



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

AIR & RADIATION
DIVISION

September 1, 2020

Ms. Alexa Deep
Staff Engineer
SCS Engineers
2405 140th Avenue NE, Suite 107
Bellevue, Washington 98005

Re: Alternative Remedy and Timeline for Anchorage Regional Landfill under NSPS WWW

Dear Ms. Deep:

This letter is in response to your letter to the U.S. Environmental Protection Agency, Region 10 dated June 16, 2020, requesting that the EPA reconsider its previous decision that compliance actions the Anchorage Regional Landfill (“the Landfill”) selected are not eligible for an extended timeline pursuant to 40 CFR 60.755(c)(4)(v). We have reviewed that decision and reaffirm our determination that the compliance actions in question are not eligible for an extended timeline because they do not fit the definition of an alternative remedy.

Background

The Landfill is a municipal solid waste landfill in Anchorage, Alaska subject to 40 CFR part 60, subpart WWW: *Standards of Performance for Solid Waste Landfills* (NSPS WWW).

During a February 27, 2019 inspection with the EPA’s staff, seven locations at the Landfill were found to exceed the 500 parts per million (ppm) methane limit at the surface of the landfill. See 40 CFR 60.753(d). In a letter dated June 20, 2019, the Municipality of Anchorage, Solid Waste Services Department, reported that measurements of methane at five of these locations exceeded 500 ppm three times during a quarter period, requiring remedial action.

According to 40 CFR 60.755(c)(4)(v): *“For any location where monitored methane concentration equals or exceeds 500 parts per million above background three times within a quarterly period, a new well or other collection device shall be installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the Administrator for approval.”*

In its June 2019 letter, the Municipality requested approval from the Administrator for an alternative remedy and corresponding timeline for two of the locations identified as exceeding the 500 ppm methane limit in February 2019: locations identified as Flag 8 and Flag 6. The Municipality's proposed remedy was to replace several wells that had suffered seismic damage,¹ to install two new wells, and to provide greater gas collection in the vicinity of one of the replaced wells. As stated in this letter: "*We anticipate this work to be completed by September 30, 2019. This completion date is beyond the 120 [day] time frame from date of observation; however, the proposed well drilling activities require expertise, equipment and materials which are not available in Alaska, and as noted are constrained by FEMA procurement requirements.*"

The EPA responded to this request on July 30, 2019, denying the Municipality's request on the grounds that replacing or constructing several wells was not an alternative remedy under 40 CFR 60.755(c)(4)(v). Because there was no alternative remedy, the agency had no grounds for approving an extended timeline.

Regulatory Authority

The authority to approve alternative remedies and corresponding timelines after monitored exceedances of surface level methane under 40 CFR 60.755(c)(4)(v) is not identified in NSPS WWW as an authority retained by the Administrator of the EPA. See 40 CFR 60.750(b).

However, because the Alaska Department of Environmental Conservation has not requested, and the EPA has not granted, delegation of NSPS WWW, the EPA is the authority to review this request.

Determination

In your June 16, 2020 letter, you request that the EPA reconsider its July 30, 2019 decision. Your letter points to the phrase in 40 CFR 60.755(c)(4)(v) that specifies that "a new well or other collection device shall be installed within 120 calendar days." You assert that a "new well" means "a well or collection device that is not currently part of the existing system." Therefore, a replacement well would be an alternative remedy and could be granted an alternative timeline. The letter asserts that a replacement well should not be considered a "new well or other collection device" but cites no regulation or guidance document to justify why this should be the case.

After consultation with the EPA's Office of Air Quality Planning and Standards, we see no reason to accept this interpretation of the word "new." A new affected facility may be constructed in a novel location or may be constructed in the location of a previously installed unit and still be considered "new." Therefore, we stand by our decision that the Landfill's selected actions are not alternative remedies and, therefore, we have no grounds to grant an extended timeline.

We note that other arguments in the two letters (e.g., lack of skilled technicians and expertise in Alaska, seismic damage, dangerous conditions resulting from snow and ice, delays in funding from federal agencies) are not relevant to the type of request made by the Landfill. For this reason, the Air Permits and Toxics Branch of the EPA, Region 10 is not evaluating them.

¹ On November 30, 2018, a magnitude 7.1 earthquake struck southcentral Alaska. The epicenter was approximately 10 miles north of Anchorage.

If you have any questions about this matter, please contact Mr. Geoffrey Glass of my staff at (206) 553-1847 or glass.geoffrey@epa.gov.

Sincerely,

KRISHNASWAMY
VISWANATHAN



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Krishna Viswanathan
Director

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