

For
Public Comment from June 10, 2022 until July 11, 2022.
Public Hearing on July 11, 2022.

PROPOSED

Revision to

**Allegheny County Health Department
Rules and Regulations
Article XXI, Air Pollution Control**

Revision Tracking No. 99

(Not a SIP Change)

§2105.73, “Municipal Solid Waste Landfills”

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1. Proposed Municipal Solid Waste Landfills Regulation Revision

Deletions are shown with strikethroughs.

Additions are shown in **larger font, bolded, and underlined**.

PART E- Source Emission and Operating Standards

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Subpart 7 – Miscellaneous VOC Sources

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§2105.73 MUNICIPAL SOLID WASTE LANDFILLS

{Adopted July 15, 1997, Effective August 15, 1997. Amended mm/dd/2022, effective mm/dd/2022.}

- a. Applicability. The provisions of this subsection apply to each municipal solid waste landfill that commenced construction, reconstruction or modification **on or** before ~~May 30, 1991~~ **July 17, 2014** and has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition. Physical or operational changes made to an existing municipal solid waste landfill solely to comply with this subsection are not considered construction, reconstruction, or modification and would not subject an existing municipal solid waste landfill to the requirements of New Source Performance Standards for Municipal Solid Waste Landfills.
- b. **Each municipal solid waste landfill meeting the conditions of Subsection a shall comply with all of the applicable standards, requirements and provisions of 40 CFR Part 62 Subpart OOO, as amended, which are herein incorporated by reference.**
- ~~cb.~~ The provisions of this ~~subsection~~ are in addition to any applicable New Source Performance Standards for Municipal Solid Waste Landfills, or any other Pennsylvania Department of Environmental Protection or Allegheny County permit requirements.
- ~~de.~~ Definitions of all terms used, but not defined in this subsection, have the meaning given them in 40CFR ~~Part 60 Subpart WWW~~ **Part 62 Subpart OOO**, as amended. Terms not defined therein shall have the meaning given to them in the federal Clean Air Act, 40CFR Part 60 Subparts A and B, or this Article. For the purposes of these rules, “Administrator” shall **also** mean the Director of the Allegheny County Health Department ~~of~~ **or** his **or her** designated representative.
- ~~d.~~ ~~Each municipal solid waste landfill meeting the conditions of paragraph 1 of this subsection shall comply with all of the applicable standards, requirements and provisions of 40CFR Part 60 Subpart WWW, as amended, which are herein incorporated by reference with the exceptions as follows:~~
 - ~~1.~~ ~~Standards for air emissions from municipal solid waste landfills. The provisions of 40 CFR60.752 are applicable with the exception of the following:~~
 - ~~A.~~ ~~In lieu of 40CFR60.752(a)(2), the following provision applies: When an increase in the maximum design capacity of a landfill exempted from the provisions of 40CFR60.752(b) through 40CFR60.759 on the basis of the design capacity exemption in 40CFR60.752(a) results in a revised maximum design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, the owner or operator shall comply with the provisions of 40CFR60.752(b) through 40CFR60.759~~

B. ~~In lieu of 40CFR 60.752(b)(2)(i)(B), the following provision applies: The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40CFR60.753 through 40CFR60.758 proposed by the owner or operator. In addition, the collection and control design plan must specify: (1) the date by which contracts for control system/process modifications shall be awarded, (which shall be no later than 20 months after the date the NMOC emissions rate is first calculated to meet or exceed 50 megagrams per year); (2) the date by which on-site construction or installation of the air pollution control device(s) or process changes will begin (which shall be no later than 24 months after the date the NMOC emission rate is first calculated to meet or exceed 50 megagrams per year); and (3) the date by which the construction or installation of the air pollution control devices or process changes will be complete.~~

C. ~~In lieu of 40CFR60.752(b)(2)(ii), the provisions of paragraphs i and ii below shall apply:~~

~~i. Install and operate a collection and control system capable of meeting the requirements of 40 CFR60.752(b)(2) within 30 months after the date the NMOC emission rate is first calculated to meet or exceed 50 megagrams per year, unless Tier 2 or Tier 3 calculations demonstrate that the NMOC emission rate is less than 50 megagrams per year, as specified in 40CFR 60.757(c)(1) or (2).~~

~~ii. The provisions of 40CFR60.752(b)(2)(ii)(A) and (B) apply as stated therein.~~

~~2. Operational standards for collection and control systems. The provisions of 40CFR60.753 apply as stated therein.~~

~~3. Test methods and procedures. The provisions of 40CFR60.754 apply as stated therein with the exception of 40CFR60.754(e), which does not apply.~~

~~4. Compliance provisions. The provisions of 40CFR60.755 apply as stated therein.~~

~~5. Monitoring of operations. The provisions of 40CFR60.756 apply as stated therein.~~

~~6. Reporting requirements. The provisions of 40CFR60.757 apply as stated therein with the exception of the following:~~

~~A. In lieu of 40CFR60.757(a)(1) the following provision applies: The initial design capacity report shall be submitted by the effective date of this Subsection plus 90 days.~~

~~B. In lieu of 40CFR60.757(b)(1)(i), the following provision applies: The initial NMOC emission rate report shall be submitted by the effective date of this Subsection plus 90 days and may be combined with the initial design capacity report required in 40CFR60.757(a). Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in 40CFR60.757(b)(1)(ii) and 40CFR60.757(b)(3).~~

~~7. Recordkeeping requirements. The provisions of 40CFR60.758 apply as stated therein.~~

~~8. Specifications for active collection systems. The provisions of 40CFR60.759 apply as stated therein.~~

2. Technical Support Document

A. Background

The Clean Air Act (CAA) requires the U.S. Environmental Protection Agency (EPA) to establish performance standards for Municipal Solid Waste Landfills pursuant to section 111 of the Act. The EPA promulgates New Source Performance Standards (NSPS) for "new" MSW Landfills and Emission Guidelines (EG) for "existing" MSW Landfills. The NSPS and EG are based on the EPA's determination that MSW landfills cause, or contribute significantly to, air pollution that may reasonably be anticipated to endanger public health or welfare. The NSPS are directly enforceable Federal regulations. EG, on the other hand, promulgated under section 111(d) of the CAA, establish criteria for state and local agencies to develop control strategies for "existing" landfills. The EG are not themselves directly enforceable. Instead, states must submit to the EPA a Plan to implement and enforce the requirements of the EG.

If states fail to submit such plans, the EPA is required to develop, implement, and enforce a Federal plan for MSW Landfills located in any states that have not submitted an approvable plan. The majority of states and local agencies where such landfills are located, including Allegheny County, have not submitted state 111(d) plans for their MSW Landfills. Therefore, on May 21, 2021 (86 FR 27756), the EPA promulgated "Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014, and Have Not Been Modified or Reconstructed Since July 17, 2014," found at 40 CFR Part 62, Subpart OOO, ensuring implementation and enforcement of the EG until such states submit approvable plans.

As an alternative to submitting a state plan, EPA allows that a state may also meet its CAA section 111(d) obligations by submitting an acceptable written request for delegation of authority of the federal plan. (86FR27766, May 21, 2021).

B. History of Federal and ACHD MSW Landfills Regulations

Under authority of the CAA, the EPA has promulgated several regulations that apply to MSW landfills. In 1996, the EPA promulgated the original standards of performance for new MSW landfills (i.e., NSPS) at 40 CFR Part 60, Subpart WWW, and emission guidelines (EG) for existing MSW landfills at 40 CFR Part 60, Subpart Cc (61 FR 9905; March 12, 1996).

On October 23, 1997, the Commonwealth of Pennsylvania submitted on behalf of Allegheny County, the County's Section 111(d) plan for implementing EPA's 1996 MSW Landfills EG. EPA granted final approval effective April 16, 1999 (64 FR 13075, March 17, 1999). Concurrently, ACHD revised Article XXI by adding Section 2105.73, Municipal Solid Waste Landfills (reference ACHD file number APP-37) which satisfied the EG by essentially incorporating by reference the requirements of NSPS 40 CFR Part 60 Subpart WWW, with some explanations and minor exceptions.

(For the sake of completeness, it is noted here that in 1999, the EPA promulgated a Federal plan under CAA section 111 to implement the 1996 EG for MSW landfills located in states that did not

have approved and effective state plans (40 CFR Part 62, Subpart GGG) (64 FR 60689, November 8, 1999). This did not impact ACHD's regulatory requirements since, as just mentioned, ACHD had already submitted its 111(d) plan at that time.)

C. Current Federal and ACHD MSW Landfills Regulations

Beginning in 2014, the EPA reviewed the NSPS and EG based on changes in the landfill industry since the rules were first promulgated in 1996, including changes to the size and number of existing landfills, industry practices, and gas control methods and technologies. In August 2016, the EPA made several revisions to further reduce emissions of landfill gas (LFG) and its components and promulgated revised subparts for the MSW Landfills NSPS at 40 CFR Part 60, Subpart XXX, and the EG for existing MSW landfills at 40 CFR Part 60, Subpart Cf (81 FR 59276 and 59332, August 29, 2016).

As described earlier, the CAA regulations implementing the EG require states with existing MSW landfills subject to the EG to submit state plans to the EPA in order to implement and enforce the EG. CAA section 111 and 40 CFR 60.27(c) and (d) require the EPA to develop, implement, and enforce a Federal plan for existing MSW landfills located in any state that does not have an approved state plan that implements the 2016 MSW Landfills EG.

On August 22, 2019, the EPA proposed a Federal plan to implement the 2016 EG for MSW landfills located in states that did not have approved and effective state plans (40 CFR Part 62, Subpart OOO) (84 FR 43745, August 22, 2019).

The EPA promulgated a final action that established 40 CFR Part 62, Subpart OOO as the MSW Landfills Federal Plan to implement the 2016 MSW Landfills EG for those states that do not presently have an approved state plan (86 FR 27756, May 21, 2021).

Allegheny County does not presently have an approved 111(d) plan to implement the 2016 MSW Landfills EG.

As stated above, as an alternative to submitting a state plan, EPA allows that a state (or local agency) may meet its CAA section 111(d) obligations by submitting an acceptable written request for delegation of authority of the federal plan. This is the approach being taken by Allegheny County. In a document separate from this regulation revision, the ACHD is submitting a Request for Delegation of Authority to implement the Federal Plan requirements of 40 CFR Part 62, Subpart OOO.

In 1997, when ACHD submitted its 111(d) plan it also promulgated Section 2105.73 of Article XXI to incorporate by reference the requirements of 40 CFR 60 Subpart WWW. Now, in this 2022 Article XXI revision, ACHD proposes to update Section 2105.73 to remove the requirements of Subpart WWW and instead incorporate by reference the requirements of the Federal Plan for MSW Landfills codified at 40 CFR 62 Subpart OOO. Under this revision, Allegheny County's existing MSW landfills – those that commenced construction on or before July 17, 2014, and that have not been modified or reconstructed since July 17, 2014, will be regulated in accordance with 40 CFR Part 62 Subpart OOO.

Note that, although the issue is not addressed in Article XXI, Section 2105.73, MSW landfills that commence construction after July 17, 2014, will be regulated under NSPS 40 CFR Part 60 Subpart XXX. Article XXI Section 2105.05, "New Source Performance Standards," incorporates by reference all NSP established by EPA at 40 CFR Part 60.

The Pennsylvania Department of Environmental Protection (DEP) also does not have an approved 111(d) plan to implement the 2016 MSW Landfills EG, and it has also prepared a proposed Request for Delegation of Authority to implement the Federal Plan requirements of 40 CFR Part 62, Subpart OOO. PA DEP submitted it to public comment and a public hearing was held January 6, 2022. (51 Pa.B. 7569, December 4, 2021). In its request, PA DEP makes clear that its request excludes MSW landfills located in Allegheny and Philadelphia Counties.

Finally, because ACHD had a 111(d) Plan for the 1996 MSW Landfills EG, ACHD will request in its 2022 Request for Delegation of Authority that the plan approved effective April 16, 1999 (64 FR 13075, March 17, 1999) be withdrawn.

**3. Documentation of Public Hearing and Certifications
(All Later)**

Notice of Public Hearing

Transmittals of hearing notice to EPA & PA DEP

Proof of publication of notice of hearing

Certification of hearing

Summary of Comments and responses

Certification of approval and adoption