

MDE's proposed chapter COMAR 26.11.42 – Control of Emissions from Municipal Solid Waste Landfills is more stringent than the federal regulations (40 CFR 60, Subparts Cf and XXX and 40 CFR 63, Subpart AAAAA) for MSW landfills. It significantly reduces the threshold for requiring a Gas Control and Collection System (GCCS) below the 34 Mg/yr NMOC threshold, requiring more Maryland landfills to comply and meet stricter emission standards and monitoring requirements.

Under federal regulations, the Charles County Landfill #2 and Closed Pisgah Landfill are exempt but would not be exempt under the State's proposed regulation. As proposed COMAR 26.11.42 the county will incur capital costs to install and modify its Gas Control and Collection System (GCCS) and increased costs for operation and maintenance (O&M) and monitoring requirements.

MDE's factsheet lists the associated capital costs of modifying or installing a GCCS as ranging from \$1 to \$3 million; estimated operating and maintenance costs ranging from \$150,000 to \$400,000/yr; and additional costs associated with monitoring (average annual costs around \$60,000) and recordkeeping and reporting requirements. These listed estimated costs changed from the June 23, 2021, Stakeholder Meeting presentation; additional review is needed to determine if the changes to the proposed regulation reduced the 2021 estimated costs of \$2.7M - \$12M to \$1.2M - \$3.5M as noted on the factsheet.

The proposed action has the potential to benefit the public and the environment by reducing and minimizing methane release from MSW landfills. It appears MDE did take some of the 2021 stakeholder comments into consideration. The draft regulation includes exceptions to GCCS in landfill working areas (.07(C)), adding exemptions for closed landfills with solar arrays (.01(B)(4)), and a provision for landfills to monitor and report before installing a GCCS (.04(B)(2)).

Additional review is needed to fully understand the draft regulation's impacts, particularly the reporting and monitoring parameters of the proposed regulation.