

**AIR POLLUTION CONTROL DISTRICT  
COUNTY OF SAN DIEGO**

**TITLE 40 CODE OF FEDERAL REGULATIONS (CFR) PART 63,  
SUBPART AAAA - NATIONAL EMISSION STANDARDS FOR  
HAZARDOUS AIR POLLUTANTS (NESHAP):  
MUNICIPAL SOLID WASTE LANDFILLS**

**WORKSHOP REPORT**

A workshop notice concerning implementation of Title 40 Code of Federal Regulations (CFR) Part 63 Subpart AAAA—National Emission Standards for Hazardous Air Pollutants (NESHAP): Municipal Solid Waste Landfills, referred to as Subpart AAAA, was mailed to all landfill owners whose landfill meets the applicability requirements of Subpart AAAA. Notices were also mailed to all Economic Development Corporations and Chambers of Commerce in San Diego County, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and other interested parties.

The workshop was held on December 15, 2003. Eight people attended the workshop. Oral comments were received during the workshop from affected persons.

The workshop comments and Air Pollution Control District (District) responses are as follows:

**1. WORKSHOP COMMENT**

Is the District going to promulgate a separate regulation or adopt Subpart AAAA directly?

**DISTRICT RESPONSE**

The District is going to implement Subpart AAAA as promulgated by EPA and will not develop a separate regulation. This has been District policy since 1995 in order to ensure consistency with the federal and state regulations, conserve resources, and reduce adoption time.

**2. WORKSHOP COMMENT**

When does a new landfill have to begin complying with Subpart AAAA and when do they need to submit a Startup, Shutdown, and Malfunction (SSM) plan? Could the SSM plan be completed in conjunction with a permit to construct the gas collection system?

**DISTRICT RESPONSE**

A new landfill that is a major source of hazardous air pollutants (HAPs) (or is collocated with a major source) must comply with Subpart AAAA at the time they begin operating. A major source has the potential to emit 10 tons or more per year of a single HAP or 25 tons or more per

year of all HAPs combined. A new landfill that, even if not a major source, has a design capacity of greater than 2.75 million tons and estimated uncontrolled nonmethane organic compounds (NMOC) emissions greater than 55 tons per year must comply with the requirements of Subpart AAAA by the date the landfill is required to install a landfill gas collection and control system by 40 CFR Part 60 Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills, the new source performance standard (NSPS) for landfills. The Startup, Shutdown, and Maintenance plan requirement should be completed and submitted in conjunction with an application for a permit to construct the gas collection and control system. The SSM plan must be implemented no later than the date the landfill is required to install a landfill gas collection and control system by Subpart WWW.

### **3. WORKSHOP COMMENT**

Does a landfill have to meet both the 2.75 million ton capacity and the nonmethane organic compound (NMOC) emission rate of 55 tons per year in order for Subpart AAAA to be applicable to that landfill? Are these federal requirements?

#### **DISTRICT RESPONSE**

A landfill that is not a major source of HAPs must meet both the design capacity and the NMOC emissions criteria to be subject to Subpart AAAA. There are four landfills in San Diego county that currently meet these criteria: Miramar Landfill, Otay Landfill, San Marcos Landfill, and Sycamore Landfill. If a landfill is a major source of HAPs (or collocated with a major source of HAPs) it is subject to Subpart AAAA regardless of its design capacity and NMOC emission rate. At this time, there are no landfills in San Diego County that are major sources of HAPs. These criteria are specific federal requirements.

### **4. WORKSHOP COMMENT**

How does a landfill determine the NMOC emissions rate?

#### **DISTRICT RESPONSE**

NMOC emissions are calculated using procedures specified in Subpart WWW. The District can provide assistance to operators who are unsure of their emission rates.

### **5. WORKSHOP COMMENT**

If a landfill voluntarily installs a gas collection system before their calculated uncontrolled NMOC emission rate is above 55 tons per year, does this regulation still apply to them?

#### **DISTRICT RESPONSE**

If the landfill is a major source of HAPs, the operator must comply with Subpart AAAA from the time it begins operating. Therefore, a landfill that is a major source of HAPs should already be

complying with the applicable parts of Subpart AAAA when it installs a gas collection system and would begin complying with the additional requirements related to the collection system upon operation of the collection system.

Subpart AAAA also applies to a landfill that is not a major source of HAPs with a design capacity of at least 2.75 million tons after it has met the NMOC emission rate of 55 tons per year. In this case, a gas collection system could be installed before a non-major source landfill would have to comply with Subpart AAAA. However, once the estimated uncontrolled NMOC emission rate is above 55 tons per year, then Subpart AAAA would apply.

## **6. WORKSHOP COMMENT**

What are the main differences between Subpart WWW and District Rule 59.1?

### **DISTRICT RESPONSE**

District Rule 59.1 applies to existing facilities, while Subpart WWW applies only to facilities that have been constructed, reconstructed, or modified on or after May 30, 1991. Rule 59.1 primarily refers to Subpart WWW for standards and other requirements, with a few exceptions: Rule 59.1 differs from Subpart WWW in that the provisions applicable to flares differ from those in Subpart WWW, it excludes provisions concerning passive collection systems that are in Subpart WWW, and it requires obtaining a mitigation plan from the District to prevent public nuisance and minimize release of NMOC whenever landfill material is brought to the surface. These provisions were retained from existing Rule 59 at the time of Rule 59.1 adoption so that a single rule (59.1) would incorporate both federal and District requirements for affected landfills.

## **7. WORKSHOP COMMENT**

Can a facility be subject to both District Rules 59 and 59.1?

### **DISTRICT RESPONSE**

An owner or operator of an existing MSW landfill subject to the standards of Rule 59.1 must comply with Rule 59 until compliance with all applicable provisions of Rule 59.1 has been achieved. Once compliance with all applicable provisions of Rule 59.1 has been achieved then the landfill is no longer subject to the requirements of Rule 59.

## **8. WORKSHOP COMMENT**

Have any guidelines been created to assist the regulated community in complying with Subpart AAAA?

### **DISTRICT RESPONSE**

EPA has developed a guidance document explaining how to prepare a startup, shutdown, and malfunction plan for municipal solid waste landfills. This guidance can be found at [http://www.epa.gov/ttn/atw/landfill/lfssm12\\_03.pdf](http://www.epa.gov/ttn/atw/landfill/lfssm12_03.pdf).

### **9. WORKSHOP COMMENT**

It appears that Subpart AAAA applies to sources that must also comply with Subpart WWW.

### **DISTRICT RESPONSE**

All sources that are subject to Subpart AAAA must also comply with Subpart WWW or an EPA-approved state landfill plan that implements 40 CFR 60 Subpart Cc—Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills. EPA has approved Rule 59.1 in the California state landfill plan (111(d) State Plan) as satisfying Subpart Cc. Facilities in San Diego that are currently required by Subpart WWW or District Rule 59.1 to install a gas collection system must now also begin complying with the additional requirements of Subpart AAAA.

### **10. WORKSHOP COMMENT**

Is this regulation part of Subpart WWW or somehow related to the NSPS?

### **DISTRICT RESPONSE**

Subpart AAAA is not part of Subpart WWW but is required in order to reduce hazardous air pollutant emissions under Title III of the federal Clean Air Act (CAA). The CAA requires a NESHAP program for facilities in specific industries or source categories. Municipal landfills are one of those source categories. The CAA requires that, as part of each NESHAP, maximum achievable control technology (MACT) standards be developed for the affected source category. EPA determined that the requirements and emission guidelines in Subpart WWW and in state approved plans satisfy the MACT requirement for landfills. Consequently, instead of developing a new MACT standard for Subpart AAAA, EPA used Subpart WWW as the MACT standard with a few minor changes to the reporting requirements.

### **11. WORKSHOP COMMENT**

Do HAPs remain the same in Subpart AAAA as they are currently in the Subpart WWW?

### **DISTRICT RESPONSE**

Yes, Subpart AAAA and Subpart WWW both refer to the list of HAPs in Section 112(b) of the federal CAA. The current list can be found at <http://www.epa.gov/ttn/atw/188polls.html>. There have been a few modifications and deletions of HAPs since the list was originally published.

## **12. WORKSHOP COMMENT**

It does not appear as though there are any requirements in Subpart AAAA that are not in Subpart WWW.

### **DISTRICT RESPONSE**

Subpart AAAA requires all applicable landfills to meet the requirements of Subpart WWW or a state approved landfill plan, but it also adds a few requirements specific to NESHAPs. For example, landfills must comply with the applicable general provisions of 40 CFR Part 63 Subpart A – General Provisions, which is applicable to all NESHAPs. This includes the SSM plan requirement and submittal of compliance reports every six months. Another change is that, when computing three-hour monitoring block averages for continuous emission monitoring, data collected during startup, shutdown, or malfunction events are not included. In addition, the report required by Subpart WWW, Section 60.757(f), which only has to be submitted annually under Subpart WWW, must now be submitted semiannually under Subpart AAAA (the report content remains the same). Subpart AAAA also contains additional requirements for bioreactors.

## **13. WORKSHOP COMMENT**

Do we need to submit our SSM plan to the District by January 16, 2004? If not, then do you have a schedule for when you want us to submit our SSM plan?

### **DISTRICT RESPONSE**

Existing sources subject to Subpart AAAA should have complied with the SSM plan requirements by January 16, 2004. The District requested a written confirmation by February 16, 2004 from affected sources that a SSM plan had been prepared and implemented. The District required submittal of the SSM plan for review and approval by March 19, 2004.

## **14. WORKSHOP COMMENT**

Has the District made any determination about what equipment needs to be included in the SSM plan?

### **DISTRICT RESPONSE**

The SSM plan primarily refers to the gas collection, treatment, and control systems and associated monitoring equipment. Owners or operators of landfills and associated landfill equipment that collect, transport, treat, or combust landfill gas—including, but not limited to, power generation equipment, flares and/or gas treatment systems—are responsible for submittal of the plan. The SSM plan may consist of a facility's standard operating procedures manual, or an Occupational Safety and Health Administration (OSHA) plan or other plan provided that the plan minimizes emissions consistent with safety and good air pollution control practices and specifies that

malfunctions must be corrected as soon as possible. Guidance for preparing a SSM plan can be obtained by visiting <http://www.epa.gov/ttn/atw/landfill/landflpg.html> under the Implementation Information section.

## **15. WORKSHOP COMMENT**

Does Subpart AAAA define shutdown, malfunction, and deviation?

### **DISTRICT RESPONSE**

Subpart AAAA only defines the term *deviation*. *Deviation* is defined as “any instance in which an affected source subject to this subpart, or an owner or operator of such a source: (1) Fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emissions limitation or work practice standard; (2) Fails to meet any term or condition that is adopted to implement and applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or (3) Fails to meet any emission limitation, or work practice standard in this subpart during SSM, regardless of whether or not such failure is permitted by this subpart.”

The terms shutdown and malfunction are defined in 40 CFR Part 63 Subpart A, as amended on May 30, 2003. *Shutdown* is defined as “the cessation of operation of an affected source for any purpose,” and *malfunction* is defined as “a sudden infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded.”

## **16. WORKSHOP COMMENT**

What type of follow-up is the District planning after this workshop?

### **DISTRICT RESPONSE**

A follow-up meeting to this public workshop is not currently scheduled, but the District can always be contacted for questions regarding Subpart AAAA. The District also mailed a Compliance Advisory to all affected sources on January 21, 2004. See also the District’s response to Comment No. 8.

## **17. WORKSHOP COMMENT**

When is the first semi-annual report required by Subpart AAAA due to the District?

**DISTRICT RESPONSE**

The first semi-annual report is due six months from the date the regulation became applicable to a specific facility. The regulation became applicable January 16, 2004, for existing sources, which makes the first semi-annual report due July 16, 2004. The first reporting cycle can be adjusted with permission from the District to coincide with other semi-annual reporting already required for a facility, for example Title V reporting. After the first report, each subsequent report is due six months from the previous one.

**18. WORKSHOP COMMENT**

Does Subpart AAAA require that records be kept on-site for a pre-established length of time?

**DISTRICT RESPONSE**

Subpart AAAA requires that all records be maintained on-site for a minimum of five years. This includes all semi-annual reports and SSM plans. Whenever a SSM plan is updated or modified, the old versions must be retained on-site for a minimum of five years.