

January 27, 1997

MEMORANDUM

SUBJECT: Emission Inventories for Existing Municipal Solid Waste (MSW) Landfills with Design Capacities below 2.5 million Mg or 2.5 million m³

FROM: Bruce C. Jordan, Director
Emission Standards Division (MD-13)

Robert G. Kellam, Acting Director
Information Transfer and Program Integration Division (MD-12)

TO: Regional Air Directors, Regions I-X

Introduction

The States are required to prepare and submit State plans for existing MSW landfills [landfills that have accepted waste since November 8, 1987 or have the capacity to accept future waste and are not new; i.e., not subject to 40 CFR Part 60, Subpart WWW, new source performance standards (NSPS)]. This State plan is required under 40 CFR 60, Subparts B and Cc [Emission Guidelines (EG's)]. The plan will state the requirements that existing MSW landfills will need to comply with to meet the EG's. Also, as part of the State plan, 40 CFR 60.25 requires the States to include "an inventory of all designated facilities, including emissions data for the designated pollutants." Id.

In addition to the requirement for State plans, owners and operators of MSW landfills with design capacities of less than 2.5 million Mg or 2.5 million m³ are required to submit a design capacity report under the EG's and NSPS [40 CFR 60.752 (a), 60.757. See also, 40 CFR 60.35(c)]. However, unlike owners and operators of larger MSW landfills who must also submit a nonmethane organic compound (NMOC) emissions rate report and possibly install gas collection and controls, no additional requirements apply to landfills with design capacities of less than 2.5 million Mg or 2.5 million m³. As noted in the preamble to the

final rule, "small landfills below 2.5 million Mg design capacity are not subject to (emission) standards under section 111 because they are not subject to controls and are not subject to emission limits," 61 FR 9905, 9912 (March 12, 1996).

Summary

In view of the limited requirements of the EG and NSPS on landfill owners and operators of MSW landfills below 2.5 million Mg or 2.5 million m³, the Environmental Protection Agency (EPA) will allow States, in limited circumstances, to submit emission inventories as part of State plans without requiring that, in all cases, that States develop emissions data for MSW landfills below 2.5 million Mg or 2.5 million m³ where development of such data would be unreasonable and impractical. However, where accurate data are already available, or can reasonably be generated without undue expense or effort, States should require and include such data in their State plans. Example situations of "reasonable and practical" are given below in the section, Requirements of State Plans: Emissions Data. This easing of the NMOC emission inventory requirement, however, does not relieve States of the obligation to provide, as part of their State plan, an inventory of all existing MSW landfills within the State.

The EPA believes that allowing States to provide emissions data for such MSW landfills with design capacities below 2.5 million Mg or 2.5 million m³ only where accurate and reasonably available information can be generated, is reasonable given that the applicable NSPS and the EG simply require a design capacity report and do not require additional emissions monitoring or controls. The EPA also believes that requiring such information in all cases will either lead to the submission of inaccurate, misleading and provisional information or to additional and costly testing inconsistent with EPA's previous determination to only require design capacity reports for such landfills. [See e.g., 61 FR 9905, 9916 (March 12, 1996), which states that "The design capacity cutoff of 2.5 million Mg or 2.5 million cubic meters was chosen . . . to relieve as many small businesses and municipalities as possible from the regulatory requirements while still maintaining significant emission reduction."

This guidance memo does not, however, preclude States from including emissions information from these existing MSW landfills in their State plans and in their annual reporting of emissions to EPA if they choose to do so. As noted previously, it also does not relieve States from the requirement to provide an inventory of existing landfills in State plans.

The EPA reserves the right to request emissions information under section 114(a) of the Clean Air Act, if it determines that such information can be obtained reasonably and practically.

Requirements of State Plans: Emissions Data

In summary of the previous discussion, States need not include NMOC emissions from MSW landfills with a design capacity below 2.5 million Mg or 2.5 million m³ from the State plan emission inventory where the estimation of these emissions is unreasonable and impractical. This section addresses specific situations of "unreasonable and impractical" and "reasonable and practical."

It may be unreasonable and impractical for an MSW landfill below 2.5 million Mg or 2.5 million m³ to estimate NMOC emissions when a landfill is closed and there are no records of waste in place. However, States should require emissions data when it is reasonable and practical to obtain the information needed to calculate NMOC emissions, for example, when the amount of waste deposited and age of the waste can be reasonably obtained. If waste has been recently deposited such that this information would be reasonably expected to be available, then these NMOC emissions should be included in the emission inventory. Also, if a landfill has a design capacity below but close to 2.5 million Mg or 2.5 million m³, greater consideration should be given before a decision is made to not require NMOC emissions in the emission inventory because the public may have more interest in the environmental impact of the emissions from such a landfill.

In the situation where an MSW landfill is subject to title V operating permits because it is a major source or because of another reason [e.g., subject to another NSPS or national emission standard for hazardous air pollutants (NESHAP)], this landfill should comply with the emission inventory requirement even if the landfill is below 2.5 million Mg or 2.5 million m³ in design capacity. The reason is that emissions from title V permitted landfills must be reported under title V and thus, it would be reasonable to include these emissions estimates in the emission inventory for the State plan.

In addition to the requirement to report NMOC emissions in the State plan, 40 CFR 60.25 also requires the annual reporting of emissions by States to EPA for existing landfills whose emissions have changed more than 5 percent from the most recently submitted emissions data. For States with landfills with design capacities below 2.5 million Mg or 2.5 million m³ for which emissions data were not initially reported, this emissions reporting requirement would not necessarily be reasonable or practical and, thus, States are not required to meet this reporting requirement for such landfills. However, where a State previously did not require emissions data for a landfill close to or at the 2.5 million Mg or 2.5 million m³ cutoff, and there is reason to believe emissions may have increased by greater than 5 percent, a State may want to reconsider whether emissions data should be required.

The allowance for exclusion of NMOC emissions from certain landfills below 2.5 million Mg or 2.5 million m³ from the emission inventory does not affect the requirement for States to submit an inventory of existing MSW landfills with the State plans. The 40 CFR 60.25 requires such an inventory of landfills in the State plan and this memo does not modify this

requirement. It is reasonable to expect States to know what landfills are in their geographic area and to provide this information in their State plans.

If you have any questions on this guidance, please feel free to contact Mary Ann Warner at (919) 541-1192.

cc: Patricia Bowlin, R-IX
Valerie Broadwell, OAQPS (MD-12)
Ward Burns, R-VII
Jeanne Cosgrove, R-I
Mick Cote, R-VI
Renaldo Crooks, Air Resources Board, Sacramento, CA
Eric Crump, OAQPS (MD-15)
John Dale, R-VIII
Scott Davis, R-IV
Christine DeRosa, R-II
Gus Eghneim, Natural Resources Conserv. Comm., Austin, TX
Allen Geswein, OSW (2306W)
Michael Goo, OGC (2344)
Charles Hatten, R-V
K.C. Hustvedt, OAQPS (MD-13)
Tom Kerr, OAP (6202J)
Zofia Kosim, OECA (2242A)
Scott Koschwitz, Bureau of Air Mgmt., Hartford, CT
Margaret McCourtney, Min. Pollution Control Agency, St. Paul, MN
John Seitz, OAQPS (MD-10)
Racqueline Shelton, OAQPS (MD-12)
Martha Smith, OAQPS (MD-13)
James Topsale, R-III
Mary Ann Warner, OAQPS (MD-12)
Lydia Wegman, OAQPS (MD-10)
Catherine Woo, R-X