



Docket # 2-98

Air Pollution Control Board	
Greg Cox	District 1
Dianne Jacob	District 2
Pam Slater	District 3
Ron Roberts	District 4
Bill Horn	District 5

Air Pollution Control District
R. J. Sommerville Director

DATE: June 17, 1998

TO: Air Pollution Control Board

SUBJECT: Adoption of new Rule 59.1 (Municipal Solid Waste Landfills)
(District: All)

SUMMARY

Overview

Proposed new Rule 59.1 implements new federal mandates to control air emissions from existing municipal waste landfills. It incorporates new requirements of the federal New Source Performance Standards (NSPS) program. NSPS are adopted as Subparts by the Environmental Protection Agency (EPA) and apply throughout the country. Generally, NSPS apply only to new sources which commence construction or operation after the publication of an applicable Subpart.

NSPS for municipal solid waste landfills is unusual because it also applies to existing sources. It consists of two subparts. The first, Subpart WWW has been adopted by reference to the applicable Federal Register (8/13/97, APCB Item #2) eliminating a time consuming and costly local rule development process. It applies to new landfills that commenced construction or modification or began accepting waste on or after May 30, 1991.

The second, Subpart Cc - Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, applies to existing landfills constructed or reconstructed before May 30, 1991 and have accepted waste at any time since November 8, 1987. Subpart Cc cannot be adopted by reference because it is not written in regulatory format. Instead, Subpart Cc requires the District to adopt a rule regulating existing landfills at least as stringently as Subpart WWW and submit it to EPA for approval.

Proposed Rule 59.1 applies to all landfills regulated by Subpart Cc. It requires owners submit reports on the landfill's design capacity, defined as the maximum amount of solid waste a landfill is authorized to accept. Owners of landfills with a design capacity of 2.75 million tons or 88 million cubic feet or more must also submit periodic emissions reports. Landfills with a design capacity of 2.75 million tons or 88 million cubic feet or more and emitting 55 tons per year or more of non-methane organic compounds are subject to all emission control, monitoring, recordkeeping and reporting requirements of Subpart WWW. These sources must submit an emission collection and control system design plan for and operate the system according to all applicable provisions of Subpart WWW. Similar to Subpart Cc, the proposed rule does not explicitly specify all emission standards, recordkeeping, reporting and monitoring requirements. It refers instead to appropriate sections of Subpart WWW. It also includes a compliance schedule for landfills subject to both reporting and emission standards requirements.

There are 27 municipal waste landfills in San Diego County currently regulated by Rule 59 (Control of Waste Disposal Site Emissions). Twenty-three will remain subject to Existing Rule 59. Eight existing landfills (Miramar, Otay Mesa, Sycamore, San Marcos, Borrego, Las

SUBJECT: Adoption of new Rule 59.1 (Municipal Solid Waste Landfills)

Pulgas, Ramona and San Onofre) will be subject to the proposed rule. Four (Borrego, Las Pulgas, Ramona and San Onofre) will only be required to submit an initial design capacity report and will remain subject to Rule 59.

The four largest landfills (Miramar, Otay Mesa, Sycamore and San Marcos) will be subject to all requirements of Rule 59.1. After they demonstrate compliance with this rule they will be exempt from Rule 59. These landfills are already in compliance with all emission standards of the proposed rule because they meet the similar requirements of Rule 59.

Recommendation

AIR POLLUTION CONTROL OFFICER:

Adopt the resolution adding Rule 59.1 to the District Rules and Regulations and make appropriate findings:

- (i) of necessity, authority, clarity, consistency, non-duplication and reference as required by Section 40727 of the State Health and Safety Code;
- (ii) that adding Rule 59.1 will alleviate a problem and will promote attainment of ambient air quality standards (Section 40001 of the State Health and Safety Code);
- (iii) that an assessment of the socioeconomic impact of the proposed new rule is not required by Section 40728.5 of the State Health and Safety Code because the proposed new rule will not significantly affect air quality or emission limitations; and
- (iv) that there is no reasonable possibility that the new rule may have a significant adverse effect on the environment, and that adoption of new Rule 59.1 is categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Sections 15308, as an action taken to assure the maintenance or protection of the environment and where the regulatory process involves procedures for protection of the environment.

Fiscal Impact

Adopting Rule 59.1 will have no fiscal impact on the District.

Business Impact Statement

This proposal will not have a significant impact on the local business community because the four largest landfills subject to Rule 59.1 already comply with all emission control standards. There will be some additional costs to comply with the recordkeeping, reporting and monitoring requirements of Subpart WWW. However, these costs would be incurred if Rule 59.1 was not adopted because these requirements are mandated by federal law.

Alternatives

There are no alternatives to the proposed action because adoption of Rule 59.1 is required by federal law.

SUBJECT: Adoption of new Rule 59.1 (Municipal Solid Waste Landfills)

Advisory Statement

There was no quorum at the April 1998 meeting of the Air Pollution Control Advisory Committee. The members present recommended adopting the proposed new Rule 59.1.

BACKGROUND

Attachment I contains background information, information on compliance with Board policy on adopting new rules, additional information on Socioeconomic Impact Assessment requirements, and information on compliance with the California Environmental Quality Act.

Additional Information

Attachment II contains the Resolution adding Rule 59.1 to the District's Rules and Regulations.

Attachment III contains the report for the workshop held on September 11, 1997.

Attachment IV contains the Comparative Analysis of Rule 59.1 with other District, state and federal requirements pursuant to the Health and Safety Code Section 40727.2.

Concurrence:

Respectfully submitted,

LAWRENCE B. PRIOR III
Chief Administrative Officer

BY: ROBERT R. COPPER
Deputy Chief Administrative Officer



R. J. SOMMERVILLE
Air Pollution Control Officer

**AIR POLLUTION CONTROL BOARD
AGENDA ITEM INFORMATION SHEET**

SUBJECT: Adoption of new Rule 59.1 (Municipal Solid Waste Landfills)

CONCURRENCES

TD 5/26/98

COUNTY COUNSEL APPROVAL: Approval of Form ☒ Yes ☐ N/A
Type of Form: ☐ Standard Form ☐ Ordinance ☒ Resolution ☐ Contract
Review Board Letter Only ☐ Yes ☒ No

CHIEF FINANCIAL OFFICER/AUDITOR REVIEW: ☐ Yes ☒ N/A
Requires Four Votes: ☐ Yes ☒ No

CHIEF INFORMATION OFFICER: ☐ Yes ☒ N/A

DEPARTMENT OF HUMAN RESOURCES: ☐ Yes ☒ N/A

CONTRACT REVIEW PANEL: ☐ Yes ☒ N/A

Other Concurrences: _____ N/A

BUSINESS IMPACT STATEMENT: ☐ Yes ☒ N/A

PREVIOUS RELEVANT BOARD ACTION: Subpart WWW, 8/13/97 (APCB #2);
Rule 59, 11/3/87 (APCB #2)

BOARD POLICIES APPLICABLE: N/A

ORIGINATING DEPARTMENT: Air Pollution Control District County of San Diego

CONTACT PERSON: Richard. J. Smith, Deputy Director 750-3303 MS: 0-176



R.J. SOMMERVILLE
DEPARTMENT AUTHORIZED REPRESENTATIVE

JUNE 17, 1998
MEETING DATE

ATTACHMENT I

RULE 59.1 - MUNICIPAL SOLID WASTE LANDFILLS

BACKGROUND INFORMATION

On March 12, 1996, the U.S. Environmental Protection Agency (EPA) promulgated new Standards of Performance for New Stationary Sources (NSPS) and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills. Unlike all previous NSPS, this regulation includes both New Source Performance Standards for new landfills (Subpart WWW) and Emission Guidelines and Compliance Times for existing landfills (Subpart Cc).

Generally, NSPS apply to new sources which commence construction or operation after EPA publishes an applicable Subpart. The NSPS for municipal solid waste landfills is unusual because it also applies to existing sources. It consists of two parts. Subpart WWW applies to all landfills ("new landfills") that commenced construction, reconstruction, or modification, or began accepting waste on or after May 30, 1991. Subpart Cc applies to existing landfills for which construction or modification commenced before that date and have accepted waste at any time since November 8, 1987, or have additional design capacity for future waste deposition. Both Subparts WWW and Cc apply throughout the United States.

On August 13, 1997, Subpart WWW was adopted (8/13/97, APCB Item #2) by reference to the Federal Register (61FR 9905, March 13, 1996). This procedure approved by the Board eliminates a time consuming and costly local rule development process. Subsequently, the District requested EPA delegation to implement and enforce Subpart WWW locally. The delegation has not yet been received.

Subpart Cc cannot be adopted by reference because it is not written in regulatory format and does not directly impose requirements on existing sources. Instead, it requires the District to adopt a rule providing an enforceable mechanism to implement all applicable requirements of Subpart WWW and submit it to EPA for approval. Accordingly, proposed new Rule 59.1 is written in regular District rule format but does not directly specify all emission standards, monitoring, testing, recordkeeping and reporting requirements. Similar to Subpart Cc, the proposed rule refers to the corresponding sections of Subpart WWW.

Currently, all municipal waste landfills in San Diego County are regulated by Rule 59 (Control of Waste Disposal Site Emissions) that is more stringent in some respects than Subpart WWW. To avoid confusion and to provide consistency in regulatory requirements, proposed new Rule 59.1 also incorporates those provisions of Rule 59 that are more stringent than federal requirements. Accordingly, landfills subject to and in compliance with Rule 59.1 will be exempt from Rule 59.

Proposed Rule 59.1 applies to all landfills constructed or reconstructed before May 30, 1991, or having accepted any waste since November 8, 1987, or having added design capacity for future waste deposition. Design capacity is the maximum amount of solid waste a landfill can accept, as specified in the construction or operating permit.

The proposed rule requires owners or operators of all existing municipal waste landfills to submit an initial design capacity report within three months after adoption. Owners or operators of landfills, with a design capacity of 2.75 million tons or more must also determine the emission rate of non-methane organic compounds (NMOC) and report it within three months after rule adoption and periodically thereafter. Landfills with a design capacity of 2.75 million tons or more and with NMOC emissions of 55 tons per year or more are also subject to emission control

requirements. These sources must submit a design plan for an emission collection and control system, and install and operate it according to the requirements of Subpart WWW. They also have to comply with emission calculation procedures, operational standards, monitoring, reporting and recordkeeping requirements, test methods and compliance test procedures specified in the corresponding sections of Subpart WWW.

There are 27 municipal waste landfills in San Diego County. Nineteen will remain subject to existing Rule 59. They will not be subject to proposed Rule 59.1 because they are small and did not accept any waste since 1987. Similarly, four landfills (Borrego, Las Pulgas, Ramona and San Onofre) are only required to submit an initial design capacity report because of their small size. They are exempt from all other provisions of the proposed rule and continue to be subject to Rule 59.

The four largest landfills (Miramar, Otay Mesa, Sycamore and San Marcos) will be subject to all requirements of proposed Rule 59.1. After demonstrating compliance with the recordkeeping, reporting and monitoring requirements of the rule, they will be exempt from Rule 59. These landfills are already in compliance with all emission standards of proposed Rule 59.1 because they currently comply with similar requirements of Rule 59. As a result, landfill owners will not need to invest in new technology. However, there will be substantially more detailed recordkeeping, reporting and monitoring to comply with the federal requirements.

Compliance with Board Policy on Adopting New Rules

On February 2, 1993, the Board directed that, with the exception of a regulation requested by business or a regulation for which a socioeconomic impact assessment is not required, no new or revised regulation shall be implemented unless specifically required by federal or state law. The proposed adoption of Rule 59.1 is required by federal law.

Socioeconomic Impact Assessment

Section 40728.5 of the State Health and Safety Code requires the District to perform a socioeconomic impact assessment for new and revised rules and regulations significantly affecting air quality or emission limitations. Adopting Rule 59.1 will not affect air quality or emissions limitations because existing District Rule 59 combined with Subpart WWW has the same effect as proposed new Rule 59.1. Therefore, a socioeconomic impact assessment is not required.

California Environmental Quality Act

The California Environmental Quality Act requires an environmental review for certain actions. No significant adverse impacts on the environment have been suggested; no such impacts are reasonably possible. Adopting Rule 59.1 will not have a significant effect on the environment and is categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15308, as an action taken to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

Re Rules and Regulations of the)
Air Pollution Control District)
of San Diego County)

**RESOLUTION ADDING RULE 59.1
TO REGULATION IV
OF THE RULES AND REGULATIONS OF THE
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member SLATER, seconded by Member JACOB the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control Board, pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

WHEREAS, said Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been had relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code.

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be and hereby are amended as follows:

New Rule 59.1 are to read as follows:

RULE 59.1 MUNICIPAL SOLID WASTE LANDFILLS

(a) APPLICABILITY

(1) Except as provided in Section (b) below, this rule is applicable to each existing municipal solid waste (MSW) landfill.

(2) This rule does not apply to any new MSW landfill subject to the requirements of New Source Performance Standards Subpart WWW - Standards for Municipal Solid Waste Landfills (40 CFR 60.750).

(3) Except as provided in Subsection (i)(3), any MSW landfill subject to the requirements of Section (d) of this rule shall not be subject to Rule 59.

(b) EXEMPTIONS

The provisions of Section (d) shall not apply to MSW landfills with a design capacity less than 2.75 million tons (2.5 million Megagrams) in mass units or less than 3.27 million cubic yards (2.5 million cubic meters) in volume units, or with uncontrolled non-methane organic compound emissions less than 55 tons per year (50 Megagrams per year).

(c) **DEFINITIONS**

Except as noted below, all terms in this rule shall be defined as in 40 CFR 60.751 (Definitions).

(1) **"Administrator"** (as referred to in 40 CFR 60.750) means the Air Pollution Control Officer of the San Diego County Air Pollution Control District or his designee.

(2) **"Construction"** means fabrication, erection, or installation of a municipal solid waste landfill.

(3) **"Design Capacity"** means the maximum amount of solid waste a landfill can accept, as indicated in terms of volume or mass in the most recent permit issued by the state, local, or tribal agency responsible for regulating the landfill, plus any in-place waste not accounted for in the most recent permit. If the owner or operator chooses to convert the design capacity from volume to mass units or from mass to volume units, the calculations must include a site specific density, which must be recalculated annually.

(4) **"Emission Collection and Control System Design Plan (Design Plan)"** means the site-specific plan for the gas collection and control system proposed by the owner or operator of an MSW landfill.

(5) **"Existing Municipal Solid Waste Landfill"** means a landfill:

(i) for which construction or modification was commenced before May 30, 1991; and

(ii) which has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.

(6) **"Landfill Gas Transfer Path"** means any connection or fitting in the gas collection and control system including, but not limited to, gas wells, piping, flanges, valves, blowers, flame arresters, pipe fittings, and sampling ports.

(7) **"Modification"** means any increase in the permitted volume or mass design capacity of the landfill by either a horizontal or vertical expansion.

(8) **"Municipal Solid Waste (MSW) Landfill"** means an entire disposal facility in a contiguous geographical space, publicly or privately owned, where household waste is placed in or on land. Portions of an MSW landfill may be separated by access roads. An MSW landfill may also receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D (40 CFR 257 and 258) wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste.

(9) **"New Municipal Solid Waste Landfill"** means a landfill that commenced construction or modification or began accepting waste on or after May 30, 1991.

(10) **"Professional Engineer"** means a person who is legally licensed to engage in engineering practice in the State of California.

(11) **"Stationary Source"** means the same as defined in Rule 2.

(d) STANDARDS

(1) Every owner or operator of an existing MSW landfill with a design capacity of 2.75 million tons (2.5 million Megagrams) and 3.27 million cubic yards (2.5 million cubic meters) or more and with uncontrolled emissions of 55 tons per year (50 Megagrams per year) or more of non-methane organic compounds shall:

(i) install an emissions collection system meeting the requirements of 40 CFR 60.752(b)(2)(ii)(A). The provisions of 40 CFR 60.752(b)(2)(ii)(B) concerning passive collection systems shall not apply to MSW landfills subject to this rule; and

(ii) install an emissions control system meeting the requirements of 40 CFR 60.752(b)(2)(iii)(B) or (C). The provisions of 40 CFR 60.752(b)(2)(iii)(A) concerning the use of open flares shall not apply to MSW landfills subject to this rule.

(2) Every owner or operator of an existing MSW landfill subject to the requirements of Subsection (d)(1) of this rule shall:

(i) operate the collection system as specified in 40 CFR 60.753(d), so that the methane concentration is less than 500 parts per million by volume (ppmv) above background at the surface of landfill as measured pursuant to Subsection (g)(1), and

(ii) not allow any gas leaks along the landfill gas transfer path, which result in a concentration of 1375 ppmv or more, measured as methane, at a distance of 1.3 centimeters (0.5 inches) from the transfer path, other than non-repeatable momentary readings, and

(iii) not allow leachate and/or condensate from the landfill to reach any surface where non-methane organic compounds can be evaporated into the atmosphere, and

(iv) comply with all other operational standards and monitoring requirements specified in 40 CFR 60.753 and 60.756, respectively, and

(3) Flares used to control the emissions of landfill gases shall be equipped with automatic shutoff mechanisms designed to immediately stop the flow of landfill gases when a flame-out occurs. During restart or startup, there shall be sufficient flow of propane or commercial natural gas to the burners to ensure that unburned landfill gases are not emitted to the atmosphere, and

(4) Whenever landfill material is to be brought to the surface during the installation or preparation of wells, piping, or other equipment, or when landfill waste is to be excavated and moved, the owner/operator shall first obtain and then follow mitigation measures approved in writing by the Air Pollution Control Officer to prevent public nuisance and to minimize the release of non-methane organic compounds.

(e) RECORDKEEPING AND REPORTING

(1) Every owner or operator of an existing MSW landfill subject to this rule shall submit to the Air Pollution Control Officer an initial design capacity report and amendments (if any) in accordance with 40 CFR 60.752(a) by *(three months after rule adoption)*.

(2) Every owner or operator of an existing MSW landfill with a design capacity of 2.75 million tons (2.5 million Megagrams) and 3.27 million cubic yards (2.5 million cubic meters) or more, shall comply with the non-methane organic compound emission rate reporting requirements of 40 CFR 60.752(b) by *(three months after rule adoption)* and at least once every 12 months, unless otherwise approved in writing by the Air Pollution Control Officer.

(3) Every owner or operator of an existing MSW landfill subject to the requirements of Section (d) of this rule shall:

(i) comply with the reporting and recordkeeping requirements specified in 40 CFR 60.757 and 60.758, respectively, and

(ii) comply with the recording requirements, associated with surface emission monitoring, specified in 40 CFR 60.755(c)(4).

(f) TEST METHODS AND EMISSION CALCULATION PROCEDURES

(1) Compliance with and applicability of this rule shall be determined using the test methods, calculation procedures and measurement procedures specified in 40 CFR 60.754 and 40 CFR 60.755.

(2) An alternative test method may be used provided such method has been approved, in advance, by the Air Pollution Control Officer and U.S. Environmental Protection Agency.

(g) COMPLIANCE TEST REQUIREMENTS

Every owner or operator of an existing MSW landfill subject to the requirements of Section (d) of this rule shall comply with the compliance test requirements and the instrument specifications and monitoring procedures specified in 40 CFR 60.755, except as provided below:

(1) surface emission monitoring, as required by 40 CFR 60.755(c)(3), shall be conducted with the probe inlet placed within 1.3 centimeters (0.5 inches) of the ground, and

(2) any surface emission concentration of 500 ppmv or more, measured as methane, with the probe inlet placed within 5 to 10 centimeters (2 to 4 inches) of the ground, not recorded as specified in Subsection (e)(3)(ii) and identified at the time of the District compliance inspection, shall be considered a violation of this rule.

(h) EMISSION COLLECTION AND CONTROL SYSTEM DESIGN PLAN

(1) The owner or operator of any MSW landfill subject to the requirements of Subsection (d)(1) of this rule shall submit to the Air Pollution Control Officer for approval a site-specific emission collection and control system design plan prepared by a professional engineer as provided in 40 CFR 60.752(b)(2)(i).

(2) The design plan shall either meet the specifications for active collection system outlined in 40 CFR 60.759 or demonstrate to the satisfaction of the Air Pollution Control Officer that the alternative collection system is sufficient to comply with the requirements of 40 CFR 60.759.

(3) The design plan shall also include alternatives, if any, to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting requirements of 40 CFR 60.753 through 40 CFR 60.758.

(i) **COMPLIANCE SCHEDULE**

(1) Every owner or operator of an existing MSW landfill subject to the requirements of Section (d) of this rule shall meet the following increments of progress:

(i) By *(12 months after rule adoption)*, submit to the Air Pollution Control Officer, a proposed emission collection and control system design plan as specified in Section (h), and an application for Authority to Construct and Permit to Operate the emission collection and control system.

(ii) By *(30 months after rule adoption)*, install the emission collection and control system as specified in Subsection (d)(1).

(iii) By *(36 months after rule adoption)*, demonstrate compliance with all applicable provisions of this rule.

(2) Every owner or operator of an existing MSW landfill not subject to the requirements of Section (d) of this rule on *(date of adoption)* shall, upon becoming subject to such requirements, meet the following increments of progress:

(i) By 12 months after first becoming subject to the requirements of Section (d), submit to the Air Pollution Control Officer a proposed emission collection and control system design plan as specified in Section (h), and an application for Authority to Construct and Permit to Operate the emission collection and control system.

(ii) By 30 months after first becoming subject to the requirements of Section (d), install the emission collection and control system as specified in Subsection (d)(1).

(iii) By 36 months after first becoming subject to the requirements of Section (d), demonstrate compliance with all applicable provisions of this rule.

(3) Every owner or operator of an existing MSW landfill subject to the requirements of Section (d) of this rule shall comply with Rule 59 until compliance with all applicable provisions of Rule 59.1 has been achieved.



This is a true and correct copy of the original document as filed in the office of the County Clerk of the County of San Diego, California, on this 1st day of January, 1991.

[Signature]
Clerk of the County of San Diego, California

By Deputy

IT IS FURTHER RESOLVED AND ORDERED that the subject addition of Rule 59.1 to Regulation IV, shall take effect upon adoption.

PASSED AND ADOPTED by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this 17th day of June, 1998 by the following votes:

AYES: Cox, Jacob, Slater, Roberts, Horn

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution which is now on file in my office.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By Adair Gomez
Adair Gomez, Deputy

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL
BY H. Dutton
DEPUTY



No. 98-154
6/17/98 (APCB 2)

This is a true certified copy of the original document on file on of record in my office. It bears the seal of the County of San Diego and signature of the Clerk of the Board of Supervisors, imprinted in purple ink.

Thomas J. Pastuszka
Clerk of the Board, San Diego County, California
Date: 6/17/98 By Deputy: Adair Gomez



**AIR POLLUTION CONTROL DISTRICT
SAN DIEGO COUNTY**

NEW RULE 59.1 - MUNICIPAL SOLID WASTE LANDFILLS

WORKSHOP REPORT

A workshop notice was mailed to all companies and government agencies in San Diego County that may be subject to the proposed new Rule 59.1 - Municipal Solid Waste Landfills. 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 September 11, 1997, and was attended by eight people. The comments and District responses are provided below. In addition, the EPA will be amending federal Subpart Cc and Subpart WWW in the near future. Accordingly, proposed new Rule 59.1 has been amended to reflect the expected future changes.

1. WORKSHOP COMMENT

Subsection (h)(2) states that "every owner or operator of an existing MSW landfill not subject to the requirements of Section (d) of this rule shall, upon becoming subject to Section (d), meet the following increments of progress:..." At what point in the modification or permitting process will the existing landfill become subject to Section (d) and thus subject to Subsection (h)(2) requirements?

DISTRICT RESPONSE

Subsection (h)(2) becomes effective when the Authority to Construct is issued for a modification of an existing landfill and it is demonstrated through emission calculations that, because of the modification, the uncontrolled non-methane organic compound emissions will increase to 55 tons per year or more. Subsection (h)(2) may also become effective when an existing landfill, exempt under Section (b) shows, through the submittal of the annual non-methane organic compound emission rate report, an increase in the non-methane organic compound emissions to 55 tons per year or more.

2. WORKSHOP COMMENT

EPA is developing a modeling program to estimate the landfill gas emissions. What is the status of that program and will it be available on the EPA web site?

DISTRICT RESPONSE

The latest version (October 1997) of the modeling program for landfills is currently available on the EPA TTN Bulletin Board. The manual that accompanies the program is still in the review phase and is not available yet. The modeling program has a Read Me file that will assist users. The modeling program and the Read Me file dated October 30, 1997, can be found at the following Website address: <http://www.epa.gov/ttnchie1/software.html>.

3. WORKSHOP COMMENT

Once the District revises the workshop draft of this rule, will it be made available to all interested parties?

DISTRICT RESPONSE

Yes. The District responds in the workshop report to all issues raised during the workshop and all comments received. A copy of the workshop report will be mailed to all workshop attendees and other interested persons together with a revised draft of Rule 59.1. All changes to the present draft rule will be underlined.

4. WORKSHOP COMMENT

Existing landfills are presently subject to District Rule 59. Some of the existing landfills will also be subject to the proposed Rule 59.1. Is it possible to exempt landfills subject to proposed Rule 59.1 from either all or a portion of Rule 59?

DISTRICT RESPONSE

The District agrees and has added language to the proposed rule exempting landfills subject to Rule 59.1 from the requirements of Rule 59. The District has also revised proposed Rule 59.1 to include several requirements from Rule 59 that will make these two rules equivalent in stringency. Specifically, Rule 59.1 now prohibits gas leaks along the landfill gas transfer path, requires flares to be equipped with automatic shutoff mechanisms and does not allow leachate or condensate to reach any surface where it could be a source of non-methane organic compound emissions. In addition, some provisions of Subpart Cc that would allow use of a passive collection system and open flares are less stringent than Rule 59 requirements and therefore were excluded from the proposed rule.

5. WORKSHOP COMMENT

When will proposed Rule 59.1 be adopted?

DISTRICT RESPONSE

The District is planning to submit Rule 59.1 for public hearing in June 1998.

6. WORKSHOP COMMENT

Will Rule 59 be revised and if so, what is the time table for the revision?

DISTRICT RESPONSE

At this time, the District does not intend to revise Rule 59. As stated in the District response to Comment #4, some provisions of Rule 59 have been incorporated into proposed Rule 59.1. This will make proposed Rule 59.1 and Rule 59 essentially equivalent.

7. WORKSHOP COMMENT

For landfills subject to proposed Rule 59.1, will there be separate permitting fees or will the cost of permitting be incorporated in the federal Title V operating permit for the landfill gas collection system?

DISTRICT RESPONSE

The District will incorporate the permitting fees related to Rule 59.1 requirements into any existing and future new landfill permits. If an application is required to modify a landfill to comply with Rule 59.1, a separate fee will be required. If there is a separate operating permit for the landfill gas collection system, the fees will be apportioned between the landfill and the gas collection system. Any additional costs associated with Rule 59.1 and/or Title V requirements will be added to the annual District permit renewal fees.

8. WORKSHOP COMMENT

Is proposed Rule 59.1 applicable only to landfills with a design capacity above 2.75 million tons?

DISTRICT RESPONSE

No. All existing landfills are subject to proposed Rule 59.1. Some of them must comply only with reporting and recordkeeping requirements, while others must comply also with emission standards. The proposed rule requires all existing landfills to submit an initial design capacity report and amendments (if any) in accordance with 40 CFR 60.752(a). Generally, this is all that is required from small active and inactive landfills with a design capacity of less than 2.75 million tons and 3.27 million cubic yards. Existing landfills with a larger design capacity must also submit a non-methane organic compound emission rate report. Existing landfills with both a design capacity of 2.75 million tons and 3.27 million cubic yards or more and non-methane organic emission rate of 55 tons per year or more must install an emissions collection and control system which would comply with all applicable requirements of proposed Rule 59.1.

9. WRITTEN COMMENT

Under proposed Rule 59.1, which refers to a corresponding provision of the federal regulation (Subpart WWW), in the event of a surface emission standard exceedance, an owner or operator must take certain corrective actions specified in 40 CFR 60.755(c)(4). Therefore, according to the federal regulation, this exceedance does not constitute a rule violation. District Rule 59, presently applicable to landfills that are also subject to the proposed new rule, does not have similar provisions. In fact, as currently enforced, if a District inspector finds an exceedance of the emission standard of Rule 59, he or she will consider this exceedance a rule violation. As the corrective action is the beneficial result, Rule 59.1 should include language specifying that corrective actions will be the first means of enforcement.

DISTRICT RESPONSE

The District agrees. Language has been added to proposed Rule 59.1 to specify that if an exceedance of an emission standard was found during a District inspection with the sample probe located at 1.3 cm (0.5 in) from the ground (the distance presently used by the District), this exceedance is subject to the "fix-it" provisions of Subpart WWW (40 CFR 60.755(c)(4)). However, if an unrecorded surface emission exceedance was found during a District inspection with the sample probe located at 5-10 cm (2-4 in.) from the ground, it will be considered a rule violation.

10. WRITTEN COMMENT

The City of San Diego believes that the Miramar site consists of three separate landfills, i.e. these landfills represent three separate stationary sources. Has EPA provided the District with some input on this issue?

DISTRICT RESPONSE

The District consulted with EPA staff and reviewed EPA guidance documents on this issue. The EPA guidance document states that a landfill is considered a single stationary source if the landfill cells are contiguous and under common ownership or control, even if a road separates the landfill cells. Based on this guidance, the District's and EPA agree that the City of San Diego landfills at Miramar site constitute a single stationary source. For rule clarification, a definition of stationary source will be added to Section (c).

11. ARB COMMENT

Section (c)(1), definition of "Administrator," should be changed to be consistent with the definition that was developed by the Statewide Landfill Workgroup with concurrence from EPA Region IX.

DISTRICT RESPONSE

The District has made the necessary changes to the rule to comply with the intent of the definition of "Administrator" (see Section (h) and Subsection (f)(2)).

12. ARB COMMENT

Section (d) should include requirements for the submission of the design plan with proposed alternatives, if any.

DISTRICT RESPONSE

The District agrees. These requirements are specified in new Section (h).

13. ARB COMMENT

Subsection (h)(1)(ii), allows an additional three months for the owner or operator to demonstrate compliance with Section (d) of Rule 59.1. The District should change this subsection to allow only 30 months (instead of 33 months) after rule adoption for the installation of the emission collection and control system, as required by Subpart Cc (Emission Guidelines).

DISTRICT RESPONSE

The District agrees. The increment of progress in Section (h) for the installation of the emission collection and control system has been changed to 30 months .

14. ARB COMMENT

Subsection (a)(2) is an exemption and should be moved to Section (b).

DISTRICT RESPONSE

The District disagrees. For clarity and consistency with other District rules, the exemption will remain in Subsection (a)(2).

15. ARB COMMENT

Section (c) does not have a definition for the "emission collection and control system design plan," which is used throughout Rule 59.1. For clarity, it is recommended that the District add the definition.

DISTRICT RESPONSE

The District agrees. A definition for "emission collection and control system design plan" has been added to Section (c).

16. ARB COMMENT

Subsections (e)(1) and (e)(2) provide the reporting requirements for the initial design capacity and non-methane organic compound emission rate reports. For clarity and consistency, these requirements should be moved to Section (h).

DISTRICT RESPONSE

The District disagrees. For clarity and consistency with other District rules, Subsections (e)(1) and (2) will remain under Section (e).

17. ARB COMMENT

The landfill gas collection well placement and design compliance provisions of 40 CFR 60.755(b) were omitted from Section (g). To satisfy the requirements of Subpart Cc, these provisions should be included in Section (g).

DISTRICT RESPONSE

The District agrees and has made the appropriate changes to Section (g).

COMPARATIVE ANALYSIS

RULE 59.1 (MUNICIPAL SOLID WASTE LANDFILLS)

STATUTORY REQUIREMENTS

Section 40727.2 of the California Health & Safety Code requires the District to perform a written analysis identifying and comparing the air pollution control standards and other provisions of proposed new Rule 59.1 with existing or proposed District rules and guidelines, and existing federal or state rules, requirements and guidelines that apply to the same source category. This analysis must be prepared prior to adopting, amending, or repealing a rule or regulation as part of the required findings of necessity, authority, clarity, consistency, nonduplication, and reference.

ANALYSIS

A comparative analysis of proposed new Rule 59.1 was conducted regarding emission limits, operating parameters, monitoring and testing, record keeping, and reporting requirements. Rule 59.1 was compared with the corresponding standards of District Rule 59 (Control of Waste Disposal Site Emissions) and with federal Subparts WWW (Standards of Performance for Municipal Solid Waste Landfills) and Cc (Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills).

Currently, municipal waste landfills are regulated by District Rule 59. It was adopted in 1987 to control landfill gas emissions from waste disposal sites in San Diego County greater than one acre. Federal New Source Performance Standards Subparts WWW and Cc were recently enacted to regulate non-methane organic compound (NMOC) emissions from municipal solid waste landfills with annual releases of 55 tons of NMOC or more. Four San Diego County waste disposal sites are currently subject to both the District and the federal requirements.

Rule 59.1, as proposed, would adopt the federal requirements for local sites subject to the Emission Guidelines and exempt these facilities from the previously applicable Rule 59 in accordance with the compliance schedule specified in the rule. Rule 59.1 would retain a few significant requirements of Rule 59 that were not addressed in the federal regulations regarding passive gas collection systems, open flares, equipment leaks, leachate, condensate, and automatic shutoff valves.

As a result, municipal waste landfills in San Diego County subject to and in compliance with new proposed Rule 59.1 will be exempt from current District Rule 59. This will assure consistency and avoid duplication of regulatory requirements.

The following table provides a detailed comparison of the District and federal requirements with new proposed Rule 59.1.

ELEMENTS	DISTRICT REQUIREMENTS		FEDERAL REQUIREMENTS
	PROPOSED RULE 59.1	CURRENT RULE 59	
EMISSION LIMITS			NSPS and Emission Guidelines
- Gas Control Systems	Same as Federal requirements.	Installation required if landfill area exceeds 1 acre and the concentration of nonmethane organic compounds exceeds 500 ppmv as methane at any point immediately above the surface of the landfill.	Installation required if design capacity exceeds 2.75 million tons and 3.27 million cubic yards and uncontrolled nonmethane organic emissions are 55 tons per year or more.
- Passive gas collection systems and open flares	Same as Rule 59.	Installation not allowed.	Installation allowed under certain circumstances.
- NMOC Destruction Efficiency	Same as Federal requirements.	BACT (currently defined as an enclosed flare with 98% NMOC reduction by weight).	98% NMOC reduction by weight or outlet concentration of less than 20 ppmv, dry basis, as hexane corrected to 3% oxygen.
- Surface Emission Limit	Same as Federal requirements.	Landfill gas surface emissions not to exceed 500 ppmv as methane at any location at any time monitored 0.5 inches above the surface.	Landfill gas surface emissions not to exceed 500 ppmv as methane at any unmarked location monitored 2 to 4 inches above the surface.
- Equipment Leaks	Same as Rule 59.	Landfill gas emissions not to exceed 1375 ppmv as methane at a distance of 0.5 inches from any part of the control system.	No requirements.
- Leachate & condensate	Same as Rule 59.	Not allowed to reach any surface where NMOC can evaporate into the atmosphere.	No requirements.

Rule 59.1 Comparative Analysis

ELEMENTS	DISTRICT REQUIREMENTS		FEDERAL REQUIREMENTS
	PROPOSED RULE 59.1	CURRENT RULE 59	
OPERATING PARAMETERS <ul style="list-style-type: none"> - Extraction well landfill gas pressure - Extraction well landfill gas temperature - Extraction well landfill gas air content - Automatic shutoff valve 	Same as Federal requirements.	No requirements.	NSPS and Emission Guidelines
	Same as Federal requirements.	No requirements.	A negative pressure must be maintained at each wellhead.
	Same as Federal requirements.	No requirements.	Landfill gas temperature must be less than 55 C at each wellhead.
	Same as Federal requirements.	System must be designed to prevent overdraw and fires (currently defined as oxygen <3.5% at combustion device).	Nitrogen concentration must be less than 20% or oxygen concentration must be less than 5% at each wellhead.
	Same as Rule 59.	Installation required to prevent emissions during flameout.	No requirement.
MONITORING AND TESTING <ul style="list-style-type: none"> - Surface gas monitoring - Wellhead pressure, temperature, and air content. - Gas flow meter, temperature monitoring device, and continuous recorders. - Initial performance testing 	Same as Federal requirements.	No required frequency.	Requires minimum quarterly inspections with follow-ups in 10 days for problem areas.
	Same as Federal requirements.	Requires BACT (currently defined as continuous oxygen analyzer).	Requires minimum monthly inspections of each wellhead.
	Same as Federal requirements.	Requires BACT (currently defined as gas flow meter, temperature monitor, and oxygen analyzer which activate automatic shut off to prevent unsafe conditions). No continuous recorders required.	Requires installation of gas flow meter, temperature monitoring equipment, and continuous recorders.
	Same as Federal requirements.	Requires BACT (currently defined as initial testing of gas control systems >1000 scfm).	Requires initial test of gas control system to verify NMOC reduction.
	Same as Federal requirements.		

Rule 59.1 Comparative Analysis

ELEMENTS	DISTRICT REQUIREMENTS		FEDERAL REQUIREMENTS
	PROPOSED RULE 59.1	CURRENT RULE 59	
RECORD KEEPING			NSPS and Emission Guidelines
- General waste and operating records	Same as Federal requirements.	No requirements.	Required to be maintained for a minimum of 5 years.
- Control system design and operating records	Same as Federal requirements.	No requirements.	Required to be maintained for the life of the control equipment.
REPORTING			-
- SWAT (Solid waste air quality assessment testing)	Same as Federal requirements.	Required state testing program, completed for all sites in 1989.	No requirements.
- DESIGN CAPACITY REPORT	Same as Federal requirements.	No requirements	Requires initial report and amendments when site is expanded.
- NMOC EMISSION RATE REPORT	Same as Federal requirements.	No requirements.	Requires annual emission reports
- CLOSURE REPORT	Same as Federal requirements.	No requirements.	Requires report within 30 days of waste acceptance cessation.
- EQUIPMENT REMOVAL REPORT	Same as Federal requirements.	No requirements.	Requires report within 30 days of removal or cessation of operation of control equipment.
- ANNUAL REPORT	Same as Federal requirements.	No requirements.	Requires annual report of active collection system recorded information; operating parameter exceedances, down periods, surface monitoring results, and collection system modifications,.