



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

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MAY - 4 2012

Mr. Karl Brooks
Regional Administrator
U.S. EPA, Region VII
901 North Fifth Street
Kansas City, KS 66101

Dear Mr. Brooks:

The Missouri Air Conservation Commission has recently revised or promulgated the following regulation(s) for the Missouri State Implementation Plan (SIP). The following is enclosed for your review:

10 CSR 10-5.490 Municipal Solid Waste Landfills

This proposed amendment will update the rule to maintain consistency with the federal emission guidelines for municipal solid waste landfills, subpart Cc, that were published in the Federal Register on April 10, 2000, October 17, 2000, and September 21, 2006. These updates corrected typographical and formatting errors and corrected inconsistencies from previous final rule actions. At the same time, additional language and formatting changes are being made for consistency with 10 CSR 10-6.310. Note that definitions proposed for removal in this rulemaking have been added to the general definition rule, 10 CSR 10-6.020.

The commission adopted the enclosed rule action(s) on February 2, 2012, after considering comments received at public hearing. The commission has full legal authority to develop rules pursuant to Section 643.050 of the Missouri Air Conservation Law. The state followed all applicable administrative procedures in proposing and adopting the rule action(s). Enclosed are the required SIP submittal elements for determination of plan completeness per 40 CFR Part 51, Appendix V.

The Missouri Department of Natural Resources requests that the U.S. Environmental Protection Agency amend the SIP to replace the current rule(s) in the SIP.

Also, the Missouri Department of Natural Resources requests that the U.S. Environmental Protection Agency approve this plan for existing municipal solid waste landfills pursuant to section 111(d) of the Clean Air Act.

Compliant with the April 6, 2011 SIP regional consistency memo, an exact duplicate of this

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submittal is also being provided as an electronic attachment in an email to the Region VII Missouri coordinator.

Thank you for your attention to this matter. If you have any questions regarding this submittal, please contact Wendy Vit, with the Department's Air Pollution Control Program at P.O. Box 176, Jefferson City, MO 65102 or by phone at (573) 751-7840.

Sincerely,

AIR POLLUTION CONTROL PROGRAM

Original signed by Kyra L. Moore

Kyra L. Moore
Director

KLM:pmc

Enclosures:

Copy of rule published in CSR
Copy of commission signature page certifying Missouri Air Conservation Commission adoption
Copy of technical support documentation for rule (if applicable)
Copies of public hearing newspaper notices
Copy of public hearing transcript introductory statement
Copy of MO Reg proposed rulemaking
Copy of MO Reg order of rulemaking with comments/responses

c: Missouri Air Conservation Commission



(5) Test Methods. (Not Applicable)

*AUTHORITY: section 643.050, RSMo 2000. *Original rule filed Oct. 4, 1994, effective May 28, 1995. Amended: Filed May 1, 1996, effective Dec. 30, 1996. Amended: Filed June 15, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed April 1, 2005, effective Dec. 30, 2005. Amended: Filed Oct. 24, 2006, effective July 30, 2007. Amended: Filed July 1, 2010, effective Feb. 28, 2011.*

**Original authority: 643.050, RSMo 1965, amended 1972, transferred from 203.050 in 1986, 1992, 1993, 1995.*

10 CSR 10-5.490 Municipal Solid Waste Landfills

PURPOSE: This rule requires municipal solid waste landfills to monitor their non-methane organic compound (NMOC) emissions. Landfills having NMOC emission rates above the regulatory cutoff shall design and install a gas collection and control system.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability.

(A) This rule applies to all municipal solid waste (MSW) landfills located in the St. Louis ozone nonattainment area (Jefferson, Franklin, St. Charles, St. Louis Counties, and St. Louis City) that have accepted waste any time since November 8, 1987, or have additional capacity available for future waste deposition.

(B) For purposes of obtaining an operating permit under Title V of the Clean Air Act, the owner or operator of an MSW landfill subject to this rule with a design capacity less than two and one-half (2.5) million megagrams or two and one-half (2.5) million cubic meters is not subject to the requirements to obtain an operating permit for the landfill under 40 Code of Federal Regulations (CFR) 70 or 71, unless the landfill is otherwise subject to either 40 CFR 70 or 71. For purposes

of submitting a timely application for an operating permit under 40 CFR 70 or 71, the owner or operator of an MSW landfill subject to the rule with a design capacity greater than or equal to two and one-half (2.5) million megagrams and two and one-half (2.5) million cubic meters on the effective date of EPA approval of the state's program under section 111(d) of the Clean Air Act (June 23, 1998), and not otherwise subject to either 40 CFR 70 or 71, becomes subject to the requirements of 40 CFR 70.5(a)(1)(i) or 71.5(a)(1)(i) ninety (90) days after the effective date of such 111(d) program approval, even if the design capacity report is submitted earlier.

(C) When an MSW landfill subject to this rule is closed, the owner or operator is no longer subject to the requirement to maintain an operating permit under 40 CFR 70 or 71 for the landfill if the landfill is not otherwise subject to the requirements of either 40 CFR 70 or 71 and if either of the following conditions is met:

1. The landfill was never subject to a requirement for a control system under section (3) of this rule; or

2. The owner or operator meets the conditions for control system removal specified in section 60.752(b)(2)(v) of 40 CFR 60, Subpart WWW.

(D) Physical or operational changes made to an existing MSW landfill solely to comply with this rule are not considered construction, reconstruction, or modification for the purposes of this rule.

(2) Definitions. Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.

(3) Standards for Air Emissions from Municipal Solid Waste Landfills. Provisions of 40 CFR 51, 40 CFR 52, 40 CFR 60, and 40 CFR 258 are incorporated by reference in subsection (3)(C) of this rule. Also, the *Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources*, AP-42, Fifth Edition, January 1995 (hereafter AP-42), as published by the Government Printing Office, 732 North Capitol Street NW, Washington, DC, 20401, shall apply and is hereby incorporated by reference, including Supplement E dated November 1998. This rule does not incorporate any subsequent amendments or additions.

(A) Each owner or operator of a municipal solid waste (MSW) landfill having a design capacity less than one (1.0) million mega-

grams (one and one-tenth (1.1) million tons) by mass or one (1.0) million cubic meters (one and three-tenths (1.3) million cubic yards) by volume shall submit within ninety (90) days of the rule effective date an initial design capacity report, as described in subsection (8)(A) of this rule, to the director. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. Any density conversions shall be documented and submitted with the report. Submittal of the initial design capacity report shall fulfill the requirements of this rule, except as provided for in paragraphs (3)(A)1. and 2. of this rule.

1. The owner or operator shall submit an amended design capacity report, as provided for in paragraph (8)(A)3. of this rule.

2. When an increase in the design capacity of the landfill results in a revised maximum design capacity equal to or greater than one (1.0) million megagrams or one (1.0) million cubic meters, the owner or operator shall comply with the provisions of subsection (3)(B) of this rule.

(B) Each owner or operator of an MSW landfill having a design capacity equal to or greater than one (1.0) million megagrams or one (1.0) million cubic meters shall either comply with paragraph (3)(B)2. of this rule or calculate a nonmethane organic compounds (NMOC) emission rate for the landfill using the procedures specified in section (5) of this rule. The NMOC emission rate shall be recalculated annually except as provided for in subparagraph (8)(B)1.B. of this rule.

1. If the calculated NMOC emission rate is less than twenty-five (25) megagrams (twenty-seven and one-half (27.5) tons) per year, the owner or operator shall—

A. Submit an annual emission rate report to the director, except as provided for in subparagraph (8)(B)1.B. of this rule; and

B. Recalculate the NMOC emission rate annually using the procedures specified in paragraph (5)(A)1. of this rule until such time as the calculated NMOC emission rate is equal to or greater than twenty-five (25) megagrams, or the landfill closes.

(I) If the NMOC emission rate, upon recalculation, is equal to or greater than twenty-five (25) megagrams per year, the owner or operator shall install a collection and control system in compliance with paragraph (3)(B)2. of this rule.

(II) If the landfill is permanently closed, a closure notification shall be submitted to the director as provided for in subsection (8)(D) of this rule.



2. If the calculated NMOC emission rate is equal to or greater than twenty-five (25) megagrams per year, the owner or operator shall—

A. Submit a collection and control system design plan prepared by a professional engineer to the director within one (1) year of the NMOC emission rate report. Permit modification approval from the Missouri Department of Natural Resources' Solid Waste Management Program shall be required prior to construction of any gas collection system.

(I) The collection and control system as described in the plan shall meet the design requirements of subparagraph (3)(B)2.B. of this rule.

(II) The collection and control system design plan shall include any alternatives to the operation standards, test methods, procedures, compliance measures, monitoring, record keeping, or reporting provisions of sections (4) through (9) of this rule proposed by the owner or operator.

(III) The collection and control system design plan shall either conform with specifications for active collection systems in section (10) of this rule or include a demonstration to the director's satisfaction of the sufficiency of the alternative provisions to section (10) of this rule.

(IV) The director will review the collection and control system design plan and either approve it, disapprove it, or request that additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be necessary. A wide variety of system designs are possible, such as vertical wells, combination horizontal and vertical collection systems, horizontal trenches only, leachate collection components, and passive systems;

B. Install a collection and control system that captures the gas generated within the landfill as required by part (3)(B)2.B.(I) or (II) and subparagraph (3)(B)2.C. of this rule within thirty (30) months after the first annual report in which the emission rate equals or exceeds twenty-five (25) megagrams per year, unless Tier 2 or Tier 3 sampling under section (5) of this rule demonstrates that the emission rate is less than twenty-five (25) megagrams per year, as specified in paragraph (8)(C)1. or 2. of this rule.

(I) An active collection system shall—

(a) Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control

over the intended use period of the gas control or treatment system equipment;

(b) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of—

I. Five (5) years or more, if active; or

II. Two (2) years or more, if closed or at final grade;

(c) Collect gas at a sufficient extraction rate; and

(d) Be designed to minimize off-site migration of subsurface gas.

(II) A passive collection system shall—

(a) Comply with the provisions of subparts (3)(B)2.B.(I)(a), (b), and (d) of this rule; and

(b) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners shall be installed as required under 40 CFR 258.40;

C. Route all the collected gas to one (1) or more of the following control systems:

(I) An open flare designed and operated in accordance with 40 CFR 60.18 except as noted in subsection (5)(E) of this rule;

(II) A control system designed and operated to reduce NMOC by ninety-eight (98) weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by ninety-eight (98) weight-percent, or reduce the outlet NMOC concentration to less than twenty (20) parts per million by volume, dry basis as hexane at three percent (3%) oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test, to be completed no later than one hundred eighty (180) days after the initial startup of the approved control system using the test methods specified in subsection (5)(D) of this rule.

(a) If a boiler or process heater is used as the control device, the landfill gas stream shall be introduced into the flame zone.

(b) The control device shall be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in section (7) of this rule; or

(III) A system that routes the collected gas to a treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject

to the requirements of part (3)(B)2.C.(I) or (II) of this rule;

D. Operate the collection and control device installed to comply with this rule in accordance with the provisions of sections (4), (6), and (7) of this rule;

E. The collection and control system may be capped or removed provided the following conditions are met:

(I) The landfill shall be no longer accepting solid waste and be permanently closed under the requirements of 40 CFR 258.60. A closure report shall be submitted to the director;

(II) The collection and control system has been in operation a minimum of fifteen (15) years; and

(III) The calculated NMOC gas produced by the landfill is less than twenty-five (25) megagrams per year on three (3) successive test dates. The test dates shall be no less than ninety (90) days apart and no more than one hundred eighty (180) days apart; and

F. The planning, awarding of contracts, and installation of MSW landfill air emission collection and control equipment capable of meeting the emission standards in subsection (3)(B) of this rule shall be accomplished within thirty (30) months after the date the initial NMOC emission rate report shows NMOC emissions equal or exceed twenty-five (25) megagrams per year.

(C) The specific citations of 40 CFR 51, 40 CFR 52, 40 CFR 60, and 40 CFR 258 referenced in this rule and published July 1, 2011, shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions. Certain terms used in 40 CFR refer to federal officers and agencies. The following terms applicable to Missouri shall be substituted where appropriate for the delegable federal counterparts: Director shall be substituted for Administrator, and Missouri Department of Natural Resources shall be substituted for EPA, EPA Regional Office, or Environmental Protection Agency.

(4) Operational Standards for Collection and Control Systems. Each owner or operator of an MSW landfill gas collection and control system used to comply with the provisions of subparagraph (3)(B)2.B. of this rule shall—

(A) Operate the collection system such that gas is collected from each area, cell, or group

of cells in the MSW landfill in which solid waste has been in place for—

1. Five (5) years or more if active; or
2. Two (2) years or more if closed or at final grade;

(B) Operate the collection system with negative pressure at each wellhead except under the following conditions:

1. A fire or increased well temperature. The owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in paragraph (8)(F)1. of this rule;

2. Use of a geomembrane or synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan; and

3. A decommissioned well. A well may experience a static positive pressure after shutdown to accommodate for declining flows. All design changes shall be approved by the director and EPA;

(C) Operate each interior wellhead in the collection system with a landfill gas temperature less than fifty-five degrees Celsius (55 °C) and with either a nitrogen level less than twenty percent (20%) or an oxygen level less than five percent (5%). The owner or operator may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

1. The nitrogen level shall be determined using Method 3C of 40 CFR 60, Appendix A unless an alternative test method is established as allowed by subparagraph (3)(B)2.A. of this rule.

2. Unless an alternative test method is established as allowed by subparagraph (3)(B)2.A. of this rule, the oxygen shall be determined by an oxygen meter using Method 3A or 3C of 40 CFR 60, Appendix A except that—

- A. The span shall be set so that the regulatory limit is between twenty and fifty percent (20%–50%) of the span;

- B. A data recorder is not required;

- C. Only two (2) calibration gases are required, a zero (0) and span, and ambient air may be used as the span;

- D. A calibration error check is not required; and

- E. The allowable sample bias, zero (0) drift, and calibration drift are plus or minus ten percent ($\pm 10\%$);

(D) Operate the collection system so that the methane concentration is less than five hundred (500) parts per million above back-

ground at the surface of the landfill. To determine if this level is exceeded, the owner or operator shall conduct surface testing around the perimeter of the collection area along a pattern that traverses the landfill at thirty (30)-meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. The owner or operator may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the thirty (30)-meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing;

(E) Operate the system such that all collected gases are vented to a control system designed and operated in compliance with subparagraph (3)(B)2.C. of this rule. In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within one (1) hour;

(F) Operate the control or treatment system at all times when the collected gas is routed to the system; and

(G) If monitoring demonstrates that the operational requirements in subsection (4)(B), (C), or (D) of this rule are not met, corrective action shall be taken as specified in paragraphs (6)(A)3. through 5. or subsection (6)(C) of this rule. If corrective actions are taken as specified in section (6) of this rule, the monitored exceedance is not a violation of the operational requirements in this section.

(5) Test Methods and Procedures.

(A) NMOC Emission Rate Calculation.

1. The landfill owner or operator shall calculate the NMOC emission rate using either the equation provided in subparagraph (5)(A)1.A. of this rule or the equation provided in subparagraph (5)(A)1.B. of this rule. Both equations may be used if the actual year-to-year solid waste acceptance rate is known, as specified in subparagraph (5)(A)1.A. of this rule, for part of the life of the landfill and the actual year-to-year solid waste acceptance rate is unknown, as specified in subparagraph (5)(A)1.B., for part of the life of the landfill. The values to be used in both equations are 0.05 per year for k , 170 cubic meters per megagram for L_o , and 4,000 parts per million by volume as hexane for the C_{NMOC} . For landfills located in geographical areas with a thirty (30)-year annual average precipitation of less than twenty-five inches (25"), as measured at the nearest representa-

tive official meteorologic site, the k value to be used is 0.02 per year.

A. The following equation shall be used if the actual year-to-year solid waste acceptance rate is known. The mass of non-degradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for M_i if documentation of the nature and amount of such wastes is maintained.

$$M_{NMOC} = \sum_{i=1}^n 2kL_oM_i(e^{-kt}) (C_{NMOC}) (3.6 \times 10^{-9})$$

where,

M_{NMOC} = Total NMOC emission rate from the landfill, megagrams per year

k = methane generation rate constant, year⁻¹

L_o = methane generation potential, cubic meters per megagram solid waste

M_i = mass of solid waste in the i^{th} section, megagrams

t_i = age of the i^{th} section, years

C_{NMOC} = concentration of NMOC, parts per million by volume as hexane

3.6×10^{-9} = conversion factor

B. The following equation shall be used if the actual year-to-year solid waste acceptance rate is unknown. The mass of non-degradable solid waste may be subtracted from the average annual acceptance rate when calculating a value for R if documentation is provided.

$$M_{NMOC} = 2L_o R (e^{-kc} - e^{-kt}) (C_{NMOC}) (3.6 \times 10^{-9})$$

where,

M_{NMOC} = mass emission rate of NMOC, megagrams per year

L_o = methane generation potential, cubic meters per megagram solid waste

R = average annual acceptance rate, megagrams per year

k = methane generation rate constant, year⁻¹

c = time since closure, years (for active landfill $c = 0$ and $e^{-kc} = 1$)

t = age of landfill, years

C_{NMOC} = concentration of NMOC, parts per million by volume as hexane

3.6×10^{-9} = conversion factor



2. Tier 1. The owner or operator shall compare the calculated NMOC mass emission rate to the standard of twenty-five (25) megagrams per year.

A. If the NMOC emission rate calculated in paragraph (5)(A)1. of this rule is less than twenty-five (25) megagrams per year, then the landfill owner shall submit an emission rate report as provided in paragraph (8)(B)1. of this rule and shall recalculate the NMOC mass emission rate annually as required under paragraph (3)(B)1. of this rule.

B. If the calculated NMOC emission rate is equal to or greater than twenty-five (25) megagrams per year, then the landfill owner shall either comply with paragraph (3)(B)2. of this rule, or determine a site-specific NMOC concentration and recalculate the NMOC emission rate using the procedures provided in paragraph (5)(A)3. of this rule.

3. Tier 2. The landfill owner or operator shall determine the NMOC concentration using the following sampling procedure. The landfill owner or operator shall install at least two (2) sample probes per hectare of landfill surface that has retained solid waste for at least two (2) years. If the landfill is larger than twenty-five (25) hectares in area, only fifty (50) samples are required. The sample probes shall be located to avoid known areas of nondegradable solid waste. The owner or operator shall collect and analyze one (1) sample of landfill gas from each probe to determine the NMOC concentration using Method 25 or 25C of 40 CFR 60, Appendix A. Method 18 of 40 CFR 60, Appendix A may be used to analyze the samples collected by the Method 25 or 25C sampling procedure. Taking composite samples from different probes into a single cylinder is allowed; however, equal sample volumes must be taken from each probe. For each composite, the sampling rate, collection times, beginning and ending cylinder vacuums, or alternative volume measurements must be recorded to verify that composite volumes are equal. Composite sample volumes should not be less than one (1) liter unless evidence can be provided to substantiate the accuracy of smaller volumes. Terminate compositing before the cylinder approaches ambient pressure where measurement accuracy diminishes. If using Method 18 of 40 CFR 60, Appendix A, the minimum list of compounds to be tested shall be those published in AP-42, minus carbon monoxide, hydrogen sulfide, and mercury. As a minimum, the instrument must be calibrated for each of the compounds on the list. Convert the concentration of each Method 18 compound to C_{NMOC} as hexane by multiply-

ing by the ratio of its carbon atoms divided by six (6). If more than the required number of samples are taken, all samples shall be used in the analysis. The landfill owner or operator must divide the NMOC concentration from Method 25 or 25C of 40 CFR 60, Appendix A by six (6) to convert from C_{NMOC} as carbon to C_{NMOC} as hexane. If the landfill has an active or passive gas removal system in place, Method 25 or 25C samples may be collected from these systems instead of surface probes provided the removal system can be shown to provide sampling as representative as the two (2) sampling probe per hectare requirement. For active collection systems, samples may be collected from the common header pipe before the gas moving or condensate removal equipment. For these systems, a minimum of three (3) samples must be collected from the header pipe.

A. The landfill owner or operator shall recalculate the NMOC mass emission rate using the equations provided in subparagraph (5)(A)1.A. or B. of this rule and using the average NMOC concentration from the collected samples instead of the default value in the equation provided in paragraph (5)(A)1. of this rule.

B. If the resulting NMOC mass emission rate is less than twenty-five (25) megagrams per year, the owner or operator shall submit an emission rate report as required under paragraph (8)(B)1. of this rule and retest the site-specific NMOC concentration every five (5) years using the methods specified in this section.

C. If the resulting mass emission rate calculated using the site-specific NMOC concentration is equal to or greater than twenty-five (25) megagrams per year, then the landfill owner or operator shall either comply with paragraph (3)(B)2. of this rule, or determine the site-specific methane generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the procedure specified in paragraph (5)(A)4. of this rule.

4. Tier 3. The site-specific methane generation rate constant shall be determined using the procedures provided in Method 2E of 40 CFR 60, Appendix A. The landfill owner or operator shall estimate the NMOC mass emission rate using the equations in subparagraph (5)(A)1.A. or B. of this rule using a site-specific methane generation rate constant k , and using the site-specific NMOC concentration as determined in paragraph (5)(A)3. of this rule instead of the default values provided in paragraph (5)(A)1. of this rule. The landfill owner or operator shall compare the resulting NMOC mass emission

rate to the standard of twenty-five (25) megagrams per year.

A. If the NMOC mass emission rate is less than twenty-five (25) megagrams per year, then the owner or operator shall submit a periodic emission rate report as provided in paragraph (8)(B)1. of this rule and shall recalculate the NMOC mass emission rate annually, as provided in paragraph (8)(B)1. of this rule using the equations in paragraph (5)(A)1. of this rule and using the site-specific methane generation rate constant and NMOC concentration obtained in paragraph (5)(A)3. of this rule. The calculation of the methane generation rate constant is performed only once, and the value obtained shall be used in all subsequent annual NMOC emission rate calculations.

B. If the NMOC mass emission rate as calculated using the site-specific methane generation rate and concentration of NMOC is equal to or greater than twenty-five (25) megagrams per year, the owner or operator shall comply with paragraph (3)(B)2. of this rule.

5. The owner or operator may use other methods to determine the NMOC concentration or a site-specific k as an alternative to the methods required in paragraphs (5)(A)3. and 4. of this rule if the method has been approved by the director and EPA.

(B) After the installation of a collection and control system in compliance with section (6) of this rule, the owner or operator shall calculate the NMOC emission rate for purposes of determining when the system can be removed as provided in subparagraph (3)(B)2.E. of this rule, using the following equation:

$$M_{\text{NMOC}} = (1.89 \times 10^{-3}) (Q_{\text{LFG}}) (C_{\text{NMOC}})$$

where,

M_{NMOC} = mass emission rate of NMOC, megagrams per year
 Q_{LFG} = flow rate of landfill gas, cubic meters per minute
 C_{NMOC} = NMOC concentration, parts per million by volume as hexane

1. The flow rate of landfill gas, Q_{LFG} , shall be determined by measuring the total landfill gas flow rate at the common header pipe that leads to the control device using a gas flow measuring device calibrated according to the provisions of section 4 of Method 2E of 40 CFR 60, Appendix A.

2. The average NMOC concentration, C_{NMOC} , shall be determined by collecting and analyzing landfill gas sampled from the common header pipe before the gas moving or



condensate removal equipment using the procedures in Method 25C or Method 18 of 40 CFR 60, Appendix A. If using Method 18, the minimum list of compounds to be tested shall be those published in AP-42. The sample location on the common header pipe shall be before any condensate removal or other gas refining units. The landfill owner or operator shall divide the NMOC concentration from Method 25C by six (6) to convert from C_{NMOC} as carbon to C_{NMOC} as hexane.

3. The owner or operator may use another method to determine landfill gas flow rate and NMOC concentration if the method has been approved by the director and EPA as provided in part (3)(B)2.A.(II) of this rule.

(C) When calculating emissions for prevention of significant deterioration (PSD) purposes, the owner or operator of each MSW landfill subject to the provisions of this rule shall estimate the NMOC emission rate for comparison to the PSD major source and significance levels in 40 CFR 51.166 or 52.21 using AP-42 or other approved measurement procedures.

(D) For the performance test required in part (3)(B)2.C.(II) of this rule, Method 25, 25C, or Method 18 of 40 CFR 60, Appendix A shall be used to determine compliance with ninety-eight (98) weight-percent efficiency or the twenty parts per million by volume (20 ppmv) outlet concentration level, unless another method to demonstrate compliance has been approved by the director and EPA as provided by part (3)(B)2.A.(II) of this rule. Method 3 or 3A of 40 CFR 60, Appendix A shall be used to determine oxygen for correcting the NMOC concentration as hexane to three percent (3%). In cases where the outlet concentration is less than fifty (50) ppm NMOC as carbon (eight (8) ppm NMOC as hexane), Method 25A of 40 CFR 60, Appendix A should be used in place of Method 25. If using Method 18, the minimum list of compounds to be tested shall be those published in AP-42. The following equation shall be used to calculate efficiency:

$$\text{Control Efficiency} = \frac{(\text{NMOC}_{\text{in}} - \text{NMOC}_{\text{out}})}{(\text{NMOC}_{\text{in}})}$$

where,

NMOC_{in} = mass of NMOC entering control device
 NMOC_{out} = mass of NMOC exiting control device

(E) For the performance test required in part (3)(B)2.C.(I) of this rule, the net heating value of the combusted landfill gas as determined in 40 CFR 60.18(f)(3) is calculated from the concentration of methane in the landfill gas as measured by Method 3C of 40 CFR 60, Appendix A. A minimum of three

(3) thirty (30)-minute Method 3C samples are determined. The measurement of other organic components, hydrogen, and carbon monoxide is not applicable. Method 3C may be used to determine the landfill gas molecular weight for calculating the flare gas exit velocity under 40 CFR 60.18(f)(4).

(6) Compliance Provisions.

(A) Except as provided for in part (3)(B)2.A.(II) of this rule, the following methods shall be used to determine whether the gas collection system is in compliance:

1. One of the following equations shall be used in calculating the maximum expected gas generation flow rate from the landfill as described in subpart (3)(B)2.B.(I)(a) of this rule. The k and L_o kinetic factors shall be those published in AP-42 or other site-specific values demonstrated to be appropriate and approved in writing by the director and EPA. If k has been determined as specified in paragraph (5)(A)4. of this rule, the value of k determined from the test shall be used. A value of no more than fifteen (15) years shall be used for the intended use period of the gas mover equipment. The active life of the landfill is the age of the landfill plus the estimated number of years until closure. After installation of a collection and control system, actual flow data shall be used to project the maximum flow rate.

A. For sites with unknown year-to-year solid waste acceptance rate—

$$Q_m = 2L_o R (e^{-kc} - e^{-kt})$$

where,

Q_m = maximum expected gas generation flow rate, cubic meters per year
 L_o = methane generation potential, cubic meters per megagram solid waste
 R = average annual acceptance rate, megagrams per year
 k = methane generation rate constant, year⁻¹
 c = time since closure, years (for an active landfill $c = 0$ and $e^{-kc} = 1$)
 t = age of the landfill at equipment installation plus the time the owner or operator intends to use the gas mover equipment or active life of the landfill, whichever is less. If the equipment is installed after closure, t is the age of the landfill at installation, years

B. For sites with known year-to-year solid waste acceptance rate—

$$Q_m = \sum_{i=1}^n 2 k L_o M_i (e^{-kt_i})$$

where,

Q_m = maximum expected gas generation flow rate, cubic meters per year
 k = methane generation rate constant, year⁻¹
 L_o = methane generation potential, cubic meters per megagram solid waste
 M_i = mass of solid waste in the i^{th} section, megagrams
 t_i = age of the i^{th} section, years

C. If a collection and control system has been installed, actual flow data may be used to project the maximum expected gas generation flow rate instead of, or in conjunction with, the equations in subparagraphs (6)(A)1.A. and B. of this rule. If the landfill is still accepting waste, the actual measured flow data will not equal the maximum expected gas generation rate, so calculations using the equations in subparagraphs (6)(A)1.A. or B. of this rule or other methods shall be used to predict the maximum expected gas generation rate over the intended period of use of the gas control system equipment;

2. For the purposes of determining sufficient density of gas collectors for compliance with subpart (3)(B)2.B.(I)(b) of this rule, the owner or operator shall design a system of vertical wells, horizontal collectors, or other collection devices, satisfactory to the director, capable of controlling and extracting gas from all portions of the landfill sufficient to meet all operational and performance standards;

3. For the purposes of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with subpart (3)(B)2.B.(I)(c) of this rule, the owner or operator shall measure gauge pressure in the gas collection header at each individual well, monthly. If a positive pressure exists, action shall be initiated to correct the exceedance within five (5) calendar days, except for the three (3) conditions allowed under subsection (4)(B) of this rule. If negative pressure cannot be achieved without excess air infiltration within fifteen (15) calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within one hundred twenty (120) days of the initial measurement of positive pressure. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for



correcting the exceedance may be submitted to the director for approval;

4. Owners or operators are not required to expand the system as required in paragraph (6)(A)3. of this rule during the first one hundred eighty (180) days after gas collection system start-up;

5. For the purpose of identifying whether excess air infiltration into the landfill is occurring, the owner or operator shall monitor each well monthly for temperature and nitrogen or oxygen as provided in subsection (4)(C) of this rule. If a well exceeds one (1) of these operating parameters, action shall be initiated to correct the exceedance within five (5) calendar days. If correction of the exceedance cannot be achieved within fifteen (15) calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within one hundred twenty (120) days of the initial exceedance. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the director for approval; and

6. An owner or operator seeking to demonstrate compliance with subpart (3)(B)2.B.(I)(d) of this rule through the use of a collection system not conforming to the specifications provided in section (10) of this rule shall provide information satisfactory to the director and EPA as specified in part (3)(B)2.A.(III) of this rule demonstrating that off-site migration is being controlled.

(B) For purposes of compliance with subsection (4)(A) of this rule, each owner or operator of a controlled landfill shall place each well or design component as specified in the approved design plan as provided in subparagraph (3)(B)2.A. of this rule. Each well shall be installed no later than sixty (60) days of the date in which the initial solid waste has been in place for a period of—

1. Five (5) years or more if active; or

2. Two (2) years or more if closed or at final grade.

(C) The following procedures shall be used for compliance with the surface methane operational standard as provided in subsection (4)(D) of this rule:

1. After installation of the collection system, the owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at thirty (30)-meter intervals (or a site-specific established spacing) for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other

portable monitor meeting the specification provided in subsection (6)(D) of this rule.

2. The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least thirty (30) meters from the perimeter wells.

3. Surface emission monitoring shall be performed in accordance with section 4.3.1 of Method 21 of 40 CFR 60, Appendix A, except that the probe inlet shall be placed within five to ten centimeters (5–10 cm) of the ground. Monitoring shall be performed during typical meteorological conditions.

4. Any reading of five hundred parts per million (500 ppm) or more above background at any location shall be recorded as an exceedance and the actions specified in subparagraphs (6)(C)4.A. through E. of this rule shall be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements of subsection (4)(D) of this rule.

A. The location of each monitored exceedance shall be marked, and the location recorded.

B. Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made, and the location shall be remonitored within ten (10) calendar days of detecting the exceedance.

C. If the remonitoring of the location shows a second exceedance, additional corrective action shall be taken, and the location shall be monitored again within ten (10) days of the second exceedance. If the remonitoring shows a third exceedance for the same location, the action specified in subparagraph (6)(C)4.E. of this rule shall be taken, and no further monitoring of that location is required until the action specified in subparagraph (6)(C)4.E. of this rule has been taken.

D. Any location that initially showed an exceedance but has a methane concentration less than five hundred parts per million (500 ppm) methane above background at the ten (10)-day remonitoring specified in subparagraph (6)(C)4.B. or C. of this rule shall be remonitored one (1) month from the initial exceedance. If the one (1)-month remonitoring shows a concentration less than five hundred parts per million (500 ppm) above background, no further monitoring of that location is required until the next quarterly monitoring period. If the one (1)-month remonitoring shows an exceedance, the actions specified in subparagraph (6)(C)4.C. or E. of this rule shall be taken.

E. When any location equals or exceeds five hundred parts per million (500 ppm) methane above background three (3)

times within a quarterly period, a new well or other collection device shall be installed within one hundred twenty (120) calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes, or control device, and a corresponding time line for installation may be submitted to the director for written approval.

5. The owner or operator shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

(D) Each owner or operator seeking to comply with the provisions in subsection (6)(C) of this rule shall comply with the following instrumentation specifications and procedures for surface emission monitoring devices:

1. The portable analyzer shall meet the instrument specifications provided in section 3 of Method 21 of 40 CFR 60, Appendix A, except that “methane” shall replace all references to VOC;

2. The calibration gas shall be methane, diluted to a nominal concentration of five hundred parts per million (500 ppm) in air;

3. To meet the performance evaluation requirements in section 3.1.3 of Method 21 of 40 CFR 60, Appendix A, the instrument evaluation procedures of section 4.4 of Method 21 shall be used; and

4. The calibration procedures provided in section 4.2 of Method 21 of 40 CFR 60, Appendix A shall be followed immediately before commencing a surface monitoring survey.

(E) The provisions of this rule apply at all times, except during periods of start-up, shutdown, or malfunction, provided that the duration of start-up, shutdown, or malfunction shall not exceed five (5) days for collection systems and shall not exceed one (1) hour for treatment or control devices.

(7) Monitoring of Operations. Except as provided in part (3)(B)2.A.(II) of this rule—

(A) Each owner or operator seeking to comply with part (3)(B)2.B.(I) of this rule for an active gas collection system shall install a sampling port and a thermometer or other temperature measuring device, or an access port for temperature measurements at each wellhead and—

1. Measure the gauge pressure in the gas collection header on a monthly basis as provided in paragraph (6)(A)3. of this rule;

2. Monitor the nitrogen or oxygen concentration in the landfill gas on a monthly basis as provided in paragraph (6)(A)5. of this rule; and



3. Monitor the temperature of the landfill gas on a monthly basis as provided in paragraph (6)(A)5. of this rule.

(B) Each owner or operator seeking to comply with subparagraph (3)(B)2.C. of this rule using an enclosed combustion device shall calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment:

1. A temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of plus or minus one percent ($\pm 1\%$) of the temperature being measured expressed in degrees Celsius or plus or minus one-half degree Celsius ($\pm 0.5^\circ\text{C}$), whichever is greater. A temperature monitoring device is not required for boilers or process heaters with maximum design heat input capacity equal to or greater than forty-four (44) megawatts; and

2. A device that records flow to or bypass of the control device. The owner or operator shall either—

A. Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every fifteen (15) minutes; or

B. Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

(C) Each owner or operator seeking to comply with subparagraph (3)(B)2.C. of this rule using an open flare shall install, calibrate, maintain, and operate according to the manufacturer's specifications the following equipment:

1. A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame; and

2. A device that records flow to or bypass of the flare. The owner or operator shall either—

A. Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every fifteen (15) minutes; or

B. Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

(D) Each owner or operator seeking to comply with subparagraph (3)(B)2.C. of this

rule using a device other than an open flare or an enclosed combustion device shall provide information satisfactory to the director as provided in part (3)(B)2.A.(II) of this rule describing the operation of the control device, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The director shall review the information and either approve it or request that additional information be submitted. The director may specify additional appropriate monitoring procedures.

(E) Each owner or operator seeking to install a collection system that does not meet the specifications in section (10) of this rule or seeking to monitor alternative parameters to those required by sections (4) through (7) of this rule shall provide information satisfactory to the director as provided in parts (3)(B)2.A.(II) and (III) of this rule describing the design and operation of the collection system, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The director may specify additional appropriate monitoring procedures.

(F) Each owner or operator seeking to comply with subsection (6)(C) of this rule shall monitor surface concentrations of methane according to the instrument specifications and procedures provided in subsection (6)(D) of this rule. Any closed landfill that has no monitored exceedances of the operational standard in three (3) consecutive quarterly monitoring periods may skip to annual monitoring. Any methane reading of five hundred parts per million (500 ppm) or more above the background detected during the annual monitoring returns the monitoring frequency to quarterly monitoring.

(8) Reporting Requirements. Except as provided in part (3)(B)2.A.(II) of this rule—

(A) Each owner or operator subject to the requirements of this rule shall submit an initial design capacity report to the director.

1. The initial design capacity report shall be submitted ninety (90) days from the rule effective date.

2. The initial design capacity report shall contain the following information:

A. A map or plot of the landfill, providing the size and location of the landfill, and identifying all areas where solid waste may be landfilled according to the provision of the state, local, tribal, or Resource Conservation and Recovery Act (RCRA) construction or operating permit; and

B. The maximum design capacity of the landfill. Where the maximum design capacity is specified in the state or local construction or RCRA permit, a copy of the per-

mit specifying the maximum design capacity may be submitted as part of the report. If the maximum design capacity of the landfill is not specified in the permit, the maximum design capacity shall be calculated using good engineering practices. The calculations shall be provided, along with relevant parameters as part of the report. The director may request other information as may be necessary to verify the maximum design capacity of the landfill.

3. An amended design capacity report shall be submitted to the director providing notification of any increase in the design capacity of the landfill, whether the increase results from an increase in the permitted area or depth of the landfill, a change in the operating procedures, or any other means which results in an increase in the maximum design capacity of the landfill above one (1.0) million megagrams and one (1.0) million cubic meters. The amended design capacity report shall be submitted within ninety (90) days of the issuance of an amended construction or operating permit, or the placement of waste in additional land, or the change in operating procedures which will result in an increase in maximum design capacity, whichever occurs first.

(B) Each owner or operator subject to the requirements of this rule shall submit an NMOC emission rate report to the director initially and annually thereafter, except as provided for in subparagraph (8)(B)1.B. or paragraph (8)(B)3. of this rule. The director may request such additional information as may be necessary to verify the reported NMOC emission rate.

1. The NMOC emission rate report shall contain an annual or five (5)-year estimate of the NMOC emission rate calculated using the formula and procedures provided in subsection (5)(A) or (B) of this rule, as applicable.

A. The initial NMOC emission rate report shall be submitted within ninety (90) days of the rule effective date and may be combined with the initial design capacity report required in subsection (8)(A) of this rule. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in subparagraph (8)(B)1.B. and paragraph (8)(B)3. of this rule.

B. If the estimated NMOC emission rate as reported in the annual report to the director is less than twenty-five (25) megagrams per year in each of the next five (5) consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next five (5)-year period in lieu of the annual report. This estimate shall include the current amount of solid



waste-in-place and the estimated waste acceptance rate for each year of the five (5) years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based shall be provided to the director. This estimate shall be revised at least once every five (5) years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the five (5)-year estimate, a revised five (5)-year estimate shall be submitted to the director. The revised estimate shall cover the five (5)-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

2. The NMOC emission rate report shall include all the data, calculations, sample reports, and measurements used to estimate the annual or five (5)-year emissions.

3. Each owner or operator subject to the requirements of this rule is exempted from the requirements of paragraphs (8)(B)1. and 2. of this rule after the installation of a collection and control system in compliance with paragraph (3)(B)2. of this rule, during such time as the collection and control system is in operation and in compliance with sections (4) and (6) of this rule.

(C) Each owner or operator subject to subparagraph (3)(B)2.A. of this rule shall submit a collection and control system design plan to the director within one (1) year of the NMOC emission rate report, required under subsection (8)(B) of this rule, in which the emission rate equals or exceeds twenty-five (25) megagrams per year, except as follows:

1. If the owner or operator elects to recalculate the NMOC emission rate after Tier 2 NMOC sampling and analysis as provided under paragraph (5)(A)3. of this rule and the resulting rate is less than twenty-five (25) megagrams per year, annual periodic reporting shall be resumed, using the Tier 2 determined site-specific NMOC concentration, until the calculated emission rate is equal to or greater than twenty-five (25) megagrams per year or the landfill is closed. The revised NMOC emission rate report, with the recalculated emission rate based on NMOC sampling and analysis, shall be submitted within one hundred eighty (180) days of the first calculated exceedance of twenty-five (25) megagrams per year; and

2. If the owner or operator elects to recalculate the NMOC emission rate after determining a site-specific methane generation rate constant (k), as provided in Tier 3 in paragraph (5)(A)4. of this rule and the resulting NMOC emission rate is less than twenty-five (25) megagrams per year, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant

(k) shall be used in the emission rate calculation until such time as the emission rate calculation results in an exceedance. The revised NMOC emission rate report, with the site-specific methane generation rate constant (k) shall be submitted to the director within one (1) year of the first calculated emission rate exceeding twenty-five (25) megagrams per year.

(D) Each owner or operator of a controlled landfill shall submit a closure report to the director within thirty (30) days of the date the landfill ceases accepting solid waste. The director may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 40 CFR 258.60. If a closure report has been submitted to the director, no additional wastes may be placed into the landfill without filing a notification of modification as described under 40 CFR 60.7(a)(4).

(E) Each owner or operator of a controlled landfill shall submit an equipment removal report to the director thirty (30) days prior to removal or cessation of operation of the control equipment. The report shall contain all of the following items:

1. A copy of the closure report;
 2. A copy of the initial performance test report demonstrating that the fifteen (15)-year minimum control period has expired; and
 3. Dated copies of three (3) successive NMOC emission rate reports demonstrating that the landfill is no longer producing twenty-five (25) megagrams or greater of NMOC per year.
4. The director may request such additional information as may be necessary to verify that all of the conditions for removal have been met.

(F) Each owner or operator of a landfill seeking to comply with paragraph (3)(B)2. of this rule using an active collection system designed in accordance with subparagraph (3)(B)2.B. of this rule shall submit to the director annual reports of the recorded information in paragraphs (8)(F)1. through 6. of this rule. The initial annual report shall be submitted within one hundred eighty (180) days of installation and start-up of the collection and control system and shall include an initial performance test report required under 40 CFR 60.8. For enclosed combustion devices and flares, reportable exceedances are defined under subsection (9)(C) of this rule.

1. Value and length of time for exceedance of applicable parameters monitored under subsections (7)(A), (B), (C), and (D) of this rule.

2. Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow.

3. Description and duration of all periods when the control device was not operating for a period exceeding one (1) hour and length of time the control device was not operating.

4. All periods when the collection system was not operating in excess of five (5) days.

5. The location of each exceedance of the five hundred parts per million (500 ppm) methane concentration as provided in subsection (4)(D) of this rule and the concentration recorded at each location for which an exceedance was recorded in the previous month.

6. The date of installation and the location of each well or collection system expansion added.

(G) Each owner or operator seeking to comply with subparagraph (3)(B)2.A. of this rule shall include the following information with the initial performance test report required under 40 CFR 60.8:

1. A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;

2. The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;

3. The documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;

4. The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area;

5. The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and

6. The provisions for the control of off-site migration.

(9) Record-Keeping Requirements. Except as provided in part (3)(B)2.A.(II) of this rule—

(A) Each owner or operator of an MSW landfill subject to the provisions of subsection



(3)(B) of this rule shall keep for at least five (5) years up-to-date, readily accessible, on-site records of the design capacity report which triggered subsection (3)(B) of this rule, the current amount of solid waste-in-place, and the year-by-year waste acceptance rate. A longer period is acceptable if records are needed for an unresolved enforcement action. Records may be maintained off-site if they are retrievable within four (4) hours. Either paper copy or electronic formats are acceptable;

(B) Each owner or operator of a controlled landfill shall keep up-to-date, readily accessible records for the life of the control equipment of the data listed in paragraphs (9)(B)1. through 4. of this rule as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of five (5) years. Records of the control device vendor specifications shall be maintained until removal.

1. Where an owner or operator subject to the provisions of this rule seeks to demonstrate compliance with subparagraph (3)(B)2.B. of this rule—

A. The maximum expected gas generation flow rate as calculated in paragraph (6)(A)1. of this rule. The owner or operator may use another method to determine the maximum gas generation flow rate, if the method has been approved by the director and EPA; and

B. The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in paragraph (10)(A)1. of this rule.

2. Where an owner or operator subject to the provisions of this rule seeks to demonstrate compliance with subparagraph (3)(B)2.C. of this rule through use of an enclosed combustion device other than a boiler or process heater with a design heat input capacity equal to or greater than forty-four (44) megawatts—

A. The average combustion temperature measured at least every fifteen (15) minutes and averaged over the same time period of the performance test; and

B. The percent reduction of NMOC determined as specified in part (3)(B)2.C.(II) of this rule achieved by the control device.

3. Where an owner or operator subject to the provisions of this rule seeks to demonstrate compliance with subpart (3)(B)2.C.(II)(a) of this rule through use of a boiler or process heater of any size—a description of the location at which the collected gas vent stream is introduced into the boiler or process heater over the same time period of the performance testing.

4. Where an owner or operator subject

to the provisions of this rule seeks to demonstrate compliance with part (3)(B)2.C.(I) of this rule through use of an open flare, the flare type (that is, steam-assisted, air-assisted, or nonassisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test as specified in 40 CFR 60.18; continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame of the flare flame is absent;

(C) Each owner or operator of a controlled landfill subject to the provisions of this rule shall keep for five (5) years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in section (7) of this rule as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

1. The following constitute exceedances that shall be recorded and reported under subsection (8)(F) of this rule:

A. For enclosed combustors except for boilers and process heaters with design heat input capacity of forty-four (44) megawatts (150 million British thermal units per hour) or greater, all three (3)-hour periods of operation during which the average combustion temperature was more than twenty-eight degrees Celsius (28 °C) below the average combustion temperature during the most recent performance test at which compliance with subparagraph (3)(B)2.C. of this rule was determined; and

B. For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone as required under paragraph (9)(B)3. of this rule.

2. Each owner or operator subject to the provisions of this rule shall keep up-to-date, readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under section (7) of this rule.

3. Each owner or operator subject to the provisions of this rule who uses a boiler or process heater with a design heat input capacity of forty-four (44) megawatts or greater to comply with subparagraph (3)(B)2.C. of this rule shall keep an up-to-date, readily accessible record of all periods of operation of the boiler or process heater. (Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other state or local regulatory requirements.)

4. Each owner or operator seeking to

comply with the provisions of this rule by use of an open flare shall keep up-to-date, readily accessible continuous records of the flame or flare pilot flame monitoring specified under subsection (7)(C) of this rule and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent;

(D) Each owner or operator subject to the provisions of this rule shall keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector.

1. Each owner or operator subject to the provisions of this rule shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under subsection (6)(B) of this rule.

2. Each owner or operator subject to the provisions of this rule shall keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in subparagraph (10)(A)3.A. of this rule as well as any non-productive areas excluded from collection as provided in subparagraph (10)(A)3.B. of this rule;

(E) Each owner or operator subject to the provisions of this rule shall keep for at least five (5) years up-to-date, readily accessible records of all collection and control system exceedances of the operational standards in section (4) of this rule, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance; and

(F) Landfill owners or operators who convert design capacity from volume to mass or mass to volume to demonstrate that landfill design capacity is less than one (1.0) million megagrams or one (1.0) million cubic meters, as provided in the definition of design capacity, shall keep readily accessible, on-site records of the annual recalculation of site-specific density, design capacity, and the supporting documentation. Off-site records may be maintained if they are retrievable within four (4) hours of request. Either paper copy or electronic formats are acceptable.

(10) Specifications for Active Collection Systems.

(A) Each owner or operator seeking to comply with subparagraph (3)(B)2.A. of this rule shall site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures unless alternative procedures have been approved by the director and EPA as



provided in parts (3)(B)2.A.(III) and (IV) of this rule:

1. The collection devices within the interior and along the perimeter areas shall be certified to achieve comprehensive control of surface gas emissions by a professional engineer. The following issues shall be addressed in the design: depths of refuse, refuse gas generation rates and flow characteristics, cover properties, gas system expandability, leachate and condensate management, accessibility, compatibility with filling operations, integration with closure end use, air intrusion control, corrosion resistance, fill settlement, and resistance to the refuse decomposition heat;

2. The sufficient density of gas collection devices determined in paragraph (10)(A)1. of this rule shall address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior; and

3. The placement of gas collection devices determined in paragraph (10)(A)1. of this rule shall control all gas producing areas, except as provided by subparagraphs (10)(A)3.A. and B. of this rule.

A. Any segregated area of asbestos or nondegradable material may be excluded from collection if documentation is provided as specified under subsection (9)(D) of this rule. The documentation shall provide the nature, date of deposition, location, and amount of asbestos or nondegradable material deposited in the area and shall be provided to the director upon request.

B. Any nonproductive area of the landfill may be excluded from control, provided that the total of all excluded areas can be shown to contribute less than one percent (1%) of the total amount of NMOC emissions from the landfill. The amount, location, and age of the material shall be documented and provided to the director upon request. A separate NMOC emissions estimate shall be made for each section proposed for exclusion, and the sum of all such sections shall be compared to the NMOC emissions estimate for the entire landfill. Emissions from each section shall be computed using the following equation:

$$Q_i = 2 k L_o M_i (e^{-kt_i}) (C_{NMOC}) (3.6 \times 10^{-9})$$

where,

- Q_i = NMOC emission rate from the i^{th} section, megagrams per year
- k = methane generation rate constant, year⁻¹

- L_o = methane generation potential, cubic meters per megagram solid waste
- M_i = mass of the degradable solid waste in the i^{th} section, megagrams
- t_i = age of the solid waste in the i^{th} section, years
- C_{NMOC} = concentration of nonmethane organic compounds, parts per million by volume
- 3.6×10^{-9} = conversion factor

C. The values for k and C_{NMOC} determined in field testing shall be used, if field testing has been performed in determining the NMOC emission rate or the radii of influence (the distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero). If field testing has not been performed, the default values for k , L_o , and C_{NMOC} provided in paragraph (5)(A)1. of this rule or the alternative values from paragraph (5)(A)5. of this rule shall be used. The mass of nondegradable solid waste contained within the given section may be subtracted from the total mass of the section when estimating emissions provided the nature, location, age, and amount of the nondegradable material is documented as provided in subparagraph (10)(A)3.A. of this rule.

(B) Each owner or operator seeking to comply with part (3)(B)2.A.(I) of this rule shall construct the gas collection devices using the following equipment or procedures:

1. The landfill gas extraction components shall be constructed of polyvinyl chloride (PVC), high density polyethylene (HDPE) pipe, fiberglass, stainless steel, or other nonporous corrosion resistant material of suitable dimensions to—convey projected amounts of gases; withstand installation, static, and settlement forces; and withstand planned overburden or traffic loads. The collection system shall extend as necessary to comply with emission and migration standards established in this rule. Collection devices such as wells and horizontal collectors shall be perforated to allow gas entry without head loss sufficient to impair performance across the intended extent of control. Perforations shall be situated with regard to the need to prevent excessive air infiltration;

2. Vertical wells shall be placed so as not to endanger underlying liners and shall address the occurrence of water within the landfill. Holes and trenches constructed for piped wells and horizontal collectors shall be of sufficient cross-section so as to allow for their proper construction and completion including, for example, centering of pipes and placement of gravel backfill. Collection devices shall be designed so as not to allow

indirect short circuiting of air into the cover or refuse into the collection system or gas into the air. Any gravel used around pipe perforations should be of a dimension so as not to penetrate or block perforations; and

3. Collection devices may be connected to the collection header pipes below or above the landfill surface. The connector assembly shall include a positive closing throttle valve, any necessary seals and couplings, access couplings, and at least one (1) sampling port. The collection devices shall be constructed of PVC, HDPE, fiberglass, stainless steel, or other nonporous material of suitable thickness.

(C) Each owner or operator seeking to comply with part (3)(B)2.A.(I) of this rule shall convey the landfill gas to a control system in compliance with subparagraph (3)(B)2.C. of this rule through the collection header pipe(s). The gas mover equipment shall be sized to handle the maximum gas generation flow rate expected over the intended use period of the gas moving equipment using the following procedures:

1. For existing collection systems, the flow data shall be used to project the maximum flow rate. If no flow data exists, the procedures in paragraph (10)(C)2. of this rule shall be used; and

2. For new collection systems, the maximum flow rate shall be in accordance with paragraph (6)(A)1. of this rule.

AUTHORITY: section 643.050, RSMo Supp. 2011. Original rule filed May 15, 1996, effective Dec. 30, 1996. Amended: Filed Oct. 7, 1999, effective July 30, 2000. Amended: Filed Sept. 26, 2011, effective May 30, 2012.*

**Original authority: 643.050, RSMo 1965, amended 1972, transferred from 203.050 in 1986, 1992, 1993, 1995, 2011.*

10 CSR 10-5.500 Control of Emissions From Volatile Organic Liquid Storage

PURPOSE: This rule limits the volatile organic compound (VOC) emissions from installations with volatile organic liquid storage vessels by incorporating reasonably available control technology (RACT) as required by the Clean Air Act Amendments (CAAA) of 1990.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this

Order of Rulemaking

Compliant with 643.055 RSMo, the Missouri Air Conservation Commission has determined that this action is needed to have a U.S. Environmental Protection Agency approved State Implementation Plan.

10 CSR 10-5.490 (amendment) Municipal Solid Waste Landfills is hereby **AMENDED** by the Missouri Air Conservation Commission this 2nd day of February, 2012.

Original signed by Commissioners:

Gary J Pendergrass

Mark Garnett

David C. Zimmermann

Jack C Baker

Chairman

Vice Chairman

Member

Member

_____, Member

_____, Member

_____, Member

MISSOURI AIR CONSERVATION COMMISSION
WILL HOLD PUBLIC HEARING

JEFFERSON CITY, MO -- The Missouri Air Conservation Commission will hold a public hearing on the use of fuel in hand-fired equipment; coal washing; control of emissions from industrial processes, solvent cleaning operations, and municipal solid waste landfills; and definitions and common reference tables on Thursday, December 8, 2011. The Public Hearing will begin at 9 a.m. at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. The commission will hear testimony related to the following item(s).

* 10 CSR 10-5.040 (amendment) Use of Fuel in Hand-Fired Equipment Prohibited

This proposed amendment will allow the burning of certain fuels, such as clean wood and biomass, in non-residential hand-fired equipment in the St. Louis Metropolitan area. Combustion practices and restrictions will be specified to ensure the equipment is operated in an environmentally-sound manner.

* 10 CSR 10-5.455 (amendment) Control of Emissions from Industrial Solvent Cleaning Operations

This proposed amendment will incorporate a change requested during the public comment period on a recent rulemaking that was not integrated into the rule text in the manner intended by the commenter. This change to the rule will incorporate equipment cleaning work practices as a compliance option for manufacturers of coatings, inks, and resins in the St. Louis area.

* 10 CSR 10-5.130 (amendment) Certain Coals to be Washed

This proposed amendment will update the area specific indirect heating rule references with the new statewide consolidated indirect heating rule 10 CSR 10-6.405 that became effective October 30, 2011.

* 10 CSR 10-6.020 (amendment) Definitions and Common Reference Tables

This proposed amendment will update the area specific indirect heating rule references with the new statewide consolidated indirect heating rule 10 CSR 10-6.405 that became effective October 30, 2011. At the same time, this rulemaking adds definitions of particulate matter for consistency with a December 2010 federal register notice that updated the federal definitions of particulate matter and removes the reference to 10 CSR 10-6.010 which is not necessary because it is redundant to national ambient air quality standards.

* 10 CSR 10-6.400 (amendment) Restriction of Emission of Particulate Matter From Industrial Processes

This proposed amendment will update the area specific indirect heating rule references with the new statewide consolidated indirect heating rule 10 CSR 10-6.405 that became effective October 30, 2011.

* 10 CSR 10-5.490 (amendment) Municipal Solid Waste Landfills

This proposed amendment will update the rule to maintain consistency with the federal emission guidelines for municipal solid waste landfills, subpart Cc, that were published in the Federal Register on April 10, 2000, October 17, 2000, and September 21, 2006. These updates corrected typographical and formatting errors and corrected inconsistencies from previous final rule actions. At the same time, additional language and formatting changes are being made for consistency with 10 CSR 10-6.310. Note that definitions proposed for removal in this rulemaking have been added to the general definition rule, 10 CSR 10-6.020.

* 10 CSR 10-6.310 (amendment) Restriction of Emissions from Municipal Solid Waste Landfills

This proposed amendment will update the rule to maintain consistency with the federal emission guidelines for municipal solid waste landfills, subpart Cc, that were published in the Federal Register on April 10, 2000, October 17, 2000, and September 21, 2006. These updates corrected typographical and formatting errors and corrected inconsistencies from previous final rule actions. Note that definitions proposed for removal in this rulemaking have been added to the general definition rule, 10 CSR 10-6.020.

* The State Implementation Plan Actions on Public Notice website (<http://dnr.mo.gov/env/apcp/stateplanrevisions.htm>) should also be viewed for plan actions that are included in the public hearing.

Documents for the above item(s) will be available for review at the Missouri Department of Natural Resources, Air Pollution Control Program, 1659 Elm Street, Jefferson City, (573) 751-4817 and in the Public Notices section of the program web site www.dnr.mo.gov/env/apcp/index.html. This information will be available at least 30 days prior to the public hearing date.

Persons with disabilities requiring special services or accommodations to attend the meeting can make arrangements by calling the Department directly at (573) 526-4679, the Department's toll free number at (800) 334-6946, or by writing two weeks in advance of the meeting to: Missouri Department of Natural Resources, Air Conservation Commission Secretary, P.O. Box 176, Jefferson City, MO 65102. Hearing impaired persons may contact the program through Relay Missouri, (800) 735-2966.

The commission holds public hearings under the provisions of chapter 643, RSMo. Citizens wishing to speak at the public hearing should notify the secretary to the Missouri Air Conservation Commission, Missouri Department of Natural Resources, Air Pollution Control Program, P.O. Box 176, Jefferson City, Missouri 65102-0176, or telephone (573) 526-4679. The Department requests persons intending to give verbal presentations also provide a written copy of their testimony to the commission secretary at the time of the public hearing. The Department also will accept written or email comments for the record until 5 p.m. on December 15, 2011; please send written comments to Chief, Air Quality Planning Section, Air Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102-0176. Email comments regarding rule actions shall be sent to apcprulespn@dnr.mo.gov and email comments regarding plan actions shall be sent to apcpsip@dnr.mo.gov. All written and email comments and public hearing testimony will be equally considered.

Public hearing items may be adopted by the Missouri Air Conservation Commission as provided for under authority of 643.050, RSMo. For more information or a complete meeting agenda, including items being presented for adoption, contact the Missouri Department of Natural Resources' Air Pollution Control Program at (573) 751-4817.

BEFORE THE AIR CONSERVATION COMMISSION
STATE OF MISSOURI

DECEMBER 8, 2011
MISSOURI AIR CONSERVATION COMMISSION
PUBLIC HEARING
Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, Missouri 65101
9:00 a.m.

BEFORE:

Mark Garnett, Chairman
Gary Pendergrass
Ron Boyer
Jack Baker
David Zimmermann

(Starting time of the public hearing: 9:27 a.m.)

REPORTED BY:

Pamela Fick, RMR, RPR, MO CCR #447
Midwest Litigation Services
3432 West Truman Boulevard, Suite 207
Jefferson City, Missouri 65109
(573) 636-7551
1-800-280-3376

1 P R O C E E D I N G S

2 CHAIRMAN GARNETT: The hearing will come
3 to order. Let the record show the following
4 Commissioners are present: Mark Garnett, David
5 Zimmermann, Gary Pendergrass, Ron Boyer and Jack
6 Baker.

7 The Air Conservation Commission of the
8 State of Missouri has called this public hearing
9 pursuant to Section 643.070, Revised Statutes of
10 Missouri, EPA promulgated rule 40 CFR 51.102 for the
11 purpose of hearing testimony relating to:

12 10 CSR 10-5.040 (amendment) Use of Fuel in Hand-
13 Fired Equipment Prohibited; 10 CSR 10-5.455
14 (amendment) Control of Emissions from Industrial
15 Solvent Cleaning Operations; 10 CSR 10-5.130
16 (amendment) Certain Coals to be Washed;
17 10 CSR 10-6.020 (amendment) Definitions and Common
18 Reference Tables; 10 CSR 10-6.400 (amendment)
19 Restriction of Emission of Particulate Matter From
20 Industrial Processes; 10 CSR 10-5.490 (amendment)
21 Municipal Solid Waste Landfills; 10 CSR 10-6.310
22 (amendment) Restriction of Emissions from Municipal
23 Solid Waste Landfills; Missouri State Implementation
24 Plan Revision - 2013 Cross-State Air Pollution Rule
25 State Allowance Allocations for Existing Units For

1 general section of the rule with a new statewide
2 indirect heating rule. If the Commission adopts this
3 rule action, it will be the Department's intention to
4 submit this rule amendment to the U.S. Environmental
5 Protection Agency to replace the current rule that is
6 in the Missouri State Implementation Plan.

7 Mr. Chairman, this concludes my
8 testimony. I will be happy to answer any questions
9 you might have specific to these rule amendments.

10 CHAIRMAN GARNETT: Aaron, thanks.

11 MR. MYERS: Good morning, Commissioner.
12 My name is Paul Myers, and I work as an environmental
13 specialist with the Air Pollution Control Program,
14 1659 East Elm Street in Jefferson City, Missouri.
15 I'm here today to present testimony on rules that
16 cover municipal solid waste landfills. These rules,
17 10 CSR 10-5.490 and 10 CSR 10-6.310, cover landfills
18 in the St. Louis area and the rest of the state
19 respectively. Due to the similarity of the rules and
20 the changes proposed, I would like to discuss both
21 rules during my testimony. The text for these rule
22 amendments can be found beginning on page 221 of your
23 briefing document.

24 These state rules cover existing
25 municipal solid waste landfills that are not covered

mills, grinding mills, tote tanks, and roller mills by one (1) or more of the following methods:

A. Use a solvent or solvent solution that either contains less than 1.67 pounds per gallon (0.20 kilograms per liter) of VOC or has a composite vapor pressure no more than eight millimeters of mercury (8.0 mmHg) at twenty degrees Celsius (20 °C);

B. Collect and vent the emissions from equipment cleaning to a VOC emission control system that has an overall capture and control efficiency of at least eighty percent (80%) by weight for the VOC emissions. Where such reduction is achieved by incineration, at least ninety percent (90%) of the organic carbon shall be oxidized to carbon dioxide; *or*

C. Use organic solvents other than those allowed in subparagraph (3)(E)1.A. of this rule provided no more than sixty (60) gallons (two hundred twenty eight (228) liters) of fresh solvent shall be used per month. Organic solvent that is reused or recycled (either onsite or offsite), for further use in equipment cleaning or the manufacture of coating, is not included in this limit; *or*

D. Comply with the following work practices:

(I) Equipment being cleaned must be maintained leak free;

(II) VOC containing cleaning materials must be drained from the cleaned equipment upon completion of cleaning;

(III) VOC containing cleaning materials, including waste solvents, shall not be stored or disposed of in such a manner that will cause or allow evaporation into the atmosphere; and

(IV) Store all VOC containing materials in closed containers; and

{2. Work practices while cleaning shall include:

A. Equipment being cleaned must be maintained leak free;

B. VOC containing cleaning materials must be drained from the cleaned equipment upon completion of cleaning;

C. VOC containing cleaning materials, including waste solvents, shall not be stored or disposed of in such a manner that will cause or allow evaporation into the atmosphere; and

D. Store all VOC containing materials in closed containers; and/

{3.2. When using solvent for wipe cleaning, the owner or operator of a facility shall:—

A. Not use open containers for the storage or disposal of cloth or paper impregnated with organic compounds that is used for cleanup or coating, ink, or resin removal; and

B. Not store spent or fresh organic compounds to be used for cleanup or coating, ink, or resin removal in open containers.

AUTHORITY: section 643.050, RSMo [Supp. 2010] 2000. Original rule filed Oct. 7, 1994, effective May 28, 1995. Amended: Filed July 15, 1996, effective Feb. 28, 1997. Amended: Filed Nov. 30, 2010, effective Aug. 30, 2011. Amended: Filed Sept. 16, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 8, 2011. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., December 15, 2011. Written comments shall be sent to Chief, Air Quality

Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apeprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan Area

PROPOSED AMENDMENT

10 CSR 10-5.490 Municipal Solid Waste Landfills. The commission proposes to amend subsections (1)(B) and (1)(C); add subsection (1)(D); amend original sections (2) and (3); add subsection (3)(C); amend and renumber original sections (4) through (7); and add new sections (4), (9), and (10). If the commission adopts this rule action, it will be the department's intention to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule requires municipal solid waste landfills to monitor their non-methane organic compound (NMOC) emissions. Landfills having NMOC emission rates above the regulatory cutoff shall design and install a gas collection and control system. This amendment is to maintain consistency with federal emission guidelines for existing municipal solid waste landfills promulgated as 40 CFR 60, Subpart Cc. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are **Federal Register** updates published on April 10, 2000, October 17, 2000, and September 21, 2006.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability.

(B) For purposes of obtaining an operating permit under Title V of the Clean Air Act, the owner or operator of an MSW landfill subject to this rule with a design capacity less than two and one-half (2.5) million megagrams or two and one-half (2.5) million cubic meters is not subject to the requirements to obtain an operating permit for the landfill under 40 Code of Federal Regulations (CFR) [part] 70 or 71, unless the landfill is otherwise subject to either 40 CFR [part] 70 or 71. For purposes of submitting a timely application for an operating permit under 40 CFR [part] 70 or 71, the owner or operator of an MSW landfill subject to the rule with a design capacity greater than or equal to two and one-half (2.5) million megagrams and two and one-half (2.5) million cubic meters on the effective date of EPA approval of the state's program under section 111(d) of the Clean Air Act (June 23, 1998), and not otherwise subject to either 40 CFR [part] 70 or 71, becomes subject to the requirements of section 70.5(a)(1)(i) or 71.5(a)(1)(i) of the Clean Air Act ninety (90) days after the effective date of such 111(d) program approval, even if the design capacity report is submitted earlier.

(C) When an MSW landfill subject to this rule is closed, the owner or operator is no longer subject to the requirement to maintain an operating permit under 40 CFR [part] 70 or 71 for the landfill if the landfill is not otherwise subject to the requirements of either 40 CFR [part] 70 or 71 and if either of the following conditions is met:

1. The landfill was never subject to a requirement for a control system under section (3) of this rule; or

2. The owner or operator meets the conditions for control system removal specified in section 60.752(b)(2)(v) of **40 CFR 60, [s]/Subpart WWW.**

(D) Physical or operational changes made to an existing MSW landfill solely to comply with this rule are not considered construction, reconstruction, or modification for the purposes of this rule.

(2) Definitions. Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.

(A) Active collection system—A gas collection system that uses gas mover equipment.

(B) Closed landfill—A landfill in which solid waste is no longer being placed, and in which no additional wastes will be placed without first filing a notification of modification as prescribed under 40 CFR part 60.7(a)(4) (incorporated by reference). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed.

(C) Closure—That point in time when a landfill becomes a closed landfill.

(D) Design capacity—The maximum amount of solid waste the landfill can accept, as indicated in terms of volume or mass in the most recent operating or construction permit issued by the county or state 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 or from mass to volume to demonstrate its design capacity is less than two and one-half (2.5) million megagrams or two and one-half (2.5) million cubic meters, the calculation must include a site-specific density, which must be recalculated annually.

(E) Enclosed combustor—An enclosed firebox which maintains a relatively constant limited peak temperature generally using a limited supply of combustion air. An enclosed flare is considered an enclosed combustor.

(F) Flare—An open combustor without enclosure or shroud.

(G) Gas mover equipment—The equipment (i.e., fan, blower, compressor) used to transport landfill gas through the header system.

(H) Household waste—Any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including, but not limited to, single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

(I) Lateral expansion—A horizontal expansion of the waste boundaries of an existing MSW landfill. A lateral expansion is not a modification unless it results in an increase in the design capacity of the landfill.

(J) Modification—An increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its most recent permitted design capacity. Modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion.

(K) Municipal solid waste landfill or MSW landfill—An entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW

landfill may also receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill or a lateral expansion.

(L) NMOC—Nonmethane organic compounds.

(M) Passive collection system—A gas collection system that solely uses positive pressure within the landfill to move the gas rather than using gas mover equipment.

(N) Solid waste—Any garbage, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under 33 U.S.C. 1342 (incorporated by reference), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq., incorporated by reference).

(O) Sufficient density—Any number, spacing, and combination of collection system components, including vertical wells, horizontal collectors, and surface collectors, necessary to maintain emission and migration control as determined by measures of performance set forth in this rule.

(P) Sufficient extraction rate—A rate sufficient to maintain a negative pressure at all wellheads in the collection system without causing air infiltration, including any wellheads connected to the system as a result of expansion or excess surface emissions, for the life of the blower.]

(3) [General Provisions.] Standards for Air Emissions from Municipal Solid Waste Landfills. Provisions of 40 CFR 51, 40 CFR 52, 40 CFR 60, and 40 CFR 258 are incorporated by reference in subsection (3)(C) of this rule. Also, the *Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources, AP-42, Fifth Edition, January 1995* (hereafter AP-42), as published by the Government Printing Office, 732 North Capitol Street NW, Washington, DC, 20401, shall apply and is hereby incorporated by reference, including Supplement E dated November 1998. This rule does not incorporate any subsequent amendments or additions.

(A) Each owner or operator of a municipal solid waste (MSW) landfill having a design capacity less than one (1.0) million megagrams (one and one-tenth (1.1) million tons) by mass or one (1.0) million cubic meters (one and three-tenths (1.3) million cubic yards) by volume shall submit within ninety (90) days of the rule effective date an initial design capacity report, as described in subsection [(7)](8)(A) of this rule, to the director. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. Any density conversions shall be documented and submitted with the report. Submittal of the initial design capacity report shall fulfill the requirements of this rule, except as provided for in paragraphs (3)(A)1. and 2. of this rule.

1. The owner or operator shall submit an amended design capacity report [to the director when there is any increase in the design capacity of the landfill. An increase in design capacity may result from an increase in the area or depth of the landfill, a change in the operating procedures of the landfill, or any other means], as provided for in paragraph (8)(A)3. of this rule.

2. [If] When an increase in the design capacity of the landfill results in a revised maximum design capacity equal to or greater than

one (1.0) million megagrams or one (1.0) million cubic meters, the owner or operator shall comply with the provisions of subsection (3)(B) of this rule.

(B) Each owner or operator of an MSW landfill having a design capacity equal to or greater than one (1.0) million megagrams or one (1.0) million cubic meters shall *[submit within ninety (90) days of the rule effective date an initial design capacity report and an NMOC emission rate report, as described in sections (4) and (7) of this rule, to the director]* **either comply with paragraph (3)(B)2. of this rule or calculate an NMOC emission rate for the landfill using the procedures specified in section (5) of this rule.** The NMOC emission rate shall be recalculated annually except as provided for in *[subsection (7)(C)]* **subparagraph (8)(B)1.B. of this rule.**

1. If the calculated NMOC emission rate is less than twenty-five (25) megagrams (twenty-seven and one-half (27.5) tons) per year, the owner or operator shall—

A. Submit an annual emission rate report to the director, **except as provided for in subparagraph (8)(B)1.B. of this rule;** and

B. Recalculate the NMOC emission rate annually **using the procedures specified in paragraph (5)(A)1. of this rule** until such time as the calculated NMOC emission rate is equal to or greater than twenty-five (25) megagrams, or the landfill closes.

(I) If the NMOC emission rate, upon recalculation, is equal to or greater than twenty-five (25) megagrams per year, the owner or operator shall install a collection and control system in compliance with paragraph (3)(B)2. of this rule.

(II) If the landfill is permanently closed, a closure notification shall be submitted to the director **as provided for in subsection (8)(D) of this rule.**

2. If the calculated NMOC emission rate is equal to or greater than twenty-five (25) megagrams per year, the owner or operator shall—

A. Submit a collection and control system design plan prepared by a professional engineer to the director within one (1) year of the NMOC emission rate report. Permit modification approval from the Missouri Department of Natural Resources' Solid Waste Management Program shall be required prior to construction of any gas collection system.

(I) The collection and control system **as described in the plan** shall meet the design requirements of subparagraph (3)(B)2.B. of this rule.

(II) The collection and control system design plan shall include any alternatives to the operation standards, test methods, procedures, compliance measures, monitoring, record keeping, or reporting provisions of sections (4) through *[(7)](9)* of this rule proposed by the owner or operator.

(III) The collection and control system design plan shall either conform with specifications for active collection systems **in section (10) of this rule** or include a demonstration to the director's satisfaction of the sufficiency of the *[alternate system]* **alternative provisions to section (10) of this rule.**

(IV) The director will review the collection and control system design plan and either approve it, disapprove it, or request that additional information be submitted. **Because of the many site-specific factors involved with landfill gas system design, alternative systems may be necessary. A wide variety of system designs are possible, such as vertical wells, combination horizontal and vertical collection systems, horizontal trenches only, leachate collection components, and passive systems;**

B. Install a collection and control system that captures the gas generated within the landfill as required by part (3)(B)2.B.(I) or (II) and subparagraph (3)(B)2.C. of this rule within thirty (30) months after the first annual report in which the emission rate equals or exceeds twenty-five (25) megagrams per year, unless Tier 2 or Tier 3 sampling under *[subsection (4)(C) or (4)(D)]* **section (5) of this rule** demonstrates that the emission rate is less than twenty-five (25)

megagrams per year, as specified in paragraph *[(7)(D)](8)(C)* 1. or 2. of this rule.

(I) An active collection system shall—

(a) Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control **over the intended use period of the gas control or treatment system equipment;**

(b) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of—

I. *[f/Five (5) years or more, if active[,];* or

II. *[t/Two (2) years or more, if closed or at final grade;*

(c) Collect gas at a sufficient extraction rate; and

(d) Be designed to minimize off-site migration of subsurface gas.

(II) A passive collection system shall—

(a) Comply with the provisions of subparts (3)(B)2.B.(I)(a), (b), and (d) of this rule; and

(b) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. **The liners shall be installed as required under 40 CFR 258.40;**

[(III) Each owner or operator of an MSW landfill gas collection and control system shall—

(a) Operate the collection system with negative pressure at each wellhead except under the following conditions:

I. A fire or increased well temperature. The owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in subsection (7)(H) of this rule;

II. Use of a geomembrane or synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan; and

III. A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes shall be approved by the director;

(b) Operate each interior wellhead in the collection system with a landfill gas temperature less than fifty-five degrees Celsius (55 °C) and with either a nitrogen level less than twenty percent (20%) or an oxygen level less than five percent (5%). The owner or operator may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

I. The nitrogen level shall be determined using Method 3C of Appendix A, 40 CFR part 60, unless an alternative test method is established as allowed by part (3)(B)2.A.(II) of this rule.

II. Unless an alternative test method is established as allowed by part (3)(B)2.A.(II) of this rule, the oxygen shall be determined by an oxygen meter using Method 3A of Appendix A, 40 CFR part 60, except that—

a. The span shall be set so that the regulatory limit is between twenty and fifty percent (20 and 50%) of the span;

b. A data recorder is not required;

c. Only two (2) calibration gases are required, a zero and span, and ambient air may be used as the span;

d. A calibration error check is not required;

and

e. The allowable sample bias, zero drift, and calibration drift are plus or minus ten percent (± 10%);

(c) Operate the collection system so that the

methane concentration is less than five hundred (500) parts per million above background concentration at the surface of the landfill. To determine if this level is exceeded, the owner or operator shall conduct surface testing around the perimeter of the collection area along a pattern that traverses the landfill at thirty (30)-meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. The owner or operator may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the thirty (30)-meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing;

(d) Operate the system such that all collected gases are vented to a control system designed and operated in compliance with subparagraph (3)(B)2.C. of this rule. In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within one (1) hour;

(e) Operate the control or treatment system at all times when the collected gas is routed to the system; and

(f) If monitoring demonstrates that the operational requirement in subpart (3)(B)2.B.(III)(a), (b), or (c) of this rule are not met, corrective action shall be taken as specified in subsection (5)(B) of this rule. If corrective actions are taken as specified in subsection (5)(B) of this rule, the monitored exceedance is not a violation of the operational requirements in this section;]

C. Route all the collected gas to one (1) or more of the following control systems:

(I) An open flare designed and operated in accordance with 40 CFR [part] 60.18 [(incorporated by reference)] except as noted in subsection (5)(E) of this rule;

(II) A control system designed and operated to reduce NMOC by ninety-eight (98) weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by ninety-eight (98) weight-percent, or reduce the outlet NMOC concentration to less than twenty (20) parts per million by volume, dry basis as hexane at three percent (3%) oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test, to be completed no later than one hundred eighty (180) days after the initial startup of the approved control system; or] using the test methods specified in subsection (5)(D) of this rule.

(a) If a boiler or process heater is used as the control device, the landfill gas stream shall be introduced into the flame zone.

(b) The control device shall be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in section (7) of this rule; or

(III) A system that routes the collected gas to a treatment system that processes the collected gas for subsequent sale or use; and]. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of part (3)(B)2.C.(I) or (II) of this rule;

D. Operate the collection and control device installed to comply with this rule in accordance with the provisions of sections (4), (6), and (7) of this rule;

[D./E. The collection and control system may be capped or removed provided the following conditions are met:

(I) The landfill shall be no longer accepting solid waste and be permanently closed under the requirements of 40 CFR 258.60. A closure report shall be submitted to the director;

(II) The collection and control system has been in operation a minimum of fifteen (15) years; and

(III) The calculated NMOC gas produced by the landfill is less than twenty-five (25) megagrams per year on three (3) successive test dates. The test dates shall be no less than ninety (90) days apart and no more than one hundred eighty (180) days apart; and

[E./F. The planning, awarding of contracts, and installation of MSW landfill air emission collection and control equipment capable of meeting the emission standards in subsection (3)(B) of this rule shall be accomplished within thirty (30) months after the date the initial NMOC emission rate report shows NMOC emissions equal or exceed twenty-five (25) megagrams per year.

(C) The specific citations of 40 CFR 51, 40 CFR 52, 40 CFR 60, and 40 CFR 258 referenced in this rule and promulgated as of June 30, 2011, shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions. All of the provisions of 40 CFR 51.166 other than (a) Plan requirements and (q) Public participation are incorporated by reference in this rule. All of the provisions 40 CFR 52.21, other than (a) Plan disapproval, (q) Public participation, (s) Environmental impact statements, and (u) Delegation of authority are incorporated by reference in this rule with the following adaptation. Administrator as it appears in 40 CFR 52.21 shall refer to the director of the Missouri Department of Natural Resources' Air Pollution Control Program except in the following, where it shall continue to refer to the administrator of the U.S. Environmental Protection Agency:

1. (b)(17) Federally enforceable;
2. (b)(37)(i) Repowering;
3. (b)(43) Prevention of Significant Deterioration (PSD) program;
4. (b)(48) Baseline actual emissions;
5. (b)(49) Subject to regulation;
6. (b)(50) Regulated NSR pollutant;
7. (b)(51) Reviewing authority;
8. (g) Redesignation;
9. (l) Air quality models;
10. (p) Federal Land Manager;
11. (t) Disputed permits or redesignations; and
12. (v) Innovative control technology.

(4) Operational Standards for Collection and Control Systems. Each owner or operator of an MSW landfill gas collection and control system used to comply with the provisions of subparagraph (3)(B)2.B. of this rule shall—

(A) Operate the collection system such that gas is collected from each area, cell, or group of cells in the MSW landfill in which solid waste has been in place for—

1. Five (5) years or more if active; or
2. Two (2) years or more if closed or at final grade;

(B) Operate the collection system with negative pressure at each wellhead except under the following conditions:

1. A fire or increased well temperature. The owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in paragraph (8)(F)1. of this rule;

2. Use of a geomembrane or synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan; and

3. A decommissioned well. A well may experience a static positive pressure after shutdown to accommodate for declining flows. All design changes shall be approved by the director and EPA;

(C) Operate each interior wellhead in the collection system with a landfill gas temperature less than fifty-five degrees Celsius

(55 °C) and with either a nitrogen level less than twenty percent (20%) or an oxygen level less than five percent (5%). The owner or operator may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

1. The nitrogen level shall be determined using Method 3C of 40 CFR 60, Appendix A unless an alternative test method is established as allowed by subparagraph (3)(B)2.A. of this rule.

2. Unless an alternative test method is established as allowed by subparagraph (3)(B)2.A. of this rule, the oxygen shall be determined by an oxygen meter using Method 3A or 3C of 40 CFR 60, Appendix A except that—

A. The span shall be set so that the regulatory limit is between twenty and fifty percent (20%–50%) of the span;

B. A data recorder is not required;

C. Only two (2) calibration gases are required, a zero (0) and span, and ambient air may be used as the span;

D. A calibration error check is not required; and

E. The allowable sample bias, zero (0) drift, and calibration drift are plus or minus ten percent ($\pm 10\%$);

(D) Operate the collection system so that the methane concentration is less than five hundred (500) parts per million above background at the surface of the landfill. To determine if this level is exceeded, the owner or operator shall conduct surface testing around the perimeter of the collection area along a pattern that traverses the landfill at thirty (30)-meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. The owner or operator may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the thirty (30)-meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing;

(E) Operate the system such that all collected gases are vented to a control system designed and operated in compliance with subparagraph (3)(B)2.C. of this rule. In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within one (1) hour;

(F) Operate the control or treatment system at all times when the collected gas is routed to the system; and

(G) If monitoring demonstrates that the operational requirements in subsection (4)(B), (C), or (D) of this rule are not met, corrective action shall be taken as specified in paragraphs (3)(A)3. through 5. or subsection (6)(C) of this rule. If corrective actions are taken as specified in section (6) of this rule, the monitored exceedance is not a violation of the operational requirements in this section.

[(4)](5) Test Methods and Procedures.

(A) NMOC Emission Rate Calculation.

1. The landfill owner or operator [of a MSW landfill] shall calculate the NMOC emission rate using either the equation provided in [paragraph (4)(A)1.] subparagraph (5)(A)1.A. of this rule or the equation provided in [paragraph (4)(A)2.] subparagraph (5)(A)1.B. of this rule. Both equations may be used if the actual year-to-year solid waste acceptance rate is known, as specified in subparagraph (5)(A)1.A. of this rule, for part of the life of the landfill and the actual year-to-year solid waste acceptance rate is unknown, as specified in subparagraph (5)(A)1.B., for part of the life of the landfill. The values to be used in both equations are 0.05 per year for k , 170 cubic meters per megagram for L_o , and 4,000 parts per million by volume as hexane for the C_{NMOC} unless site-

specific values are calculated as described under Tier 1, Tier 2, and Tier 3 in subsections (4)(B), (4)(C), and (4)(D) of this rule]. For landfills located in geographical areas with a thirty (30)-year annual average precipitation of less than twenty-five inches (25"), as measured at the nearest representative official meteorologic site, the k value to be used is 0.02 per year.

[1.]A. [The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for M_i if documentation of the nature and amount of such wastes is maintained.] The following equation shall be used if the actual year-to-year solid waste acceptance rate is known[:]. The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for M_i if documentation of the nature and amount of such wastes is maintained.

$$M_{NMOC} = \sum_{i=1}^n 2kL_o M_i (e^{-kt_i}) (C_{NMOC}) (3.6 \times 10^{-9})$$

where,

M_{NMOC} = Total NMOC emission rate from the landfill, megagrams per year

k = methane generation rate constant, year⁻¹

L_o = methane generation potential, cubic meters per megagram solid waste

M_i = mass of solid waste in the i^{th} section, megagrams

t_i = age of the i^{th} section, years

C_{NMOC} = concentration of NMOC, parts per million by volume as hexane

3.6×10^{-9} = conversion factor

[2.]B. [The mass of nondegradable solid waste may be subtracted from the average annual acceptance rate when calculating a value for R if documentation is provided.] The following equation shall be used if the actual year-to-year solid waste acceptance rate is unknown[:]. The mass of nondegradable solid waste may be subtracted from the average annual acceptance rate when calculating a value for R if documentation is provided.

$$M_{NMOC} = 2L_o R (e^{-kc} - e^{-kt}) (C_{NMOC}) (3.6 \times 10^{-9})$$

where,

M_{NMOC} = mass emission rate of NMOC, megagrams per year

L_o = methane generation potential, cubic meters per megagram solid waste

R = average annual acceptance rate, megagrams per year

k = methane generation rate constant, year⁻¹

c = time since closure, years (for active landfill $c = 0$ and $e^{-kc} = 1$)

t = age of landfill, years

C_{NMOC} = concentration of NMOC, parts per million by volume as hexane

3.6×10^{-9} = conversion factor

[(B)]2. Tier 1. The owner or operator shall compare the calculated NMOC mass emission rate to the standard of twenty-five (25) megagrams per year.

[1.]A. If the NMOC emission rate calculated in paragraph [(4)(A)1. or 2.] (5)(A)1. of this rule is less than twenty-five (25) megagrams per year, then the landfill owner shall submit an emission rate report as provided in paragraph (8)(B)1. of this rule and shall recalculate the NMOC mass emission rate annually as required under paragraph (3)(B)1. of this rule.

[2.]B. If the calculated NMOC emission rate is equal to or greater than twenty-five (25) megagrams per year, then the landfill owner shall either comply with paragraph (3)(B)2. of this rule, or determine a site-specific NMOC concentration and recalculate the NMOC emission rate using the procedures provided in **[subsection (4)(C)] paragraph (5)(A)3.** of this rule.

[(C)]3. Tier 2. The landfill owner or operator shall determine the NMOC concentration using the following sampling procedure. The landfill owner or operator shall install at least two (2) sample probes per hectare of landfill surface that has retained solid waste for at least two (2) years. If the landfill is larger than twenty-five (25) hectares in area, only fifty (50) samples are required. The sample probes shall be located to avoid known areas of nondegradable solid waste. The owner or operator shall collect and analyze one (1) sample of landfill gas from each probe to determine the NMOC concentration using Method 25 or 25C *[or]* of 40 CFR 60, Appendix A. Method 18 of *[Appendix A,]* 40 CFR *[part]* 60*]. If composite sampling is used, equal volumes shall be taken from each sample probe.*, Appendix A may be used to analyze the samples collected by the Method 25 or 25C sampling procedure. Taking composite samples from different probes into a single cylinder is allowed; however, equal sample volumes must be taken from each probe. For each composite, the sampling rate, collection times, beginning and ending cylinder vacuums, or alternative volume measurements must be recorded to verify that composite volumes are equal. Composite sample volumes should not be less than one (1) liter unless evidence can be provided to substantiate the accuracy of smaller volumes. Terminate compositing before the cylinder approaches ambient pressure where measurement accuracy diminishes. If using Method 18 of 40 CFR 60, Appendix A, the minimum list of compounds to be tested shall be those published in AP-42, minus carbon monoxide, hydrogen sulfide, and mercury. As a minimum, the instrument must be calibrated for each of the compounds on the list. Convert the concentration of each Method 18 compound to C_{NMOC} as hexane by multiplying by the ratio of its carbon atoms divided by six (6). If more than the required number of samples are taken, all samples shall be used in the analysis. The landfill owner or operator *[shall]* must divide the NMOC concentration from Method 25 or 25C of 40 CFR 60, Appendix A by six (6) to convert from C_{NMOC} as carbon to C_{NMOC} as hexane. **If the landfill has an active or passive gas removal system in place, Method 25 or 25C samples may be collected from these systems instead of surface probes provided the removal system can be shown to provide sampling as representative as the two (2) sampling probe per hectare requirement. For active collection systems, samples may be collected from the common header pipe before the gas moving or condensate removal equipment. For these systems, a minimum of three (3) samples must be collected from the header pipe.**

A. The landfill owner or operator shall recalculate the NMOC mass emission rate using the equations provided in **[paragraph (4)(A)1. or 2.] subparagraph (5)(A)1.A. or B.** of this rule and using the average NMOC concentration from the collected samples instead of the default value in the equation **provided in paragraph (5)(A)1. of this rule.**

[1.]B. If the resulting NMOC mass emission rate is less than twenty-five (25) megagrams per year, the owner or operator shall submit an emission rate report as required under paragraph **[(3)(B)1.] (8)(B)1.** of this rule and retest the site-specific NMOC concentration every five (5) years using the methods specified in this section.

[2.]C. If the resulting mass emission rate calculated using the site-specific NMOC concentration is equal to or greater than twenty-five (25) megagrams per year, then the landfill owner or operator shall either comply with paragraph (3)(B)2. of this rule, or determine the site-specific methane generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate

using the procedure specified in **[subsection (4)(D)] paragraph (5)(A)4.** of this rule.

[(D)]4. Tier 3. The site-specific methane generation rate constant shall be determined using the procedures provided in Method 2E of *[Appendix A,]* 40 CFR *[part]* 60, Appendix A. The landfill owner or operator shall estimate the NMOC mass emission rate using the equations in **[paragraph (4)(A)1. or 2.] subparagraph (5)(A)1.A. or B.** of this rule using a site-specific methane generation rate constant k , and using the site-specific NMOC concentration as determined in **[subsection (4)(C)] paragraph (5)(A)3.** of this rule instead of the default values provided in **[subsection (4)(A)] paragraph (5)(A)1.** of this rule. The landfill owner or operator shall compare the resulting NMOC mass emission rate to the standard of twenty-five (25) megagrams per year.

[1.]A. If the NMOC mass emission rate is less than twenty-five (25) megagrams per year, then the owner or operator shall submit a periodic emission rate report as provided in paragraph **[(3)(B)1.] (8)(B)1.** of this rule and shall recalculate the NMOC mass emission rate annually, **as provided in paragraph (8)(B)1. of this rule using the equations in paragraph (5)(A)1. of this rule and using the site-specific methane generation rate constant and NMOC concentration obtained in paragraph (5)(A)3. of this rule.** The calculation of the methane generation rate constant is performed only once, and the value obtained shall be used in all subsequent annual NMOC emission rate calculations.

[2.]B. If the NMOC mass emission rate as calculated using the site-specific methane generation rate and concentration of NMOC is equal to or greater than twenty-five (25) megagrams per year, the owner or operator shall comply with paragraph (3)(B)2. of this rule.

[(E)]5. The owner or operator may use other methods to determine the NMOC concentration or a site-specific k as an alternative to the methods **required in [subsections (4)(C) and (D)] paragraphs (5)(A)3. and 4.** of this rule if the method has been approved *[in writing]* by the director **and EPA.**

[(F)](B) After the installation of a collection and control system in compliance with section **[(5)] (6)** of this rule, the owner or operator shall calculate the NMOC emission rate for purposes of determining when the system can be removed as provided in subparagraph **[(3)(B)2.D.] (3)(B)2.E.** of this rule, using the following equation:

$$M_{\text{NMOC}} = (1.89 \times 10^{-3}) (Q_{\text{LFG}}) (C_{\text{NMOC}})$$

where,

$$\begin{aligned} M_{\text{NMOC}} &= \text{mass emission rate of NMOC, megagrams per year} \\ Q_{\text{LFG}} &= \text{flow rate of landfill gas, cubic meters per minute} \\ C_{\text{NMOC}} &= \text{NMOC concentration, parts per million by volume as hexane} \end{aligned}$$

1. The flow rate of landfill gas, Q_{LFG} , shall be determined by measuring the total landfill gas flow rate at the common header pipe that leads to the control device using a gas flow measuring device calibrated according to the provisions of section 4 of Method 2E of *[Appendix A,]* 40 CFR *[part]* 60, Appendix A.

2. The average NMOC concentration, C_{NMOC} , shall be determined by collecting and analyzing landfill gas sampled from the common header pipe before the gas moving or condensate removal equipment using the procedures in Method 25C or Method 18 of *[Appendix A,]* 40 CFR *[part]* 60, Appendix A. If using Method 18, the minimum list of compounds to be tested shall be those published in *[the most recent Compilation of Air Pollutant Emission Factors (IAP-42)]*. The sample location on the common header pipe shall be before any condensate removal or other gas refining units. The landfill owner or operator shall divide the NMOC concentration from Method 25C by six (6) to convert from C_{NMOC} as carbon to C_{NMOC} as hexane.

3. The owner or operator may use another method to determine landfill gas flow rate and NMOC concentration if the method has

been approved by the director and EPA as provided in part (3)(B)2.A.(II) of this rule.

[(G)](C) When calculating emissions for prevention of significant deterioration (PSD) purposes, *[T]*the owner or operator of each MSW landfill subject to the provisions of this rule shall estimate the NMOC emission rate for comparison to the *[Prevention of Significant Deterioration (] PSD [)]* major source and significance levels in *[section] 40 CFR 51.166 or 52.21 [of 40 CFR parts 51 and 52]* using AP-42 or other approved measurement procedures. *[If a collection system, which complies with the provisions in paragraph (3)(B)2. of this rule is already installed, the owner or operator shall estimate the NMOC emission rate using the procedures provided in subsection (4)(F) of this rule.]*

[(H)](D) For the performance test required in part (3)(B)2.C.(II) of this rule, Method 25, 25C, or Method 18 of 40 CFR 60, Appendix A shall be used to determine compliance with ninety-eight (98) weight-percent efficiency or the twenty parts per million by volume (20 ppmv) outlet concentration level, unless another method to demonstrate compliance has been approved by the director and EPA as provided by part (3)(B)2.A.(II) of this rule. Method 3 or 3A of 40 CFR 60, Appendix A shall be used to determine oxygen for correcting the NMOC concentration as hexane to three percent (3%). In cases where the outlet concentration is less than fifty (50) ppm NMOC as carbon (eight (8) ppm NMOC as hexane), Method 25A of 40 CFR 60, Appendix A should be used in place of Method 25. If using Method 18, the minimum list of compounds to be tested shall be those published in *[the most recent Compilation of Air Pollutant Emission Factors (]AP-42[)]*. The following equation shall be used to calculate efficiency:

$$\text{Control Efficiency} = (\text{NMOC}_{\text{in}} - \text{NMOC}_{\text{out}}) / (\text{NMOC}_{\text{in}})$$

where,

NMOC_{in} = mass of NMOC entering control device
 NMOC_{out} = mass of NMOC exiting control device

(E) For the performance test required in part (3)(B)2.C.(I) of this rule, the net heating value of the combusted landfill gas as determined in 40 CFR 60.18(f)(3) is calculated from the concentration of methane in the landfill gas as measured by Method 3C of 40 CFR 60, Appendix A. A minimum of three (3) thirty (30)-minute Method 3C samples are determined. The measurement of other organic components, hydrogen, and carbon monoxide is not applicable. Method 3C may be used to determine the landfill gas molecular weight for calculating the flare gas exit velocity under 40 CFR 60.18(f)(4).

[(5)](6) Compliance Provisions.

(A) Except as provided for in part (3)(B)2.A.(II) of this rule, the following methods shall be used to determine whether the gas collection system is in compliance:

1. One of the following equations shall be used in calculating the maximum expected gas generation flow rate from the landfill as described in subpart (3)(B)2.B.(I)(a) of this rule. The *k* and *L*_o kinetic factors shall be those published in *[the most recent Compilation of Air Pollution Emission Factors (]AP-42[)]* or other site-specific values demonstrated to be appropriate and approved in writing by the director and EPA. **If *k* has been determined as specified in paragraph (5)(A)4. of this rule, the value of *k* determined from the test shall be used.** A value of no more than fifteen (15) years shall be used for the intended use period of the gas mover equipment. The active life of the landfill is the age of the landfill plus the estimated number of years until closure. After installation of a collection and control system, actual flow data shall be used to project the maximum flow rate.

A. For sites with unknown year-to-year solid waste acceptance rate[:]-

$$Q_m = 2L_o R (e^{-kc} - e^{-kt})$$

where,

*Q*_m = maximum expected gas generation flow rate, cubic meters per year

*L*_o = methane generation potential, cubic meters per megagram solid waste

R = average annual acceptance rate, megagrams per year

k = methane generation rate constant, year⁻¹

c = time since closure, years (for an active landfill *c* = 0 and *e*^{-kc} = 1)

t = age of the landfill at equipment installation plus the time the owner or operator intends to use the gas mover equipment or active life of the landfill, whichever is less. If the equipment is installed after closure, *t* is the age of the landfill at installation, years

B. For sites with known year-to-year solid waste acceptance rate[:]-

$$Q_m = \sum_{i=1}^n k L_o M_i (e^{-kt_i})$$

where,

*Q*_m = maximum expected gas generation flow rate, cubic meters per year

k = methane generation rate constant, year⁻¹

*L*_o = methane generation potential, cubic meters per megagram solid waste

*M*_{*i*} = mass of solid waste in the *i*th section, megagrams

*t*_{*i*} = age of the *i*th section, years[:]

C. If a collection and control system has been installed, actual flow data may be used to project the maximum expected gas generation flow rate instead of, or in conjunction with, the equations in subparagraphs (6)(A)1.A. and B. of this rule. If the landfill is still accepting waste, the actual measured flow data will not equal the maximum expected gas generation rate, so calculations using the equations in subparagraphs (6)(A)1.A. or B. of this rule or other methods shall be used to predict the maximum expected gas generation rate over the intended period of use of the gas control system equipment;

2. For the purposes of determining sufficient density of gas collectors for compliance with subpart (3)(B)2.B.(I)(b) of this rule, the owner or operator shall design a system of vertical wells, horizontal collectors, or other collection devices, satisfactory to the director, capable of controlling and extracting gas from all portions of the landfill **sufficient to meet all operational and performance standards;**

3. For the purposes of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with subpart (3)(B)2.B.(I)(c) of this rule, the owner or operator shall measure gauge pressure in the gas collection header at each individual well, monthly. If a positive pressure exists, action shall be initiated to correct the exceedance within five (5) calendar days, **except for the three (3) conditions allowed under subsection (4)(B) of this rule.** If negative pressure cannot be achieved without excess air infiltration within fifteen (15) calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within one hundred twenty (120) days of the initial measurement of positive pressure. *[Compliance with this subsection will not be required during the first one hundred eighty (180) days after gas collection system start-up.]* **Any attempted corrective measure shall not cause exceedances of other operational or performance standards.** An alternative timeline for correcting the exceedance may be submitted to the director for approval; *[and]*

4. Owners or operators are not required to expand the system as required in paragraph (6)(A)3. of this rule during the first one hundred eighty (180) days after gas collection system start-up;

5. For the purpose of identifying whether excess air infiltration into the landfill is occurring, the owner or operator shall monitor each well monthly for temperature and nitrogen or oxygen as provided in subsection (4)(C) of this rule. If a well exceeds one (1) of these operating parameters, action shall be initiated to correct the exceedance within five (5) calendar days. If correction of the exceedance cannot be achieved within fifteen (15) calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within one hundred twenty (120) days of the initial exceedance. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the director for approval; and

[4.]6. An owner or operator seeking to demonstrate compliance with subpart (3)(B)2.B.(I)(d) of this rule through the use of a collection system not conforming to the specifications provided in section (10) of this rule shall provide information satisfactory to the director and EPA as specified in part (3)(B)2.A.(III) of this rule demonstrating that off-site migration is being controlled.

(B) For purposes of compliance with subsection (4)(A) of this rule, each owner or operator of a controlled landfill shall place each well or design component as specified in the approved design plan as provided in subparagraph (3)(B)2.A. of this rule. Each well shall be installed no later than sixty (60) days of the date in which the initial solid waste has been in place for a period of—

1. Five (5) years or more if active; or
2. Two (2) years or more if closed or at final grade.

(C) The following procedures shall be used for compliance with the surface methane operational standard as provided in subsection (4)(D) of this rule:

[(B)]1. After installation of the collection system, the owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and *[in] along a [serpentine] pattern [every] that traverses the landfill at thirty (30) meters for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specification provided in [Method 21 of Appendix A, 40 CFR part 60, except that "methane" shall replace all references to VOC] subsection (6)(D) of this rule.*

[1.]2. The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least thirty (30) meters from the perimeter wells.

[2.]3. Surface emission monitoring shall be performed in accordance with section 4.3.1 of Method 21 of *[Appendix A,] 40 CFR [part] 60, Appendix A*, except that the probe inlet shall be placed within five to ten centimeters (5–10 cm) of the ground. **Monitoring shall be performed during typical meteorological conditions.**

[3.]4. Any reading of five hundred parts per million (500 ppm) or more above background at any location shall be recorded as an exceedance and the actions specified in subparagraphs (6)(C)4.A. through E. of this rule shall be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements of subsection (4)(D) of this rule.

A. The location of each monitored exceedance shall be marked, and the location recorded.

B. Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made, and the location shall be remonitored within ten (10) calendar days of detecting the exceedance.

C. *[Any] If the remonitoring of the location shows a second exceedance, additional corrective action shall be taken, and the location [at which an exceedance has occurred] shall be*

[rechecked] monitored again within ten (10) [calendar] days of [detecting] the second exceedance. [The location shall be rechecked every ten (10) calendar days until either a reading below five hundred parts per million (500 ppm) is taken or there are three (3) exceedances] If the remonitoring shows a third exceedance for the same location, the action specified in subparagraph (6)(C)4.E. of this rule shall be taken, and no further monitoring of that location is required until the action specified in subparagraph (6)(C)4.E. of this rule has been taken.

D. Any location that initially *[exceeded] showed an exceedance but has a methane concentration less than five hundred parts per million (500 ppm) methane[, but does not exceed five hundred parts per million (500 ppm) methane] above background* at the ten (10)-day *[recheck,] remonitoring specified in subparagraph (6)(C)4.B. or C. of this rule shall be remonitored one (1) month from the initial exceedance. If the [monthly remonitoring does not exceed five hundred parts per million (500 ppm) methane, then quarterly monitoring can be resumed] one (1)-month remonitoring shows a concentration less than five hundred parts per million (500 ppm) above background, no further monitoring of that location is required until the next quarterly monitoring period. If the one (1)-month remonitoring shows an exceedance, the actions specified in subparagraph (6)(C)4.C. or E. of this rule shall be taken.*

E. When any location equals or exceeds five hundred parts per million (500 ppm) methane above background three (3) times within a quarterly period, a new well or other collection device shall be installed within one hundred twenty (120) calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes, or control device, and a corresponding time line for installation may be submitted to the director for written approval.

5. The owner or operator shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

(D) Each owner or operator seeking to comply with the provisions in subsection (6)(C) of this rule shall comply with the following instrumentation specifications and procedures for surface emission monitoring devices:

1. The portable analyzer shall meet the instrument specifications provided in section 3 of Method 21 of 40 CFR 60, Appendix A, except that "methane" shall replace all references to VOC;

2. The calibration gas shall be methane, diluted to a nominal concentration of five hundred parts per million (500 ppm) in air;

3. To meet the performance evaluation requirements in section 3.1.3 of Method 21 of 40 CFR 60, Appendix A, the instrument evaluation procedures of section 4.4 of Method 21 shall be used; and

4. The calibration procedures provided in section 4.2 of Method 21 of 40 CFR 60, Appendix A shall be followed immediately before commencing a surface monitoring survey.

(E) The provisions of this rule apply at all times, except during periods of start-up, shutdown, or malfunction, provided that the duration of start-up, shutdown, or malfunction shall not exceed five (5) days for collection systems and shall not exceed one (1) hour for treatment or control devices.

[(6)](7) Monitoring of Operations. Except as provided in part (3)(B)2.A.(II) of this rule—

(A) Each owner or operator seeking to comply with part (3)(B)2.B.(I) of this rule for an active gas collection system shall install a sampling port and a thermometer or other temperature measuring device, or an access port for temperature measurements at each wellhead and—

1. Measure the gauge pressure in the gas collection header on a monthly basis as provided in paragraph (6)(A)3. of this rule;

2. Monitor the nitrogen or oxygen concentration in the landfill gas on a monthly basis **as provided in paragraph (6)(A)5. of this rule;** and

3. Monitor the temperature of the landfill gas on a monthly basis **as provided in paragraph (6)(A)5. of this rule.**

(B) Each owner or operator seeking to comply with subparagraph (3)(B)2.C. of this rule using an enclosed combustion device shall calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment:

1. A temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of plus or minus one [1] percent ($\pm 1\%$) of the temperature being measured expressed in degrees Celsius or plus or minus one-half degree Celsius ($\pm 0.5^\circ\text{C}$), whichever is greater. A temperature monitoring device is not required for boilers or process heaters with maximum design heat input capacity **equal to or greater than forty-four (44) megawatts;** and

2. A device that records flow to or bypass of the control device. The owner or operator shall either—

A. Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every fifteen (15) minutes; or

B. Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. **A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.**

(C) Each owner or operator seeking to comply with subparagraph (3)(B)2.C. of this rule using an open flare shall install, calibrate, maintain, and operate according to the manufacturer's specifications the following equipment:

1. A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame; and

2. A device that records flow to or bypass of the flare. The owner or operator shall either—

A. Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every fifteen (15) minutes; or

B. Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. **A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.**

(D) Each owner or operator seeking to comply with subparagraph (3)(B)2.C. of this rule using a device other than an open flare or an enclosed combustion device shall provide information satisfactory to the director **as provided in part (3)(B)2.A.(II) of this rule** describing the operation of the control device, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The director shall review the information and either approve it, or request that additional information be submitted. **The director may specify additional appropriate monitoring procedures.**

(E) Each owner or operator seeking to install a collection system that does not meet the specifications in section (10) of this rule or seeking to monitor alternative parameters to those required by sections (4) through (7) of this rule shall provide information satisfactory to the director as provided in parts (3)(B)2.A.(II) and (III) of this rule describing the design and operation of the collection system, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The director may specify additional appropriate monitoring procedures.

[(E)](F) Each owner or operator seeking to comply with subsection [(5)(B)] (6)(C) of this rule shall monitor surface concentrations of methane according to the instrument specifications and proce-

dures provided in subsection (6)(D) of this rule. Any closed landfill that has no monitored exceedances of the *[five hundred parts per million (500 ppm) standard]* operational standard in three (3) consecutive quarterly monitoring periods may *[change]* skip to annual monitoring. Any *[exceedance]* methane reading of *[the]* five hundred parts per million (500 ppm) *[standard recorded]* or more above the background detected during the annual monitoring *[shall]* return the monitoring frequency to quarterly *[testing]* monitoring.

[(7)](8) Reporting *[and Record Keeping]* Requirements. Except as provided in part (3)(B)2.A.(II) of this rule—

(A) Each owner or operator subject to the requirements of this rule shall submit an initial design capacity report to the director.

1. The initial design capacity report shall be submitted ninety (90) days from the rule effective date *[and contain the following information:]*.

2. The initial design capacity report shall contain the following information:

[1.]A. A map or plot of the landfill, providing the size and location of the landfill, and identifying all areas where solid waste may be landfilled according to the provision of the state, local, tribal, or RCRA construction or operating permit; and

[2.]B. The maximum design capacity of the landfill. Where the maximum design capacity is specified in the state or local construction or RCRA permit, a copy of the permit specifying the maximum design capacity may be submitted as part of the report. If the maximum design capacity of the landfill is not specified in the permit, the maximum design capacity shall be calculated using good engineering practices. The calculations shall be provided, along with *[such]* relevant parameters *[as depth of solid waste, solid waste acceptance rate, and compaction practices]* as part of the report. The director may request other information as may be necessary to verify the maximum design capacity of the landfill.

[(B)]3. An amended design capacity report shall be submitted to the director providing notification of any increase in the design capacity of the landfill, **whether the increase results from an increase in the permitted area or depth of the landfill, a change in the operating procedures, or any other means which results in an increase in the maximum design capacity of the landfill above one (1.0) million megagrams and one (1.0) million cubic meters.** The amended design capacity report shall be submitted within ninety (90) days of the issuance of an amended construction or operating permit, or the placement of waste in additional land, or the change in operating procedures which will result in an increase in maximum design capacity, whichever occurs first.

[(C)] The initial NMOC emission rate report shall be submitted within ninety (90) days of the rule effective date and annually thereafter. The initial NMOC emission rate report may be combined with the initial design capacity report required in subsection (7)(A) of this rule. The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual emission rate. An annual emission rate report will not be required for landfills after installation of a collection and control system.]

(B) Each owner or operator subject to the requirements of this rule shall submit an NMOC emission rate report to the director initially and annually thereafter, except as provided for in subparagraph (8)(B)1.B. or paragraph (8)(B)3. of this rule. The director may request such additional information as may be necessary to verify the reported NMOC emission rate.

1. The NMOC emission rate report shall contain an annual or five (5)-year estimate of the NMOC emission rate calculated using the formula and procedures provided in subsection (5)(A) or (B) of this rule, as applicable.

A. The initial NMOC emission rate report shall be submitted within ninety (90) days of the rule effective date and may

be combined with the initial design capacity report required in subsection (8)(A) of this rule. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in subparagraph (8)(B)1.B. and paragraph (8)(B)3. of this rule.

B. If the estimated NMOC emission rate as reported in the annual report to the director is less than fifty (50) megagrams per year in each of the next five (5) consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next five (5)-year period in lieu of the annual report. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the five (5) years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based shall be provided to the director. This estimate shall be revised at least once every five (5) years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the five (5)-year estimate, a revised five (5)-year estimate shall be submitted to the director. The revised estimate shall cover the five (5)-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

2. The NMOC emission rate report shall include all the data, calculations, sample reports, and measurements used to estimate the annual or five (5)-year emissions.

3. Each owner or operator subject to the requirements of this rule is exempted from the requirements of paragraphs (8)(B)1. and 2. of this rule after the installation of a collection and control system in compliance with paragraph (3)(B)2. of this rule, during such time as the collection and control system is in operation and in compliance with sections (4) and (6) of this rule.

[(D)](C) Each owner or operator subject to subparagraph (3)(B)2.A. of this rule shall submit a collection and control system design plan to the director within one (1) year of the NMOC emission rate report, required under subsection [(7)(C)] (8)(B) of this rule, in which the emission rate equals or exceeds twenty-five (25) megagrams per year, except as follows:

1. If the owner or operator elects to recalculate the NMOC emission rate after Tier 2 NMOC sampling and analysis as provided under [subsection (4)(C)] paragraph (5)(A)3. of this rule and the resulting rate is less than twenty-five (25) megagrams per year, annual periodic reporting shall be resumed, using the Tier 2 determined site-specific NMOC concentration, until the calculated emission rate is equal to or greater than twenty-five (25) megagrams per year or the landfill is closed. The revised NMOC emission rate report, with the recalculated emission rate based on NMOC sampling and analysis, shall be submitted within one hundred eighty (180) days of the first calculated exceedance of twenty-five (25) megagrams per year; and

2. If the owner or operator elects to recalculate the NMOC emission rate after determining a site-specific methane generation rate constant (k), as provided in Tier 3 in [subsection (4)(D)] paragraph (5)(A)4. of this rule and the resulting NMOC emission rate is less than twenty-five (25) megagrams per year, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant (k) shall be used in the emission rate calculation until such time as the emission/s/ rate calculation results in an exceedance. The revised NMOC emission rate report, with the site-specific methane generation rate constant (k) shall be submitted to the director within one (1) year of the first calculated emission rate exceeding twenty-five (25) megagrams per year.

[(E)](D) Each owner or operator of a controlled landfill shall submit a closure report to the director within thirty (30) days of the date the landfill ceases accepting solid waste. The director may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 40 CFR 258.60. If a closure report has been submitted to the director, no additional wastes may be placed into the landfill without

filing a notification of modification as described under 40 CFR 60.7(a)(4).

[(F)](E) Each owner or operator of a controlled landfill shall submit an equipment removal report to the director thirty (30) days prior to removal or cessation of operation of the control equipment. The report shall contain all of the following items:

1. A copy of the closure report;
2. A copy of the initial performance test report demonstrating that the fifteen (15)-year minimum control period has expired; and
3. Dated copies of three (3) successive NMOC emission rate reports demonstrating that the landfill is no longer producing twenty-five (25) megagrams or greater of NMOC per year.

4. The director may request such additional information as may be necessary to verify that all of the conditions for removal have been met.

[(G)] Each owner or operator of an MSW landfill subject to paragraph (3)(B)2. of this rule shall keep up-to-date, readily accessible on-site records of the following:

1. Maximum design capacity;
2. Control equipment compliance monitoring;
3. A plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector; and
4. Collection and control system exceedances of the operation standards and the location of each exceedance.]

[(H)](F) Each owner or operator of a landfill seeking to comply with paragraph (3)(B)2. of this rule using an active collection system designed in accordance with subparagraph (3)(B)2.B. of this rule shall submit to the director annual reports of the recorded information in paragraphs [(7)(H)1.-6.] (8)(F)1. through 6. of this rule. The initial annual report shall be submitted within one hundred [and] eighty (180) days of installation and start-up of the collection and control system[,] and shall include an initial performance test report required under 40 CFR 60.8. For enclosed combustion devices and flares, reportable exceedances are defined under subsection (9)(C) of this rule.

1. Value and length of time for exceedance of applicable parameters monitored under subsections [(6)(A), (B), (C), and (D)] (7)(A), (B), (C), and (D) of this rule.

2. Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow.

3. Description and duration of all periods when the control device was not operating for a period exceeding one (1) hour and length of time the control device was not operating.

4. All periods when the collection system was not operating in excess of five (5) days.

5. The location of each exceedance of the five hundred parts per million (500 ppm) methane concentration as provided in [subpart (3)(B)2.B.(III)(c)] subsection (4)(D) of this rule and the concentration recorded at each location for which an exceedance was recorded in the previous month.

6. The date of installation and the location of each well or collection system expansion added.

[(I)](G) Each owner or operator seeking to comply with subparagraph (3)(B)2.A. of this rule shall include the following information with the initial performance test report required under 40 CFR 60.8:

1. A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;

2. The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;

3. The documentation of the presence of asbestos or non-degradable material for each area from which collection wells have

been excluded based on the presence of asbestos or nondegradable material;

4. The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area;

5. The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and

6. The provisions for the control of off-site migration.

[(J) Landfill owners or operators who convert design capacity from volume to mass or mass to volume to demonstrate that landfill design capacity is less than one (1.0) million megagrams or one (1.0) million cubic meters, as provided in the definition of design capacity, shall keep readily accessible, on-site records of the annual recalculation of site-specific density, design capacity, and the supporting documentation. Off-site records may be maintained if they are retrievable within four (4) hours of request. Either paper copy or electronic formats are acceptable.]

(9) Record Keeping Requirements. Except as provided in part (3)(B)2.A.(II) of this rule—

(A) Each owner or operator of an MSW landfill subject to the provisions of subsection (3)(B) of this rule shall keep for at least five (5) years up-to-date, readily accessible, on-site records of the design capacity report which triggered subsection (3)(B) of this rule, the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Records may be maintained off-site if they are retrievable within four (4) hours. A longer period is acceptable if records are needed for an unresolved enforcement action. Either paper copy or electronic formats are acceptable;

(B) Each owner or operator of a controlled landfill shall keep up-to-date, readily accessible records for the life of the control equipment of the data listed in paragraphs (9)(B)1. through 4. of this rule as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of five (5) years. Records of the control device vendor specifications shall be maintained until removal.

1. Where an owner or operator subject to the provisions of this rule seeks to demonstrate compliance with subparagraph (3)(B)2.B. of this rule—

A. The maximum expected gas generation flow rate as calculated in paragraph (6)(A)1. of this rule. The owner or operator may use another method to determine the maximum gas generation flow rate, if the method has been approved by the director and EPA; and

B. The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in paragraph (10)(A)1. of this rule.

2. Where an owner or operator subject to the provisions of this rule seeks to demonstrate compliance with subparagraph (3)(B)2.C. of this rule through use of an enclosed combustion device other than a boiler or process heater with a design heat input capacity equal to or greater than forty-four (44) megawatts—

A. The average combustion temperature measured at least every fifteen (15) minutes and averaged over the same time period of the performance test; and

B. The percent reduction of NMOC determined as specified in part (3)(B)2.C.(II) of this rule achieved by the control device.

3. Where an owner or operator subject to the provisions of this rule seeks to demonstrate compliance with subpart (3)(B)2.C.(II)(a) of this rule through use of a boiler or process heater of any size—a description of the location at which the col-

lected gas vent stream is introduced into the boiler or process heater over the same time period of the performance testing.

4. Where an owner or operator subject to the provisions of this rule seeks to demonstrate compliance with part (3)(B)2.C.(I) of this rule through use of an open flare, the flare type (that is, steam-assisted, air-assisted, or nonassisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test as specified in 40 CFR 60.18; continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame of the flare flame is absent;

(C) Each owner or operator of a controlled landfill subject to the provisions of this rule shall keep for five (5) years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in section (7) of this rule as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

1. The following constitute exceedances that shall be recorded and reported under subsection (8)(F) of this rule:

A. For enclosed combustors except for boilers and process heaters with design heat input capacity of forty-four (44) megawatts (150 million British thermal units per hour) or greater, all three (3)-hour periods of operation during which the average combustion temperature was more than twenty-eight degrees Celsius (28 °C) below the average combustion temperature during the most recent performance test at which compliance with subparagraph (3)(B)2.C. of this rule was determined; and

B. For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone as required under subparagraph (9)(B)3.A. of this rule.

2. Each owner or operator subject to the provisions of this rule shall keep up-to-date, readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under section (7) of this rule.

3. Each owner or operator subject to the provisions of this rule who uses a boiler or process heater with a design heat input capacity of forty-four (44) megawatts or greater to comply with subparagraph (3)(B)2.C. of this rule shall keep an up-to-date, readily accessible record of all periods of operation of the boiler or process heater. (Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other state or local regulatory requirements.)

4. Each owner or operator seeking to comply with the provisions of this rule by use of an open flare shall keep up-to-date, readily accessible continuous records of the flame or flare pilot flame monitoring specified under subsection (7)(C) of this rule and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent;

(D) Each owner or operator subject to the provisions of this rule shall keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector.

1. Each owner or operator subject to the provisions of this rule shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under subsection (6)(B) of this rule.

2. Each owner or operator subject to the provisions of this rule shall keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in subparagraph (10)(A)3.A. of this rule as well as any nonproductive

areas excluded from collection as provided in subparagraph (10)(A)3.B. of this rule;

(E) Each owner or operator subject to the provisions of this rule shall keep for at least five (5) years up-to-date, readily accessible records of all collection and control system exceedances of the operational standards in section (4) of this rule, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance; and

(F) Landfill owners or operators who convert design capacity from volume to mass or mass to volume to demonstrate that landfill design capacity is less than one (1.0) million megagrams or one (1.0) million cubic meters, as provided in the definition of design capacity, shall keep readily accessible, on-site records of the annual recalculation of site-specific density, design capacity, and the supporting documentation. Off-site records may be maintained if they are retrievable within four (4) hours of request. Either paper copy or electronic formats are acceptable.

(10) Specifications for Active Collection Systems.

(A) Each owner or operator seeking to comply with subparagraph (3)(B)2.A. of this rule shall site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures unless alternative procedures have been approved by the director and EPA as provided in parts (3)(B)2.A.(III) and (IV) of this rule:

1. The collection devices within the interior and along the perimeter areas shall be certified to achieve comprehensive control of surface gas emissions by a professional engineer. The following issues shall be addressed in the design: depths of refuse, refuse gas generation rates and flow characteristics, cover properties, gas system expandability, leachate and condensate management, accessibility, compatibility with filling operations, integration with closure end use, air intrusion control, corrosion resistance, fill settlement, and resistance to the refuse decomposition heat;

2. The sufficient density of gas collection devices determined in paragraph (10)(A)1. of this rule shall address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior; and

3. The placement of gas collection devices determined in paragraph (10)(A)1. of this rule shall control all gas producing areas, except as provided by subparagraphs (10)(A)3.A. and B. of this rule.

A. Any segregated area of asbestos or nondegradable material may be excluded from collection if documentation is provided as specified under subsection (9)(D) of this rule. The documentation shall provide the nature, date of deposition, location, and amount of asbestos or nondegradable material deposited in the area and shall be provided to the director upon request.

B. Any nonproductive area of the landfill may be excluded from control, provided that the total of all excluded areas can be shown to contribute less than one percent (1%) of the total amount of NMOC emissions from the landfill. The amount, location, and age of the material shall be documented and provided to the director upon request. A separate NMOC emissions estimate shall be made for each section proposed for exclusion, and the sum of all such sections shall be compared to the NMOC emissions estimate for the entire landfill. Emissions from each section shall be computed using the following equation:

$$Q_i = 2 k L_o M_i (e^{-kt_i}) (C_{NMOC}) (3.6 \times 10^{-9})$$

where,

- Q_i = NMOC emission rate from the i^{th} section, megagrams per year
- k = methane generation rate constant, year⁻¹

- L_o = methane generation potential, cubic meters per megagram solid waste
- M_i = mass of the degradable solid waste in the i^{th} section, megagram
- t_i = age of the solid waste in the i^{th} section, years
- C_{NMOC} = concentration of nonmethane organic compounds, parts per million by volume
- 3.6×10^{-9} = conversion factor

C. The values for k and C_{NMOC} determined in field testing shall be used, if field testing has been performed in determining the NMOC emission rate or the radii of influence (the distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero). If field testing has not been performed, the default values for k , L_o , and C_{NMOC} provided in paragraph (5)(A)1. of this rule or the alternative values from paragraph (5)(A)5. of this rule shall be used. The mass of nondegradable solid waste contained within the given section may be subtracted from the total mass of the section when estimating emissions provided the nature, location, age, and amount of the nondegradable material is documented as provided in subparagraph (10)(A)3.A. of this rule.

(B) Each owner or operator seeking to comply with part (3)(B)2.A.(I) of this rule shall construct the gas collection devices using the following equipment or procedures:

1. The landfill gas extraction components shall be constructed of polyvinyl chloride (PVC), high density polyethylene (HDPE) pipe, fiberglass, stainless steel, or other nonporous corrosion resistant material of suitable dimensions to—convey projected amounts of gases; withstand installation, static, and settlement forces; and withstand planned overburden or traffic loads. The collection system shall extend as necessary to comply with emission and migration standards established in this rule. Collection devices such as wells and horizontal collectors shall be perforated to allow gas entry without head loss sufficient to impair performance across the intended extent of control. Perforations shall be situated with regard to the need to prevent excessive air infiltration;

2. Vertical wells shall be placed so as not to endanger underlying liners and shall address the occurrence of water within the landfill. Holes and trenches constructed for piped wells and horizontal collectors shall be of sufficient cross-section so as to allow for their proper construction and completion including, for example, centering of pipes and placement of gravel backfill. Collection devices shall be designed so as not to allow indirect short circuiting of air into the cover or refuse into the collection system or gas into the air. Any gravel used around pipe perforations should be of a dimension so as not to penetrate or block perforations; and

3. Collection devices may be connected to the collection header pipes below or above the landfill surface. The connector assembly shall include a positive closing throttle valve, any necessary seals and couplings, access couplings, and at least one (1) sampling port. The collection devices shall be constructed of PVC, HDPE, fiberglass, stainless steel, or other nonporous material of suitable thickness.

(C) Each owner or operator seeking to comply with part (3)(B)2.A.(I) of this rule shall convey the landfill gas to a control system in compliance with subparagraph (3)(B)2.C. of this rule through the collection header pipe(s). The gas mover equipment shall be sized to handle the maximum gas generation flow rate expected over the intended use period of the gas moving equipment using the following procedures:

1. For existing collection systems, the flow data shall be used to project the maximum flow rate. If no flow data exists, the procedures in paragraph (10)(C)2. of this rule shall be used; and

2. For new collection systems, the maximum flow rate shall be in accordance with paragraph (6)(A)1. of this rule.

AUTHORITY: section 643.050, RSMo [Supp. 1998] 2000. Original rule filed May 15, 1996, effective Dec. 30, 1996. Amended: Filed Oct. 7, 1999, effective July 30, 2000. Amended: Filed Sept. 26, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 8, 2011. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., December 15, 2011. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10 DEPARTMENT OF NATURAL RESOURCES
Division 10 Air Conservation Commission
Chapter 6 Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.020 Definitions and Common Reference Tables. The commission proposes to amend section (1) and subsections (2)(C), (2)(E), (2)(M), (2)(N), and (2)(P). If the commission adopts this rule action, it will be the department's intention to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule defines key words and expressions used in chapters 1 through 6 and provides common reference tables. The purpose of this rulemaking is to update the references to the area specific indirect heating rules with the new statewide consolidated indirect heating rule. At the same time, particulate matter definitions are being added for consistency with federal definitions and a reference to rule 10 CSR 10-6.010 is being removed since it is redundant. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is new rule 10 CSR 10-6.405, Restriction of Particulate Matter Emissions From Fuel Burning Equipment Used For Indirect Heating which replaces the area specific indirect heating rules and a Federal Register Notice dated December 21, 2010 which incorporates updated definitions of the various forms of particulate matter.

(1) Applicability. This rule shall apply throughout Missouri defining terms and expressions used in all Title 10, Division 10 Air Conservation Commission rules. **If a definition in this rule conflicts with a definition in any other rule, the definition in 10 CSR 10-6.020 shall take precedence with the exception of definitions pertaining to 10 CSR 10-6.060.**

(2) Definitions.

(C) All terms beginning with "C."

1. CAA—The Clean Air Act, as amended; see also Act.
2. Camouflage coating—A coating, used principally by the military, to conceal equipment from detection.
3. Capacity factor—Ratio (expressed as a percentage) of a power generating unit's actual annual electric output (expressed in MWe-hr) divided by the unit's nameplate capacity multiplied by eight thousand seven hundred sixty (8,760) hours.
4. Capture device—A hood, enclosed room, floor sweep, or other means of collecting solvent emissions or other pollutants into a duct so that the pollutant can be directed to a pollution control device such as an incinerator or carbon adsorber.
5. Capture efficiency—The fraction of all organic vapors or other pollutants generated by a process that is directed to a control device.
6. CARB—California Air Resources Board, 2020 L Street, PO Box 2815, Sacramento, CA 95812.
7. Carbon adsorption system—A device containing adsorbent material (for example, activated carbon, aluminum, silica gel); an inlet and outlet for exhaust gases; and a system to regenerate the saturated adsorbent. The carbon adsorption system must provide for the proper disposal or reuse of all volatile organic compounds (VOC) adsorbed.
8. Cargo tank—A delivery tank truck or railcar which is loading gasoline or which has loaded gasoline on the immediately previous load.
9. Catalytic incinerator—A control device using a catalyst to allow combustion to occur at a lower temperature.
10. Category I nonfriable ACM—Asbestos containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, subpart E, Appendix E, section 1, Polarized Light Microscopy.
11. Category II nonfriable ACM—Any material, excluding category I nonfriable ACM, containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, subpart E, Appendix E, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.
12. Caulking and smoothing compound—A semi solid material that is used to aerodynamically smooth exterior vehicle surfaces or fill cavities such as bolt hole accesses. A material shall not be classified as a caulking and smoothing compound if it can be classified as a sealant.
13. Cause or contribute to a new violation—A federal action that—
 - A. Causes a new violation of a national ambient air quality standard (NAAQS) at a location in a nonattainment or maintenance area which would otherwise not be in violation of the standard during the future period in question if the federal action were not taken; or
 - B. Contributes, in conjunction with other reasonably foreseeable actions, to a new violation of a NAAQS at a location in a nonattainment or maintenance area in a manner that would increase the frequency or severity of the new violation.
14. Caused by, as used in the terms "direct emissions" and "indirect emissions"—Emissions that would not otherwise occur in the absence of the federal action.
15. Ceramic tile installation adhesive—An adhesive intended by the manufacturer for use in the installation of ceramic tiles.
16. Certified product data sheet—Documentation furnished by a coating supplier or an outside laboratory that provides the VOC content by percent weight, the solids content by percent weight, and density of a finishing material, strippable booth coating, or solvent, measured using the EPA Method 24// or an equivalent or alternative method (or formulation data, if approved by the director). The purpose of the certified product data sheet is to assist the affected source

proposed amendment, as it will allow effective process equipment cleaning at coating, ink, and resin manufacturers. They note that similar language is being adopted by many other states.

COMMENT #2: U.S. Paint Corporation supports the proposed amendment. The revised compliance options will allow them to clean their equipment with solvents that are suitable for their specialty coatings without being hazardous to their employees.

COMMENT #3: Lighthouse for the Blind Industries expressed support of the proposed amendment. While they presently are able to comply with the rule, potential changes to their products may make future compliance extremely difficult without the proposed amendment.

RESPONSE: The Air Program thanks the commenters for their support of the proposed amendment. No changes have been made to the rule text as a result of these comments.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2011, the commission amends a rule as follows:

10 CSR 10-5.490 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2011 (36 MoReg 2234-2246). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received ten (10) comments from three (3) sources on this rule amendment: a representative for the Missouri solid waste industry and the Environmental Industry Association, an attorney representing the IESI Corporation, and the U.S. Environmental Protection Agency (EPA).

Due to the similarity in the following two (2) comments, one (1) response that addresses these comments is at the end of these two (2) comments:

COMMENT #1: The representative for the Missouri solid waste industry and the Environmental Industry Association commented that the industry was not aware of this regulation until it was sent out electronically a few days before the *Missouri Register* came out. In the future it is expected that programs within the department would make each other aware of rulemakings in development so that involved companies can work with staff a little earlier.

COMMENT #2: The attorney representing IESI Corporation commented that he echoed the comments made by the representative for the solid waste industry about involving industry early on in rulemakings before seeing rule actions published in the *Missouri Register*. However, the proposed amendments should be adopted to bring Missouri into compliance with the federal laws. They believe they are already in compliance with these proposed changes because they already meet the federal New Source Performance Standards.

RESPONSE: The Air Program regrets these commenters were not aware of this rulemaking earlier. This rulemaking simply updated state rules for consistency with federal requirements. The Air Program communicated the proposed rulemaking with industry in general and other stakeholders via the Air Forum email listserv and

within the department through the rulemaking process prior to filing with the secretary of state on September 26, 2011. The proposed rulemaking was made available for public review and comment by publishing in the *Missouri Register* and posting on the Air Program's Rulemakings on Public Notice webpage on November 1, 2011. However, based on these comments the Air Program is evaluating how to better communicate rulemakings with industry and other programs within the department beyond our current activities. No wording changes have been made to the rule text as a result of these comments.

COMMENT #3: EPA commented that the last sentence in subsection (1)(B) references the Clean Air Act. This reference should be to the *Code of Federal Regulations*.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the last sentence in subsection (1)(B) has been revised to reference the *Code of Federal Regulations*.

COMMENT #4: EPA commented that subsection (3)(C) was added and discusses incorporation by reference. The EPA does not believe that the reference to 52.21 is relevant to this rule because it relates to the Prevention of Significant Deterioration program and is not relevant for municipal solid waste landfills.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, subsection (3)(C) rule text has been revised to indicate that certain references to the department should be used in place of the federal counterpart for incorporating federal regulations in the state rule.

COMMENT #5: EPA commented for rule 10 CSR 10-6.310 that the rule incorporates by reference the *Code of Federal Regulations* (CFR) as of June 30th. EPA believes the more appropriate date would be July 1st to specifically reference the *Code of Federal Regulations* compilation date.

RESPONSE AND EXPLANATION OF CHANGE: Since rule 10 CSR 10-5.490 also contains a similar incorporation by reference in subsection (3)(C) of the rule and both rule amendments were presented together, EPA's comment on 10 CSR 10-6.310 is also applicable to 10 CSR 10-5.490. Therefore, the first sentence in subsection (3)(C) has been revised to the July 1st date.

COMMENT #6: EPA commented that the citation in subsection (4)(G) is incorrect. There is no paragraph (3)(A)3. and EPA believes the correct citation is paragraph (6)(A)3.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, subsection (4)(G) rule text has been revised with the correct citation to paragraph (6)(A)3.

COMMENT #7: EPA commented that in paragraph (6)(C)1. that words are missing regarding surface monitoring of methane concentrations. The language should include a reference to thirty (30)-meter intervals (or a site-specific established spacing).

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, paragraph (6)(C)1. rule text has been revised to include the suggested wording that will match the federal regulation.

COMMENT #8: EPA commented that subparagraph (8)(B)1.B. appears to have a typographical error. The threshold for nonmethane organic compound (NMOC) emissions is set at twenty-five (25) megagrams per year throughout the rule. However, subparagraph (8)(B)1.B. includes the EPA threshold of fifty (50) megagrams and it should be changed to reflect the NMOC emission rate of twenty-five (25) megagrams per year.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, subparagraph (8)(B)1.B. rule text has been changed to the correct value of twenty-five (25).

COMMENT #9: EPA commented that subsection (9)(A) should be

reworded so that the intent related to record-keeping requirements is clear. EPA suggested moving up the third sentence of this paragraph to follow the first sentence of this paragraph in order to identify that the longer period references the on-site requirements rather than the off-site provisions.

RESPONSE AND EXPLANATION OF CHANGE: To make the wording of this subsection clearer, subsection (9)(A) rule text has been revised by moving the proposed third sentence to follow the first sentence.

COMMENT #10: EPA commented that reference is made to subparagraph (9)(B)3.A. in subparagraph (9)(C)1.B. EPA did not find this subparagraph and believes the correct citation may be paragraph (9)(B)3.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, subparagraph (9)(C)1.B. rule text has been revised to the correct citation of paragraph (9)(B)3.

10 CSR 10-5.490 Municipal Solid Waste Landfills

(1) Applicability.

(B) For purposes of obtaining an operating permit under Title V of the Clean Air Act, the owner or operator of an MSW landfill subject to this rule with a design capacity less than two and one-half (2.5) million megagrams or two and one-half (2.5) million cubic meters is not subject to the requirements to obtain an operating permit for the landfill under 40 *Code of Federal Regulations* (CFR) 70 or 71, unless the landfill is otherwise subject to either 40 CFR 70 or 71. For purposes of submitting a timely application for an operating permit under 40 CFR 70 or 71, the owner or operator of an MSW landfill subject to the rule with a design capacity greater than or equal to two and one-half (2.5) million megagrams and two and one-half (2.5) million cubic meters on the effective date of EPA approval of the state's program under section 111(d) of the Clean Air Act (June 23, 1998), and not otherwise subject to either 40 CFR 70 or 71, becomes subject to the requirements of 40 CFR 70.5(a)(1)(i) or 71.5(a)(1)(i) ninety (90) days after the effective date of such 111(d) program approval, even if the design capacity report is submitted earlier.

(3) Standards for Air Emissions from Municipal Solid Waste Landfills. Provisions of 40 CFR 51, 40 CFR 52, 40 CFR 60, and 40 CFR 258 are incorporated by reference in subsection (3)(C) of this rule. Also, the *Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources*, AP-42, Fifth Edition, January 1995 (hereafter AP-42), as published by the Government Printing Office, 732 North Capitol Street NW, Washington, DC, 20401, shall apply and is hereby incorporated by reference, including Supplement E dated November 1998. This rule does not incorporate any subsequent amendments or additions.

(C) The specific citations of 40 CFR 51, 40 CFR 52, 40 CFR 60, and 40 CFR 258 referenced in this rule and published July 1, 2011, shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions. Certain terms used in 40 CFR refer to federal officers and agencies. The following terms applicable to Missouri shall be substituted where appropriate for the delegable federal counterparts: Director shall be substituted for Administrator and Missouri Department of Natural Resources shall be substituted for EPA, EPA Regional Office, or Environmental Protection Agency.

(4) Operational Standards for Collection and Control Systems. Each owner or operator of an MSW landfill gas collection and control system used to comply with the provisions of subparagraph (3)(B)2.B. of this rule shall—

(G) If monitoring demonstrates that the operational requirements in subsection (4)(B), (C), or (D) of this rule are not met, corrective

action shall be taken as specified in paragraphs (6)(A)3. through 5. or subsection (6)(C) of this rule. If corrective actions are taken as specified in section (6) of this rule, the monitored exceedance is not a violation of the operational requirements in this section.

(6) Compliance Provisions.

(C) The following procedures shall be used for compliance with the surface methane operational standard as provided in subsection (4)(D) of this rule:

1. After installation of the collection system, the owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at thirty (30)-meter intervals (or a site-specific established spacing) for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specification provided in subsection (6)(D) of this rule.

2. The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least thirty (30) meters from the perimeter wells.

3. Surface emission monitoring shall be performed in accordance with section 4.3.1 of Method 21 of 40 CFR 60, Appendix A, except that the probe inlet shall be placed within five to ten centimeters (5–10 cm) of the ground. Monitoring shall be performed during typical meteorological conditions.

4. Any reading of five hundred parts per million (500 ppm) or more above background at any location shall be recorded as an exceedance and the actions specified in subparagraphs (6)(C)4.A. through E. of this rule shall be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements of subsection (4)(D) of this rule.

A. The location of each monitored exceedance shall be marked, and the location recorded.

B. Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made, and the location shall be remonitored within ten (10) calendar days of detecting the exceedance.

C. If the remonitoring of the location shows a second exceedance, additional corrective action shall be taken, and the location shall be monitored again within ten (10) days of the second exceedance. If the remonitoring shows a third exceedance for the same location, the action specified in subparagraph (6)(C)4.E. of this rule shall be taken, and no further monitoring of that location is required until the action specified in subparagraph (6)(C)4.E. of this rule has been taken.

D. Any location that initially showed an exceedance but has a methane concentration less than five hundred parts per million (500 ppm) methane above background at the ten (10)-day remonitoring specified in subparagraph (6)(C)4.B. or C. of this rule shall be remonitored one (1) month from the initial exceedance. If the one (1)-month remonitoring shows a concentration less than five hundred parts per million (500 ppm) above background, no further monitoring of that location is required until the next quarterly monitoring period. If the one (1)-month remonitoring shows an exceedance, the actions specified in subparagraph (6)(C)4.C. or E. of this rule shall be taken.

E. When any location equals or exceeds five hundred parts per million (500 ppm) methane above background three (3) times within a quarterly period, a new well or other collection device shall be installed within one hundred twenty (120) calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes, or control device, and a corresponding time line for installation may be submitted to the director for written approval.

5. The owner or operator shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

(8) Reporting Requirements. Except as provided in part (3)(B)2.A.(II) of this rule—

(B) Each owner or operator subject to the requirements of this rule shall submit an NMOC emission rate report to the director initially and annually thereafter, except as provided for in subparagraph (8)(B)1.B. or paragraph (8)(B)3. of this rule. The director may request such additional information as may be necessary to verify the reported NMOC emission rate.

1. The NMOC emission rate report shall contain an annual or five (5)-year estimate of the NMOC emission rate calculated using the formula and procedures provided in subsection (5)(A) or (B) of this rule, as applicable.

A. The initial NMOC emission rate report shall be submitted within ninety (90) days of the rule effective date and may be combined with the initial design capacity report required in subsection (8)(A) of this rule. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in subparagraph (8)(B)1.B. and paragraph (8)(B)3. of this rule.

B. If the estimated NMOC emission rate as reported in the annual report to the director is less than twenty-five (25) megagrams per year in each of the next five (5) consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next five (5)-year period in lieu of the annual report. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the five (5) years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based shall be provided to the director. This estimate shall be revised at least once every five (5) years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the five (5)-year estimate, a revised five (5)-year estimate shall be submitted to the director. The revised estimate shall cover the five (5)-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

2. The NMOC emission rate report shall include all the data, calculations, sample reports, and measurements used to estimate the annual or five (5)-year emissions.

3. Each owner or operator subject to the requirements of this rule is exempted from the requirements of paragraphs (8)(B)1. and 2. of this rule after the installation of a collection and control system in compliance with paragraph (3)(B)2. of this rule, during such time as the collection and control system is in operation and in compliance with sections (4) and (6) of this rule.

(9) Record-Keeping Requirements. Except as provided in part (3)(B)2.A.(II) of this rule—

(A) Each owner or operator of an MSW landfill subject to the provisions of subsection (3)(B) of this rule shall keep for at least five (5) years up-to-date, readily accessible, on-site records of the design capacity report which triggered subsection (3)(B) of this rule, the current amount of solid waste-in-place, and the year-by-year waste acceptance rate. A longer period is acceptable if records are needed for an unresolved enforcement action. Records may be maintained off-site if they are retrievable within four (4) hours. Either paper copy or electronic formats are acceptable;

(C) Each owner or operator of a controlled landfill subject to the provisions of this rule shall keep for five (5) years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in section (7) of this rule as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

1. The following constitute exceedances that shall be recorded and reported under subsection (8)(F) of this rule:

A. For enclosed combustors except for boilers and process heaters with design heat input capacity of forty-four (44) megawatts (150 million British thermal units per hour) or greater, all three (3)-hour periods of operation during which the average combustion tem-

perature was more than twenty-eight degrees Celsius (28 °C) below the average combustion temperature during the most recent performance test at which compliance with subparagraph (3)(B)2.C. of this rule was determined; and

B. For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone as required under paragraph (9)(B)3. of this rule.

2. Each owner or operator subject to the provisions of this rule shall keep up-to-date, readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under section (7) of this rule.

3. Each owner or operator subject to the provisions of this rule who uses a boiler or process heater with a design heat input capacity of forty-four (44) megawatts or greater to comply with subparagraph (3)(B)2.C. of this rule shall keep an up-to-date, readily accessible record of all periods of operation of the boiler or process heater. (Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other state or local regulatory requirements.)

4. Each owner or operator seeking to comply with the provisions of this rule by use of an open flare shall keep up-to-date, readily accessible continuous records of the flame or flare pilot flame monitoring specified under subsection (7)(C) of this rule and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent;

Title 10 — DEPARTMENT OF NATURAL RESOURCES
Division 10 — Air Conservation Commission
Chapter 6 — Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2011, the commission amends a rule as follows:

10 CSR 10-6.020 Definitions and Common Reference Tables is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2011 (36 MoReg 2246-2260). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received no comments on the proposed amendment.

Title 10 — DEPARTMENT OF NATURAL RESOURCES
Division 10 — Air Conservation Commission
Chapter 6 — Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2011, the commission amends a rule as follows: