



Douglas A. Ducey  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera  
Director

**JUL 24 2018**

**Submitted online via EPA's Central Data Exchange, State Plan Electronic Collection System (SPeCS)**

Mr. Michael Stoker, Regional Administrator  
U.S. Environmental Protection Agency, Region 9  
Mail Code ORA-1  
75 Hawthorne Street  
San Francisco, CA 94105

RE: Submittal of the State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona.

Dear Mr. Stoker,

The Arizona Department of Environmental Quality (ADEQ) hereby adopts and submits to the Environmental Protection Agency (EPA) the Clean Air Act section 111(d) plan, *State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona*, pursuant to Arizona Revised Statutes (A.R.S.) sections 49-104, 49-106, and 49-425, and Code of Federal Regulations (CFR) Title 40, Part 60, Subpart B.

On August 29, 2016 the EPA finalized rulemakings updating the standards of performance and emission guidelines for municipal solid waste (MSW) landfills. Per Clean Air Act section 111(d) and 40 CFR 60.23(a)(1), states are required to submit a plan establishing performance standards for existing sources of pollution within nine months of EPA's adoption of new or modified emission guidelines. ADEQ was required to submit a plan to EPA by May 30, 2017; however, EPA announced its intention to stay the rules in May 2017 and the stay was published in the federal register on May 31, 2017. On August 31, 2017 the stay ended and was not renewed. In response, ADEQ is submitting this State plan to fulfill the CAA section 111(d) and emission guideline requirements.

This plan updates the state's rules with the current emission guidelines for MSW landfills under State jurisdiction through incorporation by reference of 40 CFR part 60, subpart Cf. The federal guidelines were incorporated into the Arizona Administrative Code (A.A.C.) R18-2-731 on July 6,

**Main Office**

1110 W. Washington Street • Phoenix, AZ 85007  
(602) 771-2300

**Southern Regional Office**

400 W. Congress Street • Suite 433 • Tucson, AZ 85701  
(520) 628-6733

[www.azdeq.gov](http://www.azdeq.gov)

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2018 and will become effective upon EPA's approval by final rulemaking of the CAA section 111(d) plan.

ADEQ requests that EPA approve this plan submittal. If you have any questions, please contact Brian Parkey, Air Quality Improvement Planning Section, at (602) 771-4492 or [Parkey.Brian@azdeq.gov](mailto:Parkey.Brian@azdeq.gov).

Sincerely,



Timothy S. Franquist, Director  
Air Quality Division

Enclosures (1)

cc: Meredith Kurpius, EPA Region 9 (via email)  
Anita Lee, EPA Region 9 (via email)  
Doris Lo, EPA Region 9 (via email)



Douglas A. Ducey  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera  
Director

January 4, 2017

To: Timothy S. Franquist Jr.  
Division Director  
Air Quality Division

Under A.R.S. §49-104 (D) (2), I authorize you, Timothy S. Franquist Jr., Division Director, Air Quality Division, Arizona Department of Environmental Quality, to perform any act, including execution of any pertinent documents, which I as Director of the Arizona Department of Environmental Quality am authorized or required to do by law with respect to A.R.S. Title 49, chapters 1 and 3 and any other acts relating to air quality including personnel actions.

This authority shall remain in effect until it is revoked or upon your separation from the Arizona Department of Environmental Quality. You may further delegate this authority in the best interest of the agency, however, those delegations must be in writing and you must forward a copy of any further delegations to me.

This delegation is effective back to May 23, 2016 and revokes all earlier delegations. I ratify all acts performed by you as Air Quality Division Director concerning the duties and functions in this delegation letter.

Misael Cabrera  
Director



**A.R.S. § 49-104.** *Powers and duties of the department and director*

A. The department shall:

1. Formulate policies, plans and programs to implement this title to protect the environment.
2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.
3. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.
4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.
5. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.
6. Promote and coordinate the management of air resources to assure their protection, enhancement and balanced utilization consistent with the environmental policy of this state.
7. Promote and coordinate the protection and enhancement of the quality of water resources consistent with the environmental policy of this state.
8. Encourage industrial, commercial, residential and community development that maximizes environmental benefits and minimizes the effects of less desirable environmental conditions.
9. Assure the preservation and enhancement of natural beauty and man-made scenic qualities.
10. Provide for the prevention and abatement of all water and air pollution including that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids in accordance with article 3 of this chapter and chapters 2 and 3 of this title.
11. Promote and recommend methods for the recovery, recycling and reuse or, if recycling is not possible, the disposal of solid wastes consistent with sound health, scenic and environmental quality policies. Beginning in 2014, the department shall report annually on its revenues and expenditures relating to the solid and hazardous waste programs overseen or administered by the department.
12. Prevent pollution through the regulation of the storage, handling and transportation of solids, liquids and gases that may cause or contribute to pollution.
13. Promote the restoration and reclamation of degraded or despoiled areas and natural resources.
14. Assist the department of health services in recruiting and training state, local and district health department personnel.
15. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.
16. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.



17. Unless specifically authorized by the legislature, ensure that state laws, rules, standards, permits, variances and orders are adopted and construed to be consistent with and no more stringent than the corresponding federal law that addresses the same subject matter. This provision shall not be construed to adversely affect standards adopted by an Indian tribe under federal law.

B. The department, through the director, shall:

1. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the department to adequately perform its duties.
2. Contract and incur obligations reasonably necessary or desirable within the general scope of department activities and operations to enable the department to adequately perform its duties.
3. Utilize any medium of communication, publication and exhibition when disseminating information, advertising and publicity in any field of its purposes, objectives or duties.
4. Adopt procedural rules that are necessary to implement the authority granted under this title, but that are not inconsistent with other provisions of this title.
5. Contract with other agencies, including laboratories, in furthering any department program.
6. Use monies, facilities or services to provide matching contributions under federal or other programs that further the objectives and programs of the department.
7. Accept gifts, grants, matching monies or direct payments from public or private agencies or private persons and enterprises for department services and publications and to conduct programs that are consistent with the general purposes and objectives of this chapter. Monies received pursuant to this paragraph shall be deposited in the department fund corresponding to the service, publication or program provided.
8. Provide for the examination of any premises if the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed on the premises. The director shall give the owner or operator the opportunity for its representative to accompany the director on an examination of those premises. Within forty-five days after the date of the examination, the department shall provide to the owner or operator a copy of any report produced as a result of any examination of the premises.
9. Supervise sanitary engineering facilities and projects in this state, authority for which is vested in the department, and own or lease land on which sanitary engineering facilities are located, and operate the facilities, if the director determines that owning, leasing or operating is necessary for the public health, safety or welfare.
10. Adopt and enforce rules relating to approving design documents for constructing, improving and operating sanitary engineering and other facilities for disposing of solid, liquid or gaseous deleterious matter.
11. Define and prescribe reasonably necessary rules regarding the water supply, sewage disposal and garbage collection and disposal for subdivisions. The rules shall:
  - (a) Provide for minimum sanitary facilities to be installed in the subdivision and may require that water systems plan for future needs and be of adequate size and capacity to deliver specified minimum quantities of drinking water and to treat all sewage.
  - (b) Provide that the design documents showing or describing the water supply, sewage disposal and garbage collection facilities be submitted with a fee to the department for review and that no lots in any subdivision be offered for sale before compliance with the



standards and rules has been demonstrated by approval of the design documents by the department.

12. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious conditions at such places. The rules shall prescribe minimum standards for the design of and for sanitary conditions at any public or semipublic swimming pool or bathing place and provide for abatement as public nuisances of premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of health services and shall be consistent with the rules adopted by the director of the department of health services pursuant to section 36-136, subsection H, paragraph 10.

13. Prescribe reasonable rules regarding sewage collection, treatment, disposal and reclamation systems to prevent the transmission of sewage borne or insect borne diseases. The rules shall:

(a) Prescribe minimum standards for the design of sewage collection systems and treatment, disposal and reclamation systems and for operating the systems.

(b) Provide for inspecting the premises, systems and installations and for abating as a public nuisance any collection system, process, treatment plant, disposal system or reclamation system that does not comply with the minimum standards.

(c) Require that design documents for all sewage collection systems, sewage collection system extensions, treatment plants, processes, devices, equipment, disposal systems, on-site wastewater treatment facilities and reclamation systems be submitted with a fee for review to the department and may require that the design documents anticipate and provide for future sewage treatment needs.

(d) Require that construction, reconstruction, installation or initiation of any sewage collection system, sewage collection system extension, treatment plant, process, device, equipment, disposal system, on-site wastewater treatment facility or reclamation system conform with applicable requirements.

14. Prescribe reasonably necessary rules regarding excreta storage, handling, treatment, transportation and disposal. The rules shall:

(a) Prescribe minimum standards for human excreta storage, handling, treatment, transportation and disposal and shall provide for inspection of premises, processes and vehicles and for abating as public nuisances any premises, processes or vehicles that do not comply with the minimum standards.

(b) Provide that vehicles transporting human excreta from privies, septic tanks, cesspools and other treatment processes shall be licensed by the department subject to compliance with the rules. The department may require payment of a fee as a condition of licensure. After July 20, 2011, the department shall establish by rule a fee as a condition of licensure, including a maximum fee. As part of the rule making process, there must be public notice and comment and a review of the rule by the joint legislative budget committee. After September 30, 2013, the department shall not increase that fee by rule without specific statutory authority for the increase. The fees shall be deposited, pursuant to sections 35-146 and 35-147, in the solid waste fee fund established by section 49-881.

15. Perform the responsibilities of implementing and maintaining a data automation management system to support the reporting requirements of title III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499) and article 2 of this chapter.



16. Approve remediation levels pursuant to article 4 of this chapter.

17. Establish or revise fees by rule pursuant to the authority granted under title 44, chapter 9, article 8 and chapters 4 and 5 of this title for the department to adequately perform its duties.

All fees shall be fairly assessed and impose the least burden and cost to the parties subject to the fees. In establishing or revising fees, the department shall base the fees on:

(a) The direct and indirect costs of the department's relevant duties, including employee salaries and benefits, professional and outside services, equipment, in-state travel and other necessary operational expenses directly related to issuing licenses as defined in title 41, chapter 6 and enforcing the requirements of the applicable regulatory program.

(b) The availability of other funds for the duties performed.

(c) The impact of the fees on the parties subject to the fees.

(d) The fees charged for similar duties performed by the department, other agencies and the private sector.

C. The department may:

1. Charge fees to cover the costs of all permits and inspections it performs to ensure compliance with rules adopted under section 49-203, except that state agencies are exempt from paying the fees. Monies collected pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210.

2. Contract with private consultants for the purposes of assisting the department in reviewing applications for licenses, permits or other authorizations to determine whether an applicant meets the criteria for issuance of the license, permit or other authorization. If the department contracts with a consultant under this paragraph, an applicant may request that the department expedite the application review by requesting that the department use the services of the consultant and by agreeing to pay the department the costs of the consultant's services.

Notwithstanding any other law, monies paid by applicants for expedited reviews pursuant to this paragraph are appropriated to the department for use in paying consultants for services.

D. The director may:

1. If the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed, inspect any person or property in transit through this state and any vehicle in which the person or property is being transported and detain or disinfect the person, property or vehicle as reasonably necessary to protect the environment if a violation exists.

2. Authorize in writing any qualified officer or employee in the department to perform any act that the director is authorized or required to do by law.

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# Authorizing Statute

A.R.S. § 49-106

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**A.R.S. § 49-106.** *Statewide application of rules*

The rules adopted by the department apply and shall be observed throughout this state, or as provided by their terms, and the appropriate local officer, council or board shall enforce them. This section does not limit the authority of local governing bodies to adopt ordinances and rules within their respective jurisdictions if those ordinances and rules do not conflict with state law and are equal to or more restrictive than the rules of the department, but this section does not grant local governing bodies any authority not otherwise provided by separate state law.

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# Authorizing Statute

A.R.S. § 49-425

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**A.R.S. § 49-425. Rules; hearing**

A. The director shall adopt such rules as he determines are necessary and feasible to reduce the release into the atmosphere of air contaminants originating within the territorial limits of the state or any portion thereof and shall adopt, modify, and amend reasonable standards for the quality of, and emissions into, the ambient air of the state for the prevention, control and abatement of air pollution. Additional standards shall be established for particulate matter emissions, sulfur dioxide emissions, and other air contaminant emissions determined to be necessary and feasible for the prevention, control and abatement of air pollution. In fixing such ambient air quality standards, emission standards or standards of performance, the director shall give consideration but shall not be limited to the relevant factors prescribed by the clean air act.

B. No rule may be enacted or amended except after the director first holds a public hearing after twenty days' notice of such hearing. The proposed rule, or any proposed amendment of a rule, shall be made available to the public at the time of notice of such hearing.

C. The department shall enforce the rules adopted by the director.

D. All rules enacted pursuant to this section shall be made available to the public at a reasonable charge upon request.



# State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

*Air Quality Division  
July 25, 2018 Final*

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## 1 Introduction

On August 29, 2016 the Environmental Protection Agency (EPA) finalized rulemakings in the federal register updating the *Standards of Performance for Municipal Solid Waste Landfills* (NSPS) and *Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills* (EG). These rules became effective October 28, 2016 and were adopted in the code of federal regulation (CFR) under Title 40 CFR part 60, subpart XXX and Title 40 CFR part 60, subpart Cf, respectively. The Emission Guidelines established under subpart Cf apply to all existing municipal solid waste (MSW) landfills (i.e. those that commenced construction, reconstruction, or modification on or before July 17, 2014 and accepted waste at any time after November 8, 1987). Section 111(d) of the Clean Air Act (CAA) requires that states submit a plan establishing performance standards for existing sources within nine months of EPA's adoption of the emission guidelines.

State plans must contain specific information and legal mechanisms necessary to implement the Emission Guidelines. The requirements are:

- **40 CFR § 60.24(a)** - Identification of enforceable State mechanisms selected by the State for implementing the Emission Guidelines (Chapter 2);
- **40 CFR § 60.26(a)** - A demonstration of the State's legal authority to carry out the Section 111(d) State plan as submitted (Chapter 3);
- **40 CFR § 60.25(a)** - An inventory of existing MSW landfills in the State affected by the Emission Guidelines. An existing landfill may be active (currently accepting waste or having additional capacity available to accept waste) or closed (no longer accepting waste nor having available capacity for future waste deposition) (Chapter 4);
- **40 CFR § 60.25(a)** - An inventory of emissions from existing MSW landfills in the State that are affected by the Emission Guidelines (Chapter 5);
- **40 CFR § 60.24(b)(1), 40 CFR § 60.24(c), 40 CFR § 60.24(f), & 40 CFR § 60.33f** - Emission standards for existing MSW landfills in the State that are affected by the Emission Guidelines (Chapter 6);
- **40 CFR § 60.34f** - Provisions for the operational standards of gas collection and control systems (Chapter 7);
- **40 CFR § 60.38f(d)** - A State process for review and approval of site-specific gas collection and control system design plans (Chapter 8);
- **40 CFR § 60.24(a), 40 CFR § 60.24(e)(1), 40 CFR § 60.32f, & 40 CFR § 60.38f** - Compliance schedules and increments of progress (Chapter 9);
- **40 CFR § 60.24(b)(2), 40 CFR § 60.25(b), 40 CFR § 60.35f, 40 CFR § 60.37f, 40 CFR § 60.38f, & 40 CFR § 60.39f** - Testing, monitoring, recordkeeping, and reporting requirements (Chapter 10);
- **40 CFR § 60.23(f)** - A record of public hearing(s) on the State plan (Chapter 11); and

## State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

- **40 CFR § 60.25(f)** - Provision for the annual State progress reports to EPA on implementation of the State plan (Chapter 12).

The Arizona Department of Environmental Quality (ADEQ) was required to submit a plan to EPA establishing performance standards for MSW landfills by May 30, 2017; however, EPA announced its intention to stay the rules in May of 2017 and the stay was published in the federal register on May 31, 2017. In August of 2017 the stay ended and was not renewed. In response, ADEQ is submitting this State plan to fulfill the EG requirements.

ADEQ submits this document to fulfill the above listed requirements for establishing performance standards for existing MSW landfills. The contents of this document only pertain to those MSW landfills permitted by or those areas for which ADEQ has planning authority within the State of Arizona.

## **2 Enforceable State Mechanisms for Emission Guideline Implementation**

This plan is submitted in accordance with 40 CFR part 60 subpart B, adoption and submittal of State Plan for Designated Facilities. The primary mechanism selected by ADEQ to implement the emission guidelines for MSW landfills under State jurisdiction is through incorporation by reference of 40 CFR part 60, subpart Cf and 40 CFR part 60, subpart XXX. The federal guidelines were incorporated into the Arizona Administrative Code (A.A.C.), at A.A.C. R18-2-731 and A.A.C. R18-2-90(79), on July 6, 2018.<sup>1</sup> A copy of the Notice of Final Rulemaking published in the Arizona Administrative Register (A.A.R.) is included in Appendix A. Finalization of these proposed rules will meet the requirements of 40 CFR § 60.24(a).

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<sup>1</sup> See 24 A.A.R. 1864

### 3 Demonstration of Legal Authority

#### **A. ADEQ has authority to adopt emission standards and compliance schedules applicable to MSW Landfills.**

This authority is contained in Arizona Revised Statutes (A.R.S.) § 49-425(A) that provides "The director shall adopt such rules as he determines are necessary and feasible to reduce the release into the atmosphere of air contaminants originating within the territorial limits of the state or any portion of it and shall adopt, modify, and amend reasonable standards for the quality of, and emissions into, the ambient air of the state for the prevention, control and abatement of air pollution. Additional standards shall be established for particulate matter emissions, sulfur dioxide emissions, other air contaminant emissions determined to be necessary and feasible for the prevention, control and abatement of air pollution. In fixing such ambient air quality standards, emission standards or standards of performance, the director shall give consideration but shall not be limited to the relevant factors prescribed by the clean air act."

A.R.S. § 49-421 defines air contaminants as follows:

*Air contaminants* includes smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, or noxious chemicals, or any other material in the outdoor atmosphere."

#### **B. ADEQ has the authority to enforce laws, regulations, standards and compliance schedules and seek injunctive relief with respect to MSW Landfills.**

ADEQ is the primary enforcement agent of Title 49 of the Arizona Revised Statutes and rules (regulations) contained in Title 18, Chapter 2 of the Arizona Administrative Code. The Attorney General, by statute ADEQ's attorney, brings enforcement actions for ADEQ.

A.R.S. §§ 49-460 through 463 provide the director of the Department of Environmental Quality with broad civil enforcement authority for violations of any State air pollution control article, any rule adopted pursuant to that article, or any requirement of a permit issued pursuant to that article. A.R.S. § 49-464 provides criminal penalties for certain types of conduct related to these violations.

A.R.S. § 49-462 provides that the director may seek injunctive relief for violations of the State air pollution control statutes, including rules or permits adopted or issued to Article 2. The director may also seek injunctive relief if a person has violated or is violating an effective order of abatement or a person is creating an imminent and substantial endangerment to the public health or the environment because of a release of a harmful air contaminant.

A.R.S. § 49-425 (C) further provides that ADEQ has a duty to enforce its rules: "The department shall enforce the rules adopted by the director."

#### **C. ADEQ has authority to obtain information necessary to determine compliance.**

## State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

General authority comes from A.R.S. § 49-425(A), which allows the director to "...adopt such rules as he determines are necessary and feasible to reduce the release into the atmosphere of air contaminants..."

For sources required to obtain Title V permits, A.R.S. § 49-426(I) provides that those permits shall contain "Any other conditions that are necessary to assure compliance with this article and the clean air act, including the applicable implementation plan."

In addition, A.R.S. § 49-460 allows the director, if the director has reasonable cause to believe there is a violation, to "...request in writing that such person produce all existing books, records and other documents evidencing tests, inspections or studies which may reasonably relate to compliance or noncompliance with rules adopted pursuant to this article."

### **D. ADEQ has authority to require record keeping, make inspections, and conduct tests.**

General authority comes from A.R.S. § 49-425(A) that allows the director to "...adopt such rules as he determines are necessary and feasible to reduce the release into the atmosphere of air contaminants..."

For sources required to obtain Title V permits, A.R.S. § 49-426(I) provides that those permits shall contain, "...conditions that are necessary to assure compliance with this article and the clean air act, including the applicable implementation plan."

In addition, other statutes reinforce the inspection authority:

A.R.S. § 49-432(B) provides that monitoring devices required to determine compliance "...shall be available for inspection by the director, or his deputies during all reasonable times."

A.R.S. § 49-433 provide that special warrants may be issued by a magistrate to the Director and his deputies for the inspection of public or private, real or personal property for the purpose of air pollution control.

### **E. ADEQ has authority to require the use of monitors and require emission reports of owners or operators.**

The general authority comes from A.R.S. § 49-425(A), which allows the director to "...adopt such rules as he determines are necessary and feasible to reduce the release into the atmosphere of air contaminants..."

For sources required to obtain Title V permits, A.R.S. § 49-426(I) provides that those permits shall contain any "...conditions that are necessary to assure compliance with this article and the clean air act, including the applicable implementation plan."

A.R.S. § 49-422(A)(3) allows the department, under certain conditions, to require "...any source of air contaminants to monitor, sample or perform other studies to quantify emissions of air contaminants or levels of air pollution that may reasonably be attributable to that source..."

Finally, A.R.S. § 432(B) provides: "The owner, lessee, or operator of a source under the jurisdiction of the department shall provide, install, maintain, and operate such air contaminant

## State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

monitoring devices as are reasonable, necessary and required to determine compliance in a manner acceptable to the director, and shall supply monitoring information as directed in writing by the director. Such devices shall be available for inspection by the director, or his deputies during all reasonable times."

### **F. ADEQ has authority to make emissions data available to the public.**

A.R.S. § 49-432(C) provides that "The department shall make available to the public any records, reports or information obtained from any person pursuant to this chapter, including records, reports or information obtained or prepared by the director or a department employee, except...[when a trade secret or an ongoing criminal investigation is involved]."

A.R.S. § 49-432(E) further provides that, regardless of whether it is confidential, the department must make available to the public, "The chemical constituents, concentrations and amounts of any emission of any air contaminant."

In addition, A.R.S. § 39-121 provides that public records must be made available to the public during office hours.

## 4 Arizona MSW Landfill Facility Inventory

40 CFR § 60.25(a) requires that each state plan include an inventory of all designated facilities. ADEQ personnel reviewed the following resources in an effort to identify designated MSW landfills under ADEQ permitting authority:

- ADEQ Air Quality Division (AQD) permits and records
- ADEQ Waste Program Division (WPD) permits and records
- EPA 2014 National Emission Inventory
- EPA530-R-96-006, List of Municipal Solid Waste Landfills, June 1996
- EPA, 2016 Municipal Solid Waste New Source Performance Standards (NSPS) and Emission Guidelines (EG) Data Files<sup>2</sup>
- Direct phone contact with and surveys distributed to known MSW landfill owners and operators requesting operational data (Appendix B)

ADEQ AQD staff reviewed all of the information provided by these resources and developed the list supplied in Table 1. This list includes open and closed municipal solid waste facilities above and below the 2.5 million Mg/yr and 2.5 million m<sup>3</sup> threshold that accepted municipal waste after November 8, 1987. ADEQ recognizes that this list will continue to develop as more information becomes available with the reporting requirements established in the revised state rule A.A.C R18-2-731. ADEQ commits to updating this list in subsequent annual state progress reports.

**Table 1: MSW landfills under ADEQ authority affected by the Emission Guidelines**

Facility	County	Status	Closure Year
Ash Fork LF	Yavapai	Closed	1998
Apache County Regional LF	Apache	Active	
Arizona Strip Community LF (Colorado City)	Mohave	Closed	1999
Artesia LF	Graham	Closed	1994
Bagdad LF	Yavapai	Closed	1999
Benson LF	Cochise	Closed	1998
Bisbee LF	Cochise	Closed	1992
Black Canyon LF	Yavapai	Closed	1999

<sup>2</sup> <https://www.epa.gov/stationary-sources-air-pollution/2016-municipal-solid-waste-new-source-performance-standards-nsps>

## State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

Facility	County	Status	Closure Year
Blue LF	Greenlee	Closed	2006
Buckhead Mesa MSWLF	Gila	Active	
Camp Verde LF	Yavapai	Closed	2001
Central MSWLF	Graham	Closed	1993
Cerbat MSWLF	Mohave	Active	
Cinder Lake LF	Coconino	Active	
City of Holbrook LF	Navajo	Closed	1995
Cochise County Eastern Regional LF	Cochise	Closed	2001
Cochise County Western Regional LF	Cochise	Active	
Copper Mountain LF	Yuma	Active	
Douglas LF	Cochise	Closed	1995
Duncan LF	Greenlee	Closed	
Eden LF	Graham	Closed	1994
Fort Thomas	Graham	Closed	1996
Graham County Regional LF	Graham	Active	
Grand Canyon National Park N Rim LF	Coconino	Closed	2002
Grand Canyon National Park S Rim LF	Coconino	Active	
Gray Wolf Regional LF	Yavapai	Active	
Huachuca City LF	Cochise	Active	
La Paz County Regional LF	La Paz	Active	
Lake Havasu City LF	Mohave	Active	
Littlefield LF	Mohave	Closed	1998
Loma Linda LF	Greenlee	Active	
Lone Pine LF	Navajo	Active	1999
Mohave Valley LF	Mohave	Active	
Page LF	Coconino	Closed	2000
Painted Desert LF	Navajo	Active	
Prescott Valley LF	Yavapai	Closed	2002
Quartzsite LF	Yavapai	Closed	

## State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

Facility	County	Status	Closure Year
Rio Rico MSWLF	Santa Cruz	Active	
Roll LF	Yuma	Closed	1994
Roosevelt LF	Gila	Closed	1991
Round Valley LF	Apache	Closed	
Russel Gulch LF	Gila	Active	
San Jose LF	Graham	Closed	1994
Sands Wash (South County) Landfill	Greenlee	Closed	1998
Seligman LF	Yavapai	Closed	1998
Sonoita-Elgin LF	Santa Cruz	Active	
South Yuma County LF	Yuma	Active	
Star Valley LF	Gila	Closed	1999
Stone Forest Industries	Apache		
St. Johns LF	Apache	Closed	1997
Sundog Ranch LF	Yavapai	Closed	1998
Tonto Basin	Gila	Closed	1990
Town of Fredonia	Coconino	Closed	1998
Miami Municipal LF	Gila	Closed	1995
Town of Patagonia LF	Santa Cruz	Active	
Amado-Tubac LF	Santa Cruz	Closed	1999
U.S. Army Yuma Proving Ground	Yuma	Active	
Williams LF	Coconino	Closed	1992
Winslow LF	Coconino	Closed	2000
Young LF (Pleasant Valley)	Gila	Closed	1992

## 5 Arizona MSW Landfill Emission Inventory

40 CFR § 60.25(a) requires that each plan include an inventory of all designated facilities including emissions data for the designated pollutants.

Where adequate data was available, ADEQ estimated 2017 NMOC emissions from MSW landfills (Table 2). NMOC emissions were calculated following Tier 1, 2, or 3 procedures using the Landfill Gas Emissions Model (LandGEM), version 3.02. Unless facility records reported current Tier 2 or Tier 3 results, the following default parameters, as specified by the NSPS and Emission Guidelines for determining CAA applicability, were used for facility emission estimation:

- Methane generation rate,  $k = 0.02$  /yr
- Potential methane generation capacity,  $L_0 = 170$  m<sup>3</sup>/Mg
- NMOC concentration = 4,000 ppmv as hexane
- Methane Content = 50% by volume

NMOC emission estimations derived from the parameters presented above result in conservatively high emissions estimates as compared to actual facility emission rates. However, the above listed parameters represent those established by EPA for facility screening procedures and are therefore utilized for the emissions estimated in this plan, except where facility reported Tier 2 or Tier 3 values exist. Where current Tier 2 or Tier 3 results were available for a facility, the above listed parameters were replaced with site-specific data.

Whenever possible, ADEQ utilized facility reported annual solid waste acceptance rates; however, not all facilities had complete records of annual waste acceptance. In those instances of incomplete records, ADEQ utilized the following gap filling techniques, in order of preference:

1. If the facility reported an average annual waste acceptance rate, this was used for all years; otherwise,
2. If the facility reported >15 years of waste acceptance records, the average annual acceptance rate from reported years was assumed for years that were not reported;
3. If the facility reported <15 years of waste acceptance records and reported a maximum daily acceptance rate, the maximum daily acceptance rate was converted to an annual value and assumed for all unreported years;
4. If the facility reported <15 years of waste acceptance records and reported current waste in place (WIP), the reported annual acceptance rates were summed and

## State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

subtracted from the total WIP and the remaining total was evenly divided amongst unreported years<sup>3</sup>; and finally,

5. If the facility reported <15 years of waste acceptance records and no other information, the average annual acceptance rate from reported years was assumed for years that were not reported.

For those facilities that reported waste acceptance rates as a volume, ADEQ utilized the EPA's volume-to-weight conversion factors for small and large MSW landfills.<sup>4</sup> For any facility with a design capacity < 5,000,000 cubic yards, ADEQ assumed a volume-to-weight conversion factor of 1,500 lb/yd<sup>3</sup>. For any facility with a design capacity > 5,000,000 cubic yards, ADEQ assumed a volume-to-weight conversion factor of 2,000 lb/yd<sup>3</sup>.

For all facilities listed in Table 2 that do not have emission estimates reported, ADEQ did not estimate NMOC emissions as not enough information was available. ADEQ believes that it undertook all steps that are "reasonable and practical"<sup>5</sup> to obtain emissions data and estimate NMOC emissions for the development of this plan. ADEQ recognizes that this list will continue to develop as more information becomes available with the reporting requirements established in the revised state rule A.A.C. R18-2-731. As this information becomes available, ADEQ commits to updating facility emission estimates and submitting in subsequent annual state progress reports.

Finally, NMOC emissions estimates provided in Table 2 should not be considered final for any permitting purposes. These estimates are provided to comply with the requirements of 40 CFR § 60.25(a).

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<sup>3</sup> ADEQ relied on WIP records as a low priority option since facilities reporting WIP required conversion of waste from volume-to-weight using factors reported in the April 2014, EPA Office of Resource Conservation and Recovery memorandum entitled [Volume-to-Weight Conversion Factors](#). These are average factors developed from Minnesota landfill data and may have limited applicability in Arizona.

<sup>4</sup> [https://www.epa.gov/sites/production/files/2016-04/documents/volume\\_to\\_weight\\_conversion\\_factors\\_memorandum\\_04192016\\_508fml.pdf](https://www.epa.gov/sites/production/files/2016-04/documents/volume_to_weight_conversion_factors_memorandum_04192016_508fml.pdf)

<sup>5</sup> EPA established an understanding of "reasonable and practical" situations for emission data reporting for 111(d) plans in the January 27, 1997 memorandum entitled: Emission Inventories for Existing Municipal Solid Waste (MSW) Landfills with Design Capacities below 2.5 million Mg or 2.5 million m<sup>3</sup>.

**Table 2: ADEQ estimated 2017 NMOC emissions**

Facility	EPA EIS Facility ID	County	Status	Design Capacity (Mg or m <sup>3</sup> )	2017 NMOC Emissions (Mg)
<b>Landfill Facility Maximum Design Capacity ≥ 2.5 million Mg or ≥ 2.5 million m<sup>3</sup></b>					
Cinder Lake LF	1115411	Coconino	Active	10,187,064 Mg	35.1
Cochise County Western Regional LF	1113811	Cochise	Active	4,299,305 Mg	13.3
Copper Mountain LF	7951311	Yuma	Active	54,500,000 m <sup>3</sup>	45.8
Gray Wolf Regional LF <sup>1</sup>	1033811	Yavapai	Active	23,977,686 Mg	10.1
La Paz County Regional LF	944911	La Paz	Active	20,260,704 m <sup>3</sup>	40.8
Mohave Valley LF	7950411	Mohave	Active	6,803,888 Mg	50.4
Painted Desert LF <sup>2</sup>	976811	Navajo	Active	18,818,182 Mg	53.2
South Yuma County LF	16323711	Yuma	Active	2,650,000 Mg	12.1
<b>Landfill Facility Maximum Design Capacity &lt; 2.5 million Mg or &lt; 2.5 million m<sup>3</sup></b>					
Ash Fork		Yavapai	Closed	15,300 m <sup>3</sup>	0.9
Apache County Regional LF		Apache	Active	2,132,000 m <sup>3</sup>	39.1
Arizona Strip Community LF (Colorado City)		Mohave	Active	141,590 m <sup>3</sup>	2.8
Artesia LF		Graham	Closed	166,078 m <sup>3</sup>	1.2
Bagdad LF		Yavapai	Closed	55,980 m <sup>3</sup>	0.9
Benson LF		Cochise	Closed	88,690 m <sup>3</sup>	4.7

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Facility	EPA EIS Facility ID	County	Status	Design Capacity (Mg or m <sup>3</sup> )	2017 NMOC Emissions (Mg)
Bisbee LF		Cochise	Closed	78,130 m <sup>3</sup>	6.9
Black Canyon LF		Yavapai	Closed	15,300 m <sup>3</sup>	5.7
Blue LF		Greenlee	Closed	1,840 m <sup>3</sup>	NE
Buckhead Mesa LF		Gila	Active	1,061,717 m <sup>3</sup>	37.2
Camp Verde LF		Yavapai	Closed	61,170 m <sup>3</sup>	47.1
Central MSWLF		Graham	Closed	373,782 m <sup>3</sup>	5.2
Cerbat MSWLF <sup>3</sup>		Mohave	Active	< 2,500,000 m <sup>3</sup>	NE
City of Holbrook LF		Navajo	Closed	196,840 m <sup>3</sup>	4.9
Cochise County Eastern Regional LF		Cochise	Closed	409,545 Mg	27.5
Douglas LF		Cochise	Closed	446,530 m <sup>3</sup>	4.1
Eden LF		Graham	Closed	12,694 m <sup>3</sup>	0.4
Duncan LF		Greenlee	Closed		NE
Fort Thomas		Graham	Closed	32,614 m <sup>3</sup>	0.3
Graham County Regional LF		Graham	Active	1,860,000 Mg	83.5
Grand Canyon National Park N Rim LF		Coconino	Closed	41,900 m <sup>3</sup>	4.5
Grand Canyon National Park S Rim LF		Coconino	Active	175,860 m <sup>3</sup>	NE
Huachuca City LF		Cochise	Active	1,491,775 Mg	63.7
Lake Havasu City LF		Mohave	Active	1,269,280 m <sup>3</sup>	NE
Littlefield LF		Mohave	Active	8,510 m <sup>3</sup>	0.4
Loma Linda LF		Greenlee	Active	344,070 m <sup>3</sup>	NE
Lone Pine LF		Navajo	Closed	257,670 m <sup>3</sup>	37.7
Page LF		Coconino	Closed	1,004,680 m <sup>3</sup>	8.2

## State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

Facility	EPA EIS Facility ID	County	Status	Design Capacity (Mg or m <sup>3</sup> )	2017 NMOC Emissions (Mg)
Prescott Valley LF		Yavapai	Closed	173,560 m <sup>3</sup>	16.9
Quartzsite		La Paz	Closed	114,690 m <sup>3</sup>	NE
Rio Rico MSWLF		Santa Cruz	Active	2,305,610 m <sup>3</sup>	NE
Roll LF		Yuma	Closed	32,110 m <sup>3</sup>	5.6
Roosevelt LF		Gila	Closed	114,683 m <sup>3</sup>	4.5
Round Valley LF		Apache	Closed	172,690 m <sup>3</sup>	NE
Russel Gulch LF		Gila	Active	2,020,836 m <sup>3</sup>	50.9
San Jose LF		Gila	Closed	74,736 m <sup>3</sup>	0.7
Sands Wash (South County)		Greenlee	Closed	107,040 m <sup>3</sup>	0.7
Seligman LF		Yavapai	Closed	22,940 m <sup>3</sup>	0.9
Sonoita-Elgin LF		Santa Cruz	Active	50,973 m <sup>3</sup>	NE
Star Valley LF		Gila	Closed	99,400 m <sup>3</sup>	5.7
Stone Forest Industries		Apache	Closed	841,060 m <sup>3</sup>	NE
St. Johns LF		Apache	Closed	389,480 m <sup>3</sup>	3.1
Sundog Ranch LF		Yavapai	Closed	1,228,409 Mg	51.7
Tonto Basin		Gila	Closed	152,911 m <sup>3</sup>	5.6
Town of Fredonia		Coconino	Closed	256,700 m <sup>3</sup>	1.3
Miami Municipal LF		Gila	Closed	58,060 Mg	2.9
Town of Patagonia LF		Santa Cruz	Active	17,490 m <sup>3</sup>	NE
Amado-Tubac LF		Santa Cruz	Closed	21,408 m <sup>3</sup>	1.7
U.S. Army Yuma Proving Ground		Yuma	Active	966,302 Mg	18.9
Williams LF		Coconino	Closed	253,832 m <sup>3</sup>	4.3

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Facility	EPA EIS Facility ID	County	Status	Design Capacity (Mg or m <sup>3</sup> )	2017 NMOC Emissions (Mg)
Winslow LF		Navajo	Closed	573,450 m <sup>3</sup>	18.3
Young LF (Pleasant Valley)		Gila	Closed	7,646 m <sup>3</sup>	0.3

Landfills with a maximum design capacity < 2.5 million Megagrams or 2.5 million cubic meters do not require a EPA EIS Facility ID

NE = Not estimated due to incomplete information

<sup>1</sup> Design capacity obtained from EPA's 2016 GHG modeling information: <https://www.epa.gov/stationary-sources-air-pollution/2016-municipal-solid-waste-new-source-performance-standards-nsps>

<sup>2</sup> Painted Desert Landfill installed a GCCS in 2009. LandGEM calculated uncontrolled emissions (200.8 Mg/yr) were controlled using the AP-42 Chapter 2.4.4.2 Equation #5 (draft 10/2008). ADEQ assumed a collection efficiency of 75% and control efficiency of 98%.

<sup>3</sup> Cerbat Landfill last reported design capacity was 1,820,000 Mg, in 2006. The facility reports that it is still below the 2.5 million m<sup>3</sup> threshold, but is considering expansion in the near future. Design capacity values will be updated in future reports.

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## 6 Emission Standards for MSW Landfills

Pursuant to 40 CFR § 60.24(a), State plans must include emission standards for municipal solid waste landfills which are no less stringent than the corresponding emission guidelines established by the Administrator in 40 CFR § 60.33f.

ADEQ's rule establishes emission guidelines that are equivalent to those codified in subpart Cf. The state rule (Appendix A) incorporates by reference the federal standard and is applicable to all regulated sources under ADEQ permitting authority. Sources must comply with the emission standards specified in 40 CFR § 60.33f, except for those facilities that meet the criteria established by the Administrator in 40 CFR § 60.24(f).

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## **7 Operational standards for collection and control systems**

Pursuant to 40 CFR § 60.34f, State plans must include provisions for the operational standards of a gas collection and control system used to comply with the provisions of 40 CFR § 60.33f(b) and (c).

ADEQ's rule establishes emission guidelines that are equivalent to those codified in subpart Cf. The state rule (Appendix A) incorporates by reference the federal standard and is applicable to all regulated sources under ADEQ permitting authority. Sources must comply with the operational standards specified in 40 CFR § 60.34f, except for those facilities that meet the criteria established by the Administrator in 40 CFR § 60.24(f).

## 8 Review Process for Control System Design Plans

ADEQ's plan incorporates by reference the federal emission guidelines and associated requirements for control system design plan review. As such, facilities subject to gas collection and control system (GCCS) are required to complete a site-specific GCCS Design Plan within one year of submission of an initial or subsequent NMOC emission rate report indicating an exceedance of the appropriate emission thresholds defined in 40 CFR § 60.33f. Please refer to Section 9 of this plan for the NMOC emissions rate reporting and GCCS design plan and installation compliance schedule.

ADEQ will implement the following process for the review and approval of Design Plans:

1. On or before the deadline established in Chapter 9, each owner or operator of a MSW landfill that estimates NMOC emissions, in the initial or annual NMOC emissions rate report, equal to or exceeding the thresholds defined in 40 CFR § 60.33f shall submit a copy of the site-specific Design Plan cover page that contains a professional engineer's seal to the Department for approval within one year. Within 90 days of receipt of the Design Plan cover page, the Department will notify the owner or operator if the design plan must be submitted in its entirety.
2. In the event that the Department determines a facility must install a collection and control system to achieve compliance with the emission guidelines for MSW landfill emissions established under 40 CFR § 60.33f, the Department will notify the owner or operator of the landfill to submit an application for plan approval in accordance with the requirements of A.A.C. R18-2-731.
3. The Design Plan shall contain a certification by a responsible official at the designated MSW landfill as to truth, accuracy, and completeness of the plan in accordance with the permitting requirements of the A.A.C. R18-2-304(H). The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
4. Upon receipt of a complete Design Plan, the Department will approve it, reject it, or request additional information within 90 days. The Department will provide notice, in writing, of the approval or disapproval of the Design Plan. If the owner or operator does not receive approval, rejection, or a request for additional information within 90 days, the owner or operator may continue with implementation of the Design Plan.

## 9 Compliance Schedule & Increments of Progress

The state rule establishes the same compliance schedule as finalized in 40 CFR part 60, subpart Cf. Facilities shall comply with the schedule included below and as specified in 40 CFR § 60.32f and 40 CFR § 60.38f, unless the facility meets the exemption requirements established in 40 CFR § 60.24(f) or is a closed landfill and meets the requirements of 40 CFR § 60.31f.

Unless otherwise exempt, all existing MSW landfills subject to subpart Cf must submit a design capacity report no later than 90 days after the effective date of EPA’s state plan approval. Amended design capacity reports must be submitted within 90 days of an increase in the maximum design capacity of any landfill that meets or exceeds 2.5 million Mg and 2.5 million m<sup>3</sup>. For any existing MSW landfills with a design capacity equal to or greater than 2.5 million Mg and 2.5 million m<sup>3</sup>, an initial NMOC emission rate report submission is required no later than 90 days after the effective date of EPA’s state plan approval. After which, NMOC emission rate reports must then be submitted annually or every 5 years (as determined in 40 CFR § 60.38f(c)(3)). For owners or operators who choose to pursue Tier 4 testing, reports must be submitted annually, beginning within 30 days of completing fourth quarter monitoring.

When the initial or subsequent NMOC emission rate report submitted under this Chapter exceeds 34 Mg/yr for active landfills or 50 Mg/yr for closed landfills or Tier 4 surface emissions monitoring meets or exceeds a concentration of 500 ppm methane, all landfill owners then have 12 months to complete a design plan and submit the cover page (as specified in Chapter 8). If construction or installation of a collection and control system is necessary, contracts must be awarded and components purchased within six months of Department approval of the design plan. Initial on-site construction or installation of the collection and control systems shall begin within 12 months of Department approval of the design plan. Within 30 months after submission of an initial or subsequent NMOC emission report submitted under this Chapter or Tier 4 monitoring report that exceeds allowable limits, landfill owners must complete construction and installation of a gas collection and control system and be in compliance with 40 CFR § 60.33f.

Within 180 days of the initial startup of an approved control system, an annual report for control system performance, including the results of an initial performance test of the control system as specified in 40 CFR § 60.33f(c)(2), must be submitted to the Department. Annual reports should include all information specified in 40 CFR § 60.38f(h). Subsequent annual reports are required within 12 months of the latest annual report submittal.

**Table 3: Compliance Schedule for MSW landfill Emission Guidelines**

Element	Schedule
Design capacity report	≤ 90 days after the effective date of EPA’s state plan approval
Amended design capacity report	< 90 days after design capacity exceeds 2.5 million Mg and 2.5 million m <sup>3</sup>

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Element	Schedule
Initial NMOC emission rate report	≤ 90 days after the effective date of EPA's state plan approval
Annual or 5-year NMOC emission rate reports	≤ 12 (or 60) months after the submission of the initial or subsequent NMOC emission rate report
Initial Tier 4 emission monitoring report	< 30 days after completion of the fourth quarter of Tier 4 monitoring
Annual Tier 4 emission monitoring report	< 12 months after the submission of the initial or subsequent Tier 4 monitoring report
Control system design plan (completion and submittal of cover page)	< 12 months after submission of an initial or subsequent NMOC emission report or Tier 4 monitoring report that exceeds the relevant thresholds
Award contracts for gas collection and control system	< 6 months after Department approval of the control system design plan
Initiate construction or installation of gas collection and control system	< 12 months after Department approval of the control system design plan
Control system operational and in compliance	< 30 months after submission of an initial or subsequent NMOC emission report or Tier 4 monitoring report that exceeds the relevant thresholds
Initial performance test for MSW landfill control system	≤ 180 days after installation of collection and control system; results must be submitted to the Department within 60 days of completion
Annual report for the control system	< 12 months after the submission of the initial or subsequent annual report (initial reports must be submitted within 180 days of installation and startup of a collection and control system)

## **10 Testing, Monitoring, Recordkeeping, and Reporting Requirements**

The state rule conforms to those testing, monitoring, reporting, and recordkeeping requirements established in subpart Cf. As such, the testing requirements established in 40 CFR § 60.35f, monitoring requirements established in 40 CFR §60.37f, reporting requirements established in 40 CFR § 60.38f, recordkeeping requirements established in 40 CFR § 60.39f, and any associated requirements established in other sections of the emission guidelines apply to all ADEQ regulated MSW landfills as of the effective date of EPA’s state plan approval.

## 11 Records of Public Hearings

Prior to submitting this Section 111(d) Plan to EPA, ADEQ held public hearings for the purpose of receiving feedback on the proposed State Plan and the proposed rule revisions (A.A.C. R18-2-731 and A.A.C. R18-2-901). Federal requirements for 111(d) State Plan public hearings and supporting information related to ADEQ’s compliance with these requirements is included in Table 4.

As required by 40 CFR § 60.23(f)(1), ADEQ certifies that the public hearing was held in accordance with the notice required in 40 CFR § 60.23(d). Supporting information and documentation supplied in Table 4 and Appendix C illustrate ADEQ’s compliance. ADEQ further commits to retaining, for a minimum of 2 years, a record of the above listed public hearing transcripts for public review.

**Table 4: Federal requirements for 111(d) State Plan public hearings**

CFR Citation	Requirement	Dates of Completion	Supporting Materials
40 CFR § 60.23(c)(1)	Except as provided in paragraphs (c)(2) and (c)(3) of this section, the State shall, prior to the adoption of any plan or revision thereof, conduct one or more public hearings within the State on such plan or plan revision.	5/15/2017 & 4/16/2018	Appendix C
40 CFR § 60.23(d)	Any hearing required by paragraph (c) of this section shall be held only after reasonable notice. Notice shall be given at least 30 days prior to the date of such hearing and shall include:	4/14/2017 & 3/16/2018	Appendix C, pages C-2 to C-5

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CFR Citation	Requirement	Dates of Completion	Supporting Materials
40 CFR § 60.23(d)(1)	Notification to the public by prominently advertising the date, time, and place of such hearing in each region affected	4/14/2017 & 3/16/2018	ADEQ provided electronic notice of the public hearings through publication on the State website and email distribution (page C-2 to C-5). ADEQ additionally published public notices in the Arizona Republic newspaper on 4/13/2017, 4/14/2017, 3/16/2018, and 3/17/2018 (page C-6 to C-7).
40 CFR § 60.23(d)(2)	Availability, at the time of public announcement, of each proposed plan or revision thereof for public inspection in at least one location in each region to which it will apply	4/14/2017 & 3/16/2018	On 4/14/2017 and 3/16/2018 ADEQ published a copy of the proposed 111(d) Plan on the ADEQ website and a hardcopy was available at the ADEQ office, located at: 1110 W Washington St., Phoenix, AZ 85007.
40 CFR § 60.23(d)(3)	Notification to the Administrator	4/14/2017 & 3/14/2018	ADEQ provided notice to administrator representatives on 4/14/2017 and 3/14/2018.
40 CFR § 60.23(e)	The State shall prepare and retain, for a minimum of 2 years, a record of each hearing for inspection by any interested party. The record shall contain, as a minimum, a list of witnesses together with the text of each presentation	N/A	ADEQ commits to keeping a record of the hearing until at least 4/16/2020. This record shall be available to the public upon request.
40 CFR § 60.23(f)(1)	The State shall submit with the plan or revision: Certification that each hearing required by paragraph (c) of this section was held in accordance with the notice required by paragraph (d) of this section	5/15/2017 & 4/16/2018	ADEQ certifies that the public hearing held on 5/15/2017 was held in accordance with the notification required by 40 CFR § 60.23(d). A notarized certification of the public hearing is provided on page C-8 to C-9.

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CFR Citation	Requirement	Dates of Completion	Supporting Materials
40 CFR § 60.23(f)(2)	The State shall submit with the plan or revision: A list of witnesses and their organizational affiliations, if any, appearing at the hearing and a brief written summary of each presentation or written submission.	N/A	ADEQ has provided a list of witnesses to the 5/15/2017 and 4/16/2018 public hearings in pages C-10 to C-14. ADEQ additionally included a summary of and response to written comments received during the public hearing within the responsiveness summary provided in pages C-15 to C-19.

## 12 Provisions for Annual State Progress Reports

ADEQ will submit to EPA, on an annual basis, a report which details the progress in the enforcement of the state plan. The first report will be submitted within one year of approval of the state plan and will include the following elements:

1. Enforcement actions initiated against designated facilities during the reporting period.
2. Identification of the achievement of any increment of progress required by the plan during the reporting period.
3. Identification of designated facilities that have ceased operation during the reporting period.
4. Submission of emission inventory data for designated facilities that were not in operation at the time of plan development but began operation during the reporting period.
5. Submission of additional data as necessary to update the information submitted in this plan or in the previous progress reports.
6. Submission of copies of technical reports on all performance testing conducted on designated facilities, complete with concurrently recorded process data.

**Appendix A: Arizona Administrative Code R18-2-731 and  
R18-2-901(79) NFRM**



- b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

Notice of Rulemaking Docket Opening: 24 A.A.R. 514, March 9, 2018

Notice of Proposed Rulemaking: 24 A.A.R. 501, March 9, 2018

5. The agency's contact person who can answer questions about the rulemaking:

Name: Elias Toon  
Address: Arizona Department of Environmental Quality  
Air Quality Division, AQIP Section  
1110 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 771-4665  
Fax: (602) 771-2299  
E-mail: Toon.Elias@azdeq.gov

6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

Summary.

The Arizona Department of Environmental Quality (ADEQ) is proposing to amend R18-2-731 and R18-2-901 to incorporate by reference new federal rules applicable to Municipal Solid Waste (MSW) landfills within the State of Arizona.

The purpose of this rulemaking is to reduce the amount of Nonmethane Organic Compound (NMOC) gas emissions from MSW landfills and provide an alternative site-specific emissions threshold methodology to demonstrate whether or not surface emissions are below a specific threshold. These changes are necessary in order for Arizona to retain its delegated authority from the U.S. Environmental Protection Agency (EPA) to implement and enforce New Source Performance Standards (NSPS) and Emissions Guidelines at MSW landfills within the State of Arizona and avoid a Federal Implementation Plan (FIP).

The rules will be part of a plan submitted to the EPA pursuant to Clean Air Act (CAA) Section 111(d).

Background.

Amendments to R18-2-731: EPA's Emissions Guidelines for MSW Landfills that Ceased Construction, Reconstruction or Modification on or before July 17, 2014.

ADEQ is amending R18-2-731 to incorporate by reference EPA's most recent emissions guidelines for MSW landfills.

Pursuant to Section 111 of the CAA, EPA promulgated Emissions Guidelines for existing MSW landfills on March 12, 1996, and subsequently amended them in 1998, 1999, and 2000, to make technical corrections and clarifications.

On July 17, 2014, EPA issued an Advance Notice of Proposed Rulemaking (ANPRM) to request public input on controls and practices that could further reduce emissions from existing MSW landfills and to determine if changes to the Emission Guidelines were appropriate.

On August 29, 2016, EPA updated and finalized the Emission Guidelines for existing MSW landfills, codified in 40 CFR Part 60, Subpart Cf (see 81 FR 59275). EPA reviewed the Emission Guidelines for MSW landfills that accepted waste after November 8, 1987, and commenced construction, reconstruction or modification on or before July 17, 2014. This action will result in additional reductions in landfill emissions, including methane, by lowering the NMOC emissions threshold at which a landfill must install controls from 50 megagrams per year (Mg/yr) to 34 Mg/yr. This action also provided an alternative site-specific emissions threshold methodology, referred to as "Tier 4," to determine when a landfill must install and operate a Gas Collection and Control System (GCCS). The final rule became effective on October 28, 2016.

Landfills that close on or before September 27, 2017 will continue to be subject to the NMOC emissions threshold of 50 Mg/yr for determining when controls must be installed or can be removed. Pursuant to CAA Section 111(d), states must submit a state plan implementing the new guideline no later than May 30, 2017 in order to avoid a FIP issued by EPA. ADEQ will include the amended version of R18-2-731 in its state plan submitted to EPA.

Amendments to R18-2-901: EPA's New Source Performance Standards for MSW Landfills that Commence Construction, Reconstruction or Modification after July 17, 2014

Along with the amendments to R18-2-731, ADEQ is also amending R18-2-901 to incorporate by reference EPA's most recent New Source Performance Standards (NSPS) for MSW landfills.

Pursuant to Section 111 of the CAA, EPA must review NSPS, and if appropriate, revise standards of performance for new MSW landfills at least every eight years.

On July 17, 2014, EPA proposed a new NSPS based on its ongoing review. On August 29, 2016, EPA finalized the new NSPS, now codified at 40 CFR Part 60, Subpart XXX, which updated the standards of performance for MSW landfills that commence construction, reconstruction or modifications after July 17, 2014 (see 81 FR 59331). This action, too, will result in additional emissions reductions at landfills by lowering the emissions threshold at which a landfill must install controls from 50 megagrams per year (Mg/yr.) to 34 Mg/yr. This action also provided an alternative site specific emissions threshold methodology, referred to as "Tier 4," to determine when a landfill must install and operate a Gas Collection and Control System (GCCS). The final rule



became effective on October 28, 2016.

EPA promulgated the new Emissions Guidelines and NSPS simultaneously to update NMOC emissions standards for both new and existing landfills. ADEQ will also incorporate by reference these new federal regulations at the same time in order to streamline the rulemaking process and ensure Arizona will retain its delegated authority from the EPA to implement and enforce NSPS and Emissions Guidelines at MSW landfills within the State of Arizona.

**Regulatory Requirements.**

To satisfy CAA requirements under Section 111(d), ADEQ must develop and submit to EPA a plan within nine months to provide for:

1. Established standards of performance for any existing source for any air pollutant;
  - (i) for which air quality criteria have not been issued or which is not included on a list published under section 108(a) [or emitted from a source category which is regulated under section 112] [or 112(b)] but
  - (ii) to which a standard of performance under this section would apply if such existing sources were a new source, and;
2. The implementation and enforcement of such standards of performance.

As part of the 111(d) plan and in order to provide a successful strategy that will bring MSW landfills within Arizona into compliance with federal law, ADEQ will submit these rules to EPA for approval, making them enforceable under State law.

**7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

This rulemaking is incorporating by reference federal standards, and as such, the Department did not review or rely on any study for this rulemaking.

**8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

This rulemaking does not diminish a previous grant of authority of a political subdivision of this state.

**9. A summary of the economic, small business, and consumer impact:**

The following discussion addresses each of the elements required for an Economic, Small Business, and Consumer Impact Statement (EIS) under A.R.S. § 41-1055.

**An identification of the rulemaking.**

The rulemaking addressed by this EIS consists of amendments to R18-2-731 and R18-2-901 to incorporate by reference new federal standards for NMOC gas emissions from new and existing MSW landfills. The purpose of these amendments is to bring MSW landfills within the State of Arizona into compliance with new federal air quality standards for NMOC emissions.

The impact of the new federal air quality standards of NMOC gas emissions may require the owners and operators of MSW landfills to install gas control equipment in order to comply with new emissions limits. The lower emissions limits may result in compliance costs for some MSW landfills and minor administrative costs for ADEQ. It is important to note that if the state rulemaking does not occur, the same costs would still apply and be enforced by EPA instead of ADEQ via the Federal Implementation Plan (FIP).

The remainder of the changes are procedural or technical in nature and should have at most a trivial economic impact on the agency, businesses or consumers.

**An identification of the persons who will be directly affected by, bear the cost of or directly benefit from the rule making.**

The persons who will be directly affected by and bear the costs of this rulemaking are the owners and operators of MSW landfills within the State of Arizona. ADEQ has identified four MSW landfills, Cinder Lake, La Paz County, Mohave Valley, and Copper Mountain that may be required to install new gas control equipment.

The persons who will benefit from this rulemaking are the residents of Arizona, as well as the employees of MSW landfills, due to the improved air quality that will result from this rulemaking and the corresponding control technology MSW landfills may be implementing to lessen NMOC emissions.

**A cost benefit analysis of the following:**

**(a) The probable costs and benefits to the implementing agency or other agencies directly affected by the implementation and enforcement of the rule making.**

ADEQ estimates that the current number of full-time employees assigned in the Permits and Compliance Sections of the Air Quality Division at ADEQ are adequate to implement and enforce the NSPS and Emissions Guidelines for MSW landfills in Arizona. The costs of the rules to the implementing agency will therefore be minimal.

Furthermore, permits for MSW landfills are revised every five years, with minor revisions occurring periodically (as part of CAA Title V permitting requirements). Under A.A.C. R18-2-301(2) and R18-2-326(B)(1)(a), the permit applicant—in this case, MSW landfills—will ultimately be required to reimburse ADEQ for the cost of revisions as part of permit fees.

ADEQ has permitting, enforcement, and compliance jurisdiction for most MSW landfill emissions in Arizona. Maricopa County Air Quality Department (MCAQD) is conducting its own rulemaking for landfills that fall under its jurisdiction. Therefore, the costs and benefits will be similar in Maricopa County.

**(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rule making.**

The rules that are the subject of this preamble and EIS are necessary to comply with federal requirements under Section 111(d) of the CAA. ADEQ estimates there are currently 13 MSW landfills within its jurisdiction. Based on estimated emissions and landfill size, ADEQ has identified three publicly owned MSW landfills that may require installation of a gas control system including Cinder Lake Landfill, La Paz County Landfill, and Mohave Valley Landfill. The national average cost to purchase and install a gas control system is approximately \$940,000.

The new NSPS and Emissions Guidelines are expected to significantly reduce emissions of landfill gas and its components, which include methane, volatile organic compounds (VOCs), and hazardous air pollutants (HAPs). The EPA expects that the reduced emissions will result in improvements in air quality and lessen the potential for health effects associated with exposure to air pollution related emissions, and result in climate benefits due to reductions of methane.

ADEQ will also avoid the issuance of a FIP by the EPA under Section 111(d) of the CAA. A FIP would likely require more strict emission limits and controls for MSW landfills located in Arizona. Adoption of these rules will also allow Arizona to retain its delegated authority from the EPA to implement and enforce NSPS and Emissions Guidelines at MSW landfills within the State of Arizona.

**(c) The probable costs and benefits to businesses directly affected by the rule making, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the rule making.**

The rules that are the subject of this preamble and EIS are necessary to comply with federal requirements under Section 111(d) of the CAA. ADEQ estimates there are currently five privately owned MSW landfills within its jurisdiction. Based on estimated emissions and landfill size, ADEQ has identified one MSW landfill, Copper Mountain Landfill, which may require installation of a gas control system. The national average cost to purchase and install a gas control system is approximately \$940,000.00.

The new NSPS and Emissions Guidelines are expected to significantly reduce emissions of landfill gas and its components, which include methane, volatile organic compounds (VOCs), and hazardous air pollutants (HAPs). The EPA expects that the reduced emissions will result in improvements in air quality and lessen the potential for health effects associated with exposure to air pollution related emissions, and result in climate benefits due to reductions of methane.

ADEQ will also avoid the issuance of a FIP by the EPA under Section 111(d) of the CAA. A FIP would likely require more strict emission limits and controls for MSW landfills located in Arizona. Adoption of these rules will also allow Arizona to retain its delegated authority from the EPA to implement and enforce NSPS and Emissions Guidelines at MSW landfills within the State of Arizona.

**A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the rulemaking.**

ADEQ anticipates that employment impacts will be minor. ADEQ does not expect short- or long-term employment, production, or industrial growth in Arizona to be negatively impacted by this rulemaking. Furthermore, no sources are expected to close from the implementation of this rulemaking.

**A statement of the probable impact of the rulemaking on small businesses.**

**(a) An identification of the small businesses subject to the rulemaking.**

Under A.R.S. § 41-1001(21) "Small business" means a concern, including its affiliates, which is [1] independently owned and operated, which is [2] not dominant in its field and which [3] employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year.

None of the MSW landfills within ADEQ's jurisdiction qualify as a small business.

**(b) The administrative and other costs required for compliance with the rule making.**

Not Applicable

**(c) A description of the methods that the agency may use to reduce the impact on small businesses.**

Not Applicable

**(d) The probable cost and benefit to private persons and consumers who are directly affected by the rule making.**

Not Applicable

**A statement of the probable effect on state revenues.**

Since any costs associated with the rulemaking will be recoverable through air quality permit fees, there will be no net effect on state revenues.

**A description of any less intrusive or less costly alternative methods of achieving the purpose of the rule making.**

ADEQ was not able to identify any less intrusive or costly alternative methods for achieving the purpose of the rulemaking—compliance with the federal NSPS and Emissions Guidelines for MSW landfills. The MSW landfills are the primary source of emissions and are responsible for installing adequate control technologies that will bring MSW landfills into compliance.

**A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data. An agency advocating that any data is acceptable data has the burden of proving that the data is acceptable. For the purposes of this paragraph, "acceptable data" means empirical, replicable and testable data as evidenced in supporting documentation, statistics, reports, studies or research.**

All data on which the MSW landfill rules are based can be located by referring to the Federal Register citations for each Subpart to be incorporated by reference. (Refer to the notice at 81 FR 59275 for the Emission Guidelines and the notice at 81 FR 59331 for

# State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona



the New Source Performance Standards). Copies of the Federal Register are available online at:  
<https://www.gpo.gov/fdsys/browse/collectionOnCfr.action?collectionCode=CFR>

**10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:**

No substantive changes have been made to the rules.

**11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**

On Monday, April 16, 2018, at 1:00 p.m. at ADEQ's Phoenix Offices, the Arizona Department of Environmental Quality conducted a public hearing on the NPRM. The public comment period for the rules began on Friday, March 16, 2018, and closed on Monday, April 16, 2018, at 5:00 p.m. No oral comments were received during the public hearing.

Prior to the start of the official public comment period, ADEQ received two comments during informal stakeholder outreach efforts. The Arizona Department of Environmental Quality (ADEQ) received written comments from a Senior Manager at Republic Services and from a partner at the law firm Troutman Sanders. These comments are summarized and addressed below.

**I. Comment on complying with Clean Air Act deadlines**

- 1) **Comment:** A stakeholder from Troutman Sanders expressed that while EPA was reconsidering the federal NSPS/NESHAPs for MSW landfills rulemaking, no state is required to submit a plan for such rule under CAA Section 111(d). The stakeholder commented that CAA Section 111(d) rules "do not require a state to 'comply,' rather, they give states a choice: They may either elect to prepare a state plan, or wait for a federal plan." Given EPA's reconsideration of the federal rule, as well as the alternative path of a federal plan, the stakeholder recommended that the state should choose to wait to conduct the state rulemaking and submitting its plan to EPA.

*(Comment submitted by Troutman Sanders)*

**Response:** On August 29, 2016 the Environmental Protection Agency (EPA) finalized rulemakings in the Federal Register (FR) updating the *Standards of Performance for Municipal Solid Waste Landfills* (81 FR 59332) and *Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills* (81 FR 59276). These rules became effective October 28, 2016 and were adopted in the code of federal regulation (CFR) under Title 40 CFR Part 60, Subpart XXX and Title 40 CFR Part 60, Subpart Cf respectively. The Arizona Department of Environmental Quality (ADEQ) was required to submit a plan to EPA establishing performance standards for MSW landfills by May 30, 2017; however, EPA announced its intention to stay the rules in May of 2017 and the stay was published in the federal register on May 31, 2017 (82 FR 24878). The 90-day stay expired on August 29th, 2017 without being renewed. Therefore, the requirements and deadlines in EPA's original rule promulgated on August 29, 2016 were in effect. In response, ADEQ is submitting a State plan to fulfill the federal requirements. While ADEQ appreciates the stakeholder's recommendation to wait to submit a plan and instead be susceptible to a federal plan by EPA, ADEQ thinks it is the state's best interest to maintain primacy over implementing the new standards. EPA has yet to announce the possibility of another stay or a new timeline for plan submittals, and as such, states are required to submit these plans accordingly. To address stakeholder concerns and to maintain enforcement flexibility, ADEQ has amended these rules so that they are effective upon EPA's approval of the state plan.

**II. Comment on contacting EPA for additional clarification**

- 1) **Comment:** A stakeholder from Republic Services expressed that they wished for ADEQ to reach out to EPA for their input on the regulatory process for implementing the Subpart Cf emission guidelines before submitting a state plan. They also provided the contact information for a representative at EPA.

*(Comment submitted by Republic Services)*

**Response:** ADEQ has reached out to EPA on several levels and at best received informal verbal guidance. Until EPA proposes another stay or at least a timeline for a revision of the federal rule promulgated on August 29, 2016, ADEQ must comply with the federal rule as written. ADEQ has tied the effectiveness of the state rule and plan to EPA approval. ADEQ feels this will provide the greatest flexibility to stakeholders while still complying with the federal rule as written.

ADEQ thanks Republic Services and Troutman Sanders for participating in the public comment process.

**12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

There are no other matters prescribed by statute applicable specifically to ADEQ or this specific rulemaking.

- a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

The rules subject of this rulemaking do not inherently require a permit. As Class I Major Sources pursuant to A.A.C. R18-2-302, MSW Landfills are permitted in accordance with Title V of the CAA and Title 49, Chapter 3 of the Arizona Revised Statutes. Therefore, the rules will be incorporated into revisions of MSW Landfill Title V permits.

- b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

The federal Clean Air Act and implementing regulations adopted by EPA apply to the subject of this rulemaking. This rulemaking is no more stringent than required by federal law.

- c. Whether a person submitted an analysis to the agency that compares the rule's impact on the competitiveness of business in this state to the impact on business in other states:**

No such analysis was submitted.

**13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**

New Incorporations by Reference	Location
40 CFR 60, Subpart Cf	R18-2-731
40 CFR 60, Subpart XXX	R18-2-901

**14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**

Not applicable

**15. The full text of the rules follows:**

**TITLE 18. ENVIRONMENTAL QUALITY  
CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR POLLUTION CONTROL**

**ARTICLE 7. EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS**

Section  
R18-2-731. Standards of Performance for Existing Municipal Solid Waste Landfills

**ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS**

Section  
R18-2-901. Standards of Performance for New Stationary Sources

**ARTICLE 7. EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS**

**R18-2-731. Standards of Performance for Existing Municipal Solid Waste Landfills**

- A. This Section applies to each municipal solid waste landfill (MSW landfill) at which:
1. Construction, reconstruction, or modification began ~~on or before May 30, 1994~~ July 17, 2014; and
  2. Waste was accepted at any time since November 8, 1987, or additional design capacity is available for future waste deposition.
- B. For the purposes of this Section, "Municipal solid waste landfill or MSW landfill" means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of RCRA (Resource Conservation and Recovery Act) Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned.
- C. MSW landfills covered by this Section shall comply with 40 CFR 60, Subpart WWW, ~~as modified by this subsection of Cf effective as of the date of EPA approval of the state plan under section 111(d) of the Act.~~ 40 CFR 60, Subpart WWW, "Standards of Performance for Municipal Solid Waste Landfills," is incorporated by reference in R18-2-901 will remain in effect until Arizona's state plan implementing Subpart Cf is approved by EPA. 40 CFR 60, Subpart Cf "Emissions Guidelines and Compliance Times for Municipal Solid Waste Landfills," as adopted on August 29, 2016 (and no future amendments) is hereby incorporated by reference as applicable requirements. MSW landfills may meet the requirements of Subpart Cf by complying with 40 CFR 60, Subpart XXX, 40 CFR 60, Subpart XXX "Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction or Modification After July 17, 2014," is incorporated by reference in R18-2-901.
1. ~~Definitions. In addition to the definitions in 40 CFR 60.751, "Administrator" means the Director of the Department of Environmental Quality.~~
  2. ~~Reporting. Each MSW landfill shall comply with the reporting requirements of 40 CFR 60.757. The initial design capacity report and initial NMOC emission rate report shall be due 90 days after the effective date of this rule.~~
  3. ~~Design plan. An MSW landfill that is required to install a collection and control system shall submit a design plan for the system to the Director with a Standard Permit Application Form not later than 12 months after it submitted or should have submitted a NMOC emission rate report indicating emissions greater than 50 Mg per year. The design plan shall be prepared by a professional engineer registered in Arizona. The Director shall not approve the design plan if it does not meet the requirements of 40 CFR 60.752(b)(2)(ii).~~
  4. ~~System installation. An MSW landfill that is required to install a collection and control system shall complete installation of the system not later than 30 months after the effective date of this rule.~~
  5. ~~An MSW landfill that first becomes subject to the collection and control system requirement after the effective date of this rule shall submit a design plan for the system to the Director not later than 12 months after it submitted or should have submitted an NMOC emission rate report indicating emissions greater than 50 Mg per year.~~

**ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS**

**R18-2-901. Standards of Performance for New Stationary Sources**

Except as provided in R18-2-902 through R18-2-905, the following subparts of 40 CFR 60, New Source Performance Standards (NSPS), and all accompanying appendices, adopted as of June 28, 2013, unless otherwise specified, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

1. Subpart A - General Provisions.

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2. Subpart D - Standards of Performance for Fossil-Fuel- Fired Steam Generators for Which Construction is Commenced After August 17, 1971.
3. Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.
4. Subpart Db - Standards of Performance for Industrial- Commercial-Institutional Steam Generating Units.
5. Subpart Dc - Standards of Performance for Small Industrial- Commercial-Institutional Steam Generating Units.
6. Subpart E - Standards of Performance for Incinerators.
7. Subpart Ea - Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced after December 20, 1989 and on or Before September 20, 1994.
8. Subpart Eb - Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996.
9. Subpart Ec - Standards of Performance for Hospital/Medical/ Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996.
10. Subpart F - Standards of Performance for Portland Cement Plants.
11. Subpart G - Standards of Performance for Nitric Acid Plants.
12. Subpart Ga - Standards of Performance for Nitric Acid Plants for which Construction, Reconstruction, or Modification Commenced after October 14, 2011.
13. Subpart H - Standards of Performance for Sulfuric Acid Plants.
14. Subpart I - Standards of Performance for Hot Mix Asphalt Facilities.
15. Subpart J - Standards of Performance for Petroleum Refineries.
16. Subpart Ja - Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007.
17. Subpart K - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.
18. Subpart Ka - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.
19. Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.
20. Subpart L - Standards of Performance for Secondary Lead Smelters.
21. Subpart M - Standards of Performance for Secondary Brass and Bronze Production Plants.
22. Subpart N - Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.
23. Subpart Na - Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.
24. Subpart O - Standards of Performance for Sewage Treatment Plants.
25. Subpart P - Standards of Performance for Primary Copper Smelters.
26. Subpart Q - Standards of Performance for Primary Zinc Smelters.
27. Subpart R - Standards of Performance for Primary Lead Smelters.
28. Subpart S - Standards of Performance for Primary Aluminum Reduction Plants.
29. Subpart T - Standards of Performance for Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
30. Subpart U - Standards of Performance for Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
31. Subpart V - Standards of Performance for Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
32. Subpart W - Standards of Performance for Phosphate Fertilizer Industry: Triple Superphosphate Plants.
33. Subpart X - Standards of Performance for Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
34. Subpart Y - Standards of Performance for Coal Preparation Plants.
35. Subpart Z - Standards of Performance for Ferroalloy Production Facilities.
36. Subpart AA - Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983.
37. Subpart AAa - Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.
38. Subpart BB - Standards of Performance for Kraft Pulp Mills.
39. Subpart CC - Standards of Performance for Glass Manufacturing Plants.
40. Subpart DD - Standards of Performance for Grain Elevators.
41. Subpart EE - Standards of Performance for Surface Coating of Metal Furniture.
42. Subpart GG - Standards of Performance for Stationary Gas Turbines.
43. Subpart HH - Standards of Performance for Lime Manufacturing Plants.
44. Subpart KK - Standards of Performance for Lead-Acid Battery Manufacturing Plants.
45. Subpart LL - Standards of Performance for Metallic Mineral Processing Plants.
46. Subpart MM - Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.
47. Subpart NN - Standards of Performance for Phosphate Rock Plants.
48. Subpart PP - Standards of Performance for Ammonium Sulfate Manufacture.
49. Subpart QQ - Standards of Performance for Graphic Arts Industry: Publication Rotogravure Printing.
50. Subpart RR - Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
51. Subpart SS - Standards of Performance for Industrial Surface Coating: Large Appliances.
52. Subpart TT - Standards of Performance for Metal Coil Surface Coating.
53. Subpart UU - Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.

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54. Subpart VV - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
55. Subpart VVa - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced after November 7, 2006.
56. Subpart WW - Standards of Performance for Beverage Can Surface Coating Industry.
57. Subpart XX - Standards of Performance for Bulk Gasoline Terminals.
58. Subpart AAA - Standards of Performance for New Residential Wood Heaters.
59. Subpart BBB - Standards of Performance for Rubber Tire Manufacturing Industry.
60. Subpart DDD - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
61. Subpart FFF - Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
62. Subpart GGG - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.
63. Subpart GGGa - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.
64. Subpart HHH - Standards of Performance for Synthetic Fiber Production Facilities.
65. Subpart III - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
66. Subpart JJJ - Standards of Performance for Petroleum Dry Cleaners.
67. Subpart KKK - Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
68. Subpart LLL - Standards of Performance for Onshore Natural Gas Processing; SO<sub>2</sub> Emissions.
69. Subpart NNN - Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
70. Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants.
71. Subpart PPP - Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.
72. Subpart QQQ - Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems.
73. Subpart RRR - Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
74. Subpart SSS - Standards of Performance for Magnetic Tape Coating Facilities.
75. Subpart TTT - Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
76. Subpart UUU - Standards of Performance for Calciners and Dryers in Mineral Industries.
77. Subpart VVV - Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.
78. Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills.
79. Subpart XXX - Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014. This subpart and all accompanying appendices are adopted as of August 29, 2016 (and no future amendments), and are incorporated by reference as applicable requirements.
- ~~80-79~~-Subpart AAAA - Standards of Performance for Small Municipal Waste Combustion Units for Which Construction Is Commenced after August 30, 1999, or for Which Modification or Reconstruction Is Commenced after June 6, 2001.
- ~~81-80~~-Subpart CCCC - Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced after November 30, 1999, or for Which Modification or Reconstruction Is Commenced on or after June 1, 2001.
- ~~82-81~~-Subpart EEEE - Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006.
- ~~83-82~~-Subpart IIII - Standards of Performance for Stationary Compression Ignition Combustion Engines.
- ~~84-83~~-Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
- ~~85-84~~-Subpart KKKK - Standards of Performance for Stationary Combustion Turbines.
- ~~86-85~~-Subpart LLLL - Standards of Performance for New Sewage Sludge Incineration Units.
- ~~87-86~~-Subpart OOOO - Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution.

## **Appendix B: Municipal Solid Waste Owner Sample Survey**

## Municipal Solid Waste Landfill Survey

**Instructions:**

- Please fill out the following questionnaire completely for every **active and closed** municipal solid waste landfill for which you are a responsible official.
  - Use additional forms to provide information for multiple landfills or if additional space is needed for “Annual Waste Acceptance Rates” records.
  - Specify the units of any values reported by marking the appropriate checkbox.
  - Please return completed surveys by **February 10<sup>th</sup>, 2017**.
  - Forms should be returned to: **Ryan Templeton**  
**Air Quality Division, AQIP Section**  
**1110 W Washington St.**  
**Phoenix, AZ 85007**
- If you have questions, please contact Ryan Templeton at (602) 771-4230 or rct@azdeq.gov.

<b>Facility Name:</b>			
<b>Contact Name:</b>		<b>Contact phone #:</b>	
<b>Contact Email:</b>			
<b>Landfill Address or Description of Location:</b>			
<b>County:</b>		<b>ZIP:</b>	
<b>Date Facility Opened:</b>		<b>Date Facility Closed:</b>	
<b>Facility Waste Design Capacity:</b>			<b>Units:</b> <input type="checkbox"/> Megagrams <input type="checkbox"/> Short Tons <input type="checkbox"/> Cubic meters
<b>Does the facility have capacity for future waste deposition?</b>			<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Does the facility have records of waste accepted annually?</b>			<input type="checkbox"/> Yes <input type="checkbox"/> No

### Annual Waste Acceptance Rates

- Units:**  Megagrams/yr  
 Short tons/yr

Year	Annual waste acceptance	Year	Annual waste acceptance



## **Appendix C: Documentation of the Public Participation Process**

Electronic Distribution of Public Hearing Announcement  
Newspaper Affidavit for Public Hearing  
Public Hearing Officer Certification  
Public Hearing Agenda  
Public Hearing List of Attendees  
Public Hearing Transcript  
Public Process Responsiveness Summary

# State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

## Electronic Distribution of Public Hearing Announcement

**Ryan C. Templeton**

**From:** Arizona Department of Environmental Quality <AZDEQ@public.govdelivery.com >  
**Sent:** Friday, April 14, 2017 8:01 AM  
**To:** Ryan C. Templeton  
**Subject:** PUBLIC NOTICE | 30-day Comment Period & Public Hearing | State Plan & Rule Revisions for Municipal Solid Waste Landfills



## PUBLIC NOTICE

Dear Interested Party,

The Air Quality Division of the Arizona Department of Environmental Quality (ADEQ) welcomes comments on the proposed Clean Air Act Section 111(d) plan and amendments to R18-2-731 and R18-2-901, pertaining to municipal solid waste landfills.

Arizona proposes to submit a plan to EPA to establish standards of performance for landfills located within ADEQ's jurisdiction. The proposed revisions to R18-2-731 and R18-2-901 incorporate by reference new federal rules (codified at [40 CFR Part 60, Subpart Cf](#) and [40 CFR Part 60, Subpart XXX](#)).

### [View Public Notice/Related Documents >](#)

**Public Comment Period:**

Apr. 14, 2017 - May 15, 2017

**Public Hearing:**

May 15, 2017 at 1:00 p.m.  
1110 W. Washington St., Rm. 145  
Phoenix, AZ 85007

**Comments may be submitted as follows:**

Email: [rct@azdeq.gov](mailto:rct@azdeq.gov)  
Fax: (602)-771-2299  
Mail: (Must be postmarked or received by May 15, 2017)

ADEQ  
Ryan Templeton  
Air Quality Division, Air Quality Improvement Planning Section  
1110 W. Washington St.  
Phoenix, AZ 85007

---

**Questions?**

Ryan Templeton  
Air Quality Improvement Planning Section  
602-771-4230  
[rct@azdeq.gov](mailto:rct@azdeq.gov)

# State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

## About ADEQ

Under the Environmental Quality Act of 1986, the Arizona State Legislature established the Arizona Department of Environmental Quality in 1987 as the state agency for protecting and enhancing public health and the environment of Arizona. For more information, visit <http://www.azdeq.gov/>.



QUESTIONS?  
[Contact Us](#)

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This email was sent to templeton.ryan@azdeq.gov using GovDelivery, on behalf of: Arizona Department of Environmental Quality (ADEQ) · 1110 West Washington Street · Phoenix, AZ 85007 · 1-800-771-2300



# State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

**From:** Arizona Department of Environmental Quality  
**To:** [Natalie Muilenberg](#); [Samuel Nuanez](#); [Trevor Denton](#); [Steve Burr](#); [Erin Jordan](#); [Mike Sonenberg](#); [Brian Parkey](#); [Lacey Driggars](#)  
**Subject:** Courtesy Copy: PUBLIC NOTICE | 30-day Comment Period & Public Hearing | State Plan & Rule Revisions for Municipal Solid Waste Landfills  
**Date:** Friday, March 16, 2018 9:30:15 AM

---

**This is a courtesy copy of an email bulletin sent by Natalie Muilenberg.**

**This bulletin was sent to the following groups of people:**

Subscribers of Air Quality State Implementation Plans, Annual Emission Inventory Questionnaire, New Source Review, Ozone, Particulate Matter, Regional Haze, Startup, Shutdown and Malfunction, Sulfur Dioxide (SO<sub>2</sub>), West Pinal County PM<sub>10</sub> Nonattainment Area, or Yuma, (3360 recipients)

---

## Public Notice



### Air Quality Division

The Air Quality Division of the Arizona Department of Environmental Quality (ADEQ) welcomes comments on the proposed Clean Air Act Section 111(d) plan and amendments to the Arizona Administrative Code, R18-2-731 and R18-2-901, pertaining to municipal solid waste landfills.

Arizona proposes to submit the proposed plan and rules to the Environmental Protection Agency to establish standards of performance for landfills located within ADEQ's jurisdiction. The proposed amendments to R18-2-731 and R18-2-901 incorporate by reference new federal rules (codified at [40 CFR Part 60, Subpart Cf](#) and [40 CFR Part 60, Subpart XXX](#)).

### [View Public Notice/Related Documents >](#)

**Public Comment Period:**

March 16, 2018 - April 16, 2018

**Public Hearing:**

Monday, April 16, 2018 at 1:00 p.m.  
1110 W. Washington St., Rm. 3100A  
Phoenix, AZ 85007

**Comments may be submitted as follows:**

Email: [toon.elias@azdeq.gov](mailto:toon.elias@azdeq.gov)  
Fax: (602)-771-2299  
Mail: (Must be postmarked or received by April 16, 2018)

ADEQ  
Attn: Elias Toon  
Air Quality Division, Air Quality Improvement Planning Section  
1110 W. Washington St.  
Phoenix, AZ 85007

---

### Questions?

# State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

Elias Toon  
Air Quality Improvement Planning Section  
602-771-4665  
[toon.elias@azdeq.gov](mailto:toon.elias@azdeq.gov)

---

## About ADEQ

Under the Environmental Quality Act of 1986, the Arizona State Legislature established the Arizona Department of Environmental Quality in 1987 as the state agency for protecting and enhancing public health and the environment of Arizona. For more information, visit <http://www.azdeq.gov/>.



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Newspaper Affidavit for Public Hearing

369266

# THE ARIZONA REPUBLIC

PO Box 194, Phoenix, Arizona 85001-0194  
Phone 1-602-444-7315 Fax 1-877-943-0443

STATE OF ARIZONA  
COUNTY OF MARICOPA

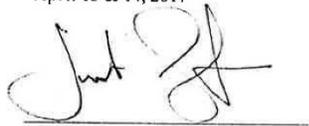
} SS.

### AFFIDAVIT OF PUBLICATION

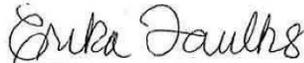
Arizona Dept of Environmental Air  
Quality  
1110 W. Washington St., 3415A-3  
Phoenix, AZ 85007

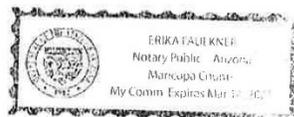
I, being first duly sworn, upon oath deposes and says: That I am the legal clerk of the Arizona Republic, a newspaper of general circulation in the counties of Maricopa, Coconino, Pima and Pinal, in the State of Arizona, published weekly at Phoenix, Arizona, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates indicated.

Publication: Arizona Republic  
Zone:  
Ad number: 0008669846  
PO Field: ADSP012-023863:443  
Published Date(s):  
April 13 & 14, 2017



Sworn to before me this  
10th day of May, 2017

  
Notary Public



applicable to MSW landfills. Comments will be accepted between April 14, 2017 and May 15, 2017. Comments may be mailed, faxed, or emailed to Ryan Tompsett, Air Quality Division, Air Quality Improvement Planning Section, Arizona Department of Environmental Quality, 1110 W. Washington St., Phoenix, AZ 85007; fax (602) 771-2296; email rct@adeq.gov. ADEQ will address comments applicable to the proposed CAA Section 111(G) plan and amendments to R18-2-711 and R18-2-901. Comments are also welcome at the public hearing held on May 15, 2017, at 1:00 p.m. at Arizona Department of Environmental Quality, 1110 W. Washington St., Rm. 145, Phoenix, AZ 85007. Comments must be received no later than May 15, 2017 by 5:00 p.m., or submitted at the public hearing. Mailed comments must be postmarked by May 15, 2017. To request auxiliary aid or service for accessibility communication, call (602) 771-2215, email ccb@adeq.gov, TDD/TTY: (602) 771-2215, email ccb@adeq.gov. Find Maps and Parking information here: <http://www.azdeq.gov>. Review the CAA Section 111(G) plan and amendments to R18-2-711 and R18-2-901 at the ADEQ Records Center, 1110 W. Washington St., Phoenix, AZ 85007. For hours of appointment scheduling, call (602) 771-2296 or (602) 234-5677 ext. 2296 or 2297. For more information, contact Ryan Tompsett at (602) 771-4236 or rct@adeq.gov. Pub. Apr 13, 14 2017

**PUBLIC COMMENT PERIOD AND HEARING: CLEAN AIR ACT 111(G) PLAN AND AMENDMENTS TO R18-2-711 AND R18-2-901.**  
The Air Quality Division of the Arizona Department of Environmental Quality (ADEQ) welcomes comments on the proposed Clean Air Act (CAA) Section 111(G) plan and amendments to R18-2-711 and R18-2-901. The proposed CAA 111(G) plan will be submitted to the U.S. Environmental Protection Agency (EPA) to establish standards of performance for existing Municipal Solid Waste (MSW) landfills, as required by the CAA. The proposed revisions to R18-2-711 and R18-2-901 incorporate by reference new federal rules

376945

# THE ARIZONA REPUBLIC

PO Box 194, Phoenix, Arizona 85001-0194

Phone 1-602-444-7315

Fax 1-877-943-0443

### AFFIDAVIT OF PUBLICATION

AZ DEPT EVIRON QUAL  
1110 W. WASHINGTON ST. 3RD  
FLOOR LHAMO LEMOINE  
Phoenix, AZ 85007

Order # 0008774125 # of Affidavits 1  
P.O # ADSP018-178338.39  
Published Date(s):  
03/16/18, 03/17/18

STATE OF WISCONSIN } SS.  
COUNTY OF BROWN }

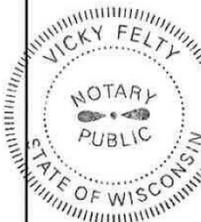
I, being first duly sworn, upon oath deposes and says: That I am the legal clerk of the Arizona Republic, a newspaper of general circulation in the counties of Maricopa, Coconino, Pima and Pinal, in the State of Arizona, published weekly at Phoenix, Arizona, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates indicated.

*Cis Pgl*  
Sworn to before me this

19 TH day of  
MARCH 2018

*Vicky Felty*  
Notary Public

My Commission expires: 9-19-21



#### PUBLIC COMMENT PERIOD AND HEARING: CLEAN AIR ACT 111(D) PLAN AND AMENDMENTS TO R18-2-731 AND R18-2-901.

The Air Quality Division of the Arizona Department of Environmental Quality (ADEQ) welcomes comments on the proposed Clean Air Act (CAA) Section 111(d) plan and amendments to R18-2-731 and R18-2-901. The proposed CAA 111(d) plan will be submitted to the U.S. Environmental Protection Agency (EPA) to establish standards of performance for existing Municipal Solid Waste (MSW) landfills, as required by the CAA. The proposed revisions to R18-2-731 and R18-2-901 incorporate by reference new federal rules applicable to MSW landfills.

Comments will be accepted between March 16, 2018 and April 16, 2018. Comments may be mailed, faxed, or emailed to Elias Toon, Air Quality Division, Air Quality Improvement Planning Section, Arizona Department of Environmental Quality, 1110 W. Washington St., Phoenix, AZ 85007; fax (602) 771-2298; email [elias@azdeq.gov](mailto:elias@azdeq.gov). ADEQ will address comments applicable to the proposed CAA Section 111(d) plan and amendments to R18-2-731 and R18-2-901.

Comments are also welcome at the public hearing held on April 16, 2018, at 1:00 p.m., at Arizona Department of Environmental Quality, 1110 W. Washington St. Rm. 3100A, Phoenix, AZ 85007. Comments must be received no later than April 16, 2018 by 5:00 p.m., or submitted at the public hearing. Mailed comments must be postmarked by April 16, 2018. To request auxiliary aid or service for accessible communication, call (602) 771-2215, email [ib@azdeq.gov](mailto:ib@azdeq.gov), or dial 7-1-1 for TTY/TTD Services. Find Maps and Parking information here: <http://www.azdeq.gov/function/about/contact.html>.

Review the CAA Section 111(d) plan and amendments to R18-2-731 and R18-2-901 online at: <http://www.azdeq.gov/>

Review the CAA Section 111(d) plan and amendments to R18-2-731 and R18-2-901 at the ADEQ Records Center, 1110 W. Washington St., Phoenix, AZ 85007. For hours or appointment scheduling, call (602) 771-4380 or (800) 254-5677 ext. (602) 771-4380.

For more information, contact Elias Toon at (602) 771-4665 or [toon.elias@azdeq.gov](mailto:toon.elias@azdeq.gov).  
Pub: March 16 & 17, 2018

Public Hearing Officer Certification



Air Quality Division

Public Hearing Presiding Officer Certification

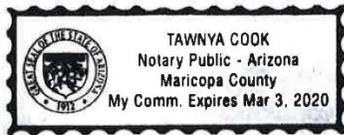
I, Brian Parkey, the designated Presiding Officer, do hereby certify that the proposed Arizona Municipal Solid Waste Clean Air Act 111(d) plan and Amendments to R18-2-731 and R18-2-901 public hearing held by the Arizona Department of Environmental Quality was conducted on May 15, 2017, at the Arizona Department of Environmental Quality, Conference Room 145, 1110 West Washington Street, Phoenix, Arizona, in accordance with public notice requirements by publication in The Arizona Republic beginning April 13, 2017. Furthermore, I do hereby certify that the public hearing was recorded from the opening of the public record through concluding remarks and adjournment, and the transcript provided contains a full, true, and correct record of the above-referenced public hearing.

Dated this 16th day of May 2017.

Brian Parkey

State of Arizona )
) ss.
County of Maricopa )

Subscribed and sworn to before me on this 16th day of May 2017.



Tawnya Cook
Notary Public

My commission expires: 3/3/2020



Air Quality Division

Public Hearing Presiding Officer Certification

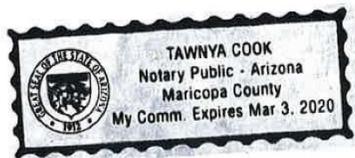
I, Wayne Bixler, the designated Presiding Officer, do hereby certify that the proposed Arizona Municipal Solid Waste Clean Air Act 111(d) plan and Amendments to R18-2-731 and R18-2-901 public hearing held by the Arizona Department of Environmental Quality was conducted on April 16, 2018, at the Arizona Department of Environmental Quality, Conference Room 3100A 1110 West Washington Street, Phoenix, Arizona, in accordance with public notice requirements by publication in The Arizona Republic beginning March 16, 2018. Furthermore, I do hereby certify that the public hearing was recorded from the opening of the public record through concluding remarks and adjournment, and the transcript provided contains a full, true, and correct record of the above-referenced public hearing.

Dated this 16th day of April 2018.

Wayne Bixler

State of Arizona )
) ss.
County of Maricopa )

Subscribed and sworn to before me on this 16th day of April 2018.



Tawnya Cook
Notary Public

My commission expires: 3/2020

Public Hearing Agenda



## Public Hearing Agenda

---

**AIR QUALITY DIVISION PUBLIC HEARING ON THE PROPOSED  
Municipal Solid Waste Landfills – Clean Air Act 111(d) Plan and  
Amendments to R18-2-731 and R18-2-901**

Arizona Department of Environmental Quality (ADEQ)  
Room # 3175, 1110 W. Washington St., Phoenix, Arizona  
1:00pm, April 6, 2017.

---

Pursuant to 40 CFR § 51.102 notice is hereby given that the above referenced meeting is open to the public.

1. Welcome and Introductions
2. Purpose of the Oral Proceedings
3. Procedure for Making Public Comment
4. Brief Overview of the Proposal
5. Adjournment of Oral Proceeding

During the 30 day comment period, the proposed Clean Air Act 111(d) plan and Amendments to R18-2-731 and R18-2-901 are available online on the ADEQ Air Quality Improvement Planning Section (SIPs) webpage at <http://www.azdeq.gov/> in Air Quality Public Notices, Meetings, and Hearings. The proposal is also available at the ADEQ Records Center, 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4380 or (800) 234-5677 ext. (602) 771-4380. Please call for hours of operation and to schedule an appointment.

Written comments may be mailed, faxed, or emailed to Ryan Templeton, Air Quality Division, Air Quality Improvement Planning Section, Arizona Department of Environmental Quality, 1110 W. Washington St., Phoenix, AZ 85007; fax (602) 771-2299; email [rct@azdeq.gov](mailto:rct@azdeq.gov). All comments must state the name and mailing address of the person; be signed by the person, their agent, or attorney; and clearly set forth reasons why the proposed revisions should or should not be finalized. Grounds for comment are limited to whether or not this proposal meets the criteria spelled out in federal air pollution control laws and/or rules.

For additional information regarding the hearing please contact Ryan Templeton, ADEQ Air Quality Division, at 602-771-4230.



## Public Hearing Agenda

---

**AIR QUALITY DIVISION PUBLIC HEARING ON THE PROPOSED  
Municipal Solid Waste Landfills – Clean Air Act 111(d) Plan and  
Amendments to R18-2-731 and R18-2-901**

Arizona Department of Environmental Quality (ADEQ)  
Room # 3100A, 1110 W. Washington St., Phoenix, Arizona  
1:00pm, April 16, 2018.

---

Pursuant to 40 CFR § 51.102 notice is hereby given that the above referenced meeting is open to the public.

1. Welcome and Introductions
2. Purpose of the Oral Proceedings
3. Procedure for Making Public Comment
4. Brief Overview of the Proposal
5. Adjournment of Oral Proceeding

During the 30 day comment period, the proposed Clean Air Act 111(d) plan and Amendments to R18-2-731 and R18-2-901 was available online at <http://www.azdeq.gov/> in Air Quality Public Notices, Meetings, and Hearings. The proposal was also available at the ADEQ Records Center, 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4380 or (800) 234-5677 ext. (602) 771-4380.

Written comments may be mailed, faxed, or emailed to Elias Toon, Air Quality Division, Air Quality Improvement Planning Section, Arizona Department of Environmental Quality, 1110 W. Washington St., Phoenix, AZ 85007; fax (602) 771-2299; email [toon.elias@azdeq.gov](mailto:toon.elias@azdeq.gov). All comments must state the name and mailing address of the person; be signed by the person, their agent, or attorney; and clearly set forth reasons why the proposed revisions should or should not be finalized. Grounds for comment are limited to whether or not this proposal meets the criteria spelled out in federal air pollution control laws and/or rules. Keep in mind, the public comment period closes today at 5:00 pm.

For additional information regarding the hearing please contact Elias Toon, ADEQ Air Quality Division, at 602-771-4665.

Public Hearing List of Attendees



Air Quality Division  
Sign-In Sheet

Please Sign In

SUBJECT: MSW LANDFILL PUBLIC HEARING DATE: 5/15/17

<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE</u>	<u>E-MAIL</u> (primary method of contact)
1. <u>MATT TUBBS</u>	<u>ADEQ</u>	<u>602-771-6723</u>	<u>M12@AZDEQ.GOV</u>
2. <u>Bryan Templeton</u>	<u>ADEQ</u>	<u>602-771-4230</u>	<u>rcf@azdeg.gov</u>
3. <u>Jack Kolapanis</u>	<u>WM</u>	<u>602-763-9225</u>	<u>jkolapanis@wm.com</u>
4. <u>Natalie Muilenberg</u>	<u>ADEQ</u>	<u>602-771-1089</u>	<u>nm3@azdeg.gov</u>
5. <u>Richard Sumner</u>	<u>MCAAD</u>	<u>602-506-1842</u>	<u>Sumner.r@mail.maricopa.gov</u>
6. <u>Hether Krause</u>	<u>MCAAD</u>	<u>602-506-6731</u>	<u>hkrause@mail.maricopa.gov</u>
7. <u>JOHANNA M KUSPERT</u>	<u>MCAAD</u>	<u>602-506-6710</u>	<u>jkusper@mail.maricopa.gov</u>

Air Quality Division Sign-In Sheet – p 2 of 5

	<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE</u>	<u>E-MAIL</u>
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State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

Air Quality Division Sign-In Sheet - p 3 of 5

	<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE</u>	<u>E-MAIL</u>
22.	Matt Morales	Flagstaff (City)	928 213 2123	mmorales@flagstaffaz.gov
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## Air Quality Division Sign-In Sheet

### Please Sign In

SUBJECT: MSW Landfill Public Hearing

DATE: April 16, 2018

<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE</u>	<u>E-MAIL</u> (primary method of contact)
1. <u>Ryan Templeton</u>	<u>ADEQ</u>	<u>602-771-4230</u>	<u>rct@azdeq.gov</u>
2. <u>Elms Toon</u>	<u>ADEQ</u>	<u>602-771-4665</u>	<u>et3@azdeq.gov</u>
3. <u>Matt Lopez</u>	<u>ADEQ</u>	<u>602-771-6125</u>	<u>MIL@AZDEQ.GOV</u>
4. <u>Brian Parkey</u>	<u>ADEQ</u>	<u>602-771-4492</u>	<u>BP3@AZDEQ.GOV</u>
5. <u>JOHANNA M. KUSPERT</u>	<u>MCAAD</u>	<u>602-506-6710</u>	<u>jkusper@mail.maricopa.gov</u>
6. <u>Cheri Dale</u>	<u>MCAAD</u>	<u>602-506-3476</u>	<u>cheridale@mail.maricopa.gov</u>
7. <u>Mike Sonenberg</u>	<u>ADEQ</u>	<u>602-771-4106</u>	<u>ms23@azdeq.gov</u>

State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

Air Quality Division Sign-In Sheet - p 2 of 5

	<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE</u>	<u>E-MAIL</u>
8.	ROBERT BARNETT	ADEQ	602-771-2336	BARNETT.ROBERT@AZDEQ.GOV
9.	Omid Rabbani	ADEQ	602-721-4136	orl@azdeq.gov
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Public Hearing Transcript

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**ORAL PROCEEDING**  
**Hearing Officer Transcript**

PROPOSED  
111(d) Plan and State Rule Revision for  
Existing and New Municipal Solid Waste Landfills

Monday, May 15, 2017

Brian Parkey: Thank you for coming. I now open this hearing on the proposed 111(d) plan and State rule revisions for municipal solid waste landfill performance standards.

This proceeding is being recorded and will be preserved for the record.

Today is Monday, May 15, 2017 and the time is 1:00 p.m. The location is conference room 145, Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona, 85007. My name is Brian Parkey and I have been appointed by the Director of the Arizona Department of Environmental Quality to preside at this proceeding.

*[If no public members in attendance, state the following and end the hearing.]*

The purpose of this oral proceeding is to provide the public an opportunity to hear a summary of the proposed 111(d) plan and State rule revisions for municipal solid waste landfill performance standards.

The Department representative for today's hearing is Ryan Templeton of the Air Quality Division's Air Quality Improvement Planning Section.

# State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

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Public notice of the comment period and hearing was published in *The Arizona Republic* on April 13, 2017 and April 14, 2017. Copies of the proposal were made available on ADEQ's website and the ADEQ Phoenix Records Center starting April 14, 2017. The plan will remain available until the close of comment period, which is 5:00 p.m. today.

If you wish to make a verbal comment, fill out a speaker slip, available at the sign-in table, and give it to the Department representative. You may also submit written comments during today's hearing or refer to the hearing agenda for additional submission details.

Comments made during the formal comment period are required by law to be considered by the Department when preparing the final submission of the 111(d) plan to the U.S. Environmental Protection Agency. The Department will include a responsiveness summary for written and oral comments received during the formal comment period.

The agenda for this hearing is as follows:

First, we will present a brief overview of the proposal.

Then I will conduct the oral comment portion. At that time, I will call speakers in the order that I have received speaker slips.

Please be aware that any comments at today's hearing that you want the Department to formally consider must be given either in writing or on the record during this oral proceeding.

At this time Ryan Templeton will give a brief overview of the proposal.

\*\*\*\*\*

# State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

1 Ryan Templeton: Hello and thank you for coming.

2

3 On August 29, 2016 the Environmental Protection Agency (EPA) finalized two new rules updating  
4 the standards of performance for existing and new municipal solid waste landfills. This was the  
5 first revision to municipal solid waste landfill performance standards since their establishment  
6 on March 12, 1996. EPA finalized the performance standard changes in order to reduce emissions  
7 of landfill gas, including both non-methane organic compounds and methane.

8

9 Amongst other changes, EPA's new performance standards for municipal solid waste landfills  
10 lower the non-methane organic carbon emission threshold at which active landfills are subject  
11 to gas collection and control system installation from 50 Mg/yr to 34 Mg/yr. Additionally, the  
12 rules allow on-site methane monitoring in place of gas collection and control system installation  
13 for some landfills subject to the rules.

14

15 Federal regulations require the Arizona Department of Environmental Quality adopt and submit  
16 to EPA a plan for the control of pollution from existing sources subject to federal performance  
17 standards. In order to meet this requirement, the Department has developed the proposed  
18 111(d) plan for existing municipal solid waste landfills. Additionally, in order to maintain  
19 regulatory authority over existing and new municipal solid waste landfills, ADEQ has proposed  
20 revisions to state rules R18-2-731 and R18-2-901. The proposed changes to State rules  
21 incorporate by reference the federal standards.

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25 Mr. Parkey: This concludes the overview portion of this proceeding.

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29 I now open this proceeding for oral comments.

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Seeing no speaker slips...

This concludes the oral comment portion of this proceeding.

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If you have not already submitted written comments, you may submit them at this time. Again, the comment period for this proposal ends today, Monday, May 15, 2017 at 5:00 p.m.

Thank you for attending.

The time is now 1:04 p.m.. I now close this oral proceeding.

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**ORAL PROCEEDING**  
**Hearing Officer Transcript**

PROPOSED  
111(d) Plan and State Rule Revision for  
Existing and New Municipal Solid Waste Landfills

Monday, April 16, 2018

Wayne Bixler: Thank you for coming. I now open this hearing on the proposed Clean Air Act Section 111(d) plan and State rule revisions for municipal solid waste landfill performance standards.

This proceeding is being recorded and will be preserved for the record.

Today is Monday, April 16, 2018 and the time is 1:06 p.m. The location is conference room 3100A Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona, 85007. My name is Wayne Bixler and I have been appointed by the Director of the Arizona Department of Environmental Quality to preside at this proceeding.

The purpose of this oral proceeding is to provide the public an opportunity to hear a summary of the proposed Clean Air Act Section 111(d) plan and State rule revisions for municipal solid waste landfill performance standards.

The Department representatives for today's hearing are Ryan Templeton and Elias Toon of the Air Quality Division's Air Quality Improvement Planning Section.

# State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

1 Public notice of the comment period and hearing was published in *The Arizona Republic* on March  
2 16, 2018 and March 17, 2018. Copies of the proposal were made available on ADEQ's website  
3 and the ADEQ Phoenix Records Center starting March 16, 2018. The plan will remain available  
4 until the close of comment period, which is 5:00 p.m. today.

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6 If you wish to make a verbal comment, please fill out a speaker slip, available at the sign-in table,  
7 and give it to the Department representative. You may also submit written comments during  
8 today's hearing or refer to the hearing agenda for additional submission details.

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10 Comments made during the formal comment period are required by law to be considered by the  
11 Department when preparing the final submission of the plan to the U.S. Environmental  
12 Protection Agency. The Department will include a responsiveness summary for written and oral  
13 comments received during the formal comment period.

14  
15 The agenda for this hearing is as follows:

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17 First, we will present a brief overview of the proposal.

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19 Second, I will conduct a question and answer period for the rules.

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21 Then I will conduct the oral comment portion. At that time, I will call speakers in the order that I  
22 have received speaker slips.

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24 Please be aware that any comments at today's hearing that you want the Department to formally  
25 consider must be given either in writing or on the record during this oral proceeding.

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27 At this time Ryan Templeton will give a brief overview of the proposal.

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# State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

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Ryan Templeton: Hello and thank you all for coming.

On August 29, 2016 the Environmental Protection Agency (EPA) finalized two new rules updating the standards of performance for existing and new municipal solid waste landfills. This was the first revision to municipal solid waste landfill performance standards since their establishment on March 12, 1996. EPA finalized the performance standard changes in order to reduce emissions of landfill gas, including both non-methane organic compounds and methane.

Amongst other changes, EPA's new performance standards for municipal solid waste landfills lower the non-methane organic carbon emission threshold at which active landfills are subject to gas collection and control system installation from 50 Mg/yr to 34 Mg/yr. Additionally, the rules allow on-site methane monitoring in place of gas collection and control system installation for some landfills subject to the rules.

Federal regulations require the Arizona Department of Environmental Quality (ADEQ) adopt and submit to EPA a plan for the control of pollution from existing sources subject to federal performance standards. ADEQ was required to submit a plan to EPA establishing performance standards for municipal standard waste landfills by May 30, 2017; however, EPA announced its intention to stay the rules in May of 2017 and the stay was published in the federal register on May 31, 2017. The 90-day stay expired on August 29, 2017 without being renewed. Therefore, the requirements and deadlines in EPA's original rule promulgated on August 29, 2016 are in effect. In response, ADEQ is submitting a State plan to fulfill the federal requirements. In order to meet this requirement, the Department has developed the proposed plan for existing municipal solid waste landfills. Additionally, in order to maintain regulatory authority over existing and new municipal solid waste landfills, ADEQ has proposed revisions to state rules R18-2-731 and R18-2-901. The proposed changes to State rules incorporate by reference the federal standards.

# State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

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3 Mr. Bixler: Thank you Ryan.

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5 This concludes the overview portion of this proceeding.

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9 Are there any questions before we move to the oral comment period?

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11 Hearing none, this concludes the question and answer portion of this proceeding for the  
12 proposed rules.

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16 I now open this proceeding for oral comments.

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18 Has anyone filled out a speaker slip or intend to make oral comments?

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20 Seeing no speaker slips, I have no speakers.

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22 This concludes the oral comment portion of the proceeding.

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26 If you have not already submitted written comments, you may submit them at this time. Again,  
27 the comment period for this proposal ends today, Monday, April 16, 2018 at 5:00 p.m.

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29 Thank you for attending.

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2 The time is now 1:11 p.m. I now close this oral proceeding.

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## Public Process Responsiveness Summary

In response to comments received during the first public comment period (April 14, 2017 to May 15, 2017), ADEQ revised the *State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona* to correct grammatical and editorial errors. In addition, Chapter 11 and Appendix C were revised to provide documentation of ADEQ's public process. Finally, ADEQ received feedback from two stakeholders during the first public comment period, lasting from April 14, 2017 to May 15, 2017. The written comments from the first public comment period are summarized below and ADEQ has provided responses.

Documentation of comments addressed from the second public comment period is provided starting on page C-18.

### Republic Services:

Republic Services provided ADEQ with an edited copy of the proposed plan, which included suggested changes to the language in Chapters 8-10. These changes are summarized below, with ADEQ's action or response.

#### Chapter 8:

1. **Comment:** Republic Services suggested changes to the language of the first paragraph and bullet #1 to clarify submittal requirements and the associated deadlines.

**Response:** ADEQ believes the suggested changes from Republic Services further clarified the requirements and deadlines for submittal of design plans and has updated the language of these portions of Chapter 8 to reflect this change.

2. **Comment:** Republic Services suggested the removal of bullet #2 in Chapter 8 of the proposed State Plan. This bullet outlined actions to be taken by the Department in the event that it determines the need for a collection and control system and reads:

*"In the event that the Department determines a facility must install a collection and control system to achieve compliance with the emission guidelines for MSW landfill emissions established under 40 CFR §60.33f, the Department will notify the owner or operator of the landfill to submit an application for plan approval in accordance with the requirements of AAC R18-2-731."*

**Response:** ADEQ has determined that inclusion of this statement is important for the establishment of a process for plan submission from facilities which fail to meet the reporting requirements of this rule due to limited, but potential scenarios. One example of when this scenario could arise is during ADEQ's review of NMOC emission rate reports that are incorrectly calculated by the facility and correction of this calculation during ADEQ review results in the facility exceeding the thresholds established in 40 CFR §60.33f. In this instance, ADEQ would notify the facility of the need to submit an application for plan approval and the process would continue as otherwise specified in Chapters 8 and 9 of this Plan.

## State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

As such, ADEQ has determined that bullet #2 in Chapter 8 should not be removed from the Plan.

3. Comment: Republic Services suggested the removal of the last sentence of bullet #4 in Chapter 8 of the proposed State plan. This sentence provides the owner or operator the ability to continue implementation of the Design Plan in the absence of a Department determination of its adequacy, following the 90 day review period, and reads:

*“If the owner or operator does not receive approval, rejection, or a request for additional information within 90 days, the owner or operator may continue with implementation of the Design Plan.”*

Response: The language proposed in ADEQ’s State plan is consistent with 40 CFR §60.38f(d)(6):

*“If the Administrator does not approve or disapprove the design plan, or does not request that additional information be submitted within 90 days of receipt, then the owner or operator may continue with implementation of the design plan, recognizing they would be proceeding at their own risk.”*

ADEQ continues to include the statement in question in the Plan in order to: 1) provide consistency between the State plan and federal rule, and 2) allow facilities the ability to implement their proposed design plan if action by the State is not taken. Given implementation time necessary for facilities to install GCCS and the timeline given in this plan and the federal rule for installation and operation, ADEQ feels it is necessary to retain this clause. This will allow adequate time for facility implementation of their proposed Design Plan.

### Chapter 9:

Comment: Republic Services provided several suggestions to this chapter in order to clarify the language describing submittal timings and requirement applicability.

Response: ADEQ made grammatical changes to the second and third paragraph of Chapter 9 and Table 3 in order to further clarify the language. These revisions result in no substantial changes to the content or intent of this section.

### Chapter 10:

Comment: Republic Services provided several suggested revisions to this chapter in order to clarify the language describing submittal timing.

Response: ADEQ edited this section to further clarify the language. These revisions result in no substantial changes to the content or intent of this section.

**Russell McCloud, Yuma County Supervisor**

Comment: Mr. McCloud raised concerns regarding the dumping of California sewage waste in Arizona landfills and its effect on communities within a 2 mile radius of the landfills. Mr. McCloud further offered a suggestion for the remedying of this issue.

Response: While ADEQ recognizes Mr. McCloud's concern, the scope of this proposed 111(d) Plan only extends to air quality concerns as it relates to control of NMOC and methane emissions. Therefore, ADEQ is unable to address Mr. McCloud's concerns within the scope of this plan.

## State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

The second oral proceeding on the proposed MSW landfill Emission Guidelines Plan (SIP) and Emission Guideline and Performance Standard rule changes was held on Monday, April 17, 2018, at 1:00 p.m. at the Arizona Department of Environmental Quality (ADEQ) in Conference Room 3100A, 1110 West Washington Street, Phoenix, Arizona. The public comment period closed on Monday, April 16, 2018, at 5:00 p.m. No oral comments were received by ADEQ for the SIP revision. Prior to the start of the public comment period, ADEQ received two comments during informal stakeholder outreach efforts. ADEQ's responses to received comments are below.

### Troutman Sanders

Comment: A stakeholder from Troutman Sanders expressed that while EPA was reconsidering the federal NSPS/NESHAPs for MSW landfills rulemaking, no state is required to submit a plan for such rule under CAA Section 111(d). The stakeholder commented that CAA Section 111(d) rules "do not require a state to 'comply,' rather, they give states a choice: They may either elect to prepare a state plan, or wait for a federal plan." Drawing from EPA's reconsideration of a similar CAA Section 111(d) plan, the Clean Power Plan, EPA's reconsideration of the MSW landfill rulemaking, and the alternative path of a federal plan, the stakeholder recommended that the state should choose to wait to conduct the rulemaking and submitting its plan to EPA

Response: On August 29, 2016 the Environmental Protection Agency (EPA) finalized rulemakings in the Federal Register (FR) updating the *Standards of Performance for Municipal Solid Waste Landfills* (81 FR 59332) and *Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills* (81 FR 59276). These rules became effective October 28, 2016 and were adopted in the code of federal regulation (CFR) under Title 40 CFR Part 60, subpart XXX and Title 40 CFR Part 60, subpart Cf respectively. The Arizona Department of Environmental Quality (ADEQ) was required to submit a plan to EPA establishing performance standards for MSW landfills by May 30, 2017; however, EPA announced its intention to stay the rules in May of 2017 and the stay was published in the federal register on May 31, 2017 (82 FR 24878). The 90 day stay expired on August 29th, 2017 without being renewed. In response, ADEQ is submitting a State plan to fulfill the federal requirements. While ADEQ appreciates the stakeholder's recommendation to wait to submit a plan and instead be susceptible to a federal plan by EPA, ADEQ thinks it is the state's best interest to maintain primacy over the implementing the new standards. EPA has yet to announce the possibility of another stay or a new timeline for plan submittals, and as such, states are required to submit these plans accordingly. To address stakeholder concerns and to maintain enforcement flexibility, ADEQ has amended these rules so that they are effective upon EPA's approval of the state plan.

### Republic Services

Comment: A stakeholder from Republic Services expressed that they wished for ADEQ to reach out to EPA for their input on the regulatory process for implementing the subpart Cf emission guidelines before submitting a state plan. They also provided the contact information for a representative at EPA.

## State Plan for Implementing the Municipal Solid Waste Landfill Emission Guidelines for Arizona

Response: ADEQ has reached out to EPA on several levels and at best received informal verbal guidance. Until EPA proposes another stay or at least a timeline for a rule revision, ADEQ must comply with the federal rule as written. ADEQ has tied the effectiveness of the state rule and plan to EPA approval. ADEQ feels this will provide the greatest flexibility to stakeholders while still complying with the federal rule as written.