

Concept

Adoption of Final Emission Guidelines for Existing Landfills (540)

Reason for Action

To revise the municipal solid waste landfill rules to adopt the final emission guidelines for existing landfills.

Scope/Nature/Summary

On August 29, 2016 (81 FR 59332), EPA finalized changes to the Standards of Performance for Municipal Solid Waste (MSW) Landfills (landfills new source performance standards or landfills NSPS) resulting from the EPA's review of the landfills NSPS under Clean Air Act (CAA) Section 111. The EPA's review identified a number of advances in technology and operating practices for reducing emissions of landfill gas (LFG). In order to avoid possible confusion regarding which MSW landfills would actually be subject to these requirements, the EPA established a new Subpart XXX (40 CFR part 60, Subpart XXX) rather than merely updating the existing Subpart WWW (40 CFR part 60, Subpart WWW). The requirements in new Subpart XXX apply to MSW landfills for which construction, reconstruction, or modification commenced after July 17, 2014, the date of the proposed rule. New NSPS are automatically adopted through 15A NCAC 02D .0524. The requirements in Subpart WWW continue to apply to MSW landfills for which construction, reconstruction, or modification was commenced on or after May 30, 1991 and on or before July 17, 2014.

On August 29, 2016 (81 FR 59276), EPA also finalized changes to the MSW landfills Emission Guidelines resulting from the EPA's review of the Emission Guidelines under CAA Section 111. The final Emission Guidelines apply to landfills that accepted waste after November 8, 1987 and that commenced construction, reconstruction, or modification on or before July 17, 2014 (the date of publication of proposed revisions to the landfills NSPS, 40 CFR part 60, Subpart XXX). The EPA reviewed the Emission Guidelines to determine the potential for achieving additional reductions in emissions of LFG. Significant changes have occurred in the landfill industry over time, including changes to the size and number of existing landfills, industry practices, and gas control methods and technologies.

The rules in Section 15A NCAC 02Q .1700 may need to be revised to implement the revisions to the Emission Guidelines for MSW Landfills.

These amendments are being proposed by staff.

Statutory Authority

G.S. 143-215.3(a)(1); 143-215.107(a)(5),(10);