

Advocacy Submits Comments on the EPA's Proposed Rulemaking on Air Emission Standards for Municipal Solid Waste Landfills

On July 29, 2019, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking, “National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills Residual Risk and Technology Review.” On September 11, 2019, Advocacy filed public comments on this proposal. Advocacy believes that EPA’s proposal makes some very important progress in providing small entities regulatory flexibilities but that more can be done.

- Municipal Solid Waste Landfills are regulated under two different sections of the Clean Air Act: New Source Performance Standards (NSPS) and Emissions Guidelines under section 111; and National Emission Standards for Hazardous Air Pollutants (NESHAP) under section 112. The regulatory requirements under these standards are very similar because there is only one accepted technology to reduce air emissions from these landfills, namely a Gas Collection and Control System (GCCS).
- EPA and Advocacy have engaged with small entities beginning in 2013 as part of EPA’s rulemaking to revise the NSPS and Emission Guidelines. Small entities recommended new flexibilities to allow better and more effective management of the GCCS. In the 2016 final rule, EPA adopted some but not all these recommended flexibilities.
- This proposed rule, which is a review of the NESHAP required by the Clean Air Act, would make the NESHAP consistent the NSPS and give regulated entities a choice of regulation under the NSPS or the NESHAP to avoid future confusion. This proposed rule would also adopt some additional flexibilities, but impose additional recordkeeping and reporting burdens related to the exercise of those flexibilities.

Advocacy generally supports this rulemaking but recommends that EPA (1) should further raise the temperature operating thresholds to reduce unnecessary testing and reporting requirements and give more flexibility to manage the GCCS properly; (2) reduce the testing burden triggered by temperature exceedances by adopting more timely, flexible and effective requirements; and (3) provide greater flexibility in the definition of closed areas of a landfill.

For more information, visit Advocacy’s webpage at <https://advocacy.sba.gov>, or contact Assistant Chief Counsel David Rostker by email at David.Rostker@sba.gov or by phone at 202-205-6533.