

APPENDIX 112V

**MUNICIPAL SOLID WASTE LANDFILL NESHAP
(40 CFR 63 Subpart AAAA)**

CAA SECTION 112

REGULATION STATUS

On 7 Nov 00 ([65 FR 66672](#)), EPA proposed a NESHAP for [municipal solid waste \(MSW\) landfills](#).

RULE SUMMARY

Applicability

The NESHAP affects major and area HAP source [MSW landfills](#) that have accepted waste since 8 Nov 87 or that have additional design capacity available for future use. However, the language is not clear as to whether it affects all of these landfills or just certain landfills. It definitely affects all MSW landfills that are subject to emission control under the New Source Performance Standards (NSPS, 40 CFR 60 Subpart WWW) or Existing Source Emission Guidelines (EG, 40 CFR 60 Subpart Cc). It definitely affects landfills that emit major sources quantities of HAP. However, the rule is not clear as to whether it applies to small uncontrolled landfills located on major HAP source installations. If it only affects controlled landfills, the proposed NESHAP contains minimal new requirements. If it also affects uncontrolled units, the NESHAP could extend the NSPS and EG control requirements, to small uncontrolled landfills that are located on major HAP sources. The Services Steering Committee (SSC) submitted comments on the proposed rule asking for clarification and strongly objecting to any language that would require installation of emission controls on landfills that do not meet the criteria for control under the NSPS and EG.

The flowchart in [Figure 112V-1](#) contains a rather optimistic applicability interpretation which assumes the NESHAP only applies to landfills that are subject to control under the NSPS and EG. As shown in the flowchart, the NSPS and EG only require emission controls on landfills that meet **all** of the following criteria.

- (1) The landfill has a design capacity greater than or equal to **both** 2.5 million Mg **and** 2.5 million m³; **and**
- (2) The landfill has a calculated nonmethane organic compounds (NMOC) emission rate greater than or equal to 50 Mg/yr; **and**
- (3) The landfill has accepted waste at anytime since 8 Nov 87, **or** has additional design capacity available for future waste deposition.

We hope that the final rule will clarify that **all** three criteria must be also be met for the NESHAP to apply. If not, in addition to the affected units identified in the flowchart, small uncontrolled landfills located on major HAP source installations would also be covered.

MUNICIPAL SOLID WASTE LANDFILL NESHAP

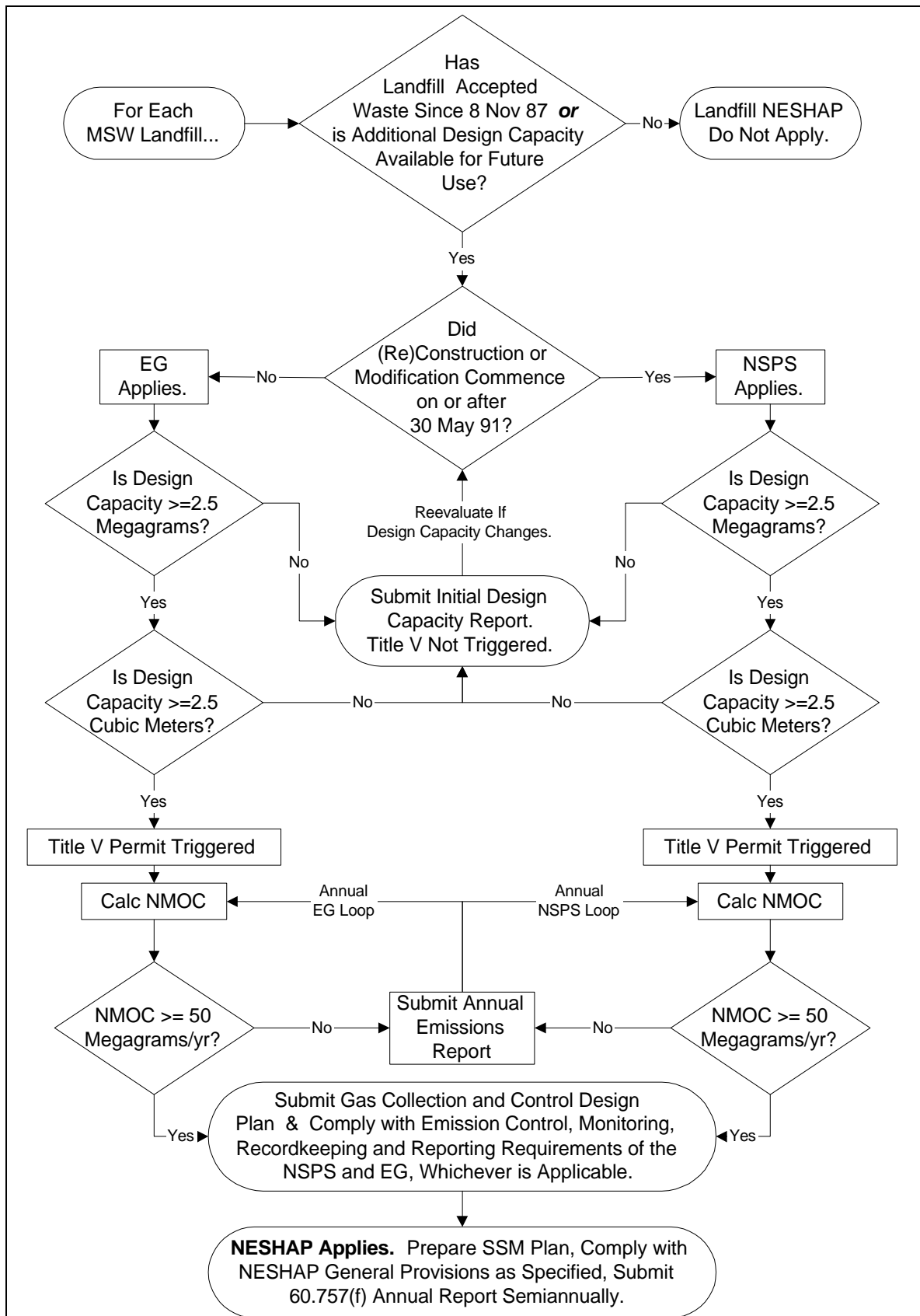


Figure 112V-1: MSW Landfill NESHAP Applicability (Optimistic Interpretation)

Key Definitions

Municipal solid waste landfill means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes (see Sec. 257.2 of this chapter) such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads. A municipal solid waste landfill may be publicly or privately owned. A municipal solid waste landfill may be a new municipal solid waste landfill, an existing municipal solid waste landfill, or a lateral expansion.

Standards

This NESHAP incorporates the requirements of the NSPS and EG by reference and adds a few unique requirements. NESHAP unique requirements include:

- Develop a Startup, Shutdown, and Malfunction (SSM) Plan and follow NESHAP procedures for submitting semiannual and immediate SSM reports.
- Follow NESHAP procedures for handling deviations from the operating/monitoring requirements.
- Submit the report required in 60.757(f) semiannually instead of annually.
- Keep additional records required by the NESHAP General Provisions.
- Obtain a Title V Permit for all area sources subject to the NESHAP. (Note: Title V permits are already required under the NSPS and EG. EPA apparently believes that it is necessary to restate the requirements here in case regulatory agencies are give permission to defer permitting of area sources under the NSPS and EG in the future. The Services have recommended that EPA eliminate this redundant requirement in the final rule.)

Compliance Deadlines

New affected landfills must comply at the time operation begins or by the date the final rule is issued, whichever is later. A new landfill is on that commenced construction or reconstruction after 7 Nov 00.

Existing affected landfills must comply one year after the final rule is issued.

MILITARY SOURCES

The military has many landfills. However, most are not subject to emission control under the NSPS and EG . The few that are subject to emission control will be subject to this NESHAP. If EPA responds favorably to comments submitted by the Services, military landfills that are not subject to emission control under the NSPS or EG will be off the hook.

CONTACTS

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