

**NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION
PUBLIC NOTICE**

Notice is hereby given for public comment to be received by the North Carolina Department of Environmental Quality, Division of Air Quality, concerning the proposed amendment of air quality rules.

PURPOSE: In the abundance of caution, to address protective measures to help prevent the spread of COVID-19, the Department of Environmental Quality (DEQ) is providing notice of the change of modality for the public hearing on the proposed amendment to the landfill rules. The public hearing will still be conducted, but instead of an in-person meeting, it will be held by Cisco WebEx.

BACKGROUND: On August 29, 2016, the Environmental Protection Agency (EPA) finalized changes to the Standards of Performance for Municipal Solid Waste (MSW) Landfills. The EPA's review identified advances in technology and operating practices for reducing emissions of LFG. The EPA promulgated a new subpart, 40 CFR Part 60, Subpart XXX, Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014, which was automatically adopted through 15A NCAC 02D .0524.

In the same action, the EPA promulgated a new subpart under 40 CFR Part 60, Subpart Cf, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, to revise the emission guidelines (EGs) that apply to existing MSW landfills. Previously, the EGs under 40 CFR Part 60, Subpart Cc applied to existing MSW landfills. The revised EGs apply to landfills that have accepted waste at any time since November 8, 1987 and commenced construction, reconstruction, or modification on or before July 17, 2014. The EPA revised the EG to account for significant changes that 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.

40 CFR Part 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills, will continue to apply to MSW landfills that commenced construction, reconstruction, or modification after May 30, 1991 and on or before July 17, 2014, until there is an approved state or federal plan that implements 40 CFR Part 60, Subpart Cf.

In conjunction with promulgation of the Affordable Clean Energy rule on July 8, 2019, the EPA updated the CAA 111(d) implementing regulations under a new subpart, 40 CFR Subpart 60, Subpart Ba, Adoption and Submittal of State Plans for Designated Facilities. Specifically, this action amended the timing requirements in 40 CFR 60.23 and 60.27 for submission of state plans, and the issuance of federal plans. On August 26, 2019, the EPA adopted the 40 CFR Part 60, Subpart Ba implementation requirements into the EG under 40 CFR 60, Subpart Cf. The EPA also set a compliance date of August 29, 2019 for states to submit state plans. The EPA is required to determine completeness with 6 months of a state plan submittal, and approve or disapprove the state plan within 12 months of the completeness determination.

On March 26, 2020, the EPA adopted changes to 40 CFR Part 60, Subpart Cf, allowing impacted sources to demonstrate compliance with LFG requirements for control and allow landfills to comply with operational standards, compliance provisions, monitoring requirements, and the associated recordkeeping and reporting requirements by following the corresponding requirements in the National Emission Standards for Hazardous Pollutants (NESHAP) for MSW Landfills.

The proposed rulemaking amends the existing 15A NCAC 02D.1700 rules to make them consistent with 40 CFR Part 60 Subpart Cf, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, as part of North Carolina's implementation of this federal EG. Existing MSW landfills that commenced construction, reconstruction, or modification, or accepted waste before July 17, 2014 are subject to this rule. The amended rule incorporates all requirements associated with the EG. Note this rule is based on the federal EG for landfills, not the NSPS, which applies to new landfills. The landfills that were considered a "new source" under the current 15A NCAC 02D.1700 rules are now considered "existing sources" under the proposed amendments to these rules, and are subject to the revised EG under 40 CFR 60 Subpart Cf. The primary change to the current rule, apart from incorporating some minor recordkeeping, monitoring and reporting requirements, is the lowering of the NMOC emissions threshold from 50 Mg/year to 34 Mg/year but closed landfills still retain the 50 Mg/year threshold and therefore they are not impacted.

A fiscal note was submitted to and approved by the Office of State Budget of Management (OSBM) to reflect economic impacts to the regulated community and local and state agencies. DEQ estimates the total impact to both the facilities and the DAQ to modify these six permits in year 2021 is estimated to be \$61,368. The estimated impacts of this proposed rule are not substantial as defined in North Carolina's Administrative Procedures Act in NC General Statute 150B-21.4, Fiscal Note on Rules. The term "substantial economic impact" means an aggregate financial impact on all persons affected of at least one million dollars (\$1,000,000) in a 12-month period. A copy of this fiscal note can be obtained at OSBM's website by following https://files.nc.gov/ncosbm/documents/files/DEQ_2020-10-27.pdf.

DATE AND
LOCATION:

March 24, 2021, 6:00 PM

Cisco WebEx, Digital Hearing Link as posted on DAQ's Rules in the Hearing Process page as follows: <https://bit.ly/360UcyX>, Event password: NCDAQ

Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.

US TOLL +1-415-655-0003, Show all global call-in numbers, Access code: 1781985004

*If you wish to speak at the digital public hearing, you must register, provide the required information, and follow instructions on ways to join the public hearing. Registration must be completed by 4:00 PM on March 24, 2020. To register, please click the following link: <https://bit.ly/3iEcNWF>

*For instructions on ways to join the public hearing, please refer to the following link: <https://files.nc.gov/ncdeq/Air%20Quality/rules/hearing/instructions-on-ways-to-join-webex.pdf>

<https://www.webex.com/test-meeting.html>

COMMENT
PROCEDURES:

All persons interested in these matters are invited to attend the public hearing. **Any person desiring to comment is requested to submit a written statement for inclusion in the record of proceedings at the public hearing.** Please note that the hearing officer may limit the length of oral presentations if many people wish to speak. The public comment period is open beginning February 15, 2021, through April 16, 2021. To be included in the hearing record, all comments must be postmarked, emailed, or received by the Division (if delivering in person) no later than April 16, 2021.

INFORMATION: Copies of the proposed rule changes may be downloaded <http://deq.nc.gov/about/divisions/air-quality/air-quality-rules/rules-hearing-process>. Copies of the proposals may also be reviewed at the regional offices of the North Carolina Department of Environmental Quality, Division of Air Quality, located at the following cities:

Asheville	(828) 296-4500
Fayetteville	(910) 433-3300
Mooresville	(704) 663-1699
Raleigh	(919) 791-4200
Washington	(252) 946-6481
Wilmington	(910) 796-7215
Winston-Salem	(336) 776-9800

Comments should be submitted to; and additional information concerning the hearing, or the proposals may be obtained by contacting:

Mr. Patrick Knowlson
Division of Air Quality
1641 Mail Service Center
Raleigh, North Carolina 27699-1641
(919) 707-8711 Phone
(919) 715-0717 Fax (Please address it to "Patrick Knowlson")
daq_publiccomments@ncdenr.gov
(Please type "Landfills" in the subject line)

*If you have technical difficulties, the following automated voicemail has been set up to receive your verbal comments: 919-707-8430

Si necesita esta información en español, comuníquese con Carolina llamando al 919-609-2189 o enviando un correo electrónico Guadalupe.jimenez@ncdenr.gov

DATE: 2/9/21


Michael A. Abraczinskas, DAQ Director