



REGION 1

BOSTON, MA 02109

VIA E-MAIL

**URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE**

Dated by electronic signature

Anthony Novelli, Executive Director
Greater New Bedford Regional Refuse Management District
300 Samuel Barnet Blvd.
New Bedford, MA 02745
Re: Clean Air Act Reporting Requirement

Dear Mr. Novelli:

The United States Environmental Protection Agency ("EPA") is issuing this Clean Air Act ("CAA" or "Act") Reporting Requirement ("Reporting Requirement") to Greater New Bedford Regional Refuse Management District ("GNBRRMD" or "the District") concerning Crapo Hill Landfill located at 300 Samuel Barnet Blvd, Dartmouth, MA 02747 (the "Facility"). The District owns and operates the Facility.

The purpose of this Reporting Requirement is to evaluate the District's compliance with CAA regulations that apply to municipal solid waste ("MSW") landfills. These standards include, but are not limited to, Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014, found at 40 C.F.R. Part 60, Subpart XXX and National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills, found at 40 C.F.R. Part 63, Subpart AAAA. This is a follow-up to the inspection EPA conducted at the Facility on September 11, 2024.

Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether such person is in compliance with the Act and its implementing regulations. See Reporting Requirement, Attachment 1 for definitions and descriptions.

In EPA's compliance monitoring of MSW landfills, EPA has found that many landfill operators are not properly determining and documenting nondegradable wastes, nor properly sampling landfill gas for the non-methane organic compound ("NMOC") concentration, to determine a site-specific NMOC emission rate per New Source Performance Standards, Emission Guidelines, and National Emission Standards for Hazardous Air Pollutant requirements. This can result in noncompliance for delayed or avoided installation of a gas collection and control system ("GCCS") and failure to follow regulatory monitoring and reporting requirements. Widespread noncompliance from the landfill sector has resulted in emissions, including of volatile organic compounds and hazardous air pollutants, which have serious impacts to public health. EPA compliance assurance is necessary to improve air quality and public health near landfills, improve property values, and reduce odors for nearby owners.

Reporting Requirement

The District is required to provide all the information below within 60 days of the date of this Reporting Requirement. Provide a separate response to each numbered paragraph or subparagraph below. Provide all documents electronically via email¹ to Davianna Vasconcelos at vasconcelos.davianna@epa.gov.

NMOC emission rate

In a report submitted to EPA titled "Compliance confirmation with USEPA 40 CFR 60, Subpart XXX regulation Nonmethane organic compounds (NMOCs) annual report, 2024 Greater New Bedford Regional Refuse Management District Carpo [sic] Hill Landfill, Dartmouth, Massachusetts" and dated October 22, 2024, the District provided documentation describing a Tier 2 NMOC emission rate calculation for the Facility laid out in 40 C.F.R. § 60.764(a)(3). The Facility has an active GCCS in place and the report describes that the option to calculate the site-specific NMOC concentration using samples collected from the common header pipe has been used.

1. Provide documentation that shows the active GCCS provides sampling at the common header pipe as representative of meeting the two-sampling probe per hectare requirement.
2. For the common header pipe sample location, provide both a written description and engineering diagrams that describe the configuration of the equipment both upstream and downstream of the location, including but not necessarily limited to the location of any gas mover equipment (including blowers), condensate removal equipment, or treatment system equipment.

¹ Note that EPA cannot receive email messages with attachments larger than 25 MB. If your submissions are larger than 25 MB, please contact Davianna Vasconcelos at vasconcelos.davianna@epa.gov for other submittal options.

Active GCCS

3. Provide any available documentation for the active GCCS that establishes if the system is designed to meet the requirements for GCCS set forth in the standards for air emissions from municipal solid waste landfills found at 40 C.F.R. § 60.762 and the operational standards for collection and control systems found at 40 C.F.R. § 60.763.
4. For the period from January 1, 2023, through December 31, 2024:
 - a. Provide any available documentation and data that describes surface emission monitoring (“SEM”) of methane concentrations at the Facility. Include documentation describing any corrective actions taken as a result of methane monitoring.
 - b. Provide any available documentation and data describing wellhead monitoring of nitrogen or oxygen concentrations at the Facility. Include documentation describing any corrective actions taken as a result of nitrogen or oxygen concentration monitoring.
 - c. Provide any available documentation and data describing wellhead monitoring of temperature at the Facility. Include documentation describing any corrective actions taken as a result of temperature monitoring.

Agreements

5. Provide documentation that describes current agreement(s) between the District and Commonwealth New Bedford Energy LLC that, at a minimum, describe who is responsible for:
 - a. Operation of the landfill gas-to-energy (“LTE”) plant;
 - b. Gas routing and operation of applicable controls;
 - c. Clean Air Act reporting, monitoring, or compliance requirements at the Facility, including treatment systems, pursuant to 40 C.F.R. § 63.1959, as applicable; including, but not limited to, the sampling process for NMOC.

Be aware that if the District does not provide the information required in this Reporting Requirement in a timely manner, EPA may order it to comply and may assess monetary penalties under Section 113 of the CAA. Federal law establishes criminal penalties for providing false information to EPA. This Reporting Requirement is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

You may assert a business confidentiality claim covering part or all the information you provide in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be

disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you.

If you have any questions regarding this Reporting Requirement, please contact Davianna Vasconcelos, Environmental Engineer at 617-918-1315 or vasconcelos.davianna@epa.gov or have your attorney contact Uzma Bishop-Burney, Attorney-Advisor, at (617) 918-1614 or at BishopBurney.Uzma@epa.gov.

Sincerely,

JAMES CHOW
Digitally signed by JAMES
CHOW
Date: 2025.05.27 09:39:44
-04'00'

James Chow, Director
Enforcement and Compliance Assurance Division

By electronic cc: Dan DiSalvio, MassDEP
Tahani Rivers, Esq., U.S. EPA

Attachment 1: Definitions

All terms used in this Reporting Requirement have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 et seq. and corresponding regulations.

1. *Document* and the plural form thereof means all written, recorded or graphic matters, however produced or reproduced, of every kind and description, pertaining in any way to the subject matter of this action. The term “Document” shall include, but are not limited to: any receipts; invoices; shipping records; purchase orders; purchase records; books; pamphlets; periodicals; memoranda (including those of telephone or oral conversations); contracts; correspondence; agreements; applications; financial records; security instruments; disbursements; checks; bank statements; time records; accounting or financial records; notes; diaries; logs; facsimiles (faxes); telegrams or cables prepared, drafted, received or sent; electronic mail (emails), whether drafted, received, or sent; tapes; transcripts; recordings; minutes and notes of meetings; directives; work papers; charts; drawings; prints; flow sheets; photographs; infrared camera recordings; film; computer printouts; x-ray photographs; advertisements; catalogs; data; sampling reports, plans, protocols, reports, analyses; or any handwritten, recorded, transcribed punched, taped, filmed, or graphic matter, however produced or reproduced, in Your possession, custody, or control or to which You have or have had access.
2. *Facility or Facilities* means all operations located at 300 Samuel Barnet Blvd, Dartmouth, MA 02714, and associated adjacent or nearby operations owned or operated by Greater New Bedford Regional Refuse Management District.
3. *Gas Collectors* means vertical wells, horizontal collectors, or other collection devices capable of collecting and extracting gas at the landfill and meets the requirements of 40 C.F.R § 63.1962 and parallel provisions under the other EPA Landfill Air Regulations.
4. *Gas Collection and Control System or GCCS* means an active or passive system of wells or similar collection components to move gas at the landfills to associated control devices per the requirements at 40 C.F.R. § 63.1959(b)(2)(ii) and parallel provisions under the other EPA Landfill Air Regulations.
5. *Gas Collection and Control System Design Plan, or Design Plan*, means a plan that is developed by the landfill and meets the requirements of 40 C.F.R. § 63.1981(d) and parallel provisions under the other EPA Landfill Air Regulations.
6. *Gas mover equipment* means the equipment (i.e., fan, blower, compressor) used to transport landfill gas through the header system.
7. *Landfill* means the municipal solid waste (MSW) landfill operated by Greater New Bedford Regional Refuse Management District.

8. *Landfill Air Regulations* refers to 40 C.F.R. Part 60, Subpart WWW; 40 C.F.R. Part 60, Subpart XXX; 40 C.F.R. Part 62, Subpart OOO; 40 C.F.R. Part 62, Subpart GGG; 40 C.F.R. Part 63, Subpart AAAA; and State Plans for the Control of Emissions from Existing Municipal Solid Waste Landfills incorporated under 40 C.F.R. Part 62 pursuant to 40 C.F.R. Part 60, Subpart Cf or Cc, as applicable.
9. *Owner or Operator* means any Person who owns, leases, operates, controls, or supervises the Facility.
10. *Person* or its plural or any synonym thereof, is intended to and shall embrace and include any individual, partnership, corporation, company, association, government agency (whether federal, state, local or any agency of the government of a foreign country), or any other entity, and includes Greater New Bedford Regional Refuse Management District.
11. *Surface Emission Monitoring* or *SEM* means monitoring surface concentrations of methane at collection areas of a landfill, as required by 40 C.F.R. §§ 63.1960(c)&(d) and parallel provisions under the other EPA Landfill Air Regulations.
12. *You* and/or *Your* means Greater New Bedford Regional Refuse Management District or the District and all its agents, servants, employees, representatives, investigators, accountants, auditors, attorneys, experts, consultants, contractors, and others who are in possession, custody, or control (actual or constructive) of relevant information that is otherwise available to You or may have obtained information for or on Your behalf.