

**SUBCHAPTER 47. CONTROL OF EMISSIONS FROM EXISTING
MUNICIPAL SOLID WASTE LANDFILLS**

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252:100-47-1. Purpose

The purpose of this subchapter is to control emissions from existing municipal solid waste landfills.

252:100-47-2. Reference to 40 CFR

When a provision of Title 40 of the Code of Federal Regulations (40 CFR) is incorporated by reference, all citations contained therein are also incorporated by reference.

252:100-47-3. Definitions

(a) The definitions in 40 CFR 60.751 are hereby incorporated by reference as they exist on July 1, 2002 ~~2000~~.

(b) The following words and terms when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

(1) **"Existing municipal solid waste landfill or existing MSW landfill"** means a municipal solid waste landfill that commenced construction, modification, or reconstruction before May 30, 1991 and accepted waste after November 8, 1987.

(2) **"State Plan"** means a program that the State is responsible for developing and implementing to achieve compliance with the emission guidelines in Subpart Cc of 40 CFR Part 60.

252:100-47-4. Terminology related to 40 CFR

For purposes of interfacing with 40 CFR, the following terms apply:

(1) **"Administrator"** is synonymous with Executive Director.

(2) **"EPA"** is synonymous with the Department of Environmental Quality or DEQ.

(3) **"State, local, or tribal agency"** is synonymous with the DEQ.

252:100-47-5. General provisions

(a) **Applicability.** Except as provided in subparagraphs (1) and (2) of this paragraph, the provisions of this Subchapter are applicable to all existing MSW landfills in the State of Oklahoma. This Subchapter is also an applicable requirement for existing MSW landfill sites on the National Priorities List in Appendix B of 40 CFR Part 300.

(1) Physical or operational changes made to an existing MSW landfill solely to comply with this Subchapter are not considered a modification or reconstruction and would not subject an existing MSW landfill to the requirements of 40 CFR Part 60, Subpart WWW (Standards of Performance for Municipal Solid Waste Landfills).

(2) Remedial activities required by or conducted pursuant to state or federal law are not considered construction, reconstruction, or modification for the purposes of this Subchapter.

(b) **Exemptions.** The DEQ, with EPA approval, may provide for the application of less stringent emissions standards or longer compliance schedules than those otherwise required by this Subchapter, provided that at least one of the circumstances listed below are applicable to the MSW landfill:

(1) Unreasonable cost of control resulting from facility age, location, or basic design; or

(2) Physical impossibility of installing necessary control equipment; or

(3) Other factors specific to the facility that make application of a less stringent standard or final compliance time significantly more reasonable.

252:100-47-6. Permits required

(a) **Part 70 operating permits.**

(1) The owner or operator of an existing MSW landfill with a design capacity less than 2.5 million megagrams or 2.5

million cubic meters is not required to obtain a Part 70 permit for the landfill, unless the landfill is otherwise a Part 70 source.

(2) The owner or operator of an existing MSW landfill with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters, that is not otherwise a Part 70 source, is subject to 252:100-8 as a Part 70 source ninety (90) days after the effective date of the state plan, even if the initial design capacity report was submitted earlier.

(3) When an existing MSW landfill is closed, the owner or operator is no longer subject to the requirement to maintain a Part 70 permit for the landfill if the landfill is not otherwise subject to the requirements of 252:100-8 and if either of the following conditions is met:

(A) The landfill was never subject to the requirement for a control system under 252:100-47-7.

(B) The owner or operator meets the conditions for control system removal specified in 252:100-47-7.

(b) **Construction permits.** The owner or operator of any existing MSW landfill that installs a MSW landfill gas collection and control system is required to obtain a construction permit as provided by 252:100-7-15 or 252:100-8-4. If the landfill has a design capacity of at least 2.5 million cubic meters and 2.5 million megagrams and an estimated nonmethane organic compounds (NMOC) emission rate of at least 50 megagrams per year, calculated in accordance with Section 9 of this Subchapter, the owner or operator of the MSW landfill shall also comply with the following requirements:

(1) The application for a construction permit and the collection and control system design plan shall be submitted to the DEQ within 12 months after the initial or any annual NMOC emissions rate report indicates that the emission rate equals or exceeds 50 megagrams per year, unless site specific sampling demonstrates that the emission rate is less than 50 megagrams per year.

(2) All contracts for installation of the emission control systems or for process modifications shall be awarded and all orders for the purchase of component parts to accomplish emission control or process modification shall be completed within 3 months of the submittal of the design plan under paragraph (b)(1) of this section.

(3) The installation of the collection and control system shall commence within 3 months of the awarding of contracts under paragraph (b)(2) of this section.

(4) The installation of the collection and control system shall be completed within 18 months of the submittal of the design plan under paragraph (b)(1) of this section.

(5) Within 30 months of the first annual report in which the NMOC emission rate equals or exceeds 50 megagrams per year, the MSW landfill shall be in compliance with paragraphs (b)(1) through (b)(4) of this section.

252:100-47-7. Emission standards

An owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR 60.752, which is hereby incorporated by reference as it exists on July 1, 2002 ~~2000~~.

252:100-47-8. Operational standards for collection and control systems

An owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR 60.753, which is hereby incorporated by reference as it exists on July 1, 2002 ~~2000~~.

252:100-47-9. Test methods and procedures

An owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR 60.754, which is hereby incorporated by reference as it exists on July 1, 2002 ~~2000~~.

252:100-47-10. Compliance provisions

An owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR 60.755, which is hereby incorporated by reference as it exists on July 1, 2002 ~~2000~~.

252:100-47-11. Monitoring of operations

An owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR 60.756, which is hereby incorporated by reference as it exists on July 1, 2002 ~~2000~~.

252:100-47-12. Reporting requirements

(a) The owner or operator of an existing MSW landfill shall submit an initial design capacity report to the DEQ within 90 days of the effective date of the State Plan.

(b) The owner or operator of an existing MSW landfill having a design capacity equal to or greater than 2.5 million cubic meters and 2.5 million megagrams, shall submit an initial

NMOC emission rate report to the DEQ within 90 days of the effective date of the State Plan. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in 40 CFR 60.757(b)(1)(ii) and (b)(3).

(c) The owner or operator of an existing MSW shall comply with the provisions specified in 40 CFR 60.757, except 60.757(a)(1) and (b)(1)(i), which is hereby incorporated by referenced as it appears on July 1, 2002 ~~2000~~.

252:100-47-13. Recordkeeping requirements

An owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR 60.758, which is hereby incorporated by reference as it exists on July 1, 2002 ~~2000~~.

252:100-47-14. Specifications for active collection systems

An owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR 60.759, which is hereby incorporated by reference as it exists on July 1, 2002 ~~2000~~.