

July 19, 2021

Mr. George S. "Tad" Aburn, Jr., Director
Air & Radiation Management Administration (ARMA)
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230
Via email to Randy Mosier and Eddie Durant of MDE

Dear Mr. Aburn:

Staff of the Northeast Maryland Waste Disposal Authority (Authority) were among the attendees of the June 23, 2021 stakeholder meeting on the topic of potential changes to regulations that would impact landfills in Maryland. The Authority is a multi-county agency that supports eight member jurisdictions in Maryland with their solid waste management needs. During the stakeholder meeting, Maryland Department of the Environment (MDE) staff presented a framework for discussion and provided an anticipated timeframe for the development of the regulations. During the meeting, a summary analysis of data that was collected via aerial monitoring flights over the period of February and March of 2015, and February of 2016 was presented. Results of the sampling showed certain concentrations of detected methane over landfills in the state. While the data reported for multiple flights was shown to have reasonable fit under certain weather-related circumstances, the presenter noted that the modeling/flights themselves could not pinpoint the precise location of the detected plumes (although plumes were noted over several landfills).

MDE also presented a potential framework for the regulations in comparison to the Environmental Protection Agency (EPA) Emissions Guidelines and requested preliminary comments as the drafting process continues.

Outside of the technical implications of the draft regulations, the Authority is presenting the following questions for MDE to address as the regulations are drafted:

- 1) We understand that there will potentially be up to three stages to transition between from EPA to MDE regulations as follows:
 - Period (starting shortly) where operators must meet EPA's 40 CFR Part 62 [NSPS and EG rules for landfills in states that do not have approved programs].

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Comprehensive Waste Management Through Recycling, Reuse, Resource Recovery and Landfill

MEMBERS: Rhody R. Holthaus, Anne Arundel County / Vacant, Baltimore City / Vacant, Baltimore County / Jeffrey D. Castonguay, Carroll County
Phillip S. Harris, Frederick County / Joseph J. Siemek, Harford County / Mark A. DeLuca, Howard County / Guillermo Wainer, Montgomery County
Charles Glass, Maryland Environmental Service / Christopher Skaggs, Executive Director



- Period where new MD rules are in place, but not yet approved by EPA and thus operators must meet both MD rules and 40 CFR 62. The length of this period is determined by the time it takes MD to submit, EPA to review, MD to resolve and EPA to approve MD's rules.
- Final stage where MD rules control (No EPA reporting).

The Authority is requesting that MDE clarify the estimated timelines for the stages noted above. Will MDE wait until EPA approves their regulation before implementation, or will MDE implement these new regulations without EPA approval that they meet NSPS/EG standards? This information is critical, because the proposed new regulations will have a significant financial impact on landfill operators, many of which are Maryland local governments. Given this timeline and the budget sequences of Maryland local governments, these local governments need to understand what expenses and budget request will fit into their budget approval schedule and what expenses will require extraordinary appropriations.

- 2) The Authority is requesting that MDE clarify how these new regulations will impact ongoing remediation design efforts as well as future remediation construction, especially for landfills that accepted waste before November 8, 1987, and have not undergone any recent modifications.
- 3) The Authority is also asking what considerations/modifications were made to the base California regulations that MDE cited as reference to reflect the different meteorological conditions between the two regions of the Country.

The Authority looks forward to continued involvement in the stakeholder process for the development of the revised regulations. We suggest a meeting with MDE in the coming months, wherein our members can speak to the potential cost/labor impacts of the presented regulations, as this letter is not meant to speak for the totality of the impacts the members may experience under the proposed regulations.

Feel free to reach out to the Authority with any questions on this matter.

Sincerely,

Chris Skaggs

Chris Skaggs
Executive Director

cc: Authority Solid Waste Managers