

EPA Finalizes New Source Performance Standards & Emission Guidelines for Landfills

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On July 15, 2016, EPA issued final New Source Performance Standards (NSPS) for new, modified, and reconstructed municipal solid waste (MSW) landfills and issued revised guidelines to reduce emissions from existing MSW landfills. These rulemakings update regulations that were issued in 1996 and are part of President Obama's Climate Action Plan.

Both rules require affected landfills to install and operate a gas collection control system within 30 months after landfill gas emissions reach a 34 metric tons of non-methane organic compounds (NMOC) per year. This represents a significant decrease from the current regulatory threshold to install controls of 50 metric tons of NMOC per year. Landfill owners/operators may control gas 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. The rules also impose surface monitoring requirements, wellhead operational standards, and startup, shutdown, and malfunction requirements, among other things.

The updated NSPS applies to landfills constructed, modified, or reconstructed after July 17, 2014, with a design capacity of at least 2.5 million metric tons and 2.5 million cubic meters of waste. EPA estimates that 128 new, modified, and reconstructed landfills will be subject to the final NSPS, and that, of these, 115 will be required to install controls by 2025. The NSPS requirements become effective 60 days after publication in the *Federal Register*. Any affected landfill with emissions over 34 metric tons of NMOC will then have 30 months to install controls.

The updated emission guidelines apply to existing landfills constructed, modified, or reconstructed on or before July 17, 2014, with a design capacity of at least 2.5 million metric tons and 2.5 million cubic meters. The emission guidelines will not apply to existing landfills immediately; rather, states will have nine months after the guidelines are published in the *Federal Register* to submit state plans for implementing the final guidelines. EPA will then be required to approve the state plans within four months, and if EPA disapproves a state's plan, EPA will impose a federal plan for compliance with the emission guidelines at landfills in the site. EPA estimates that 1,014 active landfills will be subject to the updated emission guidelines, with 731 expected to be controlling landfill gas by 2025.

Industry challenges to the rules are expected to be filed, but no court has stayed the rule thus far. Appeals of the rule must be filed within 60 days after publication in the *Federal Register*.

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