

## **Proposed Amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP): Municipal Solid Waste (MSW) Landfills: Fact Sheet**

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### **ACTION**

- On June 27, 2019, the US. Environmental Protection Agency (EPA) proposed amendments to the 2003 Municipal Solid Waste (MSW) Landfills National Emission Standards for Hazardous Air Pollutants (NESHAP).
- EPA is proposing minor amendments pertaining to emissions during periods of startup, shutdown and malfunction; adding requirements for electronic reporting of performance test results; and making other minor clarifications and corrections.
- EPA is proposing minor amendments to enhance the effectiveness of these rules by improving compliance and implementation of the rule.
- MSW landfills receive non-hazardous wastes from homes, businesses and institutions. As the waste in a landfill decomposes, it produces landfill gas, which includes carbon dioxide, a number of hazardous air pollutants, and methane.
- Following a residual risk and technology review conducted under the Clean Air Act (CAA), EPA is proposing to:
  - Revise the startup, shutdown and malfunction language to be consistent with the most recent court decisions and propose work practices that would apply during startup periods.
  - Require facilities to submit electronic copies of compliance reports, including performance tests.
  - Provide clarifying language for the 2016 new source performance standards (NSPS) and emission guidelines (EG) regarding NESHAP compliance and further clarifies the NESHAP no longer points to the 1996 NSPS for the bulk of the rule; and
  - Modernize the NESHAP by adopting provisions developed under the 2016 NSPS/EG.
- EPA will accept comment on the proposed amendments for 45 days after publication in the *Federal Register*.

### **RESIDUAL RISK ASSESSMENT**

- The CAA requires EPA to assess the risk remaining after application of the final air toxics standards. This is known as a residual risk assessment.
- Based on the completed risk assessment, available health information and associated uncertainties, EPA determined risks from the MSW landfills sector to be acceptable and provide an ample margin of safety to protect public health.
- The maximum individual cancer risk for inhalation for the source category is estimated to be less than 10-in-1 million.

## **TECHNOLOGY REVIEW**

- The CAA requires EPA to assess, review and revise air toxics standards as necessary, taking into account developments in practices, processes and control technologies since the standards were first issued.
- The technology assessment for MSW landfills did not identify any technological developments to reduce emissions of HAP.

## **BACKGROUND**

- The CAA requires EPA to regulate hazardous air pollutants, also known as air toxics, from categories of industrial facilities in two phases.
- The first phase is “technology-based,” where EPA develops standards for controlling the emissions of air toxics from sources in an industry group (or “source category”). These maximum achievable control technology (MACT) standards are based on emissions levels that are already being achieved by the best-controlled and lower-emitting sources in an industry.
- Within 8 years of setting MACT standards, the CAA directs EPA to assess the remaining health risks from each source category to determine whether the MACT standards protect public health with an ample margin of safety and protect against adverse environmental effects. This second phase is a “risk-based” approach called residual risk. Here, the EPA must determine whether more health-protective standards are necessary.
- Also, every 8 years after setting MACT standards, the CAA requires that EPA review and revise the standards, if necessary, to account for improvements in air pollution control and/or prevention.
- The MSW Landfills NESHAP is one of 96 air toxic standards that require 174 industry sectors to eliminate 1.7 million tons of 187 toxic air pollutants that are listed by Congress in the CAA.

## **HOW TO COMMENT**

- EPA will accept comment on the proposal for 45 days after publication in the Federal Register. Comments, identified by Docket ID No. EPA-HQ-OAR-2002-0047, may be submitted by one of the following methods:
  - Go to [www.regulations.gov](http://www.regulations.gov) and follow the online instructions for submitting comments.
  - Send comments by email to: a-and-r-Docket@epa.gov, Attention Docket ID No. EPA-HQ-OAR-2002-0047.
  - Fax your comments to: (202) 566-9744, Attention Docket ID. No. EPA-HQ-OAR-2002-0047.
  - Mail your comments to: EPA Docket Center, Environmental Protection Agency, Mail Code: 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460, Attention Docket ID. No. EPA-HQ-OAR-2002-0047.

- Deliver comments in person to: EPA Docket Center, 1301 Constitution Ave., NW, Room 3334, Washington, DC. Note: In person deliveries (including courier deliveries) are only accepted during the Docket's normal hours of operation. Special arrangements should be made for deliveries of boxed information.

#### **FOR MORE INFORMATION**

- To download a copy of the proposed rule notice, go to EPA's website at <https://www.epa.gov/stationary-sources-air-pollution/municipal-solid-waste-landfills-national-emission-standards>.
- Today's proposal and other background information are also available either electronically at <https://www.regulations.gov/>, EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
  - The Public Reading Room is located at the EPA Headquarters library, room number 3334 in the EPA WJC West Building, 1301 Constitution Avenue, NW, Washington, DC. Hours of operation are 8:30 a.m. to 4:30 p.m., eastern standard time, Monday through Friday, excluding federal holidays.
  - Visitors are required to show photographic identification, pass through a metal detector and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
  - Materials for this proposed action can be accessed using Docket ID No. EPA-HQ-OAR-2002-0047.
- For further technical information about the rule, contact Andrew Sheppard, EPA's Office of Air Quality Planning and Standards, at (919) 541-4161 or [sheppard.andrew@epa.gov](mailto:sheppard.andrew@epa.gov).