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Solid Waste Landfills/Clean Air Act: U.S. Environmental Protection Agency Updates New Source Performance Standards/Emission Guidelines

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The United States Environmental Protection Agency ("EPA") issued on July 15th :

- New Source Performance Standards ("NSPS") for landfill gas from new, modified and reconstructed municipal solid waste landfills
- Revised guidelines ("Emission Guidelines") for reducing emissions from existing municipal solid waste landfills

The regulations were issued pursuant to Section 111 of the Clean Air Act Authority and are part of the President's "*Climate Action Plan: Strategy to Reduce Methane Emissions*".

While the principal focus of the Clean Air Act are the baseline ambient standards they are supplemented or supported by federal emission limits. Section 111 NSPS set uniform emission limits which are applicable regardless of the location of the stationary source and the condition of the area's air. The Clean Air Act requires EPA to promulgate technology-based NSPS applicable to the construction or modification of stationary sources that cause or contribute significantly to air pollution which may reasonably be anticipated to endanger public health and welfare.

The uniform emission limits are set for specific commercial and industrial categories. A NSPS category will typically detail the type of facility which it encompasses. The NSPS will then specify the emission limitations for certain air pollutants and any corresponding monitoring requirements. Separate authorities in this statutory section provide the federal agency some authority to address emissions from existing sources.

Both sets of the July 15th final rules revise requirements that were previously established in 1996.

The revised NSPS applies to landfills constructed, modified or reconstructed after July 17, 2014. They are subject to the rule if they have a design capacity of 2.5 million metric tons. As to the revised Emission Guidelines for existing landfills, EPA states that they apply through state plans approved by the federal agency, to landfills constructed, modified or reconstructed on or before July 17, 2014. These landfills are also subject to the Emission Guidelines if they have a design capacity of 2.5 million metric tons.

EPA states that it has determined in both rules that a well-designed and well-operated landfill gas collection-and-control system remains the best system of emission reduction for controlling landfill gas. Both rules require affected landfills to install and operate a gas collection control system within 30 months after landfill gas emissions reach a new, lower threshold of 34 metric tons of non-methane

organic compounds or more per year. The threshold was previously 50 metric tons per year in both the NSPS and Emission Guidelines.

Gas may be controlled by combusting it in an enclosed combustion device (such as a boiler, engine or turbine) for energy generation, by using a treatment system that processes the collected gas for sale or beneficial use, or by flaring it.

Both the NSPS and Emission Guidelines also address:

- Monitoring methane surface emissions
- Clarifications about the uses of treated landfill gas
- Required monitoring of temperature and pressure at wellheads and corrective action for elevated temperature or positive pressure

The final rule provides that states will have nine months after the guidelines are published in the Federal Register to submit state plans for implementing the final guidelines.

A link to the EPA rule can be found here:

<https://www3.epa.gov/ttn/atw/landfill/landflpg.html>