate associated hazards. EPA inspectors observed visualized emissions from the passive vents with an optical gas imaging camera ("OGIC") and noted readings above 1,000 ppm with a Flame Ionization Detector.
81. The City violated 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.752(b)(2)(ii)(A)(4) by failing to design the active collection system at the Facility to minimize off-site migration of subsurface gas prior to the Effective Date of the Federal Plan.
82. The City violated 40 CFR § 62.16714(b)(2)(iv) for failing to design the active collection system at the Facility to minimize off-site migration of subsurface gas from the Effective Date of the Federal Plan until present.

COUNT 4: Violation of 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.752(b)(2)(iv), and 40 C.F.R. §§ 63.1930(a) and 63.1960(e)(1), by not operating the collection and control device.

83. In the City's 114 Response, the Facility provided information documenting several periods of downtime at the Gas Treatment Plant exceeding one hour between September 2018 to September 2022. Additionally, the City provided records in the 114 Response of gas inflows to the Gas Treatment Plant, which corroborate that gas inflows cease during times of SSM at the Gas Treatment Plant and that the GCCS is effectively shut down during that time.
84. The City violated 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.752(b)(2)(iv) for failing to operate the collection and control device in accordance with the provisions of 40 C.F.R. §§ 60.753, 60.755, and 60.756 by exceeding the one-hour limit for control device downtime at the Facility prior to the Effective Date of the Federal Plan.
85. The City violated 40 C.F.R. § 63.1930(a) for failure to comply with 40 C.F.R. § 60.752(b)(2)(iv) for failing to operate the collection and control device in accordance with

the provisions of 40 C.F.R. §§ 60.753, 60.755, and 60.756 by exceeding the one-hour limit for control device downtime at the Facility from the Effective Date of the Federal Plan to September 28, 2021.

86. The City violated 40 C.F.R. § 63.1960(e)(1) for exceeding one hour of SSM for the Facility's control device beginning September 27, 2021.

COUNT 5: Violation of 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.753(c) by not operating each interior wellhead with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent.

87. As part of the EPA Inspection, EPA inspectors received records of wellhead monitored parameters required by the rules, including oxygen, nitrogen, and temperature parameter deviations. These records showed numerous deviations of the monitored parameter standard.
88. The City violated 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.753(c) by failing to operate each interior wellhead in the collection system with either a nitrogen level less than 20 percent or an oxygen level less than five percent.

COUNT 6: Violation of 30 TAC § 113.2061 for failure to comply with 40 C.F.R. § 60.753(d), and 40 C.F.R. § 62.16716(d), for failure to properly conduct surface emission monitoring at the Facility.

89. During the EPA Inspection, EPA inspectors observed leachate risers and uncontrolled vents on the perimeter access road around the Facility. The City informed EPA inspectors that leachate system components, including the risers, were outside the boundary of the air compliance monitoring program and, therefore, not monitored for surface emissions. EPA inspectors observed emissions from Leachate Riser 1 with the OGIC and detected strong odors consistent with LFG in that area. EPA inspectors also observed emissions from uncontrolled vents in the area, and the City informed EPA inspectors that the area was outside of the surface emissions monitoring ("SEM") program.
90. In the 114 Response, the City provided additional files regarding SEM inspections conducted in the fourth quarter of 2020, which show that the City failed to monitor along a pattern that traverses the landfill at no more than 30-meter intervals. The City also failed to monitor using an alternative traversing pattern that would ensure equivalent coverage. For instance, for an area of the Facility that measures 2,100 linear meters, the City would needed to have performed no less than 70 traverses with no less than 30 meters of coverage per traverse; the City performed 33 traverses. The pattern also indicates the City misrepresented which areas would be dangerous to monitor.
91. The City violated 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.753(d) for failing to properly conduct surface emission monitoring at the Facility prior to the Effective Date of the Federal Plan.
92. The City violated 40 C.F.R. § 62.16716(d) for failing to properly conduct surface emission monitoring at the Facility beginning on the Effective Date of the Federal Plan.

COUNT 7: Violation of 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.753(g), and 40 C.F.R. § 62.16716(g), by not taking corrective actions at the Facility.

93. As part of the EPA Inspection, EPA inspectors received records of wellhead monitored parameters required by the rules, including oxygen, nitrogen, and temperature parameter deviations. These records showed numerous deviations of the monitored parameter standard. EPA requested additional information in the Information Request regarding corrective actions taken in response to the numerous exceedances noted in the compliance review of the 114 Response. The City provided no evidence of corrective actions on a per-exceedance basis.
94. The City violated 30 TAC § 113.2061 for failure to comply with 40 C.F.R. § 60.753(g) by failing to take corrective actions at the Facility following demonstration by monitoring of wellheads that the operational requirements in 40 C.F.R. § 60.753(b)–(d) were not met prior to the Effective Date of the Federal Plan.
95. The City violated 40 C.F.R. § 62.16716(g) for failing to take corrective actions at the Facility following demonstration by monitoring of wellheads that the operational requirements in 40 C.F.R. § 62.16716(b), (c), or (d) were not met from the Effective Date of the Federal Plan to present.

COUNT 8: Violation of 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.755(b), and 40 C.F.R. §§ 62.16720(b) and 63.1960(b), for failure to construct and operate the GCCS according to the approved design plan at the Facility.

96. During the EPA Inspection, EPA inspectors received a copy of the Facility's 2006 GCCS design plan, which was approved by the TCEQ and was most recently revised in May 2016. The design plan provided to EPA contained numerous inconsistencies with the current state of the Facility's GCCS. Those inconsistencies include, but are not limited to: the addition of engines or other control devices to handle increases in the gas flow rate from the Facility as waste deposition and LFG flow rate increase; leachate recirculation cells as part of a bio-reactor concept that was never constructed; an apparent lack of Bentonite seals or hydrated Bentonite plugs at every well casing and well-cover penetration interface; and a header pipe that is undersized for the calculated maximum gas flow rate.
97. The City violated 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.755(b) for failing to construct and operate the GCCS at the Facility according to the approved design plan prior to the Effective Date of the Federal Plan.
98. The City violated 40 C.F.R. § 62.16720(b) for failing to construct and operate the GCCS at the Facility according to the approved design plan from the Effective Date of the Federal Plan to present.
99. The City violated 40 C.F.R. § 63.1960(b) for failing to construct and operate the GCCS at the Facility according to the approved design plan.

COUNT 9: Violation of 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.755(c)(5), and 40 C.F.R. §§ 62.16720(c)(5) and 63.1960(c)(5), for failure to implement repairs to cover integrity as necessary at the Facility.

100. The City is the owner and operator of the Facility, which has accepted waste since November 8, 1987, or has additional capacity for waste deposition and meets at least one of the three listed applicability criteria of NESHAP Subpart AAAA, *i.e.*, the Facility has a design capacity equal to or greater than 2.5 million Mg and 2.5 million cubic meters and has estimated uncontrolled emissions equal to or greater than 50 Mg per year NMOC as calculated according to 40 C.F.R. § 63.1959.
101. During the EPA Inspection, EPA inspectors observed numerous exceedances of the surface emissions standard at various cover penetrations, including witness pipes, large erosive cracks, and other areas. EPA inspectors reviewed monthly cover reports and noted a lack of corrective actions taken in response to noted cover deficiencies. Specifically, reports indicated leachate seeps and extensive erosion were found in Sector 3C of the Facility from January 2021 through October 2021, consecutively; gas odor, erosion, and exposed waste were found in Sector 3C of the Facility from May 2020 through July 2020, consecutively; and erosion, exposed waste, and gas odors in Sector 3C of the Facility from January 2019 through June 2019, consecutively.
102. The City violated 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.755(c)(5) for failing to implement repairs to cover integrity as necessary at the Facility prior to the Effective Date of the Federal Plan.
103. The City violated 40 C.F.R. § 62.16720(c)(5) for failing to implement repairs to cover integrity as necessary at the Facility beginning on the Effective Date of the Federal Plan.
104. The City violated 40 C.F.R. § 63.1960(c)(5) for failing to implement repairs to cover integrity as necessary at the Facility.

COUNT 10: Violation of 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.757(f), and 40 C.F.R. § 62.16724(h), by not submitting required annual reports for the Facility.

105. EPA inspectors requested documents during the EPA Inspection, including annual reports required to be sent to EPA. Those requested reports were not provided to EPA staff. During the closing conference for the EPA Inspection, site personnel stated the City would start submitting the reports in question with the issuance of the Title V Permit.
106. As an owner or operator of a landfill seeking to comply with 40 C.F.R. § 60.752(b)(2) using an active collection system, the City violated 30 TAC § 113.2061(a) for failure to comply with 40 C.F.R. § 60.757(f) by failing to submit to EPA the required annual reports for the Facility prior to the Effective Date of the Federal Plan.
107. As an owner or operator of a landfill seeking to comply with 40 C.F.R. § 62.16714(e)(2) using an active collection system, the City violated 40 C.F.R. § 62.16724(h) for failing to

submit to EPA the required annual reports for the Facility from the Effective Date of the Federal Plan to present.

COUNT 11: Violation of 40 C.F.R. §§ 63.6(e)(1)(i) and 63.1955(c) for failure to operate and maintain a source in a manner consistent with safety and good air pollution control practices for minimizing emissions at the Facility.

108. The Facility operates without a dedicated control device. LFG generated by the Facility is captured by a collection system and routed to the Gas Treatment Plant. However, when the Gas Treatment Plant is not operating, no emissions are collected and controlled.
109. The Gas Treatment Plant is undersized to adequately control LFG emissions at the Facility, even when the Gas Treatment Plant is operating at full capacity. Based on the Gas Treatment Plant's capacity factor provided by the City in the 114 Response, the maximum capacity of the Gas Treatment Plant is insufficient for the projected gas flow rate from the waste mass. The capacity factor does not exceed 66 percent for 2018 through 2022. Even if operating continuously at full capacity, the Gas Treatment Plant would not be able to collect and control an adequate amount of gas to satisfy the collection and control standards of NSPS Subpart WWW, as incorporated by reference in 30 TAC § 113.2061(a), and the MSW Landfills Federal Plan. Approximately 80 % of the LFG generated at the Facility is not controlled. *See* Count 5.
110. Based on an analysis of well monitoring data, the Facility selectively extracts the amount of gas collected via tuning of the well-field and sending via the gas collection header to the Gas Treatment Plant. The Facility's gas collection devices are not minimizing offsite landfill gas migration, *see* Count 1, nor are they augmenting the collection system through the use of active or passive systems at the landfill perimeter or exterior, suggesting insufficient density of gas collection devices as required by 40 C.F.R. § 60.759(a)(2), as incorporated into 30 TAC § 113.2061(a), 40 C.F.R. §§ 62.16728(a)(2), and 63.1962(a)(2). In addition, the Facility's gas collection devices are not controlling all gas producing areas, suggesting improper placement of gas collection devices as required by 40 C.F.R. § 60.759(a)(3), as incorporated into 30 TAC § 113.2061(a), 40 C.F.R. §§ 62.16728(a)(3), and 63.1962(a)(3).
111. The City violated 40 C.F.R. § 63.6(e)(1)(i) for failing to operate and maintain a source in a manner consistent with safety and good air pollution control practices for minimizing emissions at the Facility prior to September 28, 2021.
112. The City violated 40 C.F.R. § 63.1955(c) for failing to operate and maintain a source in a manner consistent with safety and good air pollution control practices for minimizing emissions at the Facility beginning September 27, 2021.

COUNT 12: Violation of 30 TAC § 113.2061 for failure to comply with 40 C.F.R. § 60.752(b), and 40 C.F.R. § 62.16711(e), for failure to obtain a federal operating permit for the Facility.

113. From 2007 until December 9, 2021, the Facility did not have a Title V operating permit. The TCEQ approved the Title V operating permit for the Facility on December 9, 2021.

114. The City violated 30 TAC § 113.2061 for failing to comply with 40 C.F.R. § 60.752(b) by not obtaining a federal operating permit for the Facility prior to the Effective Date of the Federal Plan.
115. The City violated 40 C.F.R. § 62.16711(e) for failing to obtain a federal operating permit for the Facility from the Effective Date of the Federal Plan to December 8, 2021.

IV. Enforcement

EPA's investigation into this matter is continuing. The above information represents violations of the CAA and the regulations promulgated thereunder that EPA believes, at this point, are sufficiently supported by evidence to warrant the allegations in this NOVOC. EPA may find additional violations as the investigation continues.

Section 113(a)(3) of the CAA, 42 U.S.C § 7413(a)(3), provides the EPA Administrator with several enforcement options to resolve these federal violations, including issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action.

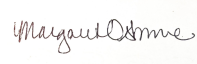
V. Opportunity to Confer

Based on information currently available, EPA finds that the City has violated applicable requirements of the CAA. By this letter, EPA is extending to you an opportunity to advise the Agency via a conference call or in writing, of any further information EPA should consider with respect to the violations. The conference will enable the City to present evidence bearing on the finding of violations, on the nature of the violations, and on any efforts it may have taken or proposes to take to achieve compliance. The City has a right to be represented by counsel.

A request for a conference must be made within ten (10) days of receipt of this NOVOC. Please contact Jamie Lee, Assistant Regional Counsel, at Lee.Jamie@epa.gov or (214) 665-6795, to request a conference. Any technical questions may be directed to Benjamin Rosenthal, Physical Scientist, at Rosenthal.Benjamin@epa.gov or (214) 665-6453.

VI. Effective Date

This Notice shall become effective immediately upon issuance.

 Digitally signed by
MARGARET OSBOURNE
Date: 2023.09.26
09:49:01 -05'00'

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6