



REGION 5

CHICAGO, IL 60604

May 13, 2024

Mr. Jefferey R. Vandebusch
Lead Environmental Scientist
Foth Infrastructure & Environment, LLC
2121 Innovation Court, Suite 100
P.O. Box 5095
De Pere, WI 54115-5095

RE: Request for Applicability Determination Regarding Gas Collection and Control System Installation Timelines for a Municipal Solid Waste Landfill under 40 C.F.R. Part 60, Subpart XXX
Brown County South Landfill, Greenleaf, Wisconsin

Dear Mr. Vandebusch:

The U.S. Environmental Protection Agency (EPA) received and reviewed your February 8, 2024 letter on behalf of your client, the Brown County Port & Resource Recovery Department. The letter requests an applicability determination regarding gas collection and control systems (GCCS) installation and operational timelines for a municipal solid waste (MSW) landfill under 40 C.F.R. Part 60, Subpart XXX, for the Brown County South Landfill, located in Greenleaf, Wisconsin. Based on the information provided in your letter, the EPA has determined that the landfill is not required to install or operate a GCCS until an area, cell, or group of cells in the landfill meets the timeline in which initial solid waste has been placed for a period of five years or more, in accordance with 40 C.F.R. § 60.762(b)(2)(ii)(C)(2).

In your letter, you request an applicability determination specific to 40 C.F.R. Part 60, Subpart XXX (the Subpart XXX regulations) which would clarify the timeline for GCCS installation and operation, particularly for newly opened landfills. The letter highlights two seemingly inconsistent timeframes at which the installation and operation of GCCS would be required; installation within 30 months of the first non-methane organic compound (NMOC) emission rate report exceeding 34 megagrams per year (Mg/y) [40 C.F.R. § 60.762(b)(2)] versus operation at areas in which solid waste has been in place for five years or more if active [40 C.F.R. § 60.763(a)(1) and elsewhere]. The letter questions whether it would be appropriate to delay the GCCS installation to align with the operational requirements put forth in 40 C.F.R. § 60.763(a)(1) assuming the landfill is not at final grade.

Under the Subpart XXX regulations, each owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, must either comply with 40 C.F.R. § 60.762(b)(2) or calculate an NMOC emission rate for the landfill using the procedures specified in subsection 40 C.F.R. § 60.764. The NMOC emission rate must be recalculated annually, except as provided in 40 C.F.R. § 60.767(b)(1)(ii). According to your letter, the Brown County South Landfill commenced construction on April 23, 2020, and first accepted waste on January 3, 2022. The first annual Tier 1 NMOC report to exceed the 34 Mg/year threshold described at 40 C.F.R. § 60.762(b)(2), was submitted on July 21, 2023.

According to 40 C.F.R. § 60.762(b)(2)(i), once the first annual report has been submitted in which the NMOC emission rate equals or exceeds 34 Mg/year using Tier 1, 2, or 3 procedures, the owner or operator must either: submit an initial or revised collection and control system design plan prepared by a professional engineer to the Administrator, calculate NMOC emissions using the next higher tier in 40 C.F.R. § 60.764, or conduct a surface emission monitoring demonstration using the procedures specified in 40 C.F.R. § 60.764(a)(6).

The letter to EPA acknowledges that a “GCCS Design Plan [would be] due to the Wisconsin Department of Natural Resources (WDNR) within one year of the first NMOC emissions rate report exceeding 34 Mg/yr (if no Tier 2 NMOC calculation is submitted or if Tier 2 NMOC calculation shows exceedance of 34 Mg/yr)” but notes that the landfill “is considering a site-specific NMOC concentration under the Tier 2 emission rate calculations which could alter this timeline.”

It is important to note that the timeframe in which the NMOC emission rate could have been recalculated using Tier 2 methods is within 180 days of the first calculated exceedance of 34 Mg/yr in accordance with 40 C.F.R. § 60.767(c)(4)(i) and this deadline had passed prior to the submittal of the February 8, 2024, letter sent to EPA. The Brown County South Landfill must move forward with submitting a design plan as originally stated, within one year of the first NMOC emission rate report in which the NMOC emission rate equals or exceeds 34 Mg/yr [40 C.F.R. § 60.767(c)(4)].

In the case of the Brown County South Landfill, which has not had waste in place for a period of five years in any area, installation of a GCCS may preempt potential topographic changes to the landfill which may require the subsequent removal of the system if located in an area that is not at final grade. The landfill should continue to submit annual NMOC reports in accordance with 40 C.F.R. § 60.762(b) and will be required to install and operate a GCCS once the initial waste has been in place for a period of five years, which in this case, falls on January 3, 2027.

This applicability determination relies upon the accuracy of the information submitted in your February 8, 2024, letter. We have coordinated this determination with the Office of Air Quality Planning and Standards and the Office of Enforcement and Compliance Assurance. If you have any further questions, please contact Dan Wolski, of my staff, at 312-886-0557.

Sincerely,

**Aburano,
Douglas**

Digitally signed by
Aburano, Douglas
Date: 2024.05.13
19:44:50 -05'00'

Douglas Aburano
Manager
Air Programs Branch

(Enclosure/Enclosures)

cc: Ronald Binzley, NR Program Manager
Division of Environmental Management
Wisconsin Department of Natural Resources

Quinton LeSage, Air Management Engineer
Division of Environmental Management
Wisconsin Department of Natural Resources

Mark Turner
Office of Air Quality and Planning Standards
U.S. Environmental Protection Agency

Daniel Heins, Environmental Scientist
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency