

Texas Commission on Environmental Quality
January 11, 2023

Plain Language Summary of Proposed Rules and §111(d) State Plan Revision for Existing Municipal Solid Waste (MSW) Landfills

Introduction

Under §111(d) of the federal Clean Air Act (CAA), the United States Environmental Protection Agency (EPA) establishes emission guidelines for certain types of existing facilities. In 2016, the EPA adopted revised emission guidelines for existing MSW landfills under 40 Code of Federal Regulations (CFR) Part 60, Subpart Cf. States are required to adopt state plans to implement these federal emission guidelines. Existing MSW landfills in states without an approved §111(d) state plan are required to comply with a federal plan administered by the EPA. In this action, the Texas Commission on Environmental Quality (TCEQ) is proposing rules and a revised §111(d) state plan that, once approved by EPA, will allow TCEQ to implement and enforce the 2016 emission guidelines for MSW landfills. If TCEQ does not adopt these revisions to the rules and the Texas state plan, MSW landfills in Texas will be required to continue complying with the federal plan administered by the EPA.

Summary of Proposed Rule and §111(d) State Plan Revision

The proposed rulemaking (Project No. 2017-014-113-AI) would add new rules in Subchapter C, Division 6, 30 Texas Administrative Code Chapter 113, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants. The proposed rules implement the federal 2016 emission guidelines for MSW landfills by referencing portions of 40 CFR Part 60, Subpart Cf. The rules would establish requirements for landfill gas collection and control systems to ensure that landfill gas emissions are captured and destroyed. The proposed rules would also establish monitoring, testing, recordkeeping, and reporting requirements to ensure compliance. The proposed revisions to the Texas §111(d) state plan describe how the proposed rules will implement the requirements of the federal emission guidelines; document that the plan revisions meet federal CAA requirements for state plans; provide additional background information on potentially affected MSW landfill sites; and demonstrate that TCEQ has the legal authority necessary to implement and enforce the emission guidelines.

Public Comment and Hearing Information

The commission will offer a hybrid in-person and virtual public hearing on the proposed rules and §111(d) state plan revision. The hearing will be offered in Austin on Thursday, February 23, 2023, at 10:00 a.m. in Building D, Room 191, at the commission's central office located at 12100 Park 35 Circle. Individuals who plan to attend the hearing virtually and want to provide oral comments must register by Tuesday, February 21, 2023. To register, please email Rules@tceq.texas.gov and provide the following information: your name, your affiliation, your email address, your phone number, and whether or not you plan to provide oral comments during the hearing. Instructions for participating in the hearing will be sent on Wednesday, February 22, 2023, to those who register for the hearing.

Members of the public who do not wish to provide oral comments but would like to view the hearing virtually may do so at no cost at:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MzRjOGJmNTktODQxNy00MWY2LWE1MTAtODk0ZTY4MTllyTg4%40thread.v2/0?context=%7b%22Tid%22%3a%22871a83a4-a1ce-4b7a-8156-3bcd93a08fba%22%2c%22Oid%22%3a%22e74a40ea-69d4-469d-a8ef-06f2c9ac2a80%22%2c%22IsBroadcastMeeting%22%3a%22true%7d

The hearing will be offered to receive public comments on the Chapter 113 rulemaking proposal (Project No. 2017-014-113-AI) and associated §111(d) state plan revisions. The hearing will be conducted in English. Language interpretation services may be requested. For accommodation needs, contact Sandy Wong, Office of Legal Services at (512) 239-1802 or 1-800-RELAY-TX (TDD) as far in advance as possible.

The comment period for these proposed actions opens on January 27, 2023, and closes on February 28, 2023. Submit written comments through the TCEQ Public Comments system at <https://tceq.commentinput.com/comment/search>. Comments must reference Rule Project Number **2017-014-113-AI**.

Copies of the proposed rules and §111(d) state plan revision can be found on the TCEQ's website at https://www.tceq.texas.gov/rules/propose_adopt.html.

For more information about the proposals or to get help with submitting written comments, contact Michael Wilhoit, Rule Project Manager, (512) 239-1222 or michael.wilhoit@tceq.texas.gov.