

7011.3505 STANDARDS OF PERFORMANCE FOR EXISTING MUNICIPAL SOLID WASTE LANDFILLS EXISTING BEFORE MAY 30, 1991.

Subpart 1. **Scope.** The owner or operator of a landfill must comply with this part and Code of Federal Regulations, title 40, part 60, subpart WWW, as amended, as incorporated by reference in part 7011.3510, if construction, modification, or reconstruction began before May 30, 1991, and:

- A. the landfill has accepted solid waste for disposal since November 8, 1987; or
- B. the landfill has additional solid waste capacity available for future waste disposal.

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

Subp. 3. **Monitoring operations.** The owner or operator of a landfill 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, section 60.756(b)(2) and (c)(2).

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

A. the owner or operator of an active landfill, and the owner or operator of a closed landfill with a solid waste capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters, must 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 must 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; and

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), must 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.**

A. The owner or operator of a landfill that has:

(1) a solid waste capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters; and

(2) an NMOC emission rate of 50 megagrams per year or more must complete installation of gas collection and control equipment capable of meeting the conditions in Code of Federal Regulations, title 40, section 60.752(b)(2)(ii), by June 28, 2000.

B. The owner or operator of a landfill that has:

(1) a solid waste capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters; and

(2) an NMOC emission rate less than 50 megagrams per year on January 28, 1997, must 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.** The owner or operator of a 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 commissioner and the United States Environmental Protection Agency under Code of Federal Regulations, title 40, section 60.24(f).

Subp. 7. **NMOC emission rate estimations.** The owner or operator of a 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 owner or operator can demonstrate to the commissioner 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; 44 SR 1030*

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