

MACT AAAA Opt-In Notification for Municipal Solid Waste Landfills

GUIDANCE

INTRODUCTION

This guidance document explains how to notify the Department of Environment, Great Lakes, and Energy (EGLE) – Air Quality Division (AQD) if electing to comply with the requirements of MACT AAAA.

Landfills currently subject to 40 CFR Part 60, Subpart XXX, New Source Performance Standards (NSPS XXX), or 40 CFR Part 62, Subpart OOO, Federal Plan Requirements for Municipal Solid Waste Landfills (Federal Plan) **may choose** to opt-in to the requirements of [40 CFR Part 63, Subpart AAAA](#), National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills (MACT AAAA) **prior** to the effective date of September 27, 2021. If a landfill chooses to opt-in early, the facility will no longer be required to meet the compliance provisions of the Federal Plan or NSPS XXX.

LANDFILLS WITH ROP NOT YET IN RENEWAL

Additionally, if the current Renewable Operating Permit (ROP) contains conditions for NSPS WWW (combined with the old MACT AAAA conditions), and the facility opts-in to comply with MACT AAAA compliance provisions, then the ROP conditions for NSPS WWW (combined with the old MACT AAAA conditions) do not have to be complied with once the AQD receives the notification of operational change to operate under MACT AAAA.

LANDFILLS WITH ROP CURRENTLY IN RENEWAL

The NSPS WWW has been replaced by the Federal Plan, and therefore, **if a facility does not declare to opt-in to the** MACT AAAA either early or by the effective date, the facility will need to comply with all the applicable Federal Regulations (whether it's NSPS XXX, the Federal Plan, and MACT AAAA). This would create a lot of redundant Conditions in the ROP for compliance determination.

NOTIFY EGLE - AQD

The facility will need to notify the AQD through a Notification of Change (Rule 215(3)). This Notification requires 3 forms which can be found at [Michigan.gov/Air](https://www.michigan.gov/Air), choose “Permits” then choose “Renewable Operating Permits (ROP)/Title V” then “[ROP Forms for Compliance Reporting](#).”

M-001 Form (EQP 5775): Complete numbers 1 through 11 and number 14 on the form. Note - #7 should have Rule 215(3) checked.

1. **C-001 Certification Form (EQP 5773)**
2. **AI-001 Additional Information Form (EQP 5774):** This form requires an explanation of **how the facility will comply with MACT AAAA**. Once the AQD has received this Notification, the facility can consider themselves operating under MACT AAAA and no longer subject to the compliance provisions in the Federal Plan or NSPS XXX, if applicable. **If the ROP is currently in renewal**, the AQD will incorporate the terms and conditions from the MACT AAAA template into the ROP with the Renewal.

SUBMITTAL REQUIREMENTS

Submit the three completed forms listed above to the appropriate AQD District Office through the USEPA’s [Central Data Exchange](#) (CDX) using the [Compliance and Emissions Data Reporting Interface](#) (CEDRI), which can be accessed through the CDX. Sources should not submit hard copies to the USEPA. If sources are unable to submit documents electronically through CEDRI, they may contact EPA at r5airenforcement@epa.gov.

ONCE THE NOTIFICATION OF CHANGE IS RECEIVED

LANDFILLS WITH ROP NOT YET IN RENEWAL

Once the AQD receives the Notification of Change (Rule 215(3)), the MACT AAAA requirements will be incorporated during the next renewal of the ROP. In the interim, the source must comply with the applicable MACT AAAA requirements.

It should be noted that if the facility does not elect to comply with MACT AAAA, then **the facility will be subject to the Federal Plan or NSPS XXX and MACT AAAA regulations**, and the current ROP conditions for NSPS WWW (combined with the old MACT AAAA conditions) and NSPS XXX (if applicable). All applicable requirements will be incorporated with the next ROP Renewal. There will be a lot of redundant and obsolete conditions in the current ROP for compliance determination.

LANDFILLS WITH ROP CURRENTLY IN RENEWAL

Once the District receives the Notification of Change (Rule 215(3)), the District Inspector will incorporate the MACT AAAA template into the ROP and update the Staff Report indicating the facility is opting-in to comply with MACT AAAA requirements, and therefore is not subject to the compliance provisions of the Federal Plan (or NSPS XXX, if applicable).

The facility shall provide the date of first compliance with the MACT AAAA as part of their notification. This date will then be used by AQD staff to determine when the MACT AAAA regulations become applicable at the facility.

This publication is intended for guidance only and may be impacted by changes in legislation, rules, policies, and procedures adopted after the date of publication. Although this publication makes every effort to teach users how to meet applicable compliance obligations, use of this publication does not constitute the rendering of legal advice.

EGLE does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities, and prohibits intimidation and retaliation, as required by applicable laws and regulations.

To request this material in an alternative format, contact EGLE-Accessibility@Michigan.gov or call 800-662-9278.