

Appendix D

Public Meeting Notices and Summary of Public Comments

To: Crooks, Renaldo@ARB

Subject: FW: arbcombo -- UPDATE: January 10, 2017, Public Meeting to Discuss California's Strategy for Compliance with New

Federal Requirements for MSW Landfills

Date: Monday, April 17, 2017 3:52:38 PM

-----Original Message-----

From: owner-arbcombo@listserv.arb.ca.gov [mailto:owner-arbcombo@listserv.arb.ca.gov] On Behalf Of trichard@arb.ca.gov

Sent: Thursday, December 29, 2016 1:22 PM

To: post-arbcombo@listserv.arb.ca.gov

Subject: arbcombo -- UPDATE: January 10, 2017, Public Meeting to Discuss California's Strategy for Compliance with New Federal Requirements for MSW Landfills

The Air Resources Board is updating a notice released on December 28, 2016, announcing a public meeting to discuss compliance with new federal Municipal Solid Waste (MSW) landfill requirements. The meeting date of January 10, 2017 is unchanged, but the time and place are changing to accommodate those who would like to participate via webcast.

Interested meeting participants may visit the following webpage for updated meeting details:

<http://www.arb.ca.gov/cc/landfills/landfills.htm>

The California Air Resources Board (ARB or Board) staff invites you to participate in a public meeting to discuss California's plan for compliance with the U.S. Environmental Protection Agency's new Emission Guidelines and Compliance Times for MSW Landfills (Title 40 Code of Federal Regulations, Part 60 Subpart Cf). In accordance with section 111(d) of the federal Clean Air Act, the State and local air districts must develop and submit a State Plan to implement and enforce the requirements of the new Emission Guidelines. The State Plan must be submitted to the U.S. EPA by May 30, 2017. The listserv notice for this public meeting, along with additional information regarding ARB's landfill activities, including development of California's Strategy for Compliance with New Federal Requirements for MSW Landfills, is available at: <http://www.arb.ca.gov/cc/landfills/landfills.htm>

DATE: Tuesday, January 10, 2017

TIME: 1:30 PM to 4:30 PM

PLACE: California Environmental Protection Agency

Sierra Hearing Room (2nd Floor)

1001 I Street

Sacramento, California 95814

For more information please contact: Renaldo Crooks at (916)

327-5618 or Renaldo.Crooks@arb.ca.gov

Webcast: <http://video.calepa.ca.gov>

CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC MEETING TO CONSIDER CALIFORNIA'S PROPOSED STATE PLAN FOR THE FEDERAL MUNICIPAL SOLID WASTE LANDFILL EMISSION GUIDELINES

The Air Resources Board (ARB or Board) will conduct a public meeting at the time and place noted below to receive staff's recommendations regarding California's compliance strategy with recently finalized federal rules to reduce methane and non-methane organic compounds (NMOCs) from existing municipal solid waste (MSW) landfills.

DATE: May 25, 2017

TIME: 9:00 a.m.

LOCATION: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item will be considered at a one-day meeting of the Board, which will commence at 9:00 a.m., May 25, 2017. This item is scheduled to be heard on the Board's Consent Calendar. All agenda items on the Consent Calendar – unless removed upon the request of a Board member or if someone in the audience submits a request-to-speak card on that item – will be voted on by the Board at the beginning of the public meeting.

Background

In 1997, the United States Environmental Protection Agency (U.S. EPA) issued its first federal rule, also known as emission guidelines (EG), designed to reduce NMOCs. The EG are implemented under the section 111(d) state planning framework, in which states must submit compliance plans to translate U.S. EPA's EG requirements into State regulations, which U.S. EPA approves and makes federally enforceable.

At that time, ARB worked with the California Air Pollution Control Officers Association (CAPCOA) and affected air districts to develop a model rule consistent with the 1997 federal requirements. The air districts then adopted rules based on the model rule and submitted them to ARB. ARB reviewed submitted rules for consistency with the jointly developed model rule, then compiled and submitted them as California's State Plan, which was subsequently approved by U.S. EPA.

Since the adoption of the initial landfill EG, California has made significant progress in reducing emissions from landfills. In 2010, ARB adopted its statewide Landfill Methane Rule (LMR). Similar to the EG, the LMR requires affected sources to control their landfill gas emissions by monitoring their landfills, keeping records, reporting their

emissions and installing gas collection and control systems if the emissions reach certain thresholds.

On August 29, 2016, U.S. EPA published updates to the EG for existing landfills, again under section 111 of the federal Clean Air Act. The updated EG includes provisions that will nationally regulate more landfills and requires more stringent emissions control techniques compared to the requirements in the 1997 EG. To comply with the EG, affected states are required to submit State Plans for review and approval by U.S. EPA. States may submit plans that are more stringent than the requirements of the EG. These plans are due to U.S. EPA by May 30, 2017.

ARB is charged with preparing California's State Plan. The proposed State Plan is designed to comply with this important federal rule. ARB staff has prepared this proposed State Plan with the assistance of an interagency working group and after conducting a workshop on January 10, 2017.

ARB is proposing to comply with the EG requirements by submitting its LMR as its compliance strategy. Staff is submitting the LMR as California's State Plan because the LMR is more stringent, achieving greater emissions reductions. Staff estimates that the LMR regulates 29 landfills that would not be regulated under an updated EG. In addition, all of the landfills that would be required to install new controls under the updated EG have already installed controls under the LMR. The LMR also has climate co-benefits because it reduces emissions by at least an additional 87,173 metric tons of CO₂-equivalent compared to the reductions that would be achieved under the updated EG. In addition to achieving greater public health and climate benefits, submittal of the LMR as California's State Plan will assist affected sources with complying with both State and federal air quality requirements.

Environmental Analysis

ARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed State Plan and concluded that this is exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed action may result in significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in the State Plan.

Proposed Action

ARB staff recommends that the Board adopt the proposed State Plan and direct staff to submit the State Plan to U.S. EPA.

Information and Submittal of Comments

Copies of the State Plan may be obtained from ARB's Public Information Office, 1001 I Street, First Floor, Environmental Services Center, Sacramento, California, 95814, April 24, 2017. The State Plan may also be obtained from ARB's website at: <https://www.arb.ca.gov/cc/landfills/landfills.htm>

Interested members of the public may present comments orally or in writing at the meeting and may provide comments by postal mail or by electronic submittal before the meeting. ARB requests that written statements on this item be filed at least 10 days prior to the meeting so that ARB staff and Board members have additional time to consider each comment. To be considered by the Board, written comments not physically submitted at the meeting, must be received **no later than 5:00 p.m., May 24, 2017,** and addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, etc.) become part of the public record and can be released to the public upon request.

Further inquiries regarding this matter should be directed to Renaldo Crooks, Air Pollution Specialist, Transportation and Toxics Division, at (916) 327-5618 or (designated back-up contact) Tung Le, Manager, Industrial Strategies Division, at (916) 445-1818.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the meeting;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than ten business days before the scheduled Board meeting. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.


Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma;
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo

más pronto posible, pero no menos de diez días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

CALIFORNIA AIR RESOURCES BOARD



Richard W. Corey
Executive Officer

Date: April 20, 2017

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.arb.ca.gov.

From: [Alan Abbs](#)
To: engineers@capcoa.org; landfill-111d@capcoa.org; membership@capcoa.org
Cc: [Le, Tung@ARB](mailto:Le,Tung@ARB); [Dilley, Shannon@ARB](mailto:Dilley,Shannon@ARB)
Subject: [Landfill - 111(d)] FW: California's Compliance Strategy to Comply with Federal Landfill NSPS
Date: Friday, April 21, 2017 4:03:46 PM

APCOs and Engineering Managers,

Please see the announcement below about ARB's equivalency submission to meet requirements of the new federal NSPS for landfill methane control.

Alan Abbs Executive Director
California Air Pollution Control Officers Association

From: Le, Tung@ARB [<mailto:ttle@arb.ca.gov>]
Sent: Friday, April 21, 2017 3:52 PM
To: Alan Abbs <> (alan@capcoa.org) <alan@capcoa.org>
Cc: Dilley, Shannon@ARB <Shannon.Dilley@arb.ca.gov>
Subject: California's Compliance Strategy to Comply with Landfill

Alan, please forward note below to the 111d workgroup, Engineering Managers and APCOs. If you could also copy me and Shannon Dilley on the email, it would be appreciated, as it is needed to show compliance with the plan notification requirements of Subpart B. Thanks!

Tung

Air District Colleagues:

First, apologies for sending this note through email instead of holding a meeting and teleconference. However, due to some technical difficulties, a meeting planned for earlier this week could not occur. We will consider holding a follow-up meeting should continued discussion be needed.

As you will recall, U.S. EPA finalized updated landfill rules last year to reduce emissions from both new and existing landfills. 40 CFR 60 Subpart XXX contains the updated rule requirements for new and modified landfills, while 40 CFR 60 Subpart Cf contains the updated requirements for existing landfills. In addition to rule updates, Subpart Cf requires affected states to submit to U.S. EPA a compliance plan/strategy detailing how it will comply with the updated requirements of the Subpart by May 30, 2017.

ARB, CAPCOA and district staff formed a working group to develop California's plan. During a public workshop held in January of this year, the workgroup presented two potential plan approaches: 1) Demonstrating equivalency with and submitting ARB's Landfill Methane Rule (LMR) as California's plan or 2) Working with the air districts to revise existing landfill rules to comply with Subpart Cf. Because the LMR is more stringent than Subpart Cf, there was strong support for the first approach from both

stakeholders and workgroup members as it would relieve the districts of potentially significant rulemaking activities as well as ease the compliance burden for affected landfill owners and operators subject to both the LMR and Subpart Cf.

Consistent with that support, this email advises affected air districts that staff has decided to recommend to the Board that ARB submit the statewide LMR to the U.S. EPA as California's compliance plan. Staff will be presenting this proposal to the Board on May 25, 2017. Should the Board approve our proposal, we will submit the plan to US EPA by May 30, 2017. ARB staff have included in the plan a demonstration that the LMR's requirements are at least as stringent as those found in Subpart Cf, and have also included calculations illustrating greater emissions reductions from implementation of the LMR.

Additionally, in response to concerns from some work group members that federalization of the LMR would require some affected landfills to obtain Title V permits even if they would not otherwise be subject to federal requirements, ARB's Legal staff have confirmed that this will not be the case. Landfills that are only subject to the LMR will continue to be subject to it as a state only regulation. As discussed in the proposed plan, landfills that would otherwise have no federal obligations would not be required to obtain Title V permits solely to comply with the LMR.

The state plan will be made publicly available on Monday, April 24. It may be found at the link below. I have included links to the federal regulations as well.

I wish to thank the work group members for their assistance in development of our plan. Should you have any questions or wish to discuss, please feel free to contact me, Renaldo Crooks or Chris Gallenstein at the telephone numbers below.

Tung Le, Manager
Industrial Strategies Division California Air Resources Board

The federal rules may be found here: <https://www.epa.gov/stationary-sources-air-pollution/municipal-solid-waste-landfills-new-source-performance-standards>

ARB's LMR and Proposed Compliance Plan (which will be posted Monday and sent to stakeholders through ARB listservs) may be found here: <https://www.arb.ca.gov/cc/landfills/landfills.htm>

Renaldo Crooks
916-327-5618

Chris Gallenstein
916-324-8017

Tung Le
916-445-1818



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 5, 2017

THE ADMINISTRATOR

Mr. Carroll W. McGuffey III
Mr. M. Buck Dixon
Counsel for Republic Services
Troutman Sanders LLP
600 Peachtree Street NE, Suite 5200
Atlanta, Georgia 30308

Mr. Barry Shanoff
Counsel for Solid Waste Association of North America
1100 Wayne Avenue, Suite 650
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4301 Connecticut Avenue, NW, #300
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Ms. Carol F. McCabe
Mr. Michael Dillon
Counsel for Waste Management Inc. and
Waste Management Disposal Services of Pennsylvania
Manko, Gold, Katcher & Fox
401 City Avenue, Suite 901
Bala Cynwyd, Pennsylvania 19004



RE: Convening a Proceeding for Reconsideration of final rules entitled "Standards of Performance for Municipal Solid Waste Landfills," 81 Fed. Reg. 59332 and "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills," 81 Fed. Reg. 59276, both published August 29, 2016.

Dear Mr. McGuffey, Mr. Dixon, Mr. Shanoff, Mr. Kraushaar, Ms. McCabe and Mr. Dillon:

This letter concerns a petition from National Waste & Recycling Association, Solid Waste Association of North America, Republic Services, Inc., Waste Management, Inc., and Waste Management Disposal Services of Pennsylvania, Inc., dated October 27, 2016, to the U.S. Environmental Protection Agency requesting reconsideration, and in some circumstances an administrative stay, of provisions included in the EPA's final rules entitled "Standards of Performance for Municipal Solid Waste Landfills," 81 Fed. Reg. 59332 (August 29, 2016) (i.e. the NSPS), and "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills,"

81 Fed. Reg. 59276 (August 29, 2016) (i.e. the emission guidelines), pursuant to section 307(d)(7)(B) of the Clean Air Act.

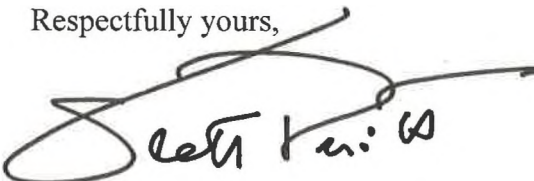
We find, under CAA section 307(d)(7)(B), that the petition has raised several objections to the provisions in both subpart XXX and subpart Cf that arose after the comment period or were impracticable to raise during the comment period and that are of central relevance to the outcome of the rule. Therefore, by this letter the EPA is convening a proceeding for reconsideration of the following topics: 1) tier 4 surface emission monitoring; 2) annual liquids reporting; 3) corrective action timeline procedures; 4) overlapping applicability with other rules; 5) the definition of cover penetration and 6) design plan approval. As part of the reconsideration process, the EPA expects to prepare a notice of proposed rulemaking that will provide an opportunity for notice and comment on the issues raised in the petition that meet the standard of CAA section 307(d)(7)(B), as well as any other matter we believe will benefit from additional comment.

As a result of this reconsideration, the EPA intends to exercise its authority under CAA section 307(d)(7)(B) to issue a 90-day stay of the effectiveness of both the NSPS (subpart XXX) and the emission guidelines (subpart Cf). The EPA believes it is appropriate to stay the effectiveness of both rules in their entirety because the topics listed above are integral to both rules. Sources need not comply with these requirements while the stay is in effect.

This letter does not address other requests for reconsideration raised in this and other petitions. Nor does it address the merits of, or suggest a concession of error on, any issue raised in the petition.

If you have any questions on this action, please contact Mr. Peter Tsirigotis in the Office of Air Quality Planning and Standards at (888) 627-7764 or airaction@epa.gov.

Respectfully yours,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a large, sweeping flourish extending to the right.

E. Scott Pruitt

Summary of Public Comments on California's Proposed State Plan for the Federal Municipal Solid Waste Landfill Emission Guidelines

The following is a summary of comments, including witness names and affiliations that were received in response to the public meetings held on January 10, 2017 and May 25, 2017.

- Frank R. Caponi, County Sanitation Districts of Los Angeles County. The LMR is likely the most stringent landfill regulation in the country, if not the world, so should easily be found to be equivalent to the new federal landfill regulations. The Sanitation districts strongly recommend that ARB seek programmatic equivalency through the LMR.
- John Finnell, Placer County Air Pollution Control District. If equivalency of ARB's LMR with the new federal landfill rule is not obtained, ARB should consider revising their rule to remove conflicts with the federal rule. Having the air districts adopt rules that reference the federal requirements alone will not remove the duplication and conflicts of having both a state regulation and federal regulation.
- Julie Ackerlund, Montana Department of Environmental Quality. Requested information on whether subpart Cf was to replace subpart Cc, and if an updated State Plan could be submitted to U.S. EPA in lieu of a separate State Plan.
- Alan Abbs, California Air Pollution Control Officers Association. Supported the idea of using the LMR as the State Plan and having ARB amend their rule to achieve equivalency with the federal rule instead of having the 35 districts revise their existing landfill rules to meet the federal requirements.
- Kevin Robinson, Sacramento Metropolitan Air Quality Management District. Asked if a particular district could be carved out of using the LMR and be allowed to amend the individual district rules and have ARB submit to U.S. EPA for approval.
- Carl Ellison (affiliation not specified). Requested ARB consider allowing the use of all technologies meeting the requirements of U.S. EPA Method 21 for surface emissions monitoring.
- Jeffrey Mills, L and D Landfill. Provided documentation supporting L and D's position that their landfill is not subject to the Emission Guidelines based on an applicability review of the federal Emission Guidelines completed by SCS Engineers. L and D indicates it is a construction and demolition landfill not allowed to accept household waste. Mr. Mills requested that L and D Landfill be removed from Appendix C (Municipal Solid Waste Landfills Affected by the

Emission Guidelines) of the State Plan.

- Larry Greene, Sacramento Metropolitan Air Quality Management District. Provided a letter supporting the findings made by L and D Landfill representatives and agreed that the L and D landfill is not subject to the Emission Guidelines and should not be included in Appendix C of the State Plan.
- Sheraz Gill, San Joaquin Valley Air Pollution Control District. Testified in support of the ARB's proposed strategy for compliance with the updated federal Emission Guidelines for MSW landfills. In addition, Mr. Sheraz testified that ARB reopen the LMR and merge it with the NSPS.

ARB hereby certifies that a public meeting was held in accordance with the notice required by paragraph (d) of 40 CFR Part 60, Subpart B section 60.23.