

MARYLAND DEPARTMENT OF THE ENVIRONMENT
(MDE or the Department)
AIR AND RADIATION ADMINISTRATION
RESPONSE TO COMMENTS

for the
PUBLIC HEARING held on June 17, 2024
in BALTIMORE, MD
related to

amendments to Regulation **.03 - .06** and **.09 - .11** under **COMAR 26.11.42 Control of Methane Emissions from Municipal Solid Waste Landfills.**

Purpose of Hearing: The Secretary of the Environment proposes to amend Regulations **.03—.06** and **.09—.11** under **COMAR 26.11.42 Control of Methane Emissions from Municipal Solid Waste Landfills.** The purpose of today’s hearing was to give the public an opportunity to comment on the amendments to COMAR 26.11.42.

Date and Location: The public hearing was held virtually on June 17, 2024, at 1 p.m. GoToMeeting – Event Access Code: 313-688-893 - the Maryland Department of the Environment.

Attendance: See the list attached for all attendees.

Statement: The Department’s statement was read by Eddie DuRant, Regulatory and Compliance Engineer, Air Quality Regulations, Air and Radiation Administration, Department of the Environment. Carolyn Jones of MDE served as the hearing officer. A transcript of the meeting has been prepared by For the Record, Inc. White Plains MD.

Comments and Responses: Comments were received from:

Chesapeake Climate Action Network (CCAN);
Maryland League of Conservation Voters (LCV);
Leah Kelly, Environmental Integrity Project (EIP); and,
Katie Little – Maryland Resident.

A summary of the comments received and the Department's responses are below.

Comment: Multiple comments were received from stakeholders and residents of Maryland expressing general support of the Department adopting regulations that will address the reduction of methane from landfills. Joint comments were received from several organizations addressing the need for these regulations, stating the following: “It is critical that MDE issue a strong landfill methane rule.” Methane is a potent greenhouse gas that has around 80 times the climate warming effect of carbon dioxide over a 20-year period. Cutting short-lived climate pollutants like methane is an effective strategy to achieve significant greenhouse gas reductions in the near term. Municipal solid waste landfills are by far the largest source of methane emissions in Maryland. Using the most

recent 2020 data, landfills account for 40% of methane emissions in the state, even more than the natural gas industry which accounts for 25%. The General Assembly has set an ambitious goal of achieving 60% reductions in greenhouse gas emissions by 2031, and Maryland cannot achieve that goal without tackling methane from landfills.

Comment: A commenter mentions that the landfill methane regulations are part of the state's Climate Pollution Reduction Plan and are estimated to reduce greenhouse gas emissions by 20-50% at the affected landfills. The commenter further states that it is critical to Maryland's all of society approach to achieve our climate goals that these regulations are implemented and enforced promptly.

Comment: A commenter thinks revisions to the regulations [COMAR 26.11.42] are an improvement, and also are a very significant improvement over the previous regulations [COMAR 26.11.19.20] for landfill methane.

Response: The Department appreciates the support for the proposed amendments to the regulations for controlling methane from municipal waste landfills. Maryland's ambitious and inclusive approach to climate action has grown more effective with every update to the Greenhouse Gas Emissions Plan. In 2022, with the Climate Solutions Now Act (CSNA), Maryland adopted the most ambitious greenhouse gas (GHG) reduction goals of any state in the nation. The new targets include reducing statewide GHG emissions by 60% from 2006 levels by 2031 and achieving net-zero emissions by 2045 with a positive impact on Maryland's economy and work opportunities. The 2030 Greenhouse Gas Reduction Act (GGRA) Plan (2030 Plan) consists of a suite of programs and initiatives that, if implemented, would achieve reductions over the required targets. The plan advances measures with an eye to benefit overburdened and underserved communities and address long-standing environmental injustices.

Reducing CH₄ emissions is an important part of the comprehensive plan to address climate change and is critical to the state's efforts to meet the requirements of the GGRA and CSNA. MDE implemented a CH₄ minimization plan to first address CH₄ from the energy section. MDE adopted regulations for the control of the natural gas transmission and storage sector in 2020 requiring leak detection and repair measures for compressor stations and storage facilities. Six facilities in Maryland began conducting surveys for CH₄ leaks and reporting to MDE in 2021. Additionally, MDE adopted more stringent MSW landfill regulations in June of 2023 to mitigate and control CH₄ and the proposed amendments provide minor clarifications.

Comment: Multiple comments were received from stakeholders and residents of Maryland requesting the Department submit the MSW Landfill regulations to the EPA as soon as possible so that the regulations will have full federal enforcement.

Response: The Department appreciates the commenters' request for federal enforcement of the State's more stringent approach to control methane from MSW landfills. MDE plans to submit COMAR 26.11.42 to EPA as a federal CAA section 111(d) "state plan" once this amendment has been adopted and is effective.

Comment: A commenter expresses concern about the wellhead monitoring threshold of 145 degrees Fahrenheit (°F), especially given that there have been some landfill fires in California over the past year. The commenter suggests that the Department consider a lower threshold of 131°F, which is in some of the EPA regulations. The 131°F would be appropriate because it is more cautious.

Response: The Department disagrees with the commenter. The reason for the revision to the wellhead monitoring temperature operating value from 131°F to 145°F in the proposed amendments is in part due to a significant number of MSW landfills that have requested in writing, either to EPA or regulatory agencies in affected states (e.g. Ohio) for a wellhead temperature operating value greater than 131°F as found in the previous NESHAP for MSW landfills. A significant number of these affected MSW landfills reported operating values greater than 131°F, but less than 145°F, without jeopardizing the gas collection and control system (GCCS) operation. Regulatory agencies in other States found that the operating value of 131°F triggered an excessive volume of corrective action reports from affected MSW landfills, thus posing a potential burden for affected sources and regulatory agencies. Regulatory agencies in States such as Ohio and the EPA granted exemptions for some MSW landfills and allowed them to operate at values greater than 145°F, with some as high as 165°F.

MDE also reviewed reports that indicate that potential conditions increasing the risk of landfill fires or damage to the collection piping materials does not significantly increase until operating temperatures greater than 145°F are achieved. In light of this information, EPA subsequently revised the operating value for well temperature to 145°F in the recent NESHAP for MSW landfills (40 CFR part 63, subpart AAAAA). Oregon recently adopted regulations for the control of methane from landfills with the operating value for well temperature at or below 145°F before corrective actions and enhanced monitoring is required. Additionally, the US Climate Alliance (a bipartisan coalition of governors securing America's net-zero future by advancing state-led, high-impact climate action) has drafted model rule regulations for the control of methane from landfills that requires the 145°F temperature limit at the wellhead of a GCCS. The MDE proposed regulations align with current temperature requirements found in federal and other regulations, and this amendment aligns the wellhead monitoring temperature with other sections of COMAR 26.11.42.

It should also be noted that the recently adopted regulations include the addition of enhanced wellhead monitoring and visual inspection requirements for any landfill with wellhead temperature exceeding 145 °F. Based on review of the available literature and knowledge of the impacts in other jurisdictions implementing similar temperature limits, it is MDE's best professional judgement that the wellhead monitoring threshold of 145°F is appropriate and provides an adequate margin of safety.

Public Hearing June 17, 2024 Attendance List

Randy Mosier, MDE
Kelsey Sisko, MDE
Justin Smith, MDE
Scott Thompson, MDE
Scott Zacharko, MDE

Seth Logan, Frederick County
Lee Zimmerman, Frederick County
J.T. Schoenberger, Harford County
William Knott, Charles County
Frances Sherman, Charles County
Keith Roumfort, Charles County
Justin Streim - Baltimore County BSWM
James Woods, NMWDA
Kitty McIlroy, NMWDA
John Schott, NMWDA
Charles Ingram, Maryland Environmental Science (MES)
Anna Marshall, Baltimore Metropolitan Council
Rich Boehm, West Virginia
Tzippy Horowitz, Chesapeake Climate
Anne Havemann, Chesapeake Climate
Leah Kelly, Environmental Integrity Project (EIP)
John Agnoli, Maryland Environmental Service (MES)
Jamie Foster, Montgomery County
Dave Mason, Washington County
Maeve Smythe, Maryland