

MSW Landfill Regulation Status Update

January 2010

Overview

At its June 25, 2009, public hearing, the Air Resources Board (ARB or Board) approved for adoption California Code of Regulations, title 17, article 4, subarticle 6, sections 95460 to 95476, Methane Emissions from Municipal Solid Waste Landfills ("regulation"). This regulation is a discrete early action greenhouse gas reduction measure, as described in the California Global Warming Solutions Act of 2006 (Assembly Bill 32; Stats. 2006, chapter 488). It will reduce methane emissions from landfills primarily by requiring owners and operators of certain uncontrolled landfills to install gas collection and control systems, and by requiring existing and newly installed gas collection and control systems to operate optimally.

Effective Date

ARB staff is preparing the final rulemaking package for submittal to Office of Administrative Law and is seeking an effective date by March 2010.

Submittal of Design Plans

As of the effective date of the regulation, the Design Plan must be submitted within one year after either:

- determining that the landfill gas heat input capacity is greater than 3.0 MMBtu/hr, or
- within one year of measuring a leak on the landfill surface that exceeds 200 ppmv pursuant to section 95463(b)(2)(B)1.

The submittal of a Design Plan applies to landfills that are required to install active gas collection and control systems.

Any owner or operator of an active landfill subject to the regulation is required to install an active gas collection and control system within 18 months after approval of the Design Plan. Closed or inactive municipal solid waste (MSW) landfills are provided an additional 12 months for installation (for a total of 30 months). An amended Design Plan must be submitted within 90 days of any event that requires a change to the Design Plan.

Surface Methane Emission Standards and Monitoring Spacing Requirements

The regulation establishes a 500 ppmv instantaneous surface monitoring standard and a 25 ppmv integrated surface monitoring standard to ensure that the gas collection system is adequately controlling emissions. The regulation requires a 25-foot walking pattern spacing interval while conducting surface monitoring, which can be increased to 100-foot intervals if the landfill owner or operator has no exceedances of the standards after four consecutive quarterly monitoring periods.

The regulation delays the implementation of these requirements until January 1, 2011. Landfill owners and operators should use this time to make the necessary system adjustments and improvements, establish monitoring protocols and procedures, purchase monitoring equipment, train staff, and develop recordkeeping and reporting systems. The delay applies to all landfills that are subject to the regulation, including those with existing gas collection and control systems. However, landfills that are required to install new gas collection and control systems are required to meet these standards upon commencing system operation. In addition, landfills that are currently subject to local or federal landfill rules will need to continue to ensure compliance with the 500 ppmv instantaneous standard found in those rules.

Recordkeeping and Reporting Requirements

Landfill owners and operators are subject to recordkeeping and reporting requirements which include maintaining records of a landfill's waste acceptance rate, instantaneous and integrating surfacing sampling, component leak checks, equipment downtime, gas flow rates, and control device destruction efficiency testing. The recordkeeping and reporting requirements in the regulation will become enforceable on the effective date of the regulation.

Implementation and Enforcement

The local air pollution control and air quality management districts ("districts") currently implement and enforce rules related to controlling emissions from landfills. Since Assembly Bill 32 did not explicitly provide for district implementation and enforcement of the regulation, ARB staff is working with local air districts in developing agreements or a Memorandum of Understanding by which these agencies can implement and enforce the regulation.

Workgroup Meetings and Guidance Document

As directed by the Board, ARB staff will begin conducting monthly workgroup meetings in late January to work with stakeholders to develop a guidance document. The guidance document will assist landfill owners or operators in complying with the requirements of the regulation and will be used to clarify any outstanding enforcement and implementation issues.

For More Information

If you would like to be informed of the current status of the regulation you can contact Mr. Renaldo Crooks at (916) 327-5618, or visit our website at: <http://www.arb.ca.gov/cc/landfills/landfills.htm>. The Staff Report: Initial Statement of Reasons for the Proposed Regulation to Reduce Methane Emissions from Municipal Solid Waste Landfills published on May 8, 2009, and the text of all the modifications to the originally proposed regulation are posted on ARB's Internet website for the rulemaking at: <http://www.arb.ca.gov/regact/2009/landfills09/landfills09.htm>.