

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 11 ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
PART 71 MUNICIPAL SOLID WASTE LANDFILLS

20.11.71.1 ISSUING AGENCY: Albuquerque-Bernalillo County Air Quality Control Board.
[20.11.71.1 NMAC - N, 1/1/06]

20.11.71.2 SCOPE:

A. Applicability: 20.11.71 NMAC is applicable to the city of Albuquerque and Bernalillo county.

(1) Existing municipal solid waste landfills: Each owner or operator of an existing municipal solid waste (MSW) landfill is subject to all provisions required by 40 CFR 60.30c through 60.36c (Subpart Cc, *Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills*) as promulgated by the US EPA on March 12, 1996, except as provided for in Subsection B of 20.11.71.14 NMAC. Physical or operational changes made to an existing MSW landfill solely to comply with an emission guideline (40 CFR 60 Subpart Cc) are not considered a modification or reconstruction and do not subject an existing MSW landfill to the requirements of 40 CFR 60 Subpart WWW.

(2) New municipal solid waste landfills: In addition to being subject to 20.11.71.13 NMAC new MSW landfills are subject to 40 CFR Part 60, Subpart WWW, *Standards of Performance for Municipal Solid Waste Landfills* as incorporated by reference in 20.11.63 NMAC, *New Source Performance Standards for Stationary Sources*.

B. Exempt: 20.11.71 NMAC does not apply to sources within Bernalillo county, that are located on Indian lands over which the Albuquerque-Bernalillo county air quality control board lacks jurisdiction.
[20.11.71.2 NMAC - N, 1/1/06]

20.11.71.3 STATUTORY AUTHORITY: 20.11.71 NMAC is adopted pursuant to the authority provided in the New Mexico Air Quality Control Act, NMSA 1978 Sections 74-2-4, 74-2-5C; the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5 Sections 3 & 4; the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994 Sections 9-5-1-3 & 9-5-1-4.
[20.11.71.3 NMAC - N, 1/1/06]

20.11.71.4 DURATION: Permanent.
[20.11.71.4 NMAC - N, 1/1/06]

20.11.71.5 EFFECTIVE DATE: January 1, 2006, unless a later date is cited at the end of a section.
[20.11.71.5 NMAC - N, 1/1/06]

20.11.71.6 OBJECTIVE: To establish requirements for municipal solid waste landfills in order to control emissions of non-methane organic compounds (NMOC).
[20.11.71.6 NMAC - N, 1/1/06]

20.11.71.7 DEFINITIONS: In addition to the definitions in 20.11.71.7 NMAC, the definitions in 20.11.1 NMAC *General Provisions* apply unless there is a conflict between definitions, in which case the definition in 20.11.71 NMAC shall govern.

A. "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

B. "Design capacity" means the maximum amount of solid waste a landfill can accept, as indicated in terms of volume or mass in the most recent permit issued by the state, local, or tribal agency responsible for regulating the landfill, plus any in-place waste not accounted for in the most recent permit. If the owner or operator chooses to convert the design capacity from volume to mass or from mass to volume to demonstrate its design capacity is less than 2.5 million megagrams or 2.5 million cubic meters, the calculation must include a site specific density, which must be recalculated annually.

C. "Division" means the air quality division of the city of Albuquerque environmental health department or its successor agency.

D. "Existing municipal solid waste landfill" means a MSW landfill meeting **all of** the following conditions:

(1) has commenced construction, modification, or reconstruction *before* May 30, 1991;

- (2) has not been modified or reconstructed *since* May 30, 1991;
- (3) has accepted waste at any time *since* November 8, 1987, or has additional design capacity available for future waste deposition; and
- (4) is active, or has additional capacity, or is closed.

E. "Household waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including, but not limited to, single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

F. "Industrial solid waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under Subtitle C of the Resource Conservation and Recovery Act, 40 CFR Parts 264 and 265. Industrial solid waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. Industrial solid waste does not include mining waste or oil and gas waste.

G. "Megagram" means 1,000,000 grams, or the equivalent of 1.102311 tons.

H. "Modification" means an increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its permitted design capacity as of May 30, 1991. Modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion.

I. "Municipal solid waste landfill" or "MSW landfill" means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A MSW landfill may also receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D wastes such as commercial solid waste, non-hazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a MSW landfill may be separated by access roads. A MSW landfill may be publicly or privately owned. A MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion.

J. "New municipal solid waste landfill" means a MSW landfill that commenced construction, reconstruction, modification, or began accepting waste on or after May 30, 1991.

K. "NMOC" means non-methane organic compounds, as measured according to the provisions of 40 CFR 60.754. NMOC may include many compounds commonly referred to as VOCs (volatile organic compounds) and HAPs (hazardous air pollutants).

L. "Reconstruction" shall have the same meaning as specified by 40 CFR 60.15.
[20.11.71.7 NMAC - N, 1/1/06]

20.11.71.8 VARIANCES: The variance provisions of 20.11.7 NMAC, Variance Procedure, Revised Ordinances of Albuquerque 1994 Section 9-5-1-8, Bernalillo County Ordinance 94-5 Section 4 and NMSA 1978 Section 74-2-8 shall *not* apply to 20.11.71 NMAC or the incorporated federal standards.
[20.11.71.8 NMAC - N, 1/1/06]

20.11.71.9 SAVINGS CLAUSE: Any amendment to 20.11.71 NMAC that is filed with the state records center shall not affect actions pending for violation of a city or county ordinance, the air quality regulations for Albuquerque and Bernalillo county or a permit issued by the department. Prosecution for a violation under a prior statute, ordinance, regulation or permit shall be governed and prosecuted under the statute, ordinance or regulation in effect at the time the violation was committed.
[20.11.71.9 NMAC - N, 1/1/06]

20.11.71.10 SEVERABILITY: If any section, paragraph, sentence, clause or word of 20.11.71 NMAC or any federal standards incorporated herein is for any reason held to be unconstitutional or otherwise invalid by any court, the decision shall not affect the validity of remaining provisions of 20.11.71 NMAC.
[20.11.71.10 NMAC - N, 1/1/06]

20.11.71.11 DOCUMENTS: Documents incorporated and cited in 20.11.71 NMAC may be viewed at the Albuquerque environmental health department, one civic plaza, suite 3023, 400 Marquette NW, Albuquerque, NM 87102.
[20.11.71.11 NMAC - N, 1/1/06]

20.11.71.12 [Reserved]

[20.11.71.12 NMAC - N, 1/1/06]

20.11.71.13 PERMITTING REQUIREMENTS:

A. Operating permits: New and existing MSW landfills with design capacities greater than or equal to 2.5 million megagrams or 2.5 million cubic meters are subject to the permitting requirements of 20.11.42 NMAC *Operating Permits*. New and existing MSW landfills with design capacities less than 2.5 million megagrams or 2.5 million cubic meters are not subject to permitting requirements under 20.11.42 NMAC *Operating Permits* unless they are a major source as defined in 20.11.42 NMAC *Operating Permits*.

B. Authority to Construct Permits: Emissions of NMOC from MSW landfills subject to 20.11.71 NMAC shall not be included in applicability determinations that would otherwise be required by 20.11.41 NMAC *Authority to Construct* and shall not be subject to the permit requirements of 20.11.41 NMAC.

[20.11.71.13 NMAC - N, 1/1/06]

20.11.71.14 REQUIREMENTS FOR EXISTING MUNICIPAL SOLID WASTE LANDFILLS:

A. Reporting and Compliance: Except as provided below, reporting and compliance requirements for existing MSW landfills shall be as required by 40 CFR 60 Subpart Cc.

(1) Within 90 days of final US EPA approval of 20.11.71 NMAC, each owner or operator of an existing MSW landfill, shall submit to the division an initial design capacity report as required by 40 CFR 60.757(a)(2) of Subpart WWW.

(2) Within 90 days of final US EPA approval of 20.11.71 NMAC, each owner or operator of an existing MSW landfill, with a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters, shall submit to the division an NMOC emission rate report in accordance with 40 CFR 60.757(b)(1) and (2) of Subpart WWW.

(3) Within 30 months of first reporting NMOC emissions of 50 megagrams per year or more, the owner or operator of an existing MSW landfill, with a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters, and with an NMOC emission rate greater than or equal to 50 megagrams per year, shall install a gas collection and control system and operate the system as required by 40 CFR 60.752(b) of Subpart WWW.

B. Exceptions: None.

[20.11.71.14 NMAC - N, 1/1/06]

HISTORY OF 20.11.71 NMAC:

Pre-NMAC History: None.

History of Repealed Material: [Reserved]

Other History: [Reserved]