

RULE SYNOPSIS

Review of Ohio Administrative Code Chapter 3745-76 “Control of Non-Methane Organic Compound (NMOC) Emissions from Existing Landfills”

The Ohio Environmental Protection Agency (Ohio EPA), Division of Air Pollution Control has completed a review of Ohio Administrative Code (OAC) Chapter 3745-76. This chapter is related to regulations for the control of non-methane organic compounds from existing Municipal Solid Waste (MSW) Landfills. The agency has determined that these rules are necessary and need to remain in force to reflect the federal regulation for facilities subject to the Emissions Guidelines and Compliance Times for Municipal Solid Waste Landfills; 40 CFR Part 60, Subpart Cf and to retain State regulatory authority for existing landfills.

Ohio EPA determined that amendments to and rescissions of the rules in OAC Chapter 3745-76 were required. The rules in this chapter that were amended and rescinded are identified below:

Ohio EPA is making amendments to OAC Chapter 3745-76 to incorporate revisions to allow the State rules to conform to the federal regulations applicable to existing MSW landfills. The requirements originally specified in OAC rule 3745-76-07 (proposed for rescission) have been reincorporated into OAC rules 3745-76-02, 3745-76-03, and 3745-76-12 to mirror the revisions to 40 CFR Part 60, Subpart Cf and to make it easier for regulated entities to review the revisions to OAC Chapter 3745-76.

Ohio EPA is also making various minor changes to correct typos and update the rule language in this chapter to meet legislative service commission (LSC) style and formatting guidelines. These changes are being made throughout the chapter, are minor in nature, and do not affect the scope or intent of the rules.

3745-76-01: Definitions: New definitions have been added for “Closed area”, “Closed landfill subcategory”, “Corrective action analysis”, “Director”, “Gust”, “Leachate recirculation”, “Root cause analysis”, “State”, “State plan”, “Treated landfill gas”, “Treatment system”, and “Untreated landfill gas”. Revised or updated definitions for “Household waste”, “Modification”, and “Solid waste.” We have removed the definition of “Municipal solid waste”. We have updated reference material citations and rule references. We made other minor revisions to address typos and formatting issues to meet LSC style and formatting guidelines.

3745-76-02: Designated facilities: We revised designated facility applicability and incorporated provisions originally specified in OAC rule 3745-76-07 into this rule. The original requirements specified in OAC rule 3745-76-07 have been reincorporated into this rule to mirror the revisions to 40 CFR Part 60, Subpart Cf and to make it easier for regulated entities to review the revisions to OAC Chapter 3745-76. We updated rule references as well as made other minor revisions to address typos and formatting issues to meet LSC style and formatting guidelines.

3745-76-03: Emission guidelines for municipal solid waste landfill emissions: We added a comment regarding referenced materials and incorporated provisions originally specified in OAC rule 3745-76-07 into this rule. The original requirements specified in OAC rule 3745-76-07 have been reincorporated into this rule to mirror the revisions to 40 CFR Part 60, Subpart Cf and to make it easier for regulated entities to review the revisions to OAC Chapter 3745-76. We made other minor revisions to address typos and formatting issues to meet LSC style and formatting guidelines.

3745-76-04: Test methods and procedures: This will be rescinded. This rule only identified the methodology in OAC rule 3745-76-09 that was used to trigger the applicability of other rules in this chapter to affected, existing MSW landfills with NMOC emission rates above the specified level. Other rules in this chapter already address the applicable requirements for the affected landfills with NMOC emissions above the specified level.

3745-76-06: Compliance times: We incorporated revised compliance time language and the NMOC and Tier 4 emissions action levels for operating and closed landfills.

3745-76-07: Standards for air emissions from municipal waste landfills: This will be rescinded. The applicable standards from this rule were incorporated into OAC rules 3745-76-02, 3745-76-03, and 3745-76-12 to conform to the revised federal regulations.

3745-76-08: Operational standards for collection and control systems: We removed the comment regarding referenced materials, incorporated revisions to allow the State rule to conform to the federal regulations applicable to existing MSW landfills, updated rule references, and made other minor revisions to address typos and formatting issues to meet LSC style and formatting guidelines.

3745-76-09: Test methods and procedures: We revised the rule to update specified test methods and procedures, incorporated the new Tier 4 monitoring procedures and NMOC and Tier 4 emission action levels to allow the State rule to conform to the federal regulations applicable to existing MSW landfills, updated rule references, and made other minor revisions to address typos and formatting issues to meet LSC style and formatting guidelines.

3745-76-10: Compliance provisions: We incorporated the new root cause analysis and corrective action analysis procedures and other clarifications to allow the State rule to conform to the federal regulations applicable to existing MSW landfills. We made other minor revisions to address typos and formatting issues to meet LSC style and formatting guidelines.

3745-76-11: Monitoring of operations: We added a comment regarding referenced materials and incorporated nitrogen and oxygen monitoring provisions, treatment system monitoring requirements, and malfunction provisions to allow the State rule to conform to the federal regulations applicable to existing MSW landfills. We updated rule references as well as made other minor revisions to address typos and formatting

issues to meet LSC style and formatting guidelines.

3745-76-12: Reporting guidelines: We incorporated the new Tier 4 notification, liquids addition, and closed landfill requirements to allow the State rule to conform to the federal regulations applicable to existing MSW landfills. We incorporated provisions originally specified in OAC rule 3745-76-07 into this rule. The original requirements specified in OAC rule 3745-76-07 have been reincorporated into this rule to mirror the revisions to 40 CFR Part 60, Subpart Cf and to make it easier for the regulated entities to review the revisions to OAC Chapter 3745-76. We updated rule references as well as made other minor revisions to address typos and formatting issues to meet LSC style and formatting guidelines.

3745-76-13: Recordkeeping guidelines: We added a comment regarding referenced materials, incorporated new Tier 4, liquids addition, closed landfill, and root cause analysis requirements to allow the State rule to conform to the federal regulations applicable to existing MSW landfills, and updated rule references. We made other minor revisions to address typos and formatting issues to meet LSC style and formatting guidelines.

3745-76-14: Specifications for active collection systems: We incorporated the new closed area requirements to allow the State rule to conform to the federal regulations applicable to existing MSW landfills and updated rule references. We made other minor revisions to address typos and formatting issues to meet LSC style and formatting guidelines.

3745-76-15: Flare requirements: We updated compliance procedure references and made other minor revisions to address typos and formatting issues to meet LSC style and formatting guidelines.