



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

May 5, 2017

THE ADMINISTRATOR

Mr. Carroll W. McGuffey III  
Mr. M. Buck Dixon  
Counsel for Republic Services  
Troutman Sanders LLP  
600 Peachtree Street NE, Suite 5200  
Atlanta, Georgia 30308

Mr. Barry Shanoff  
Counsel for Solid Waste Association of North America  
1100 Wayne Avenue, Suite 650  
Silver Spring, Maryland 20910

Mr. Kevin J. Kraushaar  
Counsel for National Waste & Recycling Association  
4301 Connecticut Avenue, NW, #300  
Washington, D.C. 20008

Ms. Carol F. McCabe  
Mr. Michael Dillon  
Counsel for Waste Management Inc. and  
Waste Management Disposal Services of Pennsylvania  
Manko, Gold, Katcher & Fox  
401 City Avenue, Suite 901  
Bala Cynwyd, Pennsylvania 19004

RE: Convening a Proceeding for Reconsideration of final rules entitled "Standards of Performance for Municipal Solid Waste Landfills," 81 Fed. Reg. 59332 and "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills," 81 Fed. Reg. 59276, both published August 29, 2016.

Dear Mr. McGuffey, Mr. Dixon, Mr. Shanoff, Mr. Kraushaar, Ms. McCabe and Mr. Dillon:

This letter concerns a petition from National Waste & Recycling Association, Solid Waste Association of North America, Republic Services, Inc., Waste Management, Inc., and Waste Management Disposal Services of Pennsylvania, Inc., dated October 27, 2016, to the U.S. Environmental Protection Agency requesting reconsideration, and in some circumstances an administrative stay, of provisions included in the EPA's final rules entitled "Standards of Performance for Municipal Solid Waste Landfills," 81 Fed. Reg. 59332 (August 29, 2016) (i.e. the NSPS), and "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills,"

81 Fed. Reg. 59276 (August 29, 2016) (i.e. the emission guidelines), pursuant to section 307(d)(7)(B) of the Clean Air Act.

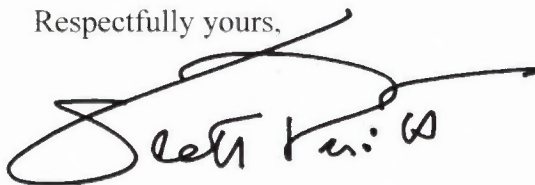
We find, under CAA section 307(d)(7)(B), that the petition has raised several objections to the provisions in both subpart XXX and subpart Cf that arose after the comment period or were impracticable to raise during the comment period and that are of central relevance to the outcome of the rule. Therefore, by this letter the EPA is convening a proceeding for reconsideration of the following topics: 1) tier 4 surface emission monitoring; 2) annual liquids reporting; 3) corrective action timeline procedures; 4) overlapping applicability with other rules; 5) the definition of cover penetration and 6) design plan approval. As part of the reconsideration process, the EPA expects to prepare a notice of proposed rulemaking that will provide an opportunity for notice and comment on the issues raised in the petition that meet the standard of CAA section 307(d)(7)(B), as well as any other matter we believe will benefit from additional comment.

As a result of this reconsideration, the EPA intends to exercise its authority under CAA section 307(d)(7)(B) to issue a 90-day stay of the effectiveness of both the NSPS (subpart XXX) and the emission guidelines (subpart Cf). The EPA believes it is appropriate to stay the effectiveness of both rules in their entirety because the topics listed above are integral to both rules. Sources need not comply with these requirements while the stay is in effect.

This letter does not address other requests for reconsideration raised in this and other petitions. Nor does it address the merits of, or suggest a concession of error on, any issue raised in the petition.

If you have any questions on this action, please contact Mr. Peter Tsirigotis in the Office of Air Quality Planning and Standards at (888) 627-7764 or [airaction@epa.gov](mailto:airaction@epa.gov).

Respectfully yours,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a large, sweeping flourish extending to the right.

E. Scott Pruitt