**Subpart Ba Requirements in Emission Guidelines for Municipal Solid Waste Landfills EPA-HQ-OAR-2018-0696**

**Hearing Date:** November 27, 2018

**Hearing Location:**

EPA WJC East Building

1201 Constitution Avenue NW

Room #1117A & B

Washington, DC 20004

**TALKING POINTS:**

**Landfills Are a Substantial Source of Harmful Air Emissions**

* Landfills are the nation’s third largest source of methane emissions, accounting for almost twenty percent of domestic methane emissions. 81 Fed. Reg. 59,281.
* Municipal Solid Waste (MSW) landfills receive wastes from homes, businesses, and institutions. As the waste in a landfill decomposes, it produces landfill gas, which includes a number of air toxics, carbon dioxide, and methane.
* Methane is a potent greenhouse gas that is over 80 times more powerful than carbon dioxide over a 20-year period, and up to 36 times more powerful over a 100-year period. Controlling methane emissions from landfills helps avoid the worst impacts of climate change.
* Landfill gas also includes hazardous air pollutants (“HAPs”), which are known to cause cancer and other severe health impacts, and volatile organic compounds (“VOCs”), which react with sunlight to form ground-level ozone pollution, commonly known as smog. People with lung diseases such as asthma and chronic obstructive pulmonary disorder are particularly at risk for harms from exposure to smog pollution, as are children and older adults.

**EPA’s 2016 Landfills Rule Included Long-Overdue, Reasonable, and Cost-Effective Updates**

* EPA issued revised Emission Guidelines for Existing Municipal Solid Waste Landfills in August 2016. *Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills*, 81 Fed. Reg. 59,276 (Aug. 29, 2016). The updated Emission Guidelines apply to landfills constructed, modified, or reconstructed on or before July 17, 2014.
  + At the same time, the Agency also issued New Source Performance Standards (“NSPS”) for new MSW landfills that were constructed, modified or reconstructed after July 17, 2014. (Together, the “Landfill Rules.”)
* EPA’s Landfill Rules included reasonable, long-overdue updates to landfill emission standards that would deliver important emissions reductions and public health and environmental benefits.
* EPA predicted that the Landfill Rules would reduce methane emissions by over 330,000 metric tons per year and non-methane organic compounds (including VOCs and HAPs) by approximately 281 metric tons per year.
* The Landfill Rules require covered landfills to install and operate a gas collection control system within 30 months after landfill gas emissions reach a new, lower threshold of 34 metric tons of non-methane organic compounds or more per year. The threshold previously was 50 metric tons per year.
* EPA estimates that by 2025 this new lower threshold is projected to require landfill gas collection systems to be installed at 93 additional existing landfills and 115 new landfills.
* Landfill owners/operators may control gas by combusting it in an enclosed combustion device (such as a boiler, engine or turbine) for energy generation, by using a treatment system that processes the collected gas for sale or beneficial use, or by flaring it.
* The Landfill Rules also include requirements for quarterly monitoring of surface emissions of methane at all areas within the landfill where waste has been placed, and a gas collection system is required to be in place.

**EPA’s Proposal to Extend Deadlines of the Landfills Rule Lacks Meaningful Analysis of Impacts and Threatens Public Health**

* EPA has already missed the planning deadlines it was required to meet under current Clean Air Act regulations. Under the current timeline, states were required to submit state plans by May 30, 2017 and EPA should have approved or disapproved state plans by September 30, 2017.
* EPA’s proposal to further delay the deadlines in the Landfill Rules in turn delays the health and climate benefits from the current regulations, for over four years in some instances.
  + EPA’s proposal would:
    - delay state compliance deadlines for submitting a state plan from May 30, 2017 to August 29, 2019—a delay of more than 2 years.
    - delay EPA’s deadline for approving or disapproving state plans from September 30, 2017 until August 29, 2020—a delay of nearly 3 years.
    - delay EPA’s deadline for promulgating a federal plan from November 30, 2017 to January 29, 2022—a delay of more than four years.
* Now, EPA’s new proposal seeks to significantly delay these past deadlines which are important for realizing the benefits of the 2016 Landfill Rules.
* Members of the public are harmed every day that EPA is not enforcing the long-overdue deadlines that it now seeks to extend in this proposal.
* Negative short and long-term health consequences flow from the failure to control emissions from landfills. Exposure to the pollutants in landfill gas, including HAPs and VOCs can lead to increased cancer risk, premature mortality, and cardiovascular and respiratory effects.
* Yet in this delay proposal, EPA has failed to quantify or adequately assess the health and environmental impacts from these increased emissions during the lengthy delay period.

**EPA should withdraw its proposal to further delay these already overdue deadlines and move to fully implement the 2016 Landfill Emissions Guidelines.**