

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 60**

[AD-FRL-6231-8]

**Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; technical amendments and corrections.

**SUMMARY:** The EPA is amending the CFR to correct errors made in the direct final rule, "Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills," published in the **Federal Register** on June 16, 1998. The direct final rule amended, corrected errors, and clarified regulatory text of the final rule, which was published on March 12, 1996 (63 FR 32743). Today's action further clarifies the regulatory text and corrects errors. Industry sectors likely to be affected include Air and Water Resource and Solid Waste Management, and Refuse Systems—Solid Waste Landfills (North American Industrial Classification System codes 92411 and 562212).

**DATES:** These amendments are effective February 24, 1999.

**ADDRESSEES:** Air Docket. Docket A-88-09 contains the supporting information for the original New Source Performance Standards (NSPS) and Emission Guidelines (EG), the direct final rule, and this action and is available for public inspection and copying between 8 a.m and 5:30 p.m., Monday through Friday except for Federal holidays, at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and

Information Center (MC-6102), 401 M Street SW, Washington, DC 20460, or by calling (202) 260-7548. The docket is located at the above address in Room M-1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Ms. Michele Laur, Waste and Chemical Processes Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5256. For implementation issues, contact Mary Ann Warner, Program Review Group, Information Transfer and Program Integration Group (MD-12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-1192. For information on the Landfill model, contact Susan Thorneloe through the Internet at [thorneloe.susan@epa.gov](mailto:thorneloe.susan@epa.gov). For information concerning applicability and rule determinations, contact the appropriate regional representative:

**Region I:**

Greg Roscoe, Air Programs Compliance Branch Chief, U.S. EPA/ASO, Region I, JFK Federal Building, Boston, MA 02203, (617) 565-3221

**Region II:**

Christine DeRosa, U.S. EPA, Region II, 290 Broadway, 25th Floor, New York, NY 10007-1866, (212) 637-4022

**Region III:**

James Topsale, U.S. EPA/3AP22, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029, (215) 814-2190

**Region IV:**

R. Douglas Neeley, Chief, Air and Radiation Technology Branch, U.S. EPA, Region IV, 61 Forsyth St., SW, Atlanta, GA 30303, (404) 562-9105

**Region V:**

George T. Czerniak, Jr., Air

Enforcement Branch Chief, U.S. EPA/5AE-26, Region V, 77 West Jackson Street, Chicago, IL 60604, (312) 353-2088

**Region VI:**

John R. Hepola, Air Enforcement Branch Chief, U.S. EPA, Region VI, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202-2733, (214) 655-7220

**Region VII:**

Ward Burns, U.S. EPA/RME, Region VII, 726 Minnesota Avenue/ARTDAPCO, Kansas City, KS 66101-2728, (913) 551-7960

**Region VIII:**

Vicki Stamper, U.S. EPA, Region VIII, 999 18th Street, Suite 500, Denver, CO 80202-2466, (303) 312-6445

**Region IX:**

Patricia Bowlin, U.S. EPA/RM HAN/17211, Region IX, 75 Hawthorne Street/AIR-4, San Francisco, CA, (415) 744-1188

**Region X:**

Catherine Woo, U.S. EPA, Region X, Office of Air Quality Planning, and Standards-107, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553-1814

**Technology Transfer Network Web**

The EPA Technology Transfer Network Web (TTN Web) is a collection of technical websites containing information about many areas of air pollution science, technology, and regulation. The TTN Web provides information and technology exchange for the public and EPA staff in various areas of air pollution control. New air regulations are posted on the TTN Web through the world wide web at "http://www.epa.gov/ttn." For more information on the TTN Web, call the HELP line at (919) 541-5384.

**SUPPLEMENTARY INFORMATION:**

**Regulated Entities**

The entities potentially affected by this action include:

Category	Examples of regulated entities
Industry and Local Government Agencies, NAICS codes 92411 (Air and Water Resource and Solid Waste Management) and 562212 (Refuse Systems—Solid Waste Landfills).	Existing municipal solid waste landfills where solid waste from households is placed in or on land. Waste from commercial or industrial operations may be mixed with the household waste.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be interested in the amendments and corrections to the regulation affected by this action. While the landfills NSPS and emission guidelines (40 CFR part 60, subparts Cc and WWW) will primarily impact facilities in North American Industrial Classification

System (NAICS) codes 92411 and 562212, or in the old Standard Industrial Classification (SIC) code 4953, not all facilities in these codes will be affected. To determine if your landfill is affected by the landfill NSPS or emission guidelines, see 40 CFR part 60, subparts Cc and WWW, or the technical amendments published on June 16, 1998 (63 FR 32743).

**Background**

On March 12, 1996 (61 FR 9919), the EPA promulgated in the **Federal Register** standards of performance for new sources (NSPS) for municipal solid waste landfills and emission guidelines for existing municipal solid waste landfills. These regulations and guidelines were promulgated as

subparts WWW and Cc of 40 CFR part 60.

This notice clarifies a definition and the reporting requirements of the emission guidelines and corrects typographical errors which appeared in the direct final notice published on June 16, 1998 (63 FR 32743).

**I. Description of Changes**

**A. Definitions**

The NSPS applies to landfills that commence construction, modification, or reconstruction on or after May 30, 1991 (the proposal date for this NSPS and EG). A definition of modification was added in the direct final rule: modification means an increase in permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its permitted design capacity as of May 30, 1991. The definition is specific to landfills but is not consistent with the intent of 40 CFR 60.14 of the part 60 general provisions. (See 63 FR 32743.) In this notice, EPA is amending the definition of modification by adding a sentence to clarify that modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion. This is consistent with the part 60 general provisions and the definition of new source in section 111(a)(2) of the Clean Air Act (Act), as

well as § 60.750(a) of subpart WWW (the NSPS).

**B. Reporting**

The EPA is clarifying when the design capacity and NMOC emission rate reports must be submitted for existing facilities. Section 60.35c of the promulgated emission guidelines requires the same reporting and recordkeeping as §§ 60.757 and 60.758 of the NSPS. Sections 60.33c(a)(2) of the emission guidelines also refers to design capacity reports. However, these sections do not address when the reports are due for existing sources. Section 60.758 specifies that for new sources, a design capacity report and initial NMOC emission rate report (if required) are due 90 days after promulgation of the NSPS or 90 days after a source commences construction, modification, or reconstruction. To be consistent with these dates and with the date that existing sources become subject to Title V permitting requirements, as specified in § 60.32c(c), and the dates provided in the EPA guidance document for State plans (EPA-456R/96-005), EPA is clarifying that for existing sources, the initial design capacity report is due 90 days after the effective date of EPA's approval of a State plan. For sources with design capacities greater than or equal to 2.5

million Mg and 2.5 million cubic meters, the initial NMOC emission rate report is due at the same time. To accomplish these clarifications, paragraphs (d) and (e) have been added to § 60.33c to describe the design capacity and emission rate reporting requirements applicable to existing sources, and paragraphs (a) and (b) have been added to § 60.35c to specify the dates these reports are due.

**II. Typographical Errors**

Tables 3 and 5 in the direct final preamble (63 FR 32748-32749) contained typographical errors. The units for the small size cutoff (column 1) are stated to be in milligrams (mg); however, the values presented are actually in megagrams (Mg). In table 5, the final two columns show the "MNOC average cost eff." and the "MNOC incremental cost eff." These two columns should read "NMOC" for nonmethane organic compounds, rather than "MNOC". These tables are corrected and provided below for clarification.

A typographical error in the final rule amendment text (63 FR 32753) is also being corrected. In the amendments to § 60.759(a)(3)(iii), the term "C<sub>NMOC</sub>" is corrected to read "C<sub>NMOC</sub>," meaning the concentration of nonmethane organic compounds.

TABLE 3.—ALTERNATIVE DESIGN CAPACITY EXEMPTION LEVEL OPTIONS FOR THE EMISSION GUIDELINES <sup>a,b</sup>

Small size cutoff (Mg)	Number landfills affected	Annual NMOC emission reduction <sup>c</sup> (Mg/yr)	Annual methane emission reduction <sup>d</sup> (Mg/yr)	Annual cost (million \$/yr)	NMOC average cost eff. (\$/Mg)	NMOC Incremental cost eff. (\$/Mg)
Baseline <sup>e</sup> .....	.....	.....	.....	.....	.....	.....
3,000,000 .....	273	73,356	3,220,000	84	1,145	1,145
2,500,000 .....	312	77,600	3,370,000	89	1,147	1,178
1,000,000 .....	572	97,600	3,990,000	119	1,219	1,500
No cutoff <sup>f</sup> .....	7,299	142,000	8,270,000	719	5,063	13,514

<sup>a</sup> Emission rate cutoff level of 50 Mg NMOC/yr.  
<sup>b</sup> All values are fifth year annualized.  
<sup>c</sup> NMOC emission reductions are from a baseline of 145,000 Mg NMOC/yr.  
<sup>d</sup> Methane emission reductions are from a baseline of 8,400,000 Mg methane/yr.  
<sup>e</sup> In the absence of an emission guideline.  
<sup>f</sup> No emission rate cutoff and no design capacity exemption level.

TABLE 5.—ALTERNATIVE DESIGN CAPACITY EXEMPTION LEVEL OPTIONS FOR THE NEW SOURCE PERFORMANCE STANDARDS <sup>a, b</sup>

Small size cutoff (Mg)	Number landfills affected	Annual NMOC emission reduction <sup>c</sup> (Mg/yr)	Annual methane emission reduction <sup>d</sup> (Mg/yr)	Annual cost <sup>e</sup> (million \$/yr)	NMOC average cost eff. (\$/Mg)	NMOC Incremental cost eff. <sup>f</sup> (\$/Mg)
Baseline <sup>g</sup> .....	.....	.....	.....	.....	.....	.....
3,000,000 .....	41	4,900	193,000	4	816	NA
2,500,000 .....	43	4,900	193,000	4	816	NA
1,000,000 .....	89	4,900	193,000	4	816	NA
No cutoff <sup>h</sup> .....	872	13,115	881,000	81	6,176	NA

<sup>a</sup> Emission rate cutoff level of 50 Mg NMOC/yr.

<sup>b</sup> All values are fifth year annualized.

<sup>c</sup> NMOC emission reductions are from a baseline of 13,400 Mg NMOC/yr.

<sup>d</sup> Methane emission reductions are from a baseline of 899,000 Mg methane/yr.

<sup>e</sup> Due to rounding off to the nearest million dollar, cost values do not appear to change for each option. However, actual costs are slightly less for a less stringent option.

<sup>f</sup> Because the annual cost does not change enough to show a different cost from one option to the next, incremental cost effectiveness values are not applicable.

<sup>g</sup> In the absence of a standard.

### III. Administrative

#### A. Paperwork Reduction Act

The information collection requirements of the previously promulgated NSPS were submitted to and approved by the Office of Management and Budget (OMB). A copy of this Information Collection Request (ICR) document (OMB control number 1557.03) may be obtained from Sandy Farmer, OP Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M Street, SW; Washington, DC 20460 or by calling (202) 260-2740.

Today's clarifications to the NSPS should have no impact on the information collection burden estimates made previously. This document clarifies the reporting requirements without adding new requirements. Consequently, the ICR has not been revised.

#### B. Executive Order 12866: A Significant Regulatory Action Determination

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the EPA must determine whether the proposed regulatory action is "significant," and therefore, subject to OMB review and the requirements of this Executive Order. The Order defines "significant" regulatory action as one that is likely to lead to a rule that may:

(1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, public health or safety in State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this action is not "significant" because none of the listed criteria apply to this action. Therefore, today's notice did not require OMB review.

#### C. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

Today's action is not subject to notice and comment rulemaking requirements and therefore is not subject to the Regulatory Flexibility Act. However, for the reasons discussed in the March 12, 1996 **Federal Register** (60 FR 9918), this rule does not have a significant impact on a substantial number of small entities. Today's action clarifies the reporting requirements in the Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills and does not include any provisions that create a burden for any of the regulated entities.

The clarifications in today's action do not increase the stringency of the rule or add additional control requirements. Nor is the scope of the rule changed so as to bring any entities not previously subject to the rule within its scope or coverage. Today's action does not alter control, monitoring, recordkeeping, or reporting requirements of the promulgated rule.

#### D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for the proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of

regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of the EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that today's action does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate or to the private sector. Therefore, the requirements of the Unfunded Mandates Act do not apply to today's action.

#### E. Executive Order 12875: Enhancing the Intergovernmental Partnership

Under Executive Order 12875, the EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or the EPA consults with those governments. If the EPA complies by consulting, Executive Order 12875 requires the EPA to provide the Office of Management and Budget (OMB) a description of the extent of the EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written

communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires the EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.

The EPA held consultations and prepared such a statement at the time of promulgation of subpart Cc and WWW (60 FR 9913, March 12, 1996). Today's action consists of clarifications that do not create a mandate on State, local, or tribal governments. Therefore, the requirements of Executive Order 12875 do not apply to today's action.

#### *F. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks*

Executive Order 13045 applies to any rule that the EPA determines (1) is economically significant as defined under Executive Order 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the EPA must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the EPA.

Today's action is not subject to Executive Order 13045 because it does not involve decisions on environmental health or safety risks that may disproportionately affect children.

#### *G. Executive Order 13084: Consultation and Coordination with Indian Tribal Governments*

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to

issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian Tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

This action does not significantly or uniquely affect communities of Indian tribal governments. The EPA has determined that this final rule does not include any new Federal mandates or additional requirements above those previously considered during promulgation of the 1996 emission guidelines and NSPS. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

#### *H. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) directs all Federal agencies to use voluntary consensus standards instead of government-unique standards in their regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., material specifications, test methods, sampling and analytical procedures, business practices, etc.) that are developed or adopted by one or more voluntary consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), the National Fire Protection Association (NFPA), and the Society of Automotive Engineers (SAE). The NTTAA requires Federal agencies like EPA to provide Congress, through OMB, with explanations when an agency decides not to use available and applicable voluntary consensus standards.

Today's action does not involve any new technical standards or the incorporation by reference of existing technical standards. Therefore, consideration of voluntary consensus standards is not relevant to this action.

#### *I. Immediate Effective Date*

The EPA is making today's action effective immediately. The EPA has determined that the rule changes being made in today's action are not subject to notice and comment requirements. In addition, the rule change is a type of technical correction, since it clarifies the rule to be consistent with EPA's

intentions stated in the rule's preamble and other documents. Notice and opportunity for comment is not required for such technical corrections. The EPA has also determined that this rule may be made effective in less than 30 days because it is interpretive, and relieves restrictions. See 5 U.S.C. 553(d) (1) and (2).

#### *J. Submission to Congress and the Comptroller General*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### **List of Subjects in 40 CFR Part 60**

Environmental protection, Air pollution control, Municipal solid waste landfills.

Dated: January 25, 1999.

**Robert Perciasepe,**  
Assistant Administrator, OAR.

Part 62, Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

#### **PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES**

1. The authority citation for part 60 continues to read as follows:

**Authority:** 42 U.S.C. 7401, 7411, 7414, 7416, 7429, and 7601.

#### **Subpart Cc—[Amended]**

2. Amend § 60.33c as follows:
  - a. In paragraph (a)(2), remove the words "submitted with the report" and add, in its place, "submitted with the design capacity report".
  - b. Add paragraphs (d) and (e) to read as follows:

#### **§ 60.33c Emission guidelines for municipal solid waste landfill emissions.**

\* \* \* \* \*

- (d) For approval, a State plan shall require each owner or operator of an MSW landfill having a design capacity less than 2.5 million megagrams by mass or 2.5 million cubic meters by

volume to submit an initial design capacity report to the Administrator as provided in § 60.757(a)(2) of subpart WWW by the date specified in § 60.35c of this subpart. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. Any density conversions shall be documented and submitted with the report. Submittal of the initial design capacity report shall fulfill the requirements of this subpart except as provided in paragraph (d)(1) and (d)(2) of this section.

(1) The owner or operator shall submit an amended design capacity report as provided in § 60.757(a)(3) of subpart WWW. [Guidance: Note that if the design capacity increase is the result of a modification, as defined in § 60.751 of subpart WWW, that was commenced on or after May 30, 1991, the landfill will become subject to subpart WWW instead of this subpart. If the design capacity increase is the result of a change in operating practices, density, or some other change that is not a modification, the landfill remains subject to this subpart.]

(2) When an increase in the maximum design capacity of a landfill with an initial design capacity less than 2.5 million megagrams or 2.5 million cubic meters results in a revised maximum design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, the owner or operator shall comply with paragraph (e) of this section.

(e) For approval, a State plan shall require each owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters to either install a collection and control system as provided in paragraph (b) of

this section and § 60.752(b)(2) of subpart WWW or calculate an initial NMOC emission rate for the landfill using the procedures specified in § 60.34c of this subpart and § 60.754 of subpart WWW. The NMOC emission rate shall be recalculated annually, except as provided in § 60.757(b)(1)(ii) of subpart WWW.

(1) If the calculated NMOC emission rate is less than 50 megagrams per year, the owner or operator shall:

(i) submit an annual emission report, except as provided for in § 60.757(b)(1)(ii); and

(ii) recalculate the NMOC emission rate annually using the procedures specified in § 60.754(a)(1) of subpart WWW until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, or the landfill is closed.

(2)(i) If the NMOC emission rate, upon initial calculation or annual recalculation required in paragraph (e)(1)(ii) of this section, is equal to or greater than 50 megagrams per year, the owner or operator shall install a collection and control system as provided in paragraph (b) of this section and § 60.752(b)(2) of subpart WWW.

(ii) If the landfill is permanently closed, a closure notification shall be submitted to the Administrator as provided in § 60.35c of this subpart and § 60.757(d) of subpart WWW.

3. Amend § 60.35c by adding paragraphs (a) and (b) after the introductory text to read as follows:

**§ 60.35c Reporting and recordkeeping guidelines.**

\* \* \* \* \*

(a) For existing MSW landfills subject to this subpart the initial design capacity report shall be submitted no later than 90 days after the effective date

of EPA approval of the State's plan under section 111(d) of the Act.

(b) For existing MSW landfills covered by this subpart with a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, the initial NMOC emission rate report shall be submitted no later than 90 days after the effective date of EPA approval of the State's plan under section 111(d) of the Act.

**Subpart WWW—[Amended]**

**§ 60.75 [Amended]**

4. Amend § 60.751 by adding the following sentence to the end of the definition of "modification": "Modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion."

5. In § 60.759, revise the first and second sentence in (a)(3)(iii) to read as follows:

**§ 60.759 Specifications for active collection systems.**

(a) \* \* \*

(3) \* \* \*

(iii) The values for k and C<sub>NMOC</sub> determined in field testing shall be used if field testing has been performed in determining the NMOC emission rate or the radii of influence (this distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero). If field testing has not been performed, the default values for k, L<sub>O</sub> and C<sub>NMOC</sub> provided in § 60.754(a)(1) or the alternative values from § 60.754(a)(5) shall be used. \* \* \*

\* \* \* \* \*

[FR Doc. 99-2988 Filed 2-23-99; 8:45 am]

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