

Checklist of Reporting & Title V Requirements for MSW Landfills that Have Not Triggered the Requirement to Install a Landfill Gas Collection and Control System¹

	Reporting Requirement²	Applicability	Timing	Notes
□	Initial design capacity report [60.38f(a)]	Landfills with design capacity < 2.5 million Mg or 2.5 million m ³	No later than 90 days after the effective date of EPA approval of the state's plan under section 111(d) of the Clean Air Act.	<ul style="list-style-type: none"> • See Key <i>Definitions</i> section below and/or all definitions at 60.41f. • May calculate design capacity by mass or volume • If converting design capacity between mass and volume to demonstrate it is less than the threshold, the calculation must include a site-specific density, which must be documented, submitted with the report and recalculated <i>annually</i>
□	Amended design capacity report [60.38f(b)]	Landfills that increase design capacity ≥ 2.5 million Mg or 2.5 million m ³	Within 90 days of the increase in maximum design capacity over the threshold	<ul style="list-style-type: none"> • The increase may result from an increase in the permitted volume of the landfill or an increase in the site-specific density
□	NMOC emission rate report [60.38f(c)] [NOTE: ANNUAL REPORT OR 5 YEAR OPTION IF CERTAIN CONDITIONS ARE SATISFIED]	Landfills with design capacity ≥ 2.5 million Mg or 2.5 million m ³	Annually until NMOC emission rate ≥ 34 Mg/year and collection and control system is installed, or landfill is closed	<ul style="list-style-type: none"> • Recalculate NMOC emission rate annually • Landfills may calculate NMOC emission rate using tiered methods • Landfills may conduct surface emission monitoring demonstration if NMOC emissions are between 34 and 50 Mg/year, based on Tier 1 or 2
		Landfills with design capacity ≥ 2.5 million Mg or 2.5 million m ³ and estimated NMOC emission rate < 34 Mg per year for each of the next 5 consecutive years	5 Year Option - At least once each 5 years, a revised report is required if actual waste acceptance rate exceeds estimated acceptance rate	<ul style="list-style-type: none"> • Estimate of the NMOC emission rate for the next 5-year period including the current amount of solid waste-in-place and estimated waste acceptance rate for each of the 5 years • The estimate must be revised at least once every 5 years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate must be submitted to the Administrator.
	Title V Permit Requirement [60.31f(c)]	Landfills with design capacity ≥ 2.5 million Mg and 2.5 million m ³	90 days after the effective date of such section 111(d) program approval, even if the design capacity report is submitted earlier.	<ul style="list-style-type: none"> • Landfills with design capacity > 2.5 million Mg and 2.5 million m³ are subject to Part 70 or 71 permitting requirements [60.31f(c)]

¹ This is a summary table and does not supersede or replace the applicable regulations.

² Regulatory citations are to the federal Emission Guidelines (EG) and Compliance Times for Municipal Solid Waste Landfills at 40 CFR Part 60 Subpart Cf. Landfills located in states with an approved State Plan should review their state-specific regulation for equivalent provisions which can be equivalent to or more stringent than the federal regulation cited above.

Key Definitions from 40 CFR 60.41f:

Design capacity: maximum amount of solid waste a landfill can accept, as indicated in terms of volume or mass in the most recent permit issued by the state, local or tribal agency responsible for regulating the landfill, plus any in-place waste not accounted for in the most recent permit

Solid waste: means any garbage, or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. 1342, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923) (40 CFR 258.2)

***NOTE:** Design capacity is based on the amount of solid waste the landfill can accept. Daily and final cover that is not solid waste is, by definition, not included in the design capacity of a MSW landfill. For previous determinations about what constitutes “waste” for purposes of inclusion/exclusion from design capacity calculations (e.g., soil used as daily cover), refer to [Municipal Solid Waste Landfill New Source Performance Standards \(NSPS\) and Emission Guidelines \(EG\) -- Questions and Answers](#) and the [Applicability Determination Index \(ADI\)](#) (e.g., Control Number: 9600095).*