

7011.3505 STANDARDS OF PERFORMANCE FOR EXISTING MUNICIPAL SOLID WASTE LANDFILLS.

Subpart 1. **Scope.** Each owner or operator of an existing landfill shall comply with the requirements of Code of Federal Regulations, title 40, part 60, subpart WWW, as amended, and as incorporated by reference in part 7011.3510, with the following additions and changes.

Subp. 2. **Operational standards for collection and control systems.** Each owner or operator of a landfill that must monitor surface methane concentrations shall comply with Code of Federal Regulations, title 40, section 60.755(c)(1), except that the owner or operator shall conduct the monitoring at least three times per year, once during each of the following time periods: March 14 to May 14, June 21 to September 23, and October 21 to November 21.

Subp. 3. **Monitoring operations.** Each landfill owner or operator seeking to comply with Code of Federal Regulations, title 40, section 60.752(b)(2)(iii), may confirm that there is no means to bypass the control device in the design plan, submitted in accordance with Code of Federal Regulations, title 40, section 60.752(b)(2)(i), in lieu of complying with the requirements in Code of Federal Regulations, title 40, sections 60.756(b)(2) and 60.756(c)(2).

Subp. 4. **Reporting requirements.** The owner or operator of a landfill shall submit the reports required by Code of Federal Regulations, title 40, sections 60.752(a), 60.757(a)(1), 60.757(a)(3), and 60.757(b)(1)(i), on the following schedule.

A. The owner or operator of an active landfill, and the owner or operator of a closed existing landfill with a solid waste capacity greater than or equal to 2.5 million megagrams, and 2.5 million cubic meters, shall submit an initial solid waste capacity report no later than the submittal of the next annual report required by part 7035.2585.

B. The owner or operator of an active landfill that proposes to increase the total solid waste capacity to greater than or equal to 2.5 million megagrams, and 2.5 million cubic meters, shall submit an amended solid waste capacity report no later than the submittal of the solid waste management facility permit application that proposes an increase in permitted capacity.

C. The owner or operator of a landfill that must submit an NMOC emission rate report to comply with Code of Federal Regulations, title 40, section 60.757(b), shall submit the initial NMOC emission rate report no later than the submittal of the next annual report required by part 7035.2585 or the submittal of the solid waste management facility permit application that proposes an increase in permitted capacity, whichever occurs earlier.

Subp. 5. **Compliance times for equipment installation.** Each owner or operator of an existing landfill with a design capacity greater than or equal to 2.5 million megagrams, and 2.5 million cubic meters, and with an NMOC emission rate of 50 megagrams per year or more, shall complete installation of gas collection and control equipment capable of meeting the conditions provided in Code of Federal Regulations, title 40, section 60.752(b)(2)(ii), within 30 months after January 28, 1997. The owner or operator of an existing landfill with a design capacity greater than or equal to 2.5 million megagrams, and 2.5 million cubic meters, and an NMOC emission rate less than 50

megagrams per year on January 28, 1997, shall comply with this part within 30 months of the date of the first NMOC emission rate that equals or exceeds 50 megagrams per year.

Subp. 6. Exception to standard or compliance schedule. An owner or operator of an existing landfill seeking to apply a less stringent emission standard or longer compliance schedule than that specified in this part may submit a written request to the agency and the United States Environmental Protection Agency under Code of Federal Regulations, title 40, section 60.24(f).

Subp. 7. NMOC emission rate estimations. An owner or operator of an existing landfill that has a landfill gas collection system in place on January 28, 1997, may comply with Code of Federal Regulations, title 40, section 60.754(a)(5), using the method in Code of Federal Regulations, title 40, section 60.754(b), if the existing landfill owner or operator can demonstrate to the agency that the system effectively collects landfill gas from all gas producing areas of the landfill, and negative pressure can be maintained at each wellhead without excess air infiltration.

Statutory Authority: *MS s 116.07*

History: *21 SR 993; 23 SR 2224*

Published Electronically: *April 3, 2019*