

INTEROFFICE MEMORANDUM

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From: Cindy Phillips TAL
PHILLIPS\_C
Dept: Air Resources Management
Tel No: 904/921-9534

TO: 22 addressees

CC: Patricia Comer TAL (COMER\_P)

Subject: Landfill Permitting Issues

Here are some questions to consider when determining the completeness of a Title V application for a landfill subject to 40 CFR 60 Subpart WWW.

1. Is the calculated NMOC emission rate greater than or equal to 50 megagrams per year?

If not, a gas collection and control system design plan is not required.

If so,

2. Is a collection and control system already installed?

If not, ask the applicant to submit a compliance plan stating when they plan to submit their system design plan and when they plan to install the system. (The deadline for submission of the design plan is December 31, 1997.)

If so,

3. Does the applicant state that the existing system already meets the requirements of WWW?

If not, ask the applicant to submit a compliance plan stating when they plan to submit their system design plan and when they plan to install the system. (Again, the deadline for submitting the system design plan is December 31, 1997.)

If so, request that the design plan be submitted for review to determine that it does meet the requirements of WWW. In this scenario (control system required, already installed, and supposedly meets the requirements of WWW) the review of the design plan is on the permitting timeclock. If, after having reviewed it, the permitting authority determines that the system design plan does not meet the requirements of WWW, a compliance plan should be requested that states when a revised design plan will be submitted and when the revisions to the system will be made. (Again, the deadline for submitting the design plan is December

31, 1997.) If the design plan does meet the requirements of WWW, the language requiring the submittal of a design plan obviously does not need to be included in the Title V permit specific conditions.

In all other scenarios, though a compliance plan must be received for the Title V application to be deemed complete, the collection and control system design plan itself does not need to be submitted until December 31, 1997. When the design plan is submitted, it should be reviewed within 90 days of receipt. [The collection and control system must be installed within 18 months of the submittal (not the approval) of the system design plan.]

Other things to know:

1. An air construction permit is not needed for existing landfills. For a new landfill not subject to PSD, three air related conditions will be included in the solid waste construction permit.
2. We are trying to work out an arrangement with solid waste permitting staff where they would review the collection part of the design plan, and air permitting staff would review the control part of the design plan.
3. According to EPA, when the 112(g) program is implemented (June 1998), new municipal waste landfills and expansions of existing municipal waste landfills are subject to review under 112(g). If a landfill will be a major source of HAP at any point in its lifetime, then it should be subject to a case-by-case MACT determination. In addition, the EPA intends to set MACT standards for municipal solid waste landfills by November 15, 2000. Section 112(g) will serve as an interim (June 1998-November 2000) process for the review and control of emission of HAP until and unless the MACT standard is promulgated. Although landfill expansions may not fit neatly under the definition of a process or production unit, the EPA believes it is sensible to view the "product" of a landfill as the containment of solid waste. Therefore an increase in the landfill's permitted capacity should be treated as addition of a new source. If the emission increase would be expected to meet the major source threshold at any point, then section 112(g) review would be triggered.