

Technical Support Document
for
A Revision to the Plan for the Control of Designated Pollutants from Existing Facilities
(section 111(d) plan) for Municipal Solid Waste Landfills
from
The State of Oregon

Submitted: August 2, 2019 by the Oregon Department of Environmental Quality
Reviewed: by Geoffrey Glass, U.S. Environmental Protection Agency, Region 10
Review complete: February 6, 2020

What is EPA Reviewing?

On August 2, 2019, ODEQ submitted to the EPA, Region 10 a revision to its *Plan for the Control of Designated Pollutants from Existing Facilities* pursuant to section 111(d) of the federal Clean Air Act.

The EPA initially approved Oregon’s plan on March 16, 1983 (48 FR 11118) and amended the plan on July 10, 1997 (62 FR 36997); June 26, 1998 (63 FR 34818); and April 21, 2000 (65 FR 21362).

The current revision, “Oregon Amended State Plan to Implement Emissions Guidelines for Municipal Solid Waste Landfills,” was submitted following the EPA’s promulgation of 40 CFR part 60, subpart Cf: *Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills*. When approved into the state 111(d) plan, this revision will be effective throughout the state of Oregon, including Lane County where the Lane Regional Air Protection Agency is the stationary source permitting authority.¹ This revision will not be effective in Indian Country, as defined in 18 U.S.C. 1151.²

What Are the Designated Facilities?

According to 40 CFR 60.31f(a), a designated facility is any existing municipal solid waste landfill, as defined in 40 CFR 60.41f, for which construction, reconstruction, or modification was commenced on or before July 17, 2014. This definition includes municipal solid waste landfills that no longer accept waste from the public.

¹ According to ODEQ’s submittal, there are no designated facilities in Lane County.

² Under this definition, the EPA treats as reservations trust lands validly set aside for the use of a Tribe even if the trust lands have not been formally designated as a reservation.

What Are the Designated Pollutants?

Subpart Cf limits emissions of non-methane organic compounds. Controlling NMOC will result in cobenefits from the reduction of: volatile organic compounds (which can contribute to the formation of ozone and particulate matter), organic hazardous air pollutants, compounds responsible for nuisance odors, and methane, a greenhouse gas.

How is the EPA Evaluating this Plan Revision?

The EPA is evaluating this plan revision by comparing its requirements to those in subpart Cf (40 CFR 60.30f – 60.41f). The EPA is also comparing the rulemaking and public review processes followed by the state of Oregon as well as Oregon’s legal authorities to the requirements in 40 CFR part 60, subpart B (40 CFR 60.23 – 60.26) as specified in 40 CFR 60.30f(a).

What Did the State of Oregon Include in its Submittal?

The State of Oregon provided the following in a single package:

1. A signed letter from ODEQ’s deputy director.
2. A comparison of the requirements in subparts B and Cf with Oregon’s plan revision;
3. An updated copy of the Oregon Administrative Rules, Chapter 340, Division 236, *Standards for Specific Industries*;
4. A copy of the Oregon Revised Statutes, Chapter 468, *Environmental Quality Generally*;
5. A copy of OAR, Chapter 340, Division 12, *Enforcement Procedures and Civil Penalties*;
6. A copy of OAR, Chapter 340, Division 212, *Stationary Source Testing and Monitoring*;
7. A copy of OAR, Chapter 340, Division 214, *Stationary Source Reporting Requirements*;
8. Copies of LRAPA’s regulations, Titles 13, 34, 35, and 51;
9. Records documenting the public process, including copies of comments received; and
10. The Oregon Secretary of State filing.

Summary of Findings:

The following table compares the sections of OAR 340-236-500 to the requirements in 40 CFR part 60, subpart Cf. We have found that either Oregon has incorporated the requirements from subpart Cf directly into the OAR or the OAR contains requirements that are no less stringent than the requirements in subpart Cf.

40 CFR	Summary	OAR 340-236	Comments
60.30f	Scope and delegated authorities	NA	ODEQ complied with this section by submitting its plan.
60.31f(a)	Defines a designated facility	-500(1)(a)	ODEQ’s definition of a designated facility is identical to the one found in the Emission Guidelines.

40 CFR	Summary	OAR 340-236	Comments
60.31f(b)	Changes made to comply with the plan do not constitute reconstruction or modification	-500(1)(b)	The text in the state plan is equivalent ³ to that found in the Emission Guidelines.
60.31f(c)	Requirement to obtain a title V permit	-500(13)(a)&(b)	The text in the state plan is equivalent to that found in the Emission Guidelines.
60.31f(d)	Title V permit requirements for closed landfills	-500(13)(c)	The text in the state plan is equivalent to that found in the Emission Guidelines.
60.31f(e)	Relieves owners and operators of closed landfills from certain reporting requirements	-500(14)	The text in the state plan is equivalent to that found in the Emission Guidelines.
60.32f	Compliance times	-500(2)	The text in the state plan is equivalent to that found in the Emission Guidelines. Note that Oregon's rules also specify that MSW landfills subject to subpart WWW must comply with that subpart until the state plan takes effect. No less stringent.
60.33f(a)-(c)	Emission guidelines for collection systems and control systems	-500(7)	Requirements in the state plan to collect and control emissions are equivalent to those found in the Emission Guidelines. Emission guidelines are incorporated by reference.
60.33f(d)	Requires submittal of an initial design capacity report for landfills meeting a threshold	-500(4)	The text in the state plan is equivalent to that found in the Emission Guidelines.
60.33f(e)	Requires either collection and control or calculate NMOC emission rate	-500(5)	The text in the state plan is equivalent to that found in the Emission Guidelines.
60.33f(f)	Criteria for removal of collection systems and control systems	-500(6)	The text in the state plan is equivalent to that found in the Emission Guidelines.
60.34f	Operational standards for collection and control systems	-500(8)	40 CFR 60.34f(a)-(f) incorporated by reference. Corrective action requirements are equivalent to those in 40 CFR 60.34f(g).
60.35f	Test methods and procedures	-500(10)	Incorporated by reference (Note that 40 CFR 60.35(a)(5) cannot be delegated to a state).
60.36f	Compliance provisions	-500(11)	Incorporated by reference.
60.37f	Monitoring of operations	-500(12)	Incorporated by reference.
60.38f	Reporting	-500(15)	Incorporated by reference.
60.39f	Record keeping	-500(16)	Incorporated by reference.
60.40f	Specifications for active control systems	-500(9)	Incorporated by reference.

³ With a few exceptions, the changes ODEQ has made to the language in the Emission Guidelines were made to change the language from statements of what a state plan must require to enforceable requirements.

40 CFR	Summary	OAR 340-236	Comments
60.41f	Definitions	-500(17)	Incorporated by reference.

The following table compares the state of Oregon’s rulemaking authorities and processes with the requirements in 40 CFR part 60, subpart B (40 CFR 60.23 – 60.26).

40 CFR	Summary	Comparison to Oregon’s submittal
60.23(a)	Requires timely plan submittals to the Administrator	Oregon has met this requirement by submitting this plan revision.
60.23(b)	If there are no designated facilities, a state shall submit this information to the Administrator	Oregon reports that there are designated facilities.
60.23(c)	Requires the state to hold public hearings before submitting a plan revision	Oregon held public hearings on May 2 and May 31, 2019 in Portland, OR.
60.23(d)	Establishes notification requirements for public hearings	ODEQ provided copies of public hearing notification documents demonstrating these requirements had been met.
60.23(e)	Requires the state to prepare and retain a record of each hearing	ODEQ stated that it has prepared and will retain as required a record of the public hearing.
60.23(f)	Requires the state to certify hearings were held in accordance with the required notice and to supply a list of witnesses and summaries of presentations	ODEQ Deputy Director certified that all requirements of 40 CFR 60.30f, which references subpart B, were met.
60.23(g)	Allows the state, with the approval of the Regional office, to develop its own procedures that guarantee public participation	Not applicable.
60.24	Sets emission standards and compliance times	Oregon’s state plan is no less stringent than the standards set in the federal plan (see previous table).
60.25(a)	Plans shall include inventories of regulated facilities and information about regulated emissions	The submittal includes an inventory of designated facilities, capacities, and calculated levels of controlled and uncontrolled emissions.
60.25(b)	Plans must give the state legal authority to collect information, require owners/operators of regulated facilities to maintain information and generate reports, and inspect facilities	ODEQ (and local agencies recognized by ODEQ) have adequate legal authority.
60.25(c)	Information obtained by the State under paragraph (b) of this section shall be correlated with applicable emission standards and made available to the general public	ODEQ has incorporated all of the required compliance methods in subpart Cf. Information collected will be made available to the public under Oregon’s Public Records Access and Reproduction rules in OAR 340-011.
60.25(d)	The provisions referred to in paragraphs (b) and (c) shall be identified and submitted with the plan unless previously approved into the plan or approved into a State Implementation Plan that meets the requirements of this plan	All statutes in the Oregon Revised Statutes and rules in the Oregon Administrative Rules referred to were submitted with the plan and demonstrate that paragraphs (b) and (c) are met.

40 CFR	Summary	Comparison to Oregon's submittal
60.25(e)&(f)	Establishes requirements for reports on progress in plan enforcement	Does not apply to initial plan submittal.
60.26	Requires states to demonstrate the legal authority to implement and enforce the plan and to demonstrate that other agencies, including local agencies, have the necessary legal authority if they will carry out the plan	Oregon has demonstrated that ODEQ and LRAPA have the necessary legal authority to implement and enforce the plan. All regulations referred to were submitted with the plan. (Note that ODEQ's submittal indicates that there are no designated facilities in Lane County).

The EPA has prepared more detailed comparisons of Oregon's state plan revision with the requirements in subparts B and Cf in Microsoft Excel format.

Conclusion:

After reviewing Oregon's plan revision, the EPA has determined that the submittal is no less stringent than the requirements of 40 CFR part 60, subpart Cf and meets the requirements of 40 CFR part 60, subpart B. Pursuant to 40 CFR 60.27, the EPA is proposing the plan revision for approval and will amend 40 CFR part 62, subpart MM to reflect this.