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New EPA Gas Emissions Rules Present Many Questions

Despite unanswered questions, and much work ahead in many jurisdictions, affected states are expected to move forward to comply immediately.

Arlene Karidis | Apr 11, 2017

The U.S. Environmental Protection Agency (EPA) finalized its New Source Performance Standards (NSPS) and Emissions Guidelines last summer . The changes have raised multiple industry concerns and confusion.

There are now several coexisting rules and uncertainty about which one applies when, for whom. Further complicating the scenario, some states are developing their own rules, requiring EPA approval. Despite unanswered questions, and much work ahead in many jurisdictions, affected parties are expected to move forward to comply immediately.

Meanwhile, an industry group has challenged the EPA in court over some of their concerns.

A main provision of the new federal rule, Subpart XXX, is a lowered non-methane organic compound emissions threshold—from 50 MG per year to 34 MG per year for landfills with a capacity of 2.5 million megagrams and 2.5 million cubic meters. Landfills surpassing the threshold for the first time have a short window to install gas collection control systems.

“If landfills have had modifications since the July 2014 cutoff date that subject them to the rule, they must comply. Their initial deadlines have passed. Now they face new deadlines this year and have to figure out their compliance strategy,” says Pat Sullivan, senior vice president of SCS Engineers. Sullivan will speak at a WasteExpo session called Regulatory Update: What About XXX Landfills , Tuesday, May 9 at 11 a.m. in New Orleans.

Determining how to comply with new and existing gas emission rules is the top concern of an industry group, including National Waste & Recycling Association (NWRA), Solid Waste Association of North American (SWANA), Waste Management and Republic.

“We are trying to figure out how to comply and finding issues tied to when, and for how long, the old rules apply and where and when the new ones begin,” says Sullivan. The new rule supplies no language to clarify timeframes.

SWANA, NWRA, Waste Management and Republic recently challenged Subpart XXX and the gas emissions guidelines in court.

The industry group has presented several administrative petitions: one is to reconsider the new federal rule. One is to stay the rule. Another is to resolve issues in the rule that industry commented on earlier that was not addressed, and they have asked for reconsideration of details it was not provided opportunity to review and comment on prior to final approval, says Amy Banister, senior director of Air Programs, Waste Management. Banister will also present at WasteExpo.

“We hope for the opportunity to sit down with EPA and comment and get a stay. While the stay is in place, we hope to sit with the agency to determine how to fix the rules,” says Banister.

The requirement to move forward on Subpart XXX has accentuated uncertainty for sites that must comply for the first time who are not set up to do so.

Delaware is among a few states who are ahead of the curve.

“We are in a different situation than many states because we have three landfills subject to Subpart XXX that were already compliant. We won’t have landfills having to install whole gas systems,” says Angela Marconi, managing engineer, Department of Natural Resources and Environmental Control for Delaware. Marconi will speak at WasteExpo.

The state plan will be presented in a public hearing this month for adoption in the Delaware register, then go to EPA for review and approval.

“For Delaware there will only be a couple of operational changes. For states that will first come into the rule ... it will be more challenging. There are more timeframes that would play into deadlines. Or they may have to go through Tier 4 testing to show that, despite they are above thresholds, they aren’t having fugitive emissions through landfill surfaces. Tier 4 testing would require facilities to start surface emission monitoring before they have gas collection systems, and that’s brand new territory,” says Marconi.

Though she believes the new additions will have payoffs.

Landfills will be able to have better odor management, better overall control and improved operations, she says.

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