



Update on NSPS/EG Regulations

NM SWANA ANNUAL MEETING

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Marcia Pincus, P.E.

Landfill NSPS and EG

- Subparts WWW and Cc Originally Issued on March 12, 1996.
- Subpart Cc Followed Requirements of Subpart WWW.
- Instead of Revising Subpart WWW and EG Subpart Cc Directly, EPA Updated via Issuance of new Subparts (Subparts XXX and Cf, Respectively).

40 CFR 60 Subpart XXX

- Applies to landfills that commenced construction, reconstruction or modification after July 17, 2014.
- Construction, reconstruction or modification before July 17, 2014 remains under the original regulation of 40 CFR 60 Subpart WWW.

Summary of XXX

Modification means an increase in the permitted volume design capacity of the landfill by either lateral or vertical expansion based on its permitted design capacity as of July 17, 2014. Modification does not occur until the owner or operator commences construction on the lateral or vertical expansion.

Summary Subpart XXX

- Changes from WWWW:
 1. Design capacity remains the same:
2.5 million cubic meters and 2.5 million Mg.
 2. Reduces NMOC Emissions for the removal and installation of a GCCS from 50 Mg/yr to 34 Mg/yr.
 3. A landfill that exceeds the 34 MG/yr and the design capacity must install and start up a GCCS 30 months after the exceedance.

Summary of Subpart XXX

- Significant Criteria added to rules:
 - Tier 4 testing in lieu of Tier 1,2,3.
 - Surface Emissions Monitoring (SEM) that exceeds 500 ppm must install a GCCS and CANNOT return to using Tiers 1,2, or 3 modelling.
 - Must conduct SEM for four quarters.
 - Remove/Cap/Decommission a GCCS must:
 - LF is closed
 - NMOC is less than 34 Mg/yr on 3 successive test dates
 - GCCS had operated for 15 yrs or owner demos cannot operate for 15 yrs due to low concentrations of landfill gas.

Summary of Subpart XXX

- Excludes non-productive areas from control using gas flow as a criteria.
- Removal of Operational Requirements for nitrogen/oxygen.
- SEM needs to address cover penetrations and openings within the area of the landfill.
- Corrective Action timelines.
- Electronic reporting.

Summary of Subpart XXX

- Reporting of the Addition of Liquids.
- GCCS Design Plan Approval.
- Wellhead Standards
- Site-specific Treatment Plan for LFG
 - Broaden the definition of treated LFG to include beneficial use such as vehicle fuel, production of high-BTU gas, and use of raw gas.
 - Filters, dewaterers, and compresses LFG.

EG Rules

40 CFR Part 60 (Subpart Cf):

1. Emission Guidelines (EG) were promulgated in 1996.
2. Applies to Existing Landfills Accepted Waste after November 8, 1987 and Began Construction, Reconstruction or Modification **before** July 17, 2014.
3. To be implemented by revised State Plans or Federal Plans.
4. NSPS and EG have same Technical Requirements

Closed Landfill (Subcategory) under EG

- In EG Rule, MSW Landfills Closed by September 27, 2017 Continue with 50 Mg/yr NMOC threshold.
- Closed Landfill Must Have Submitted NSPS Closure Report as Specified by 40 CFR 60.38(f).
- Not Available to NSPS Landfills.

What Happened?

- The new NSPS/EG rules were issued on August 29, 2016 and went into affect on October 28, 2016.
- On October 27, 2016 an industry group filed administrative and judicial petitions for reconsideration of the rules. These petitions were about compliance issues not about the stringency of the rules.

What Happened?

- On May 5, 2017, EPA sent a letter to the petitioners that it would reconsider several portions of the rules in response to their petition:
 - Tier 4 surface emissions monitoring.
 - Annual liquids reporting.
 - Corrective action timeline procedures.
 - Definition of cover penetrations.
 - Design Plan approval for the gas control and collection system (GCCS).

What Happened?

- On May 31, 2017, the EPA issued a 90-day stay on both the NSPS and EG rules.
- National Resources Defense Council (NRDC) filed a motion to vacate the stay.
- This 90-day stay expired on August 29, 2017 with no further decisions by EPA.
- Therefore, the August 2016 federal rules are currently in effect.

EG Subpart Cf Timeline

- EPA was suppose to develop a Federal Plan (due Nov 2017):
 - Will probably have the same technical requirements as Subpart Cf
- Each State/Delegated Authority May:
 - (1) Prepare a “Local Plan” that conforms to Subpart Cf, OR
 - (2) Adopt the Federal Plan

EG Subpart Cf Timeline

- States were required to develop and enact state specific implementation plans for the EG by May 30, 2017.
- EPA was suppose to approve these plans by September 28, 2017.
- Once reveiwed by EPA, the states had 6 months to incorporate EPA comments.

Status of State Plan

- NM State Rule 20.2.64 was adopted May 31, 2017 has not been approved by EPA.
- NMED's position is that the State rule is NOT in effect because it has not been approved by the State.
- When NMED does get EPA's approval, they will provide advance notice to landfill operators and post a notice on their website. A compliance schedule will also be provided.

Status of State Plan

- EPA is reconsidering several issues in these final rules. EPA does “not plan to prioritize” the review of submitted state plans and issuance of a Federal Plan for states that failed to submit a state plan.
- EPA anticipates it will finalize by March 2020 to coincide with the court ordered deadline for a final NESHAP rule.

Landfill NESHAP Schedule

- 40 CFR Part 63, Subpart AAAAA Currently Requires Landfills to Comply with Existing Rules (NSPS Subpart WWW and EG Subpart Cc).
- Minor Changes Necessary to Clarify Language and Requirements (i.e. updating direct references to WWW and Cc).

QUESTIONS

- Call or email me:
 - mpincus@scsengineers.com
 - 505.514.8759 cell