

Commonwealth of Pennsylvania



**Request for Delegation of Authority to Implement and Enforce the
Federal Plan Requirements for
Municipal Solid Waste Landfills That Commenced Construction on
or Before July 17, 2014, and Have Not Been Modified or
Reconstructed Since July 17, 2014
(86 FR 27756; May 21, 2021)**

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I. Background

Under authority of the Clean Air Act (CAA), the Environmental Protection Agency (EPA) has promulgated several regulations that apply to Municipal Solid Waste (MSW) landfills. In 1996, under CAA section 111, the EPA promulgated the original standards of performance for new MSW landfills (i.e., new source performance standards or NSPS) at 40 CFR Part 60, Subpart WWW, and emission guidelines (EG) for existing MSW landfills at 40 CFR Part 60, Subpart Cc (61 FR 9905; March 12, 1996).

The NSPS and EG are based on the EPA's determination that MSW landfills cause, or contribute significantly to, air pollution that may reasonably be anticipated to endanger public health or welfare. In 1999, the EPA promulgated a Federal plan under CAA section 111 to implement the 1996 EG for MSW landfills located in states that did not have approved and effective state plans (40 CFR Part 62, Subpart GGG) (64 FR 60689, November 8, 1999). The Federal plan was necessary to implement the 1996 EG for MSW landfills located in states and Indian country where state plans or tribal plans were not in effect.

Beginning in 2014, the EPA reviewed the NSPS and EG based on changes in the landfill industry since the rules were first promulgated in 1996, including changes to the size and number of existing landfills, industry practices, and gas control methods and technologies. In August 2016, the EPA made several revisions to further reduce emissions of landfill gas (LFG) and its components and promulgated revised subparts for the MSW Landfills NSPS at 40 CFR Part 60, Subpart XXX, and the EG for existing MSW landfills at 40 CFR Part 60, Subpart Cf (81 FR 59276 and 59332, August 29, 2016).

The CAA regulations implementing the EG require states with existing MSW landfills subject to the EG to submit state plans to the EPA in order to implement and enforce the EG. CAA section 111 and 40 CFR 60.27(c) and (d) require the EPA to develop, implement, and enforce a Federal plan for existing MSW landfills located in any state that does not have an approved state plan that implements the 2016 MSW Landfills EG. On August 22, 2019, the EPA proposed a Federal plan under CAA section 111 to implement the 2016 EG for MSW landfills located in states that did not have approved and effective state plans (40 CFR Part 62, Subpart OOO) (84 FR 43745, August 22, 2019). The EPA promulgated a final action that established an MSW Landfills Federal Plan to implement the 2016 MSW Landfills EG for those states that do not presently have an approved state plan (86 FR 27756, May 21, 2021).

Under CAA section 111(d) and the EPA's regulations implementing that section, the EPA adopts EG that are applicable to existing MSW landfills. These EG are implemented when the EPA approves a state or tribal plan or adopts a Federal plan that implements and enforces the EG. This final action regulates existing MSW landfills in any state that do not have fully approved plans in effect to implement the EG.

The Pennsylvania Department of Environmental Protection (DEP or Department) has adequate resources and legal authority to implement the Federal MSW Plan. 40 CFR Part 60, Subpart Cf requirements are adopted in their entirety and incorporated in the Pennsylvania Code at Section 122.3 (relating to adoption of standards). To this end, the DEP will request that EPA delegate

authority to the Department to implement and enforce the Federal MSW Plan codified at 40 CFR Part 62, Subpart OOO.

II. Inventory of Sources

The following MSW landfills in Pennsylvania (excluding MSW landfills located in Allegheny and Philadelphia Counties) are subject to the Federal MSW Plan:

1. ALLIANCE SANI LANDFILL INC/TAYLOR LDFL
TAYLOR / Lackawanna County
2. GRAND CTL SANI LDFL/PLAINFIELD
PEN ARGYL / Northampton County
3. COMMONWEALTH ENV SYS/FOSTER TWP
HEGINS / Schuylkill County
4. KEYSTONE SANI LDFL INC
DUNMORE / Lackawanna County
5. LYCOMING CNTY RESOURCE MGMT SVC
MONTGOMERY / Lycoming County
6. EVERGREEN LDFL INC
DAVIDSVILLE, / Indiana County
7. WASTE MGMT PA/LAKE VIEW LANDFILL
ERIE / Erie County
8. CASELLA WASTE MGMT OF PA INC/MCKEAN CNTY LDFL
KANE / McKean County
9. WASTE MGMT DSPL SVC/NORTHWEST SANI LDFL
WEST SUNBURY / Butler County
10. SECCRA LDFL/LONDON GROVE TWP
WEST GROVE / Chester County
11. ADVANCED DSPL SVC CHESTNUT VALLEY LDFL INC
MCCLELLANTOWN / Fayette County
12. ARDEN LDFL INC
WASHINGTON / Washington County

13. GREENRIDGE RECLAMATION LLC
SCOTTDALE / Westmoreland County
14. LAUREL HIGHLANDS LDFL INC
MOON / Cambria County
15. MOSTOLLER LDFL INC
SOMERSET / Somerset County
16. SHADE LDFL INC
MOON / Somerset County
17. USA SOUTH HILLS LDFL INC
SOUTH PARK / Washington County
18. SOUTHERN ALLEGHENIES LDFL INC
DAVIDSVILLE / Somerset County
19. USA VALLEY FAC INC
MOON / Westmoreland County
20. WESTMORELAND SANITARY LDFL LLC
BELLE VERNON / Westmoreland County
21. JOSEPH J BRUNNER INC/BRUNNER LANDFILL
ZELIENOPE / Beaver County
22. CHESTER CNTY SWA
HONEY BROOK / Lancaster County
23. GREATER LEBANON REFUSE AUTH
LEBANON / Lebanon County
24. SANDY RUN LDFL LLC/HOPEWELL
HOPEWELL / Bedford County
25. CONESTOGA LDFL MWO
YORK / Berks County
26. COMM REFUSE SVC INC/CUMBERLAND CNTY LDFL
SHIPPENSBURG / Cumberland County
27. REPUBLIC SVC OF PA LLC/MODERN LDFL
YORK / York County

28. WASTE MGMT DSPL SVC /DBA MTN VIEW LDFL
GREENCASTLE / Franklin County
29. FR&S INC/PIONEER CROSSING LDFL
BIRDSBORO / Berks County
30. WESTERN BERKS LDFL ACQUISITION CO LLC
BIRDSBORO / Berks County
31. CNTY LDFL INC/CNTY ENVIRONMENTAL OF CLARION
Clarion County
32. PINE GROVE LDFL INC
PINE GROVE / Schuylkill County
33. AMITY SANITARY LDFL (ERSI)
TAYLOR / Lackawanna County
34. ROSENCRANSE CORP/SANI LDFL FLARE
Wayne County
35. WASTE MGMT DSPL SVC /POTTSTOWN
STOWE / Montgomery County
36. WASTE MGMT PA/TULLYTOWN RES REC FAC
MORRISVILLE / Bucks County
37. WASTE MGMT DSPL SVC /GROWS LDFL
MORRISVILLE / Bucks County
38. ADVANCED DISPOSAL SERVICES GREENTREE LANDFILL, LLC
KERSEY/ Elk County

III. Demonstration of Adequate Resources

The Department has adequate resources and authority to administer the Federal MSW Plan requirements codified in 40 CFR Part 60, Subpart Cf.

DEP will be the implementing agency and its Air Quality Program will be assigned to implement and enforce the requirements of 40 CFR Part 62, Subpart OOO in the affected counties in the Commonwealth except Allegheny and Philadelphia counties. There are 264 employees in the Air Quality Program, including program managers, administrators, chemical engineers, civil engineers, electrical engineers, chemists, technicians, inspectors, and clerical staff. Within the Air Quality Program, there are approximately 155 employees headquartered in DEP's regional offices with work duties that include permitting, inspection and compliance and enforcement. Other duties include hazard analysis, process auditing, personnel training, field inspections, analytical techniques, environmental monitoring, data analysis, and asbestos remediation.

IV. Legal Authority to Implement the Federal Plan [40 CFR 60.26]

Pursuant to 40 CFR 60.26(a), DEP must demonstrate that it has the legal authority to implement and enforce the plan. The demonstration of legal authority must demonstrate that the Commonwealth is authorized to (1) adopt emission standards and compliance schedules applicable to designated facilities; (2) enforce applicable laws, regulations, standards, and compliance schedules, and seek injunctive relief; (3) obtain information necessary to determine whether designated facilities are in compliance with applicable laws, regulations, standards and compliance schedules, including authority to require recordkeeping and to make inspections and conduct tests of designated facilities; (4) require owners or operators of designated facilities to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such facilities; and make such data available to the public as reported and as correlated with applicable emission standards.

On December 27, 1997, DEP amended 25 Pa. Code § 122.3 (relating to adoption of standards) to adopt in their entirety and incorporate by reference, the Federal Emission Guidelines promulgated in 40 CFR Part 60 by the EPA Administrator (27 Pa.B. 6809). Therefore, the EGs which are codified at 25 Pa. Code § 122.3 will serve as the legal mechanism to implement the Emission Guidelines. The amendments to § 122.3 were duly promulgated under applicable State law including the Air Pollution Control Act (35 P. S. § 4001 *et seq.*), Commonwealth Documents Law (45 P.S. § 1102 *et seq.*), Commonwealth Attorneys Act (71 P.S. §§ 745.1-745.15), and the Regulatory Review Act (71 P.S. § 745.1 *et seq.*).

Additionally, the Air Pollution Control Act provides DEP with adequate legal authority to (a) adopt emission standards and compliance schedules applicable to designated facilities; (b) enforce applicable laws, regulations, standards, and compliance schedules and seek injunctive relief; (c) obtain information necessary to determine whether designated facilities are in compliance with applicable laws, regulations, standards and compliance schedules, including authority to require recordkeeping and to make inspections and conduct tests of designated facilities; (d) require owners or operators of designated facilities to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such facilities; and (e) make such data available to the public as reported and as correlated with applicable emission standards. *See generally* 35 P.S. § 4004.

Copies of Pennsylvania’s Air Pollution Control Act and applicable regulations in 25 Pa. Code, Subpart C, Article III are enclosed as Appendix A, in accordance with 40 CFR § 60.26(b) requirements.

Inventory of Sources - 40 CFR 60.25(a)

Table 1. List of Existing Municipal Solid Waste Landfills in Pennsylvania (excluding MSW landfills located in Allegheny and Philadelphia Counties) with Design Capacity Greater than 2.5 Million Megagrams and Subject to Emission Guidelines 40 CFR Part 60, Subpart Cf with a Regulatory Gas Collection and Control System (GCCS) per Subpart WWW or Cc

Permit No.	Facility	Region	Non-Methane Organic Compounds (NMOC) Mg/Year	Existing Control Devices
35-00011	ALLIANCE SANI LDFL INC	Northeast	>50 Mg/Year but controlled	GCCS and flare
48-00032	GRAND CTL SANI LDFL/PLAINFIELD	Northeast	>50 Mg/Year but controlled	GCCS and three landfill gas flares
54-00054	COMMONWEALTH ENV SYS/FOSTER TWP	Northeast	>50 Mg/Year but controlled	GCCS and 3 flares
35-00014	KEYSTONE SANI LDFL INC	Northeast	>50 Mg/Year but controlled	Three GCCS, three enclosed flares and three portable candle stick flares and two enclosed portable flares
41-00025	LYCOMING CNTY RESOURCE MGMT SVC	Northcentral	>50 Mg/Year but controlled	GCCS, two candlestick Flares, a PPL Renewable Energy Plant with 4 Engines on site.
32-00266	EVERGREEN LANDFILL/FKA PELLEGRENE SITE	Northwest	>50 Mg/Year but controlled	GCCS, Enclosed ground flare
25-00920	WASTE MGMT PA/LAKE VIEW LANDFILL	Northwest	>50 Mg/Year but controlled	GCCS, Enclosed Ground Flare, 2 Landfill Gas Fired-Engines and generator sets, Open Flare (under plan approval).

Table 1. Continued

Permit No.	Facility	Region	Non-Methane Organic Compounds (NMOC) Mg/Year	Existing Control Devices
24-00123	ADVANCED DISPOSAL SERVICES GREENTREE LANDFILL, LLC.	Northwest	>50 Mg/Year but controlled	GCCS, Enclosed flares (2)
42-00174	CASELLA WASTE MGMT OF PA INC/MCKEAN CNTY LDFL	Northwest	>50 Mg/Year but controlled	GCCS, Enclosed Flare system
10-00285	WASTE MGMT DSPL SVC/NORTHWEST SANI LDFL	Northwest	>50 Mg/Year but controlled	GCCS, Primary Enclosed Flare, Backup - Utility Flare (candlestick)
15-00060	SECCRA Landfill	Southeast	>50 Mg/Year but controlled	GCCS, two IC engines and an enclosed Flare.
26-00402	ADVANCED DISPOSAL SVC CHESTNUT VALLEY LDFL INC/GERMAN TWP	Southwest	>50 Mg/Year but controlled	GCCS, enclosed flare and two candle stick flares
63-00549	Arden Landfill Inc.	Southwest	>50 Mg/Year but controlled	GCCS installed plus gas-to-energy plant (6 IC engines), candle stick flare and a ground flare
65-00713	GREENRIDGE RECLAMATION LLC	Southwest	>50 Mg/Year but controlled	GCCS, one enclosed flare and one backup utility flare
11-00370	LAUREL HIGHLANDS LDFL INC	Southwest	>50 Mg/Year but controlled	GCCS, enclosed flare, and a portable candle flare
56-00262	MOSTOLLER LDFL INC	Southwest	>50 Mg/Year but controlled	GCCS, enclosed ground flare and one backup flare.
63-00550	USA SOUTH HILLS LDFL/ UNION TWP	Southwest	>50 Mg/Year but controlled	GCCS, enclosed ground flare

Table 1. Continued

Permit No.	Facility	Region	Non-Methane Organic Compounds (NMOC) Mg/Year	Existing Control Devices
56-00181	SOUTHERN ALLEGHENY L/SOUTHERN ALLEGHENIES LDFL	Southwest	>50 Mg/Year but controlled	GCCS, Candlestick flare, Parnell gas flare
65-00693	USA VALLEY FAC INC/VALLEY LDFL	Southwest	>50 Mg/Year but controlled	GCCS, one enclosed flare
65-00767	WESTMORELAND SANI LDFL LLC/SANI LDFL	Southwest	>50 Mg/Year but controlled	GCCS, one thermal oxidizer, one LFG flare and one backup candle flare
04-00681	JOSEPH J BRUNNER INC/BRUNNER LANDFILL	Southwest	>50 Mg/Year but controlled	GCCS, enclosed ground flare
36-05079	CHESTER CNTY SOLID W/LANCHESTER LANDFILL	Southcentral	>50 Mg/Year but controlled	GCCS, Enclosed flare when LFGTE project not operating.
38-05017	GREATER LEBANON REFUSE AUTH	Southcentral	>50 Mg/Year but controlled	GCCS, Enclosed flare when LFGTE project not operating.
05-05014	WSI SANDY RUN LDFL/HOPEWELL	Southcentral	>50 Mg/Year but controlled	GCCS, LFG enclosed flare
06-05085	CONESTOGA LDFL MWO	Southcentral	>50 Mg/Year but controlled	GCCS, two enclosed flares, utility flare, candlestick flares as needed. LFGTE project normally takes all gas.
21-05031	CUMBERLAND COUNTY LANDFILL	Southcentral	>50 Mg/Year but controlled	GCCS, LFG enclosed flare
67-05047	MODERN LANDFILL	Southcentral	>50 Mg/Year but controlled	GCCS and enclosed flare
28-05011	Mountain View Reclamation	Southcentral	>50 Mg/Year but controlled	GCCS and flares
06-05078	Pioneer Crossing	Southcentral	>50 Mg/Year but controlled	GCCS, two enclosed flares. LFGTE project normally takes all the gas.
06-05112	Western Berks Landfill	Southcentral	>50 Mg/Year but controlled	GCCS, enclosed flare.

Table 2. MSW Landfills in the Closed Landfill Subcategory

Permit No.	Facility	Region	Existing Control Devices
35-00025	AMITY SANITARY LDFL (ERSI)	Northeast	GCCS and flare
64-00010	ROSENCRANSE CORP/SANI LDFL FLARE	Northeast	GCCS and open flare
54-00021	PINE GROVE LDFL INC	Northeast	GCCS and (1) enclosed flare
18-00009	CLINTON CNTY SOLID W/WAYNE TWP LDFL South Cell	Northcentral	GCCS
16-00128	CNTY LDFL INC/CNTY ENVIRONMENTAL OF CLARION	Northwest	GCCS, Enclosed flare
09-00024	WASTE MGMT PA/TULLYTOWN RES REC FAC	Southeast	GCCS, 2 ULE Flares, 2 backup flares, and an IC engine
09-00007	WASTE MGMT DSPL SVC /GROWS LDFL	Southeast	GCCS, (3) Enclosed Flares
46-00033	WASTE MGMT DSPL SVC /POTTSTOWN	Southeast	GCCS, Candlestick and Enclosed Flare
56-00232	SHADE LDFL INC/SHADE LDFL	Southwest	GCCS, utility candle flare, enclosed ground flare

Compliance Schedules - 40 CFR 62.16712

Planning, awarding of contracts, installing, and starting up MSW landfill air emission collection and control equipment that is capable of meeting the emission standards of 40 CFR 62.16714 must be completed within 30 months after the date an NMOC emission rate report shows NMOC emissions equal or exceed 34 megagrams per year; or within 30 months after the date of the most recent NMOC emission rate report that shows NMOC emissions equal or exceed 34 megagrams per year, if Tier 4 surface emissions monitoring (SEM) shows a surface emission concentration of 500 parts per million methane or greater. Legacy controlled landfills that have not yet reached increment 5 (full compliance) must demonstrate compliance with any remaining increments of progress on this schedule.

Owners or operators of each designated MSW landfill listed in 40 CFR 60.25(a) – Inventory of Sources of this addendum must comply with the emission limitations according to the compliance schedule prescribed in 40 CFR 62.16712. DEP will follow the dates and requirements in the Federal Plan. The owners or operators of designated MSW landfills subject

to 40 CFR Part 62, Subpart OOO shall comply with all the Subpart OOO requirements regardless of whether a designed facility is identified in the source inventory required by 40 CFR 60.25(a).

Certification of Hearing – 40 CFR 60.23

A public hearing will be held in accordance with the requirements in 40 CFR 60.23. A copy of the *Pennsylvania Bulletin* notice of the public hearing is attached in Appendix A. A listing of witnesses and their organizational affiliation and a brief summary of their statement will be found in Appendix B. [The Appendices will be available after the close of the public comment period.]

Memorandum of Agreement

The DEP commits to enter into a Memorandum of Agreement with the EPA Regional Administrator who sets forth the terms, conditions and effective date of the delegation and that serves as the mechanism for the transfer of authority, as described in 86 FR 27756.