

**STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD**

COPY



IN THE MATTER OF PROPOSED ADOPTION OF:

*Section 111(d) State Plan for Implementing
Municipal Solid Waste Landfills
Emission Guidelines*

No. EIB 16-06 (A)

AND PROPOSED AMENDMENTS TO:

20.2.64 – Municipal Solid Waste Landfills

**PETITION AND REQUEST FOR HEARING TO ADOPT SECTION 111(d) STATE
PLAN FOR IMPLEMENTING MUNICIPAL SOLID WASTE LANDFILLS EMISSION
GUIDELINES AND PROPOSED AMENDMENTS TO 20.2.64 NMAC**

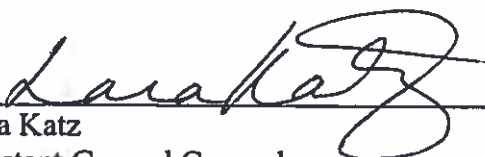
The New Mexico Environment Department (“Department”) petitions the Environmental Improvement Board (“Board”) to adopt a State Plan for implementing municipal solid waste landfill emission guidelines, pursuant to Section 111(d) of the federal Clean Air Act (“CAA”), 42 U.S.C. §§ 7401 to 7671q, and to approve associated amendments to the Board’s regulations in Title 20, Chapter 2, Part 64 of the New Mexico Administrative Code titled “*Municipal Solid Waste Landfills*.” Adoption of the State Plan, which includes the proposed amendments to 20.2.64 NMAC, is required in response to updated emission guidelines for municipal solid waste landfills (“MSWLs”) issued by the U.S. Environmental Protection Agency (“EPA”) pursuant to the CAA and corresponding regulations at 40 C.F.R. Part 60. The Board is authorized to adopt the proposed State Plan and amendments to 20.2.64 NMAC under the Air Quality Control Act, § 74-2-5.

A Statement of Reasons in support of this Petition is attached as Exhibit 1. The proposed New Mexico State Plan and the proposed amendments to 20.2.64 NMAC are attached as Exhibits 2 and 3, respectively.

The Department requests that the Board schedule a hearing for April 2017, in conjunction with the Board's regular meeting. The Department anticipates that its testimony regarding the proposed State Plan and amendments to 20.2.64 NMAC will require approximately one hour.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT
OFFICE OF GENERAL COUNSEL

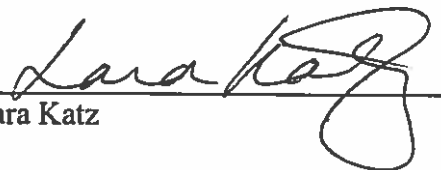


Lara Katz
Assistant General Counsel
New Mexico Environment Department
1190 St. Francis Drive, Suite N-4050
Santa Fe, New Mexico 87505
Telephone: (505) 827-2885
lara.katz@state.nm.us

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via hand delivery on the following on December 22, 2016.

Ms. Pam Castaneda, Administrator
Environmental Improvement Board
Room N-2168, Runnels Building
1190 St. Francis Dr.
Santa Fe, New Mexico 87505


Lara Katz

**STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD**

IN THE MATTER OF PROPOSED ADOPTION OF:

***Section 111(d) State Plan for Implementing
Municipal Solid Waste Landfills
Emission Guidelines***

No. EIB 16-06 (A)

AND PROPOSED AMENDMENTS TO:

20.2.64 – Municipal Solid Waste Landfills

STATEMENT OF REASONS

The Air Quality Bureau of the New Mexico Environment Department (“Department”) proposes the adoption of a State Plan for implementing municipal solid waste landfill emission guidelines, pursuant to Section 111(d) of the Clean Air Act, and adoption of necessary amendments to 20.2.64 NMAC – *Municipal Solid Waste Landfills*, for the following reasons:

1. On July 15, 2016, the U.S. Environmental Protection Agency (“EPA”) issued new emission guidelines (the “Guidelines”) for existing municipal solid waste landfills (“MSWLs”), aimed at reducing emissions of landfill gas and its components, including methane. The Guidelines are codified at 40 C.F.R. Part 60 Subpart Cf, and are effective as of October 28, 2016. 81 Fed. Reg. 59,276.
2. The Guidelines include requirements for calculating emissions; monitoring, record-keeping and reporting; when and how control technologies must be installed at MSWLs; and requirements for operating control systems.
3. Section 111(d) of the Clean Air Act requires states to adopt and submit plans to EPA to implement the Guidelines. *See* 42 U.S.C. § 7411(d).

4. If New Mexico fails to submit a State Plan or if its State Plan fails to satisfy the required elements, EPA may prescribe a plan for the State. *See* 42 U.S.C. § 7411(d)(2).

5. State plans must be adopted within nine (9) months of EPA's adoption of the Guidelines. *See* 40 C.F.R. § 60.23(a).

6. State plans must contain specific information and legal mechanisms necessary to implement the Guidelines. *See* EPA guidance document entitled "Municipal Solid Waste Landfills, Volume 2: Summary of the Requirements for Section 111(d) State Plans for Implementing the Municipal Solid Waste Landfills Emission Guidelines," at 3-1 to 3-2 (1998) (*available at* <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=2000F3BG.pdf>).

7. In order to meet the requirement that there must be an enforceable State mechanism to implement the Guidelines, the New Mexico regulations governing Municipal Solid Waste Landfills at 20.2.64 NMAC must be amended.

8. The proposed amendments to 20.2.64 NMAC require compliance with 40 C.F.R. Part 60 Subpart XXX (new MSWLs) and 40 C.F.R. Subpart Cf (existing MSWLs), and include new definitions, reporting requirements, and compliance schedules for construction and installation of control systems.

9. The New Mexico Environment Department develops and presents the proposed State Plan to the New Mexico Environmental Improvement Board ("Board") for the Board's consideration and approval. *See* NMSA 1978, § 74-2-5.2; NMSA 1978, § 74-2-5.

10. Prior to submitting a State Plan for EPA approval, New Mexico must hold a public hearing on the plan, with reasonable notice at least 30 days prior to the hearing. *See* 42 U.S.C. § 7411(d)(1); 40 U.S.C. § 60.23. This requirement will be met via the hearing on this Petition under the Board's rulemaking procedures at 20.1.1 NMAC.

New Mexico State Plan

Implementing the Emission Guidelines for Existing Municipal Solid Waste Landfills (40 CFR 60 Subpart Cf)

The U.S. Environmental Protection Agency (EPA) has promulgated emission guidelines for existing municipal solid waste landfills (MSWLs), codified at 40 CFR 60 Subpart Cf. The guidelines, adopted in July 2016, include ten (10) requirements that must be included in a state's, tribe's or local authority's plan. This document consists of seven plan elements, each fulfilling at least one plan requirement, as indicated in Table 1 below.

Adoption by the Environmental Improvement Board (EIB): XX/XX/17

Submittal to the U.S. Environmental Protection Agency (EPA) for Plan approval: XX/XX/17

Table 1: Plan Table of Contents

Plan Requirement	Plan Element Title	Page #
Identification of enforceable State mechanisms selected by the State for implementing the Emission Guidelines	State Responsibilities and Processes under Subpart Cf	2
Demonstration of State's legal authority to carry out the Section 111(d) State plan as submitted	Legal Authority	4
Inventory of existing MSWLs in the State affected by the Emission Guidelines	Inventory of Municipal Solid Waste Landfills in New Mexico	12
Inventory of emissions from existing MSWLs in the State	Emissions Inventory	9
Emission standards for existing MSWLs that are "no less stringent" than those in the Emission Guidelines	20.2.64 NMAC – <i>Municipal Solid Waste Landfills</i> (state rule)	(separate document)
State process for review and approval of site-specific gas collection and control system design plans	State Responsibilities and Processes under 40 CFR 60 Subpart Cf	2
Compliance schedules extending no later than 30 months after the date the annual NMOC emission rate reaches or exceeds thresholds in Subpart Cf	20.2.64 NMAC – <i>Municipal Solid Waste Landfills</i> (state rule)	(separate document)
Testing, monitoring, recordkeeping, and reporting requirements	20.2.64 NMAC – <i>Municipal Solid Waste Landfills</i> (state rule)	(separate document)
Record of public hearing on the State Plan	Record from EIB Rulemaking Proceeding	(Not yet final)
Provision for annual State progress reports to EPA on implementation of State Plan	State Responsibilities and Processes under Subpart Cf	2

NMED EXHIBIT 2

State Responsibilities and Processes under 40 CFR 60 Subpart Cf

1. Enforceable State mechanism selected to implement the Emission Guidelines

The enforceable State mechanism shall be Part 64 – *Municipal Solid Waste Landfills*, a State rule codified at Title 20 – *Environmental Protection*, Chapter 2 – *Air Quality (Statewide)* of the New Mexico Administrative Code (“NMAC”).

2. Initial and amended design capacity reporting to NMED

For all active MSWLs – those required and those not required to obtain an operating permit under 20.2.70 NMAC – initial and amended design capacity reports shall be submitted to the Solid Waste Bureau (“SWB”) of the New Mexico Environment Department (“NMED” or “Department”) as part of the permit application process. The information submitted shall include a plot or map of the landfill and all calculations necessary to determine design capacity. Design capacity shall be included in SWB permits. A copy of initial and amended design capacity reports, as submitted to the SWB, shall be submitted to the AQB Permitting Section in accordance with Subpart Cf.

For design capacity decreases that result in an MSWL no longer requiring an operating permit, complete calculations, including site-specific density calculations, including any documentation to substantiate such calculations, shall be submitted to the AQB’s Permitting Section.

3. Process for review of site-specific gas collection and control system design plans

Design plans for gas collection and control systems (“GCCS”) required under Subpart Cf shall be submitted to the AQB’s Permitting Section. This administrative review will determine whether the design plan meets the requirements of Subpart Cf and was prepared by a professional engineer.

Once the administrative review has shown a design plan to be complete and correct, a letter will be sent by registered mail to the owner or operator of the landfill stating approval or disapproval of the design plan. If any or all of the design plan submittal is disapproved, the letter shall include an explanation of the GCCS design plan deficiencies and a date by which corrections or additions to the disapproved plan are expected.

4. Review and tracking of reports submitted to the New Mexico Environment Department

Existing MSWLs which are required to obtain operating permits under 20.2.70 NMAC shall submit semi-annual reports and annual compliance certifications. These submittals shall include non-methane organic compound (“NMOC”) emission rate reports or methane surface emissions monitoring reports, as required under Subpart Cf. Reports submitted to the AQB Compliance and Enforcement Section are reviewed for completeness and compliance with all applicable regulatory requirements and are tracked in the Department’s database.

Closure and post-closure care plans shall be submitted to the SWB in accordance with 20.9.6 NMAC. This information shall be made available to the AQB upon request. Closure reports meeting the requirements of Subpart Cf shall be submitted to the AQB Permitting Section. Equipment removal reports, in accordance with Subpart Cf, shall be submitted to the AQB Permitting Section.

Initial performance test reports for newly installed GCCSs shall be submitted to the AQB Compliance and Enforcement Section for review and tracking in the Department database.

5. State progress reports to EPA

NMED shall submit annual electronic reports to EPA beginning within 1 year of EPA approval of this plan, summarizing for each affected MSWL:

- Annual NMOC emissions inventory update;
- Enforcement actions in response to compliance schedule or emission limit violations;
- Achievement of increments of progress;
- Identification of MSWLs that have closed;
- Identification of MSWLs that have ceased to operate a control system;
- Updated information, including emission data, on affected MSWLs; and
- Performance test data for GCCSs, along with their operating conditions.

Legal Authority

Legislative authority for New Mexico's air quality program is set forth in the New Mexico Air Quality Control Act ("AQCA"), NMSA 1978, §§ 74-2-1 through -17. The AQCA gives the State Environmental Improvement Board ("EIB") and NMED the authority to implement the Clean AQCA ("CAA") in New Mexico. The New Mexico Solid Waste Act ("Solid Waste Act"), NMSA 1978, §§ 74-9-1 through -43, provides legislative authority for New Mexico's solid waste program, and gives the EIB and NMED the implementing authority.

The regulations implementing CAA programs are set forth in the New Mexico Administrative Code at Title 20, Chapter 2. Many of the regulations codified at 20.2 NMAC are part of the approved New Mexico State Implementation Plan ("SIP") and are cited in 40 CFR § 52.1620(c). Some non-SIP regulations are federally-enforceable, while others are only state-enforceable. The regulatory authority to implement Solid Waste Act programs is set forth in Title 20, Chapter 9 NMAC.

Those requirements of CAA § 111(d) that are in the approved SIP or are otherwise codified in Chapter 2 or Chapter 9 of Title 20 of the NMAC address the following:

- enforceable emission limits and schedules for compliance;
- monitoring, source testing and emissions reporting;
- recordkeeping and reporting requirements; and
- permit requirements.

Table 2 below demonstrates New Mexico's existing legal authority to:

1. Adopt emission standards and enforceable conditions;
2. Enforce the relevant laws, regulations, standards and compliance schedules referenced in CAA Section 111(d);
3. Obtain information necessary to determine compliance;
4. Require recordkeeping, make inspections and conduct tests;
5. Require the submission of emission reports by MSWL owners or operators; and
6. Make emission data available to the public.

Table 2: Demonstration of Legal Authority

Authority requirement	Demonstration
<p>Adopt emission standards and enforceable conditions.</p>	<p>The New Mexico Environmental Improvement Act, NMSA 1978, §§ 74-1-1 through -17, created the New Mexico Environment Department and the New Mexico Environmental Improvement Board. The New Mexico Air Quality Control Act NMSA 1978, §§ 74-2-1 through -17, delegates authority to the EIB to adopt, promulgate, publish, amend and repeal regulations consistent with the AQCA to attain and maintain national ambient air quality standards (NAAQS), and prevent or abate air pollution.</p> <p>The EIB has promulgated rules to limit and control emissions of NMOCs at existing MSWLs and to require large MSWLs to obtain operating permits. These rules include emission standards and enforceable conditions and are found in 20.2.64 NMAC and 20.2.70 NMAC</p>
<p>Enforce the relevant laws, regulations, standards and compliance schedules referenced in Section 111(d).</p>	<p>The AQCA authorizes NMED to enforce the provisions of that statute and associated regulations and permit conditions through administrative compliance orders or commencement of civil actions. <i>See</i> NMSA 1978, §74-2-12. The AQCA designates NMED as the air pollution control agency for the State. <i>See</i> NMSA 1978 §74-2-2. The Environmental Improvement Act further provides NMED with authority to enforce the state’s environmental quality rules. <i>See</i> NMSA 1978 §74-1-6(F).</p> <p>The EIB has amended its rule governing emissions of NMOCs from existing MSWLs. <i>See</i> 20.2.64 NMAC as amended, attached to this document. This rule incorporates by reference the allowable emission rates, compliance, control plan requirements, actual and allowable emissions, monitoring and testing requirements, recordkeeping and reporting requirements, and control schedules required in Subpart Cf. The rule clarifies the boundaries beyond which regulated sources in New Mexico can expect enforcement action.</p>

<p>Obtain information necessary to determine compliance.</p>	<p>The EIB's regulations at 20.2.5 NMAC require recordkeeping and reporting of emissions to which an air quality control emission regulation applies. 20.2.64 NMAC requires compliance with 40 CFR 60 Subparts Cf and XXX, which include emission guidelines; compliance times and requirements; control system specifications and operational standards; test methods and procedures; and monitoring, reporting and recordkeeping guidelines.</p> <p>Non-major sources required to obtain an operating permit under federal rules are subject to New Mexico's regulation under 20.2.70 NMAC. Large landfills are included in this category. Part 70 includes requirements for compliance, monitoring, recordkeeping and reporting to NMED.</p> <p>New Mexico's regulations at 20.9.3 NMAC require, as a part of a solid waste permit application, submission of waste acceptance and design capacity information, as well as a closure and post-closure plan.</p>
--	--

<p>Require recordkeeping, make inspections and conduct tests.</p>	<p>The AQCA authorizes NMED to "develop facts and make investigations and studies" as required for enforcement of that act. NMSA 1978, § 74-2-5.1 (A). This provides NMED with the authority to develop air quality assessments.</p> <p>Non-major sources required by federal rules to obtain an operating permit are subject to 20.2.70 NMAC. Large landfills are included in this category. Part 70 includes requirements for compliance, monitoring, recordkeeping and reporting to NMED. All Part 70 permits must contain provisions for allowing inspections of facilities and their records, including sampling or monitoring of any substances or parameters for permit compliance assurance.</p> <p>The Solid Waste Act authorizes NMED to "enter any solid waste facility at any reasonable time for the purpose of making an inspection or investigation of solid waste management practices;" and to "take samples of the waste, soil, air or water and analyze samples of that waste, soil, air or water." NMSA 1978, §74-9-33 (A). The Solid Waste Act also authorizes NMED to "establish recordkeeping procedures for solid waste transfer, landfill disposal and transformation facilities" that require operators to maintain records and make them available for inspection. NMSA 1978, §74-9-8 (M).</p> <p>New Mexico's regulations at 20.9.2 NMAC allow for site inspections, monitoring, sampling and obtaining records for any solid waste facility by any designee of the Department – specifically the Solid Waste Bureau. New Mexico's regulations at 20.9.5 NMAC require maintenance of operating records at solid waste facilities. The Solid Waste Act authorizes NMED to make inspections of solid waste facilities, and collect and test samples of waste, soil, air, and water from solid waste facilities.</p>
<p>Require the use of monitors and submission of emission reports of MSWL owners or operators.</p>	<p>New Mexico's regulations at 20.2.5, 20.2.64, and 20.2.70 NMAC require source monitoring for compliance, recordkeeping and reporting.</p>

Make emission data available to the public.

New Mexico's regulation at 20.2.5 NMAC include a provision that all emission data will be made available to the public during normal business hours.

DRAFT

Emissions Inventory for Municipal Solid Waste Landfills

This report has been prepared for both EPA and the general public, and inventories emissions of NMOCs from MSWLs for the inventory year of 2015. The most recent reports submitted to NMED were used to obtain the 2015 NMOC annual emissions estimates for existing landfills which are required to submit annual emissions estimates using the Tier I or Tier II calculations based on site-specific information. These large facilities meet the design capacity thresholds found in the previous new source performance standards (40 CFR 60 Subpart WWW) and emission guidelines (40 CFR 60 Subpart Cc), as well as the new emission guidelines in Subpart Cf. Two of these large facilities are no longer required to submit annual NMOC emissions reports and have installed GCCSs. These facilities are now required to report methane emissions based on surface monitoring. NMOC emissions are also estimated based on emissions reporting to NMED for these facilities.

Information regarding smaller facilities was obtained from the NMED Solid Waste Bureau. This information includes design capacity and annual waste acceptance rates. For the smaller facilities, NMOC emissions were estimated using Tier 1 calculations, running EPA's Landgem model. Tier 1 calculations typically overestimate emissions, as default values are used in place of site-specific values. Tier 1 calculations using the Landgem model are meant to be a screening tool to identify landfills that are potentially over the emissions threshold for required emissions controls.

This inventory includes both new and existing landfills within NMED's jurisdiction as defined in Subparts Cf and XXX (2016 new source performance standards for new MSWLs).

Closed landfills are not included on this inventory, as separate requirements apply to each, based on closure plans. Further, emissions-related information on closed landfills may be unavailable. Landfills receiving only construction and demolition waste or asbestos are not included since NMOC emissions from these types of facilities will be negligible.

Table 3- Large Existing Landfills: These landfills meet the design capacity thresholds of 2.5 million megagrams (Mg, equivalent to metric tons) and 2.5 million cubic meters¹ and operate under a Title V permit. NMOC emissions for these facilities were taken from annual NMOC emissions reports (Tier I or Tier II) and emissions inventory reporting to the AQB. Emissions inventories from these facilities report uncontrolled NMOC emissions, although the two facilities for which emissions inventory reports were used have and operate gas collection and control systems.

MSWL Name	2015 Waste Acceptance Rate (Mg)	Opening year	Tier I NMOC (Mg/yr)	Tier II NMOC (Mg/yr)	Uncontrolled NMOC from EI (Mg/yr)
Caja del Rio	138,889	1997			51.81
Camino Real	351,088	1977		71.79	
Clovis Regional	92,966	1935		5.56	
Corralitos	149,382	1996		21.58	
Northeastern NM Regional	22,690	1998	32.76		
Otero/Greentree Regional	65,985	1994		11.02	
Red Rock Regional	84,796	1996	11.73		
Rio Rancho	114,153	1985			60.32
Roswell Municipal	40,909	1980		11.24	
San Juan County	109,124	1988		23.41	
Sand Point	82,042	1995		7.36	
Sandoval County	5,455	1972	21.74		
Valencia Regional	75,765	1988		5.95	

Total NMOC Emissions from large existing landfills in 2015 = 336.27 Mg

¹ Due to a site-specific waste density calculation on file with the Air Quality Bureau, the Northeastern New Mexico Regional Landfill no longer meets the design capacity threshold and will no longer be required to maintain a Title V permit.

Table 4 -Small Existing Landfills: These landfills do not meet the thresholds of 2.5 million megagrams (Mg, equivalent to metric tons) or 2.5 million cubic meters and are not required to operate under a Title V permit. NMOC emissions for these facilities were estimated using Tier I calculations through Landgem modeling. Other information for these landfills was provided by the NMED Solid Waste Bureau. As a conservative estimate, the 2015 waste acceptance rate was used for all years. The model parameters used include:

- Methane generation rate – Inventory Arid Area = 0.02/year
- Potential methane generation capacity – Inventory Arid Area = 100 m³/Mg
- NMOC Concentration – Inventory Unknown Co-disposal = 600 ppmv as hexane
- Methane content – CAA = 50% by volume

Landfill Name	Year Opened	2015 Waste Acceptance Rate (Mg)	2015 Tier 1 NMOC emissions (Mg)
Butterfield Trail	2010	29,914	1.23
Lea County	1999	96,232	11.35
City of Socorro	2013	12,629	0.21
Taos Regional	2002	29,128	2.87
Estancia Valley Regional LF	1998	25,173	4.27
Tucumcari	2011	8,046	0.27
Southwest NM Regional	1995	24,375	3.46

Total NMOC Emissions from smaller existing landfills in 2015 = 23.66 Mg

Table 5: Summary based on Tables 3 and 4

Landfill Type	# of Landfills	NMOC emissions (Mg)
Large Existing	13	336.27
Smaller Existing	7	23.66
New	0	0
TOTAL	20	359.93

Inventory of Municipal Solid Waste Landfills in New Mexico

Table 6 below lists all active and closed landfills which are under the jurisdiction of NMED. Information on these landfills was gathered by NMED's Solid Waste Bureau. Open facilities with the notation "TV" currently have a Title V operating permit through the Air Quality Bureau.

Table 6: Inventory of MSWLs under the jurisdiction of NMED

County	Facility Name & Location	Status	Owner Name & Address
Catron	Datil Landfill 1.5 miles E of Datil and N. of Hwy 60	Closed	Catron County PO Box 507 Reserve, NM 87830
Catron	Last Frontier Landfill	Closed	Last Frontier Landowners Assn. PO Box 34 Datil, NM 87821
Catron	Quemado Landfill 33 Landfill Road, Quemado	Closed	Catron County 100 Main Street Reserve, NM 87830
Catron	Glenwood Landfill 20 Landfill Road, Glenwood	Locked	Catron County 100 Main Street Reserve, NM 87830
Catron	Pie Town Landfill 15 Hansen House, Pie Town	Locked	Catron County 100 Main Street Reserve, NM 87830
Catron	Reserve Landfill #19 Hudson Ranch Rd., Reserve	Locked	Catron County 100 Main Street Reserve, NM 87830
Chaves	Hagerman Landfill 2 mi south of Hagerman	Closed	Town of Hagerman PO Box 247 Hagerman, NM 88232
Chaves	Roswell Municipal Landfill 3006 Brasher Road, Roswell	Open – TV	City of Roswell PO Box 1838 Roswell, NM 88201
Cibola	Cubero Landfill 0.5 miles SE of Cubero Elementary School, Cubero	Closed	Northwest NM Regional Solid Waste Authority PO Box 1330 Thoreau, NM 87323
Cibola	Lobo Canyon Landfill Lobo Canyon Road, 4 mi north of Grants	Closed	NW NM Regional SWA PO Box 1330 Thoreau, NM 87323
Cibola	San Mateo Landfill SE ¼ Section 14, T13N, R8W	Closed	NW NM Regional SWA PO Box 1330 Thoreau, NM 87323
Cibola	Seboyeta Landfill T11N, R5W, Cebolleta Land Grant	Closed	NW NM Regional SWA PO Box 1330 Thoreau, NM 87323

County	Facility Name & Location	Status	Owner Name & Address
Colfax	Maxwell Landfill 1 mi southeast of Maxwell	Closed	Village of Maxwell PO Box 356 Maxwell, NM 87728
Colfax	Springer Landfill Portions of Sections 28 and 29, T25N, R22E	Closed	NM Corrections Department PO Box 10 Springer, NM 87747
Colfax	Raton Landfill County Road A22, east of Raton	Locked	City of Raton PO Box 910 Raton, NM 87740
Curry	Cannon Air Force Base Landfill Cannon Air Force Base	Closed	Department of the Air Force / Cannon Air Force Base 506 North D.L. Ingram Blvd. Cannon AFB, NM 88103
Curry	Clovis Landfill T2N, 36E, NW ¼ of Section 21	Closed	City of Clovis 801 S. Norris Clovis, NM 88101
Curry	Clovis Regional Solid Waste Facility Landfill 2801 E. Brady Ave., Clovis	Open - TV	City of Clovis 801 S. Norris Clovis, NM 88101
De Baca	De Baca County Landfill 1899 East Landfill Avenue, Fort Sumner	Closed	County of De Baca PO Box 347 Fort Sumner, NM 88119
De Baca	De Baca County Solid Waste Facility 4 mi east of Fort Sumner	Open	County of De Baca PO Box 347 Fort Sumner, NM 88119
Doña Ana	Las Cruces Foothills Landfill 4755 Foothills Road, Las Cruces	Closed	City of Las Cruces PO Box 20000 Las Cruces, NM 88004
Doña Ana	NASA (Area 700) White Sands Test Facility 12600 NASA Road, Las Cruces	Closed	NASA White Sands Test Facility PO Box 20 Las Cruces, NM 88004
Doña Ana	NM State University Landfill South of Wells Street and East of Locust Street, Las Cruces	Closed	Regents of NM State University PO Box 30001, MSC 3545 Las Cruces, NM 88003
Doña Ana	White Sands Missile Range Main Post Asbestos Landfill 3 mi east of Main Post on Farewell Blvd	Closed	U.S. Army WSMR 100 Headquarters Avenue Attn: IMWE-WSM-PW White Sands Missile Range, NM 88002
Doña Ana	White Sands Missile Range Main Post Landfill 3 mi east of Main Post on Farewell Blvd	Closed	U.S. WSMR 100 Headquarters Avenue Attn: IMWE-WSM-PW White Sands Missile Range, NM 88002

County	Facility Name & Location	Status	Owner Name & Address
Doña Ana	Camino Real Landfill 1000 Camino Real Blvd Sunland Park	Open – TV	Camino Real Environmental Center, Inc. PO Box 580 Sunland Park, NM 88063
Doña Ana	Corralitos Regional Landfill 14535 Robert Larson Blvd 15 mi west of Las Cruces on I-10	Open – TV	South Central Solid Waste Authority PO Box 1530 Fairacres, NM 88033
Doña Ana	White Sands Missile Range Main Post C&D Landfill Farewell Blvd	Open	U.S. Army White Sands Missile Range 100 Headquarters Avenue Attn: IMWE-WSM-PW White Sands Missile Range, NM 88002
Eddy	Artesia Landfill 2507 N. Pecos Road 4.5 mi west of Artesia	Closed	City of Artesia 512 W. Texas Ave. PO Box 1310 Artesia, NM 88210
Eddy	Carlsbad Landfill 3.5 mi northeast of Carlsbad	Closed	City of Carlsbad PO Box 1569 302 E. Plaza Street Carlsbad, NM 88221
Eddy	Dark Canyon Landfill 1.5 mi southwest of Carlsbad	Closed	County of Eddy 101 West Greene St., Suite 100 Carlsbad, NM 88220
Eddy	Loving Landfill NE ¼ Section 32 T23S R 28E	Closed	County of Eddy 101 West Greene St., Suite 100 Carlsbad, NM 88220
Eddy	Lea Land Inc. Industrial Solid Waste Landfill Mile marker 64, Hwy 62/180 East, Carlsbad	Open	Lea Land Inc. 1300 W. Main Street Oklahoma City, OK 73106
Eddy	Sand Point Landfill 164 Landfill Road, Carlsbad	Open - TV	County of Eddy 410 East Derrick Road Carlsbad, NM 88220
Grant	Cliff / Gila Landfill 2 mi south of Gila on NM Hwy 211	Closed	County of Grant PO Box 898 Silver City, NM 88062
Grant	Hachita Landfill ½ mi southeast of Hachita on Hwy 9	Closed	County of Grant PO Box 898 Silver City, NM 88062
Grant	Silver City Landfill south of Silver City on N. side of Fairway Drive	Closed	Town of Silver City 101 W. Broadway PO Box 1188 Silver City, NM 88062

County	Facility Name & Location	Status	Owner Name & Address
Grant	Tri-City Landfill 1 mi northwest of Hurley	Closed	Tri-City Landfill Commission PO Box 728 Bayard, NM 88023
Grant	Southwest NM Regional Landfill 318 Ridge Road, Silver City	Open	Southwest Solid Waste Authority PO Box 2617 Silver City, NM 88062
Guadalupe	Anton Chico Landfill 1030 La Merced Road, Anton Chico	Closed	County of Guadalupe 130 S. Fourth Street Santa Rosa, NM 88435
Guadalupe	Colonias Landfill 11.2 mi north of I-40 on Hwy 379	Closed	County of Guadalupe 130 S. Fourth Street Santa Rosa, NM 88435
Guadalupe	Cuervo Landfill 2/3 mi south of Cuervo	Closed	City of Santa Rosa 130 S. 4 th Street Santa Rosa, NM 88435
Guadalupe	Dilia Landfill ½ mi west of Dilia	Closed	County of Guadalupe 130 S. Fourth Street Santa Rosa, NM 88435
Guadalupe	La Loma Landfill 1 mi north of La Loma	Closed	County of Guadalupe 130 S. Fourth Street Santa Rosa, NM 88435
Guadalupe	Santa Rosa Landfill T9N, R21E, section 36 of Guadalupe Co.	Closed	City of Santa Rosa PO Box 429 244 South 4 th Street Santa Rosa, NM 88435
Guadalupe	Vaughn Landfill 1.5 mi northeast of Vaughn	Locked	Town of Vaughn PO Box 278 Vaughn, NM 88353
Harding	Mosquero Landfill Above Orchard Creek, 2 mi east of Mosquero	Closed	Mosquero Village PO Box 116 Mosquero, NM 87733
Harding	Roy Landfill Section 25 T20N, R25E in Harding County	Closed	Village of Roy PO Box 8 Roy, NM 87743
Hidalgo	Animas Landfill ½ mi east on Hwy 9 and 1 mi north on CR CO113	Closed	County of Hidalgo 300 Shakespeare Street Lordsburg, NM 88045
Hidalgo	Lordsburg Landfill 1 mi west of City of Lordsburg	Closed	City of Lordsburg 404 West Wabash Street Lordsburg, NM 88045
Lea	Eunice Landfill NE ¼, Section 36 Township 21 S, R36E	Closed	City of Eunice PO Box 147 Eunice, NM 88231

County	Facility Name & Location	Status	Owner Name & Address
Lea	Hobbs-Lea County Landfill Northwest intersection of E. Marland St. and Landfill Road, Hobbs	Closed	Waste Management Closed Site Management Group 2615 Davis Street San Leandro, CA 94577
Lea	Jal Landfill SE ¼ Section 24, T25S, R36E	Closed	City of Jal PO Drawer 340 Jal, NM 88252
Lea	Lovington Landfill South ½ of Section 30 & North ½ Section 31 T, Lea County	Closed	City of Lovington PO Box 1269 214 South Love Lovington, NM 88260
Lea	Lea County Regional Landfill 3219 E. State Road 234, Eunice	Open	Lea County Solid Waste Authority 100 N. Main, Suite 4 Lovington, NM 88260
Lincoln	Capitan Landfill Lot 14A Capitan North Subdivision, Capitan	Closed	Village of Capitan PO Box 246 Capitan, NM 88316
Los Alamos	Los Alamos County Landfill 3701 East Jemez Road, Los Alamos	Closed	County of Los Alamos 901 Trinity Drive PO Box 30 Los Alamos, NM 87544
Los Alamos	Los Alamos National Labs/TA-54 Area J Landfill Mesita del Buey Road, Los Alamos	Closed	U.S. Department of Energy PO Box 1663, Mail Stop A316 Los Alamos, NM 87545
Luna	Columbus Landfill 1.75 mi north and east of Columbus	Closed	Village of Columbus PO Box 350 Columbus, NM 88029
Luna	Deming Landfill 3110 4 th Street, NE, Deming	Locked	City of Deming PO Box 706 Deming, NM 88030
Luna	Butterfield Trail Regional Landfill 14 mi west of Deming	Open	City of Deming PO Box 706 Deming, NM 88030
McKinley	Escalante Generating Station 297 County Rd 19, Prewitt	Closed	Tri-State Generation & Transmission Association, Inc. PO Box 33695 Denver, CO 80233
McKinley	Gallup Municipal Landfill Northeast of Gallup near Heaton Arroyo	Closed	City of Gallup PO Box 1270 Gallup, NM 87305
McKinley	Gamerco Landfill SE ¼ Section 31, SW ¼ Section 32, T16N, R18W	Closed	NW NM Regional SWA PO Box 1330 Thoreau, NM 87323

County	Facility Name & Location	Status	Owner Name & Address
McKinley	Ojo Encino Landfill 300 feet north of the Ojo Encino Navajo Day School	Closed	US Dept. of the Interior, Bureau of Indian Affairs, Navajo Regional Office PO Box 1060 Gallup, NM 87305
McKinley	Ramah Landfill NE ¼ Section 10, T10N, R16W	Closed	Ramah Water and Sanitation PO Box 416 Ramah, NM 87321
McKinley	Smith Lake Landfill 7 mi northeast of Thoreau	Closed	McKinley County 207 West Hill Street Gallup, NM 87301
McKinley	Red Rocks Landfill 101 Red Mesa Bluffs Drive, Thoreau	Open – TV	Northwest NM Regional Solid Waste Authority PO Box 1330 Thoreau, NM 87323
McKinley	Thoreau Landfill SE ¼ Section 20, T14N, R13W	Closed	NW NM Regional SWA PO Box 1330 Thoreau, NM 87323
Mora	Mora Landfill Section 2, T20N, R15E, Mora County	Closed	County of Mora PO Box 580 Mora, NM 87732
Mora	Rainsville Landfill Section 10, T20N, R16E, Mora County	Closed	County of Mora PO Box 580 Mora, NM 87732
Mora	Wagon Mound Landfill ½ mi east of Wagon Mound on Roy Highway	Closed	Village of Wagon Mound PO Box 87 Wagon Mound, NM 87752
Mora	Northeastern NM Regional Landfill I-25 at exit 393; 5 mi north of Wagon Mound	Open – TV	Northeastern NM Regional Landfill, LLC PO Box 125 Wagon Mound, NM 87752
Otero	Danley C&D Landfill SW ¼ of Section 32, T2S, R10E	Closed	Western Bank of Alamogordo PO Box 5100 Alamogordo, NM 88311
Otero	Dog Canyon Landfill Dog Canyon Road on southeast corner CR AO16 & AO15	Closed	County of Otero 1101 New York Avenue Alamogordo, NM 88310
Otero	Holloman Air Force Base Landfill 1641 Vandergrift Rod, Holloman AFB	Closed	U.S. Air Force / Holloman AFB 550 Tabosa Avenue Holloman AFB, NM 88330
Otero	Timberon Landfill S ½ and NW ¼, Section 1, T20S, R12E	Closed	Mountain Properties, Inc. 95 Piney Woods Lane Sumrall, MS 39482
Otero	Mesa Verde C&D Landfill 601 La Luz Gate Road, Alamogordo	Open	Jeffery G. Rabon 396 La Luz Gate Road Alamogordo, NM 88310

County	Facility Name & Location	Status	Owner Name & Address
Otero	Otero/Greentree Regional Landfill 24 mi south of Alamogordo, west of US Hwy 54	Open – TV	Otero/Lincoln County Solid Waste Authority 2600 N. Florida Avenue Alamogordo, NM 88310
Quay	Logan Landfill 1 mi south of Logan off Hwy 54	Closed	Village of Logan PO Box 7 Logan, NM 88426
Quay	San Jon Landfill 1 mi west of San Jon on Hwy 40/66	Closed	Village of San Jon PO Box 37 San Jon, NM 88434
Quay	Tucumcari Landfill County Road AP Section 3	Closed	City of Tucumcari 215 E. Center PO Box 1188 Tucumcari, NM 88401
Quay	Tucumcari Landfill (New) 30652 US Highway 54	Open	City of Tucumcari 215 E. Center PO Box 1188 Tucumcari, NM 88401
Rio Arriba	Canjilon Landfill 1.6 mi south of Canjilon	Closed	Rio Arriba County 1100 Industrial Park Road PO Box 1230 Española, NM 87532
Rio Arriba	Chama Landfill 4 mi southwest of Chama Tierra Amarilla Land Grant	Closed	Village of Chama PO Box 794 Chama, NM 87520
Rio Arriba	Coyote/Youngsville Landfill State Rd 96, ¼ mi west of Youngsville	Closed	County of Rio Arriba PO Box 1230 Española, NM 87532
Rio Arriba	El Rito Landfill N ½ Section 15, T24N, R7E	Closed	County of Rio Arriba PO Box 1256 Española, NM 87532
Rio Arriba	Lumberton Landfill SW ¼ Section 34, T32N, R1W	Closed	County of Rio Arriba PO Box 1256 Española, NM 87532
Rio Arriba	Medanales Landfill N ½ Section 34, T23N, R7E	Closed	County of Rio Arriba PO Box 1256 Española, NM 87532
Rio Arriba	Tierra Amarilla Landfill 1000 ft north of Village of Tierra Amarilla on SR 162	Closed	County of Rio Arriba PO Box 1256 Española, NM 87532
Roosevelt	Portales Landfill 1 mi southeast of Portales @ Kilgore and RR7	Closed	City of Portales 100 W. First Street Portales, NM 88130
San Juan	Farmington Landfill Section 20, T29N, R13W adjacent to SR 371	Closed	City of Farmington 800 Municipal Drive Farmington, NM 87401

County	Facility Name & Location	Status	Owner Name & Address
San Juan	San Juan County Regional Landfill 78 CR 3140, Aztec	Open - TV	County of San Juan 100 S. Oliver Drive Aztec, NM 87410
San Miguel	Las Vegas Landfill Northwest of Las Vegas Section 17, T16N, R16E	Closed	City of Las Vegas 1700 N. Grand Avenue Las Vegas, NM 87701
San Miguel	Pecos Landfill Northwest ¼, Section 32, T16N, R12E	Closed	Village of Pecos PO Box 337 Pecos, NM 87552
San Miguel	Tecolote Landfill .6 mi east of I-25 @ Tecolote exit	Closed	San Miguel County 500 W. National Avenue Las Vegas, NM 87701
San Miguel	Villanueva Landfill 1/5 mi northeast of Village of Villanueva	Closed	County of San Miguel 500 W. National Avenue Las Vegas, NM 87701
Sandoval	Cuba Landfill 4 mi south of Cuba, west of U.S. 550	Closed	Village of Cuba PO Box 426 Cuba, NM 87013
Sandoval	San Ysidro Landfill 0.5 mi west of San Ysidro, north of US Hwy 550	Closed	Village of San Ysidro PO Box 190 San Ysidro, NM 87053
Sandoval	Rio Rancho Landfill 33 rd Street and Northern Blvd., Rio Rancho	Open - TV	Waste Management of New Mexico, Inc. 222 South Mill Avenue, Ste 333 Tempe, AZ 85281
Sandoval	Sandoval County Landfill and Composting Facility 2700 Iris Road, Rio Rancho	Open - TV	County of Sandoval 1500 Idalia Rod, Bldg. D Bernalillo, NM 87004
Santa Fe	Agua Fria Landfill 293 County Road 62, Santa Fe	Closed	Santa Fe County Solid Waste Division 2600 Galisteo Road PO Box 276 Santa Fe, NM 87504
Santa Fe	El Llano Landfill East of Hwy 291, Española	Closed	City of Española 405 N. Paseo de Oñate Española, NM 87532
Santa Fe	City of Santa Fe Landfill North ½ Section 22 & SE ¼ Section 15, Santa Fe	Closed	City of Santa Fe PO Box 909 Santa Fe, NM 87501
Santa Fe	Santa Fe Downs Landfill South of Old Santa Fe Downs racetrack	Closed	Santa Fe Downs, LLC 1287 Este Lane Santa Fe, NM 87501
Santa Fe	Caja del Rio Landfill 149 Wildlife Way, Santa Fe	Open – TV	Santa Fe Solid Waste Management Agency 149 Wildlife Way Santa Fe, NM 87502

County	Facility Name & Location	Status	Owner Name & Address
Sierra	Sierra County Landfill NM Hwy 52, 6.5 mi northwest of Truth or Consequences	Closed	County of Sierra 855 Van Patten Truth or Consequences, NM 87901
Sierra	Truth or Consequences Landfill 3 mi north of I-25 exit 83 on Hwy 181	Closed	City of Truth or Consequences 505 Sims Street Truth or Consequences, NM 87901
Socorro	City of Socorro Landfill 2465 Hwy 1, Socorro	Closed	City of Socorro 111 School of Mines Socorro, NM 87801
Socorro	Fort Craig Landfill Section 1, T8S, R3@	Closed	NM Dept. of Transportation 2921 E. Pine Street Deming, NM 88030
Socorro	La Joya Landfill ½ mi east of La Joya	Closed	County of Socorro 198 Neel Avenue Socorro, NM 87801
Socorro	Magdalena C&D Landfill Spears Road, Magdalena	Never constructed	Village of Magdalena PO Box 145 Magdalena, NM 87825
Socorro	Magdalena Landfill NE ¼ Section 22, T2S, R4W	Closed	Village of Magdalena PO Box 145 Magdalena, NM 87825
Socorro	San Antonio Landfill 1 mi southwest of An Antonio	Closed	County of Socorro 198 Neel Avenue Socorro, NM 87801
Socorro	Veguita Landfill 1 mi south of Veguita	Closed	County of Socorro 198 Neel Avenue Socorro, NM 87801
Socorro	Socorro Landfill State Hwy 1, 3 mi south of B Street, Socorro	Open	City of Socorro 111 School of Mines Socorro, NM 87801
Socorro	White Sands Missile Range PHETS C&D Landfill 13 mi south of Stallion Range between Range Roads 7 & 13	Open	U.S. Army WSMR 100 Headquarters Avenue Attn: IMWE-WSM-PW White Sands Missile Range, NM 88002
Socorro	White Sands Missile Range Stallion Range Center Landfill Range Road 7 near Stallion Range Center	Open	U.S. Army WSMR 100 Headquarters Avenue Attn: IMWE-WSM-PW White Sands Missile Range, NM 88002
Taos	Arroyo Hondo Landfill Section 20, T27N, R12E	Closed	County of Taos 105 Albright Street, Suite P Taos, NM 87571

County	Facility Name & Location	Status	Owner Name & Address
Taos	Cerro Landfill Section 27, T25N, R12E	Closed	County of Taos 105 Albright Street, Suite P Taos, NM 87571
Taos	Chamisal Landfill 2 mi northeast of Trampas west of State Road 76	Closed	County of Taos 105 Albright Street, Suite P Taos, NM 87571
Taos	Costilla Landfill Section 2, T31N, R12E	Closed	County of Taos 105 Albright Street, Suite P Taos, NM 87571
Taos	Ojo Caliente Landfill T24N, R9E, Section 8	Closed	County of Taos 105 Albright Street, Suite P Taos, NM 87571
Taos	Taos Regional Landfill 24663 Hwy 64	Open	Town of Taos 400 Camino de las Placitas Taos, NM 87571
Torrance	Encino Landfill Section 33, T5N, R14E	Closed	Village of Encino PO Box 163 Encino, NM 88321
Torrance	Estancia Landfill Section 17, T6N, R9E	Closed	Town of Estancia PO Box 166 Estancia, NM 87016
Torrance	Mountainair Landfill Mile marker 202, U.S. Hwy 60, Mountainair	Closed	Town of Mountainair PO Box 115 Mountainair, NM 87036
Torrance	Willard Landfill Northeast of intersection of Jackson and 11 th St., Willard	Closed	Village of Willard PO Box 204 Willard NM 87063
Torrance	Estancia Valley Regional Landfill Longhorn exit 7 miles east of Moriarty on Landfill Road	Open	Estancia Valley Solid Waste Authority 515 Allen Street PO Box 736 Estancia, NM 87016
Torrance	Keers Asbestos Landfill County Road B029, Mountainair	Open	Keers Industries, Inc. 5904 Florence Ave. NE Albuquerque, NM 87113
Union	Clayton Landfill 5 mi south of Clayton on Hwy 402	Closed	Town of Clayton 1 Chestnut Street Clayton, NM 88415
Valencia	Belen Landfill McCord Road – Las Piedras	Closed	City of Belen 100 S. Main Street Belen, NM 87002
Valencia	Los Lunas Landfill Hwy 6, 3 mi west of I-25, Los Lunas	Closed	Village of Los Lunas 660 Main Street NW Los Lunas, NM 87031

County	Facility Name & Location	Status	Owner Name & Address
Valencia	Valencia County Landfill 3 mi south of Belen and 1200 ft west of I-25	Closed	County of Valencia PO Box 1119 444 Luna Avenue Los Lunas, NM 87031
Valencia	Valencia Regional Landfill and Recycling Facility Mystic Mountain Road, 14.5 mi west of I-25 on NM 6	Open – TV	Waste Management of New Mexico, Inc. 222 South Mill Avenue, Ste 333 Tempe, AZ 85281

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 64 MUNICIPAL SOLID WASTE LANDFILLS

20.2.64.1 ISSUING AGENCY: Environmental Improvement Board.
[12/20/96; 20.2.64.1 NMAC - Rn, 20 NMAC 2.64.100 10/31/02]

20.2.64.2 SCOPE: All geographic areas within the jurisdiction of the environmental improvement board.
[12/20/96; 20.2.64.2 NMAC - Rn, 20 NMAC 2.64.101 10/31/02]

20.2.64.3 STATUTORY AUTHORITY: Environmental Improvement Act, NMSA 1978, Section 74-1-8(A)(4) and (7), and Air Quality Control Act, NMSA 1978, Sections 74-2-1 et seq., including specifically, Section 74-2-5(A), (B) and (C).
[12/20/96; 20.2.64.3 NMAC - Rn, 20 NMAC 2.64.102 10/31/02]

20.2.64.4 DURATION: Permanent.
[12/20/96; 20.2.64.4 NMAC - Rn, 20 NMAC 2.64.103 10/31/02]

20.2.64.5 EFFECTIVE DATE: December 20, 1996.
[12/20/96; 20.2.64.5 NMAC - Rn, 20 NMAC 2.64.104 10/31/02]
[The latest effective date of any section in this Part is ~~10/31/02~~ XX/XX/17.]

20.2.64.6 OBJECTIVE: The objective of this part is to establish requirements for municipal solid waste landfills in order to control emissions of nonmethane organic compounds (NMOC).
[12/20/96; 20.2.64.6 NMAC - Rn, 20 NMAC 2.64.105 10/31/02]

20.2.64.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions), and those defined in 40 CFR 60 Subpart A, ~~[as used in this Part:]~~ all definitions found in 40 CFR Part 60 Subpart XXX apply to new municipal solid waste landfills (MSWLs) and all definitions found in 40 CFR Part 60 Subpart Cf apply to existing MSWLs. As used in this part:

A. "Active municipal solid waste landfill" or "active MSWL" means an MSWL in which solid waste is being placed or an MSWL that is planned to accept waste in the future.

B. "Closed municipal solid waste landfill" or "closed MSWL" means an MSWL in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed in 40 CFR 60.7(a)(4). Once a notification of modification has been filed and additional solid waste is placed in the MSWL, the MSWL is no longer closed.

[A-]C. "Existing municipal solid waste landfill" or "existing MSWL" [is-an] means an active or closed MSWL meeting the following conditions:

(1) Construction, reconstruction, or modification was commenced ~~[before May 30, 1991]~~ on or before July 17, 2014; and

(2) The MSWL has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.

D. "Modification" means an increase in the permitted volume design capacity of an MSWL by either lateral or vertical expansion based on its permitted design capacity as of July 17, 2014. Modification does not occur until the owner or operator commences construction on the lateral or vertical expansion.

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

[C-]F. "New municipal solid waste landfill" or "new MSWL" [is] means an MSWL that commenced construction, reconstruction or modification ~~[or began accepting waste on or after May 30, 1991]~~ after July 17, 2014.

1 **[D-]G. "NMOC"** means nonmethane organic compounds as measured according to the provisions of [40
2 CFR 60.754] either 40 CFR 60 Subpart Cf or 40 CFR 60 Subpart XXX. [This] NMOC may include many
3 compounds commonly referred to as VOC (volatile organic compounds) and HAP (hazardous air pollutants).
4 [12/20/96; 20.2.64.7 NMAC - Rn, 20 NMAC 2.64.107 10/31/02; A. XX/XX/17]

5
6 **20.2.64.8** [RESERVED]

7
8 **20.2.64.9** **DOCUMENTS:** Documents cited in this part may be viewed at the New Mexico environment
9 department, air quality bureau [~~Harold Runnels Building, 1190 St. Francis Drive, Santa Fe, NM 87505~~] [2048
10 Galisteo St., Santa Fe, NM 87505].
11 [12/20/96; 20.2.64.9 NMAC - Rn, 20 NMAC 2.64.108 10/31/02; A. XX/XX/17]
12 [As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Suite 1, Santa Fe, NM 87505.]
13

14 **20.2.64.10 to 20.2.64.108** [RESERVED]

15
16 **20.2.64.109** **APPLICABILITY:**

17 **A. Existing municipal solid waste landfills:** An owner or operator of an existing (active or closed)
18 MSWL is subject to all provisions specified in [40 CFR 60.751 through 60.759 as promulgated by US EPA on
19 March 12, 1996] 40 CFR 60 Subpart Cf as promulgated by the United States environmental protection agency on
20 July 14, 2016, except as provided for in [20.2.64.111 NMAC] Section 111 of this part. Physical or operational
21 changes made to an existing MSWL solely to comply with this Part are not considered a modification or
22 reconstruction and would not subject an existing MSWL to the requirements of 40 CFR 60 Subpart WWW.]
23 Physical or operational changes made to an existing MSWL solely to comply with an emission guideline are not
24 considered a modification or a reconstruction and would not subject an existing MSWL to the requirements of a
25 standard of performance for new MSWLs. **B. New municipal solid waste landfills:** In addition to being
26 subject to 20.2.64.110 NMAC new MSWLs are subject to 40 CFR Part 60, Subpart [WWW] XXX as incorporated
27 by reference in 20.2.77 NMAC (New Source Performance Standards).
28 [12/20/96; 20.2.64.109 NMAC - Rn, 20 NMAC 2.64.109 10/31/02; A. XX/XX/17]
29

30 **20.2.64.110** **PERMITTING REQUIREMENTS:**

31 **A. Operating Permits:** New and existing active MSWLs with design capacities greater than or
32 equal to 2.5 million megagrams [or] and 2.5 million cubic meters are subject to permitting requirements under
33 20.2.70 NMAC (Operating Permits). Closed MSWLs and new and existing MSWLs with design capacities less
34 than 2.5 million megagrams or 2.5 million cubic meters are not subject to permitting requirements under 20.2.70
35 NMAC unless they are major sources as defined in 20.2.70 NMAC.

36 **B. Construction Permits:** Emissions of NMOC from MSWLs subject to this Part (20.2.64 NMAC)
37 shall not be included in applicability determinations under 20.2.72 NMAC or be subject to permit requirements
38 under that part solely on the basis of NMOC emissions.
39 [12/20/96; 20.2.64.110 NMAC - Rn, 20 NMAC 2.64.110 10/31/02; A. XX/XX/17]
40

41 **20.2.64.111** **REQUIREMENTS FOR EXISTING MUNICIPAL SOLID WASTE LANDFILLS:**

42 **A.** [Reporting and Compliance: Except as provided for below, reporting and compliance requirements
43 for existing MSWLs shall be in accordance with 40 CFR 60.757 and 60.758.

44 (1) Within 90 days of final US EPA approval of this Part, an owner or operator of an existing MSWL
45 shall submit an initial design capacity report in accordance with 40 CFR 60.757(a)(2) to the Department.

46 (2) Within 90 days of final US EPA approval of this Part, an owner or operator of an existing MSWL,
47 with a design capacity equal to or greater than 2.5 million megagrams or 2.5 million cubic meters, shall submit an
48 NMOC emission rate report in accordance with 40 CFR 60.757(b)(1) and (2) to the Department.

49 (3) Within 30 months after final US EPA approval of this Part, an existing MSWL with a design
50 capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters, and with an NMOC emission
51 rate greater than or equal to 50 megagrams per year shall install a gas collection and control system as specified in
52 40 CFR 60.752(b).] Requirements for existing (active and closed) MSWLs will be in accordance with 40 CFR 60
53 Subpart Cf, except as provided in Subsections B and C below.

54 **B.** All reports required in 40 CFR 60 Subpart Cf shall be submitted to the department according to
55 the schedules outlined in that subpart. Additional notifications regarding progress toward meeting the final
56 compliance schedule for control system installation and startup shall be submitted to the department as follows:

- (1) Contracts for construction of collection and control systems shall be awarded or orders for purchase of components shall be completed no later than 6 months following submission of the final control plan;
- (2) On-site construction or installation of the collection and control system shall be initiated no later than 9 months following submission of the final control plan; and
- (3) On-site construction or installation of the collection and control system shall be completed no later than 29 months following the submission of an annual NMOC emission rate report showing NMOC emissions equal to or exceeding the emissions threshold in Subpart Cf; and
- (4) Initial performance testing shall be scheduled for no later than 150 days following the final compliance date in Subpart Cf.

[B-] C. Exceptions: On a case by case basis, an existing active or closed MSWL may apply for a less stringent emission standard or longer compliance schedule than those otherwise required by this part, provided that the owner or operator demonstrates to the department:

- (1) Unreasonable cost of control including, but not limited to MSWL age, location, or basic design;
- (2) Physical impossibility or impracticability of installing necessary control equipment; or
- (3) Other environmental factors specific to the MSWL that make application of a less stringent standard or final compliance time significantly more reasonable.

[12/20/96; 20.2.64.111 NMAC - Rn, 20 NMAC 2.64.111 10/31/02; A, XX/XX/17]

HISTORY OF 20.2.64 NMAC:

Pre-NMAC History: None.

History of Repealed Material: [RESERVED]

Other History:

20 NMAC 2.64, Municipal Solid Waste Landfills, filed 11/14/96 was **renumbered, reformatted and replaced** by 20.2.64 NMAC, Municipal Solid Waste Landfills, effective 10/31/02.