

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL
SUBCHAPTER 47. CONTROL OF 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 in OAC 252:100-2 and Appendix Q of Chapter 100, all citations contained therein are also incorporated by reference.

252:100-47-3. Definitions

(a) ~~The~~This Subchapter uses applicable definitions in 40 CFR 60.75+60.41f, except as provided in (b) of this Section are hereby incorporated by reference as they exist on July 1, 2002.

(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~~July 17, 2014 and accepted waste after November 8, 1987.

(2) **"Legacy controlled landfill"** means any MSW landfill subject to this Subchapter that submitted a gas collection and control system (GCCS) design plan prior to May 21, 2021 in compliance with 40 CFR Part 60, Subpart WWW, or Oklahoma's State Plan implementing 40 CFR Part 60, Subpart Cc, depending on which regulation was applicable to the landfill. This definition applies to those landfills that completed construction and began operations of the GCCS and those that are within the 30 month timeline for installation and start-up of a GCCS according to 40 CFR Part 60, Subpart WWW or Oklahoma's State Plan implementing 40 CFR Part 60, Subpart Cc.

(23) **"State Plan"** means a program that the State is responsible for developing and implementing to achieve compliance with the emission guidelines in Subpart Cc or Cf of 40 CFR Part 60. Oklahoma's State Plan implementing 40 CFR Part 60, Subpart Cc, will be superseded by the State Plan implementing 40 CFR Part 60, Subpart Cf, upon EPA approval of said plan.

252:100-47-5. General provisions

(a) **Applicability.** Except as provided in subparagraphs (1) ~~and (2)~~through (3) of this ~~paragraph~~subsection, 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~~Subparts WWW (Standards of Performance for Municipal Solid Waste Landfills) or XXX (Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014).

(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.

(3) If the landfill's design capacity increases as the result of a modification that was commenced after July 17, 2014, then the landfill becomes subject to 40 CFR Part 60, Subpart XXX. If the design capacity increase is the result of a change in operating practices, density,

or some other change that is not a modification, then the landfill remains subject to 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 and compliance schedules

(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 OAC 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 OAC 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 OAC 252:100-47-7.
 - (B) The owner or operator meets the conditions for control system removal specified in OAC 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 OAC 252:100-7-15 or OAC 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.~~

(c) Compliance Schedules and Increments of Progress. To achieve final compliance, planning, awarding of contracts, installing and starting up of MSW landfill air emission collection and control equipment capable of meeting the emissions standards under OAC 252:100-47-7 must be completed 30 months after the applicable start date in paragraphs (1) and (2) of this subsection according to the schedule in paragraph (3) of this subsection. MSW Landfills currently subject to 40 CFR Part 60, Subpart WWW, that are subject to these rules must continue to comply with the requirements of Subpart WWW until they become subject to the more stringent requirements of this rule.

(1) The date an NMOC emission rate report shows NMOC emissions equal or exceed 34 megagrams per year (50 megagrams per year for the closed landfill subcategory).

(2) The date of the most recent NMOC emission rate report that shows NMOC emissions equal or exceed 34 megagrams per year (50 megagrams per year for the closed landfill subcategory), if Tier 4 surface emissions monitoring shows a surface emission concentration of 500 parts per million methane or greater.

(3) Increments of progress to install air pollution control devices to meet emission standards in OAC 252:100-47-7:

(A) Submit to the DEQ an application for a construction permit and a collection and control system design plan in accordance with the requirements of 40 CFR 60.38f(d) within 12 months of the applicable start date.

(B) Award contract(s) to initiate on-site construction or installation of the collection and/or control equipment within 20 months of the applicable start date.

(C) Commence on-site construction or installation of the collection and/or control equipment within 24 months of the applicable start date.

(D) Complete on-site construction according to the approved collection and control system design plan and achieve final compliance within 30 months of the applicable start date. For a legacy controlled landfill, the initial or most recent performance test conducted to comply with 40 CFR Part 60, Subpart WWW, or Oklahoma's State Plan implementing 40 CFR Part 60, Subpart Cc, is sufficient for compliance with this subparagraph. The test report does not have to be resubmitted.

252:100-47-7. Emission standards

~~(a) An~~ Each owner or operator of an existing MSW landfill meeting the conditions set forth in 40 CFR 60.33f(a) paragraphs (1) through (4) shall comply with all the collection system and control system provisions specified in 40 CFR 60.752 Sections 60.33f(b) and 60.33f(c), which is hereby incorporated by reference as it exists on July 1, 2002.

(1) Legacy controlled landfills or landfills in the closed landfill subcategory must install and start up a gas collection and control system within 30 months after the first annual report in which the NMOC emission rate equals or exceeds 50 megagrams per year, submitted under previously applicable regulations 40 CFR Part 60, Subpart WWW, or Oklahoma's State Plan implementing 40 CFR Part 60, Subpart Cc.

(2) Legacy controlled landfills or landfills in the closed landfill subcategory that have already installed control systems and completed initial or subsequent performance tests may comply with this Subchapter using the initial or most recent performance test conducted to comply with 40 CFR Part 60, Subpart WWW, or Oklahoma's State Plan implementing 40 CFR Part 60, Subpart Cc.

(b) Each owner or operator of an existing MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters that does not install a collection or control system must calculate an NMOC emission rate for the landfill on an annual basis as provided in 40 CFR Section 60.33f(e).

(c) **Removal criteria.** The collection and control system may be capped, removed, or decommissioned if the criteria provided in 40 CFR Section 60.33f(f) are met.

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

~~Each~~ owner or operator of an existing MSW landfill ~~with a gas collection and control system shall comply with all provisions specified in 40 CFR 60.753 Sections 60.34f(a) through (g) or the operational standards in 40 CFR Section 63.1958. Once the owner or operator begins to comply with the provisions in 40 CFR Section 63.1958, they must continue to operate the collection and control system according to those provisions and cannot return to the provisions of Section 60.34f, which is hereby incorporated by reference as it exists on July 1, 2002.~~

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

~~Each~~ owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR ~~60.754~~ Sections 60.35f(a) through (e), ~~which is hereby incorporated by reference as it exists on July 1, 2002.~~

252:100-47-10. Compliance provisions

~~Each~~ owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR ~~60.755~~ Sections 60.36f(a) through (e) or the compliance provisions in 40 CFR Section 63.1960. Once the owner or operator begins to comply with the provisions in 40 CFR Section 63.1960, they must continue to operate the collection and control system according to those provisions and cannot return to the provisions of Section 60.36f, ~~which is hereby incorporated by reference as it exists on July 1, 2002.~~

252:100-47-11. Monitoring of operations

~~Each~~ owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR ~~60.756~~ Sections 60.37f(a) through (h) or the monitoring provisions in 40 CFR Section 63.1961. Once the owner or operator begins to comply with the provisions in 40 CFR Section 63.1961, they must continue to operate the collection and control system according to those provisions and cannot return to the provisions of Section 60.37f, ~~which is hereby incorporated by reference as it exists on July 1, 2002.~~

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.~~

(a) Each owner or operator of an existing MSW landfill shall comply with all reporting provisions specified in 40 CFR Sections 60.38f(a) through (n), except 60.38f(d)(2).

(b) When an MSW landfill subject to this Subchapter is in the closed landfill subcategory, the owner or operator is not subject to the following reports of this Subchapter, provided the owner or operator submitted these reports under the provisions of 40 CFR Part 60, Subpart WWW, or under this Subchapter on or before July 17, 2014:

(1) Initial design capacity report specified in 40 CFR Section 60.38f(a).

(2) Initial or subsequent NMOC emission rate report specified in 40 CFR Section 60.38f(c), provided that the most recent NMOC emission rate report indicated the NMOC emissions were below 50 megagrams per year.

(3) Collection and control system design plan specified in 40 CFR Section 60.38f(d).

(4) Closure report specified in 40 CFR Section 60.38f(f).

(5) Equipment removal report specified in 40 CFR Section 60.38f(g).

(6) Initial annual report specified in 40 CFR Section 60.38f(h).

(7) Initial performance test report in 40 CFR Section 60.38(i).

(c) When an MSW landfill subject to this Subchapter is in the legacy controlled landfill subcategory, the owner or operator is not subject to the following reports of this Subchapter, provided the owner or operator submitted these reports under the provisions of 40 CFR Part 60, Subpart WWW, or under this Subchapter on or before June 21, 2021:

(1) Initial design capacity report specified in 40 CFR Section 60.38f(a).

(2) Initial or subsequent NMOC emission rate report specified in 40 CFR Section 60.38f(c).

(3) Collection and control system design plan specified in 40 CFR Section 60.38f(d).

(4) Initial annual report specified in 40 CFR Section 60.38f(h).

(5) Initial performance test report in 40 CFR Section 60.38(i).

252:100-47-13. Recordkeeping requirements

~~Each~~ owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR ~~60.758~~Sections 60.39f(a) through (j), ~~which is hereby incorporated by reference as it exists on July 1, 2002.~~

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

~~Each~~ owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR ~~60.759~~Sections 60.40f(a) through (c), ~~which is hereby incorporated by reference as it exists on July 1, 2002.~~