FILED
Oct 07, 2025
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U.S. EPA REGION 8
HEARING CLERK

REGION 8
DENVER, CO 80202

October 7, 2025

VIA EMAIL ONLY

Mr. Tom Burrup
Environmental Manager
Salt Lake Valley Solid Waste Management Facility
Salt Lake City and Salt Lake County
6030 W. California Ave. (1300 S.)
Salt Lake City, Utah 84104
tburrup@slco.org

Re: Notice of Violation to Salt Lake Valley Solid Waste Management Facility CAA-08-2026-0001

Dear Mr. Burrup:

The U.S. Environmental Protection Agency (EPA) is issuing Salt Lake City and Salt Lake County (collectively, Salt Lake) the enclosed Notice of Violation (NOV) under section 113(a) of the Clean Air Act (CAA or the Act), 42 U.S.C. § 7413(a), and offering an opportunity to confer regarding alleged violations of the CAA and its implementing regulations at the Salt Lake Valley Solid Waste Management Facility (SLV Landfill) located at 6030 W. California Avenue (1300 S.), Salt Lake City, Utah, 84104.

The EPA finds that Salt Lake violated the CAA New Source Performance Standards for Municipal Solid Waste Landfills at 40 C.F.R. Part 60, Subpart WWW; the Federal Plan Requirements for Municipal Solid Waste Landfills at 40 C.F.R. Part 62, Subpart OOO; the National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills at 40 C.F.R. Part 63, Subpart AAAA; and conditions in a Title V permit issued by the Utah Department of Air Quality. These findings are further detailed in the enclosed NOV.

The CAA authorizes the EPA to issue an administrative compliance order, an administrative penalty order, or commence a civil judicial enforcement action to address violations of the CAA. See 42 U.S.C. §§ 7413(a), (b) and (d). The CAA provides for criminal penalties in certain cases. See 42 U.S.C. § 7413(c).

The EPA is offering Salt Lake an opportunity to confer with the EPA about the violations alleged in the NOV. The conference will provide an opportunity to present information on the specific alleged violations and any efforts that Salt Lake has taken to comply or

prevent future noncompliance. Salt Lake may also submit to the EPA information responsive to the NOV prior to the conference date. To submit responsive information, please contact Christopher Andrade of the Enforcement and Compliance Assurance Division, Air Enforcement Branch of EPA Region 8 at andrade.christopher@epa.gov.

To reach a timely conclusion of this matter, the EPA would like to hold an initial meeting to discuss the violations alleged herein on or before October 27, 2025. To schedule this meeting, please have your counsel call or email Kai Hill, Senior Assistant Regional Counsel for EPA Region 8, at (303) 312-6856 or hill.kai@epa.gov by October 13, 2025.

Sincerely,

SUZANNE BOHAN Digitally signed by SUZANNE BOHAN
Date: 2025.10.07 07:51:40 -06'00'

Suzanne J. Bohan, Director
Enforcement and Compliance Assurance Division

Enclosure

cc (w/Encl.):
Jay Morris, Assistant Director, Division of Air Quality, Utah Department of Environmental Quality, jpmorris@utah.gov
Harold Burge, Major Source Compliance Section Manager, Division of Air Quality, Utah Department of Environmental Quality, hburge@utah.gov
Marina Thomas, Assistant Attorney General, Office of Attorney General Environment Division, Utah Department of Environmental Quality, marinathomas@agutah.gov

FILED
Oct 07, 2025
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U.S. EPA REGION 8
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:	)	**NOTICE OF VIOLATION**
	)	
Salt Lake Valley Landfill	)	**EPA Docket No.** CAA-08-2026-0001
6030 W. California Ave. (1300 S.)	)	
Salt Lake City, Utah 84104	)	Proceedings Pursuant to
	)	Section 113(a)(3) of the Clean Air Act,
	)	42 U.S.C. § 7413(a)(3)
	)	
	)	

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency (EPA) alleges that Salt Lake City and Salt Lake County (collectively, Salt Lake), owner and operator of Salt Lake Valley Solid Waste Management Facility (SLV Landfill or Landfill), violated sections 111 and 112 of the Clean Air Act (CAA), 42 U.S.C. §§ 7411 and 7412, at the SLV Landfill located at 6030 W. California Ave. (1300 S.), Salt Lake City, Utah, 84104. Specifically, Salt Lake violated New Source Performance Standards (NSPS) for Municipal Solid Waste Landfills at 40 C.F.R. Part 60, Subpart WWW; the Federal Plan Requirements for Municipal Solid Waste Landfills at 40 C.F.R. Part 62, Subpart OOO; and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Municipal Solid Waste Landfills at 40 C.F.R. Part 63, Subpart AAAA; and requirements of the Title V operating permits 3500536003 and 3500536004 issued on 5/27/2020 and 11/30/2022, respectively.

I. STATUTORY AND REGULATORY BACKGROUND

A. New Source Performance Standards, 40 C.F.R. Part 60, Subpart WWW (NSPS WWW)

1. Pursuant to section 111(b) of the CAA, 42 U.S.C. § 7411(b), the EPA promulgated New Source Performance Standards for specified categories of stationary sources of air pollutants that are "new sources." A "new source" is defined as "any stationary source, the construction or modification of which is commenced after the publication of NSPS regulations (or, if earlier, proposed regulations) prescribing a standard of performance … which will be applicable to such source." 42 U.S.C. § 7411(a)(2). A "stationary source" is defined as "any building, structure, facility, or installation

which emits or may emit any air pollutant." *Id.* § 7411(a)(3). The term "modification" means "any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted." *Id.* § 7411(a)(4).

2. The EPA promulgated the NSPS for Municipal Solid Waste (MSW) Landfills at 40 C.F.R. Part 60, Subpart WWW. *See* Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills, 61 Fed. Reg. 9,905 (Mar. 12, 1996).
3. The provisions of the NSPS Subpart WWW apply to each MSW landfill that commenced construction, reconstruction, or modification between May 30, 1991, and July 17, 2014. 40 C.F.R. § 60.750(a).
4. Each owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters and a non-methane organic compound (NMOC) emission rate equal to or greater than 50 megagrams per year must submit a collection and control system design plan prepared by a professional engineer within one year and install a collection and control system that captures the gas generated within the landfill as required in 40 C.F.R. § 60.752(b)(2)(ii)(A) or (B) and (b)(2)(iii). 40 C.F.R. § 60.752(b).
5. Any source previously subject to NSPS Subpart WWW, by June 21, 2021, must either comply with the regulations at 40 C.F.R. Part 62, Subpart OOO, or comply with an EPA-approved state or tribal plan implementing 40 C.F.R. Part 60, Subpart Cf. See 40 C.F.R. § 62.16711; Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014, and Have Not Been Modified or Reconstructed Since July 17, 2014, 86 Fed. Reg. 27,757 (May 21, 2021).

B. Federal Plan, 40 C.F.R. Part 62, Subpart OOO (Federal Plan)

6. Section 111(d) of the CAA, 42 U.S.C. § 7411(d), and 40 C.F.R. Part 60, Subpart B, require the EPA to establish a procedure under which states must submit to the EPA a plan to control existing sources that emit any pollutant subject to the NSPS

under CAA § 111(b) for that source category. 42 U.S.C. § 7411(d)(1). An "existing source" is defined as "any stationary source other than a new source." *Id.* at § 7411(a)(6). The EPA issues emissions guidelines pursuant to CAA § 111(d). 40 C.F.R. § 60.22(a). The Emissions Guidelines for MSW landfills were most recently updated August 29, 2016, at 40 C.F.R. Part 60, Subpart Cf., 81 Fed. Reg. 59,276, 59,313 (Aug. 29, 2016).

7. Section 111(d)(2) of the CAA, 42 U.S.C. § 7411(d)(2), authorizes and 40 C.F.R. § 60.27(c) and (d) requires, the EPA to develop, implement, and enforce a Federal plan for existing MSW landfills located in any state (i.e., state, territory, or protectorate) or Indian country that does not have an approved state plan.
8. The EPA promulgated the MSW Landfills Federal Plan at 40 C.F.R. Part 62, Subpart OOO to implement 40 C.F.R. Part 60, Subpart Cf. Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014, and Have Not Been Modified or Reconstructed Since July 17, 2014, 86 Fed. Reg. 27,756 (May 21, 2021).
9. MSW landfills are subject to Federal Plan Subpart OOO (Landfills Federal Plan) if the landfill commenced construction, reconstruction, or modification on or before July 17, 2014, and have accepted waste at any time since November 8, 1987, or have capacity for future waste deposition, and are not regulated by an EPA-approved state or tribal plan implementing 40 C.F.R. Part 60, Subpart Cf. 40 C.F.R. § 62.16711. An MSW landfill is not subject to the Landfills Federal Plan if the landfill is located in a state that submitted a letter declaring that there are either no existing MSW landfills in the state or no existing landfills that must install a collection and control system in accordance with 40 C.F.R. Part 60, Subpart Cf, unless certain conditions apply. *Id.*
10. The EPA found that the State of Utah was among 42 states and territories that did not submit a state plan in accordance with the 2016 MSW Landfills Emissions Guidelines, 40 C.F.R. Part 60, Subpart Cf. See 45 Fed. Reg. 14474, 14476 Table 2 (March 12, 2020).
11. Each owner or operator of an MSW landfill having a design capacity equal to or

greater than 2.5 million megagrams by mass and 2.5 million cubic meters by volume and an NMOC emission rate equal to or greater than 34 megagrams per year must submit a collection and control system design plan prepared by a professional engineer within one year and install a gas collection and control system as required in 40 C.F.R. § 62.16714(b)(1)-(3) and (c). 40 C.F.R. § 62.16714.

C. National Emission Standards for Hazardous Air Pollutants, 40 C.F.R. Part 63, Subpart AAAA (NESHAP AAAA)

12. Pursuant to section 112(d) of the CAA, 42 U.S.C. § 7412(d), the EPA promulgated emission standards for sources of hazardous air pollutants (HAPs) (referred to as NESHAPs) to achieve the maximum emission reduction of HAPs achievable for each source category.

13. The HAPs emitted by MSW landfills include, but are not limited to, vinyl chloride, ethyl benzene, toluene, and benzene. Each of the HAPs emitted from MSW landfills can cause significant adverse health effects. See National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills, 68 Fed. Reg. 2,227 (Jan. 16, 2003).

14. Pursuant to section 112(d) of the CAA, 42 U.S.C. § 7412(d), the EPA promulgated the Landfills NESHAP at 40 C.F.R. Part 63, Subpart AAAA. See 68 Fed. Reg. 2,227.

15. In 2020, the EPA promulgated amendments to the Landfills NESHAP at 40 C.F.R. Part 63, Subpart AAAA. National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills Residual Risk and Technology Review, 85 Fed. Reg. 17,244 (Mar. 26, 2020).

16. No later than September 27, 2021, MSW landfills subject to the NESHAP must meet the requirements of NESHAP Subpart AAAA. 40 C.F.R. § 63.1930(b).

17. Each owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters and an NMOC emission rate equal to or greater than 50 megagrams per year must submit a collection and control system design plan prepared by a professional engineer within one year and install a collection and control system that captures the gas generated within the landfill as required in 40 C.F.R. § 63.1959(b)(2)(ii)(B) or (C) and (b)(2)(iii). 40 C.F.R. § 63.1959(b).

D. Title V

18. Pursuant to section 502(a) of the CAA, 42 U.S.C. § 7661a(a), it is unlawful to violate any requirement of a Title V permit issued by a permit authority with a program approved under Title V of the CAA.

19. Effective July 10, 1995, EPA issued a final full approval of the State of Utah's Part 70 operating permit program. *See* 40 C.F.R. Part 70, Appendix A.

20. On May 27, 2020, the State of Utah (Utah) issued a Part 70 Operating Permit for SLV Landfill, under Title V Operating Permit 3500536003 (Title V Permit), containing approval for the landfill to operate. On November 30, 2022, Utah issued a revision to SLV Landfill's Title V Permit to incorporate updated requirements from the Federal Plan and NESHAP AAAA. The permit was again renewed on April 23, 2025, and remains effective until April 23, 2030.

E. NSPS Subpart WWW, Federal Plan Subpart OOO, NESHAP Subpart AAAA, and Title V Applicability

21. Salt Lake is a "person" as that term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

22. At all times relevant to this NOV, Salt Lake owned and operated an MSW landfill, the SLV Landfill.

23. SLV Landfill began operating in 1993. It commenced construction, reconstruction, or modification on or after May 30, 1991, but before July 18, 2014.

24. At all times relevant to this NOV, the Landfill was a "stationary source" as that term is defined in section 111(a)(3) of the CAA, 42 U.S.C. § 7411(a)(3), because it is

a facility that emits air pollutants. Under CAA § 112, the term stationary source has the same meaning that it has under CAA § 111(a)(3).

25. At all times relevant to this NOV, the Landfill was an "affected facility" as defined in 40 C.F.R. § 60.2 because it is a stationary source the construction or modification of which commenced after the date of publication of an NSPS applicable to the facility. 40 C.F.R. § 60.1(a).

26. At all times relevant to this NOV, the Landfill was an "affected source" as defined in 40 C.F.R. § 63.2 because it is a collection of equipment and activity within a single contiguous area under common control that is subject to a standard under CAA § 112.

27. At all times relevant to this NOV, SLV Landfill had a design capacity exceeding 2.5 million megagrams and 2.5 million cubic meters, and a calculated NMOC emission rate greater than 50 Mg/yr (under NSPS WWW and NESHAP AAAA) and 34 Mg/yr (Federal Plan Subpart OOO).

28. At all times relevant to the violations alleged herein, the SLV Landfill operated a Gas Collection and Control System (GCCS) that included gas collection wells, a blower that directs landfill gas to a third-party landfill gas to energy plant (LFGTEP), and a flare system.

29. The SLV Landfill was subject to the NSPS General Provisions, NSPS WWW, and NESHAP AAAA before June 21, 2021, and became subject to the Federal Plan on June 21, 2021. Beginning September 27, 2021, the SLV Landfill became subject to the updated requirements of NESHAP AAAA.

30. The Federal Plan, promulgated June 21, 2021, and the updated NESHAP AAAA, promulgated September 27, 2021, were not incorporated into SLV Landfill's Title V Permit until November 30, 2022. Therefore, SLV Landfill was required to comply with the NSPS WWW provisions in the Title V Permit in addition to the new requirements of the Federal Plan and NESHAP AAAA through November 30, 2022.

31. At all times relevant to the violations alleged herein, the SLV Landfill was subject to the Title V Permit.

II. FACTUAL BACKGROUND & FINDINGS OF VIOLATION

F. Factual Background

32. EPA conducted an on-site inspection of SLV Landfill from July 31 – August 2, 2023 (2023 Inspection). As part of the 2023 Inspection, EPA conducted a partial surface emission monitoring (SEM) survey of SLV Landfill that included landfill surface penetrations and landfill surfaces. The findings of the 2023 are documented in the inspection reported dated July 24, 2024 (the "2023 Inspection Report").

33. On March 5, 2025, the EPA issued an information request to Salt Lake under section 114(a) of the CAA regarding SLV Landfill's operations and compliance (2025 CAA 114). Salt Lake submitted responses to the 2025 CAA 114 on May 10, 2025.

G. Alleged Violations

1. Failure to Design, Install, and Operate an Adequate Active Collection System

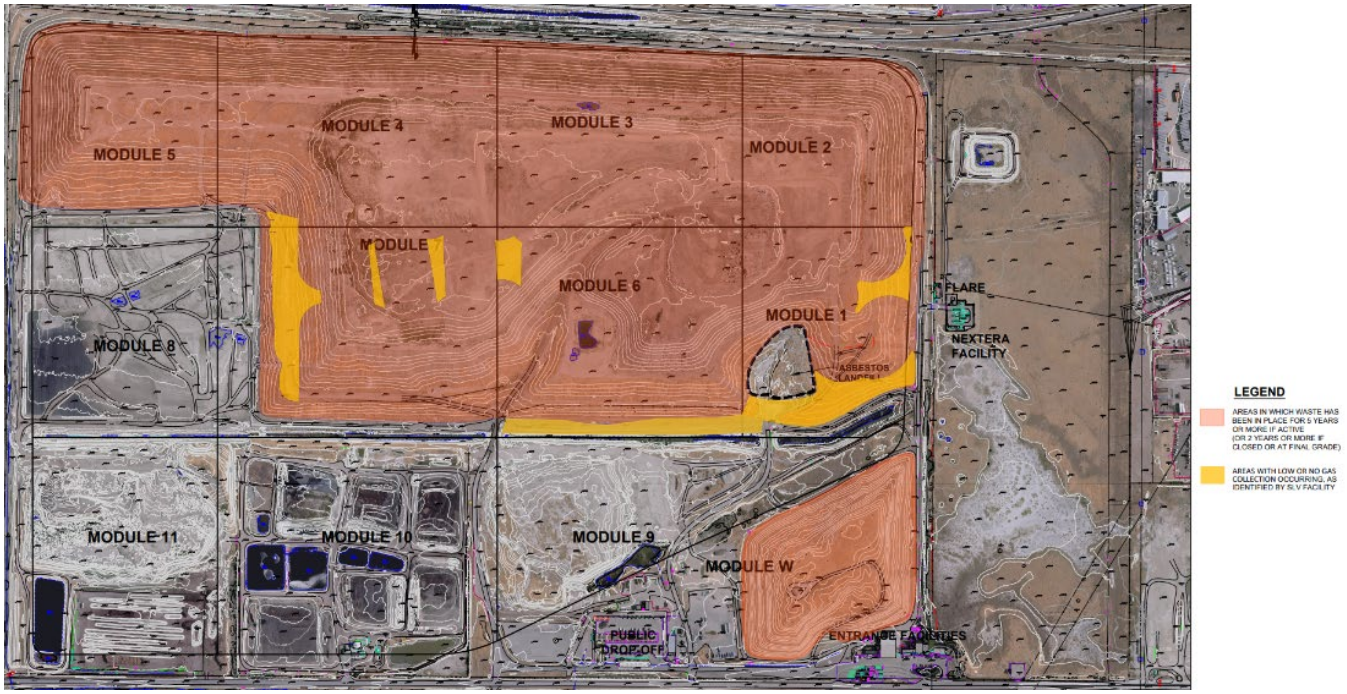
34. MSW Landfills must operate a gas collection and control system that collects gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of five years or more if active, or two years or more if closed or at final grade. 40 C.F.R. §§ 60.753(a), 60.763(a), 62.16716(a), and 63.1958(a).

35. MSW Landfills must place each well or design component as specified in their approved design plan for purposes of compliance with 40 C.F.R. §§ 60.753(a), 60.763(a), 62.16716(a), and 63.1958(a), respectively. Each well must be installed no later than 60 days after the date on which the initial solid waste has been in place for a period of five years or more if active, or two years or more if closed or at final grade. 40 C.F.R. §§ 60.755(b), 60.765(b), 62.16720(b), and 63.1960(b).

36. SLV Landfill is comprised of 12 modules, which are subsections of waste-holding units that form the landfill. According to information provided in response to the 2025 CAA 114, waste has been in place in Modules 1 through 7 and Module W of the Landfill since at least 2004. SLV Landfill was required to install gas extraction wells covering the extent of waste in Modules 1 through 7 and Module W no later than 2009.

37. Portions of Modules 1, 4, 6, and 7 contain waste older than five years and are producing landfill gas which is not being captured by the current GCCS. These portions of the Landfill without adequate gas collection are indicated in Figure 1. There are currently large gaps in coverage in these areas, so that not all gas is being collected. The portions of the landfill without adequate gas captured were identified by SLV Landfill directly in responsive materials submitted to the 2025 CAA 114.

Figure 1: Portions of Modules 1, 4, 6, and 7, highlighted in yellow color, without GCCS coverage. Areas with waste in place for more than five years are highlighted in red.



38. By failing to install wells as specified in the approved design plan, SLV Landfill is in violation of 40 C.F.R. §§ 60.755(b), 60.765(b), 62.16720(b), and 63.1960(b).

39. By failing to collect gas from each area, cell, or group of cells in the landfill in which solid waste has been in place for five or more years, SLV Landfill is in violation of 40 C.F.R. §§ 60.753(a), 60.763(a), 62.16716(a), and 63.1958(a).

2. Failure to Collect and Control Landfill Gas at All Times

40. The owner or operator of an MSW Landfill must install and operate a collection and control system that captures the gas generated within the landfill. 40 C.F.R. §§ 60.752(b)(2)(ii)(A) or (B) and (iii), 60.762(b)(2)(ii)(C) or (D) and (b)(2)(iii), 62.16714(b)(1)-(3) and (c), and 63.1959(b)(2)(ii)(B) or (C) and (iii). 40 C.F.R. §§ 60.752(b)(2)(ii), 60.762(b)(2)(ii), 62.16714(b), 63.1959(b)(2)(ii).

41. MSW Landfills that rely on an active collection system to comply with gas collection requirements must install and operate a collection and control system that is: (1) designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control system equipment; and (2) collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of five years or more if active, or two years or more if closed or at final grade. 40 C.F.R. §§ 60.752(b)(2)(ii)(A)(1) and (2), 60.762(b)(2)(ii)(C)(1) and (2), 62.16714(b)(2)(i) and (ii), 63.1959(b)(2)(ii)(B)(1) and (2).

42. MSW Landfills must route all the collected gas to a control system that complies with the requirements in either paragraphs 40 C.F.R. §§ 60.752(b)(2)(iii)(A), (B), or (C); 60. 752(b)(2)(iii)(A), (B), or (C), 62.16714(c)(1), (2); or (3), and 63.1959(b)(2)(iii)(A), (B), or (C), respectively, which includes (A) a non-enclosed flare; (B) a control system designed and operated within certain parameters; or (C) a treatment system that processes the collected gas for subsequent sale or beneficial use. 40 C.F.R. §§ 60.752(b)(2)(iii), 60.762(b)(2)(iii), 62.16714(b), and 63.1959(b)(2)(iii).

43. The Landfill Gas Emissions Model (LandGEM) is a publicly available model that estimates landfill gas emissions according to the equations included in the federal landfill air regulations. The mass of the waste deposited is proportional to the gas-generation flow rate for each year of waste deposited. 40 C.F.R. § 60.755(a)(1), 60.765(a)(1), 62.16720(a)(1), 63. 1960(a)(1).

44. In information provided in response to the 2025 CAA 114, SLV Landfill used LandGEM to estimate total landfill gas generation at the landfill between 3,000 and

3,200 standard cubic feet per minute (scfm). SLV Landfill sends landfill gas to two control systems, including a flare with a control capacity of 2,600 scfm and a landfill-gas-to-energy plant (LFGTEP) with a control capacity of 1,200 scfm.

45. From January 2020 through December 2024, the LFGTEP combusted an average of 1,096 scfm. There was not significant variation in the amount of landfill gas controlled by the LFGTEP each month during this time period, with more than 75% of the months in the time period operating within 10% of the average combusted landfill gas quantity of 1,096 scfm.

46. SLV Landfill began capturing gas flow to the flare in November 2023, and reported landfill gas flows to the flare from November 2023 through March 2025 in response to the 2025 CAA 114. This data indicates that an average of 870 scfm of landfill gas was combusted by the flare over this time period. There was significant variation in the amount of landfill gas controlled by the flare each month during this time period, with more than 65% of the months in the time period operating more than 10% outside of the average combusted landfill gas quantity of 870 scfm.

47. From November 2023 through December 2024 when landfill gas flow for both control devices was available, the two control devices controlled a combined average of 1,845 scfm of landfill gas. The LFGTEP operated at or near its capacity of 1,200 scfm during this time period, and the flare combusted the remainder of the collected gas. The average collected and controlled landfill gas rate of 1,845 scfm equates to approximately 58% of the total expected landfill gas generation during this time period of 3,200 scfm. See Table 1.

Table 1: Periods of Low Average Monthly Flow of Landfill Gas to Control Systems

Date	Average Landfill Gas Flow to LFGTEP, scfm	Average Landfill Gas Flow to Flare, scfm	Average Total Landfill Gas Flow to all controls, scfm	Percent of total expected landfill gas generation
Nov-23	972	1092	2064	65%
Dec-23	1166	778	1943	61%
Jan-24	1150	845	1995	62%
Feb-24	1087	850	1936	61%
Mar-24	1101	1036	2137	67%
Apr-24	1065	893	1958	61%

May-24	1067	926	1993	62%
Jun-24	1007	928	1936	60%
Jul-24	982	704	1686	53%
Aug-24	993	780	1773	55%
Sep-24	901	441	1341	42%
Oct-24	1045	354	1399	44%
Nov-24	950	796	1745	55%
Dec-24	926	994	1920	60%

48. By failing to install and operate the Landfill's active collection system to collect gas from each area, cell, or group of cells in the Landfill in which solid waste has been in place for five or more years, SLV Landfill is in violation of 40 C.F.R. §§ 60.752(b)(2)(ii) and (iii); 60.762(b)(2)(ii) and (iii); 62.16714(b) and (c); and 63.1959(b)(2)(ii) and (iii).

3. Failure to Minimize Control System Downtime

49. If the collection or control system is not operating, efforts to repair the collection or control system must be initiated and completed in a manner such that downtime is kept to a minimum, and the collection and control system must be returned to operation. 40 C.F.R. § 63.1958(e)(1)(ii).

50. The most recent amendments to NESHAP Subpart AAAA removed any previous allowances for startup, shutdown, and malfunction (SSM) in accordance with the holding in *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008) that standards for hazardous air pollutants apply continuously. Prior to September 27, 2021, under NSPS Subpart WWW, any allowance for SSM would stem from the NSPS General Provisions, at 40 C.F.R. § 60.2, that defines a malfunction as any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

51. Between April 2022 and March 2025, SLV Landfill reported 641 downtime events, including malfunction events and other failures, totaling 3,774 downtime hours which equates to 14.3% of the total hours between April 2022 and March 2025.

52. There was no reason provided for a significant portion (385 instances totaling 1,169 hours of downtime) of the downtime events. An additional 1,247 downtime hours over 116 downtime events were attributed to low temperature malfunction. See Table 2.

Table 2: Downtime events reported between April 2022 and March 2025

Downtime Type	Total Downtime Reported (Hours)	Unique Instances of Downtime Event
Low Temperature	1247	116
No description provided	1169	385
Flame Failure	928	76
Blower	183	14
Block Valve	131	7
Misc Maintenance	69	24
LGCS Problem	42	14
High Temperature	6	5
Total	**3774**	**641**

53. From April 2022 through March 2025, there were 21 months out of 36 total months in the period for which control system downtime totaled more than 10% of the total monthly hours. See Table 3.

Table 3: Months from April 2022 - March 2025 for which flare downtime was greater than 10% of total monthly hours.

Time Period	Total Downtime Reported (Hours)	Percentage of period in downtime status
October 2024	497	67%
September 2024	353	49%
November 2024	300	42%
December 2023	285	38%
September 2022	154	21%
July 2024	156	21%
April 2023	144	20%
July 2022	148	20%
May 2023	140	19%
May 2022	137	18%
October 2022	111	15%
April 2022	107	15%

June 2023	106	15%
June 2022	102	14%
August 2024	104	14%
February 2023	94	14%
January 2024	96	13%
February 2024	88	13%
November 2022	88	12%
October 2023	84	11%
December 2024	77	10%

54. During these instances of control system downtime of all control devices, gas was generated at the Landfill and not controlled as required.

55. The frequency and duration of the downtime events demonstrate that the events were not caused by sudden, infrequent, and not reasonably preventable failures and therefore do not qualify as malfunctions under 40 C.F.R. §§ 60.2 and 63.2.

56. The frequency and duration of the control system downtime events demonstrate that SLV Landfill failed to repair the collection or control system in a manner such that downtime is kept to a minimum, in violation of 40 C.F.R. § 63.1958(e)(1)(ii).

4. Failure to Collect Gas at a Sufficient Extraction Rate and from Each Area of the Landfill

57. An active collection system must collect gas at a sufficient extraction rate, meaning a rate sufficient to maintain a negative pressure at all wellheads in the collection system without causing air infiltration, including any wellheads connected to the system as a result of expansion or excess surface emissions, for the life of the blower. 40 C.F.R. §§ 60.752(b)(2)(ii)(A)(3); 62.16714(b)(2)(iii); 63.1959(b)(2)(ii)(B)(3); 60.751; 60.761; 62.16730; and 63.1990. Compliance with 60.752(b)(2)(ii)(A)(3); 60.762(b)(2)(ii)(C)(3); 62.16714(b)(2)(iii); and 63.1959(b)(2)(ii)(B)(3) is demonstrated through the corrective action procedures in 40 C.F.R. §§ 60.755(a)(3); 60.765(a)(3); 62.16720(a)(3); and 63.1960(a)(3).

58. SLV Landfill's well monitoring data shows that it operated 32 extraction wells with non-negative pressures for extended periods. See Table 4. Operating extraction wells at non-negative pressure prevents gas collection at a sufficient extraction rate and from those areas of the landfill.

Table 4: Extraction wells with non-negative pressure readings for extended periods of time

Well	Dates of Positive Pressure	Total days in violation
0000ES-9	6/2/2023-9/6/2023	96
00000-W4	4/16/2024 - 7/31/2024	106
00000-W5	4/6/2023 - 4/27/2023; 9/6/2023 – 9/28/2023; 2/4/2025 -3/5/2025	72
00000-W8	4/16/2024 – 5/15/2024	29
0000-HW2	10/16/2024 – 11/7/2024; 3/17/2025 – present	22 for the first instance, end date of second occurrence TBD
0000-HW4	4/10/2023 - 4/27/2023 ; 10/16/2024 – 11/19/2024	51
00GW-101	8/11/2022 – 9/12/2022; 7/18/2024 – 8/22/2024	67
00GW-102	8/11/2022 – 9/12/2022; 2/23/2024 – 3/13/2024	50
00GW-103	4/7/2023 – 4/27/2023 ; 7/18/2024 – 8/22/2024	55
00GW-104	4/7/2023 – 4/27/2023; 7/18/2024 – 8/22/2024	55
00GW-105	4/7/2023 – 4/27/2023; 7/18/2024 – 8/22/2024	55
00GW-126	7/31/2024 – 8/22/2024	22
00GW-127	4/7/2023 – 4/27/2023	20
00GW-131	11/25/2022 – 1/26/2023	62
M6-2S-H1	4/6/2023 – 4/27/2023	21
M6-4S-H3	7/6/2022 – 7/21/2022; 5/15/2024 – 6/12/2024	43
M6-5N-H2	10/16/2024 – 11/7/2024	22
M6-5N-H5	4/7/2023 – 5/1/2023	24
M6-5N-H7	10/16/2024 – 11/7/2024	22
M6-5N-H8	10/16/2024 – 11/7/2024	22
M7-2S-H1	2/8/2024 – 3/13/2024	34
M7-2S-H3	10/3/2022 – 11/28/2022	56
M7-2S-H5	9/12/2022 – 11/22/2022; 12/16/2022 – 1/3/2022	89
M74N-H1R	10/16/2024 – 11/7/2024	22
M74N-H2R	7/31/2024 – 11/7/2024	99
M74N-H3R	5/11/2022 – 8/8/2022 ; 7/31/2024 – 11/7/2024	188
M74N-H4R	10/16/2024 – 11/7/2024	22
M74N-H5R	7/31/2024 – 8/23/2024	23

M74N-H6R	7/31/2024 – 8/23/2024; 10/16/2024 – 11/7/2024	55
M74N-H7R	10/16/2024 – 11/19/2024	34
M7-4S-H1	6/12/2024 – 7/2/2024	34
M7-4S-H4	9/20/2024 – 10/21/2024	31

59. SLV Landfill failed to collect gas at a sufficient extraction rate and from each area, cell or group of cells within the Landfill in which solid waste has been in place for five years, in violation of 40 C.F.R. §§ 60.752(b)(2)(ii)(A)(2) and (3); 60.752(b)(2)(ii)(A)(2) and (3); 62.16714(b)(2)(ii) and (iii); and 63.1959(b)(2)(ii)(B)(2) and (3).

5. Failure to Re-Monitor Wells with Positive Pressure

60. An active collection system must be operated with negative pressure at each wellhead except under certain circumstances. 40 C.F.R. §§ 60.753(b); 60.763(b); 62.16716(b); and 63.1958(b).

61. If a positive pressure exists, and if negative pressure cannot be achieved without excess air infiltration within 15 days of the first measurement of positive pressure, then corrective action must be taken. 40 C.F.R. §§ 60.755(a)(3); 60.765(a)(3)(i); 62.16720(a)(3)(i); and 63.1960(a)(3)(i)(A). Failure to re-monitor within 15 days of the first measurement prevents the Landfill from knowing whether negative pressure has been achieved.

62. SLV Landfill's well monitoring data shows 45 instances of positive pressure where re-monitoring took longer than 15 days from the first positive pressure reading or a corrective action was not completed within 60 days. See Table 5.

Table 5: Number of positive pressure readings where time from day of initial exceedance to next reading longer than 15 days

Well	Date Start	Date End	Days in violation	Disclosed	Corrective Action
0000ES-9	6/2/23	9/6/23	96	No	N/A
00000-W4	4/16/24	7/31/24	106	Yes	Continued GCCS Operation
00000-W5	4/6/23	4/27/23	21	No	N/A
00000-W5	9/6/23	9/28/23	22	No	N/A

Well	Date Start	Date End	Days in violation	Disclosed	Corrective Action
00000-W5	2/4/25	3/5/25	29	No	N/A
00000-W8	4/16/24	5/15/24	29	Yes	Continued GCCS Operation
0000-HW2	10/16/24	11/7/24	22	Yes	Continued GCCS Operation
0000-HW2	3/17/25	Present		No	N/A
0000-HW4	4/10/23	4/27/23	17	No	N/A
0000-HW4	10/16/24	11/19/24	34	Yes	Continued GCCS Operation
00GW-101	8/11/22	9/12/22	32	No	N/A
00GW-101	7/18/24	8/22/24	35	Yes	Continued GCCS Operation
00GW-102	2/23/24	3/13/24	19	Yes	Continued GCCS Operation
00GW-102	8/11/24	9/12/24	19	No	N/A
00GW-103	4/7/23	4/27/23	20	No	N/A
00GW-103	7/18/24	8/22/24	35	Yes	Continued GCCS Operation
00GW-104	4/7/23	4/27/23	20	No	N/A
00GW-104	7/18/24	8/22/24	35	Yes	Continued GCCS Operation
00GW-105	4/7/23	4/27/23	20	No	N/A
00GW-105	7/18/24	8/22/24	35	Yes	Continued GCCS Operation
00GW-126	7/31/24	8/22/24	22	Yes	Continued GCCS Operation
00GW-127	4/7/23	4/27/23	20	No	N/A
00GW-131	11/25/22	1/26/23	62	Yes	re-installed control valve CV-129
M6-2S-H1	4/6/22	4/27/22	21	No	N/A
M6-4S-H3	7/6/22	7/21/22	15	No	N/A
M6-4S-H3	5/15/24	6/12/24	28	Yes	Continued GCCS Operation

Well	Date Start	Date End	Days in violation	Disclosed	Corrective Action
M6-5N-H2	10/16/24	11/7/24	22	Yes	Continued GCCS Operation
M6-5N-H5	4/7/23	5/1/23	24	No	N/A
M6-5N-H7	10/16/24	11/7/24	22	Yes	Continued GCCS Operation
M6-5N-H8	10/16/24	11/7/24	22	Yes	Continued GCCS Operation
M7-2S-H1	2/8/24	3/13/24	34	Yes	Continued GCCS Operation
M7-2S-H3	10/3/22	11/28/22	56	No	N/A
M7-2S-H5	9/12/22	11/22/22	71	Yes	installed new condensate knockout SKO-4B and rebuilt isolation valve SISO-3
M7-2S-H5	12/16/22	1/3/2022	71	No	N/A
M74N-H1R	10/16/24	11/7/24	22	Yes	Continued GCCS Operation
M74N-H2R	7/31/24	11/7/24	99	Yes	Continued GCCS Operation
M74N-H3R	5/11/22	8/8/22	89	No	N/A
M74N-H3R	7/31/24	11/7/24	99	No	N/A
M74N-H4R	10/16/24	11/7/24	22	Yes	Continued GCCS Operation
M74N-H5R	7/31/24	8/23/24	23	Yes	Continued GCCS Operation
M74N-H6R	7/31/24	8/23/24	23	Yes	Continued GCCS Operation
M74N-H6R	10/16/24	11/7/24	22	Yes	Continued GCCS Operation
M74N-H7R	10/16/24	11/19/24	34	Yes	Continued GCCS Operation

Well	Date Start	Date End	Days in violation	Disclosed	Corrective Action
M7-4S-H1	6/12/24	7/2/24	20	Yes	Continued GCCS Operation
M7-4S-H4	9/20/24	10/21/24	31	No	N/A

63. SLV Landfill had 45 instances where they failed to re-monitor pressure exceedances within 15 calendar days or failed to complete a corrective action within 60 days and was therefore both unable to demonstrate whether negative pressure had been achieved, in violation of 40 C.F.R. §§ 60.755(a)(3); 60.765(a)(3); 62.16720(a)(3)(i); and 63.1960(a)(3)(i)(A).

6. Failure to Conduct Monthly Well Monitoring

64. MSW Landfills must monitor gauge pressure, temperature, and nitrogen or oxygen on a monthly basis at each wellhead. 40 C.F.R. §§ 60.756(a); 60.766(a); 62.16722(a); and 63.1961(a).

65. Failure to monitor wells prevents corrective actions from being taken and compliance demonstrated according to the requirements of 40 C.F.R. §§ 60.755(a); 60.765(a); 62.16720(a); and 63.1960(a).

66. Based on records submitted by SLV Landfill, from March 2022 to March 2025, SLV Landfill failed to conduct the required monitoring 100 times across 29 wells during one or more consecutive months. See Table 6.

Table 6: Missed Monthly Well Monitoring

Well	Date Start	Date End	Disclosed	Number of Months Missed
0000ES-9	Jun-22	Jun-23	Yes	16
	Aug-23	Sep-23	Yes	
	Dec-23	Jan-24	Yes	
	Mar-24	Apr-24	Yes	
	Feb-25	Mar-25	Yes	
00000-W1	Mar-23	Apr-23	No	1
00000-W2	Mar-23	Apr-23	No	1
0000-HW1	May-22	Jun-22	Yes	7
	Jun-22	Jul-22	Yes	

	Jul-22	Aug-22	Yes	
	Aug-22	Sep-22	Yes	
	Oct-22	Nov-22	Yes	
	Jan-25	Feb-25	Yes	
	May-23*	Jun-23	No	
0000-HW2	Apr-22	May-22	Yes	7
	Jun-22*	Jul-22	Yes	
	Jul-22	Aug-22	Yes	
	Aug-22	Sep-22	Yes	
	Oct-22	Nov-22	Yes	
	Apr-23*	Jun-23	No	
0000-HW3	Jun-22	Jul-22	Yes	3
	Aug-22	Sep-22	Yes	
	Oct-24*	Nov-24	No	
0000-HW4	Jun-22	Jul-22	Yes	4
	Jul-22	Aug-22	Yes	
	Aug-22	Sep-22	Yes	
	Oct-22	Nov-22	Yes	
0000-HW5	Mar-22	Oct-22	Yes	8
	Oct-22	Nov-22	Yes	
0000-W33	Jun-22	May-23	Yes	15
	Aug-23	Sep-23	Yes	
	Dec-23	Jan-24	Yes	
	Mar-24	Apr-24	Yes	
	Dec-24	Jan-25	Yes	
00GW-127	Jun-22	Jul-22	Yes	3
	Jul-22	Aug-22	Yes	
	Aug-22	Sep-22	Yes	
M5-4E-H2	Aug-22	Sep-22	Yes	1
M5-4W-H1	Aug-22	Sep-22	Yes	1
M6-2S-H3*	Oct-22*	Nov-22	No	1
M6-4S-H2	Aug-22	Sep-22	No	1
M6-5N-H1	Apr-22	May-22	Yes	3
	May-22	Jun-22	Yes	
	Jul-24	Aug-24	No	
M6-5N-H2	Mar-22	Apr-22	Yes	2
	Apr-22	May-22	Yes	
M6-5N-H3	Aug-22	Sep-22	Yes	1
M6-5N-H4	Mar-22	Apr-22	Yes	3
	Apr-22	May-22	Yes	
	May-22	Jun-22	yes	

M6-5N-H5	Mar-22	Apr-22	Yes	5
	Apr-22	May-22	Yes	
	May-22	Jun-22	Yes	
	Aug-22	Sep-22	Yes	
	Feb-23	Mar-23	Yes	
M6-5N-H6	Mar-22	Apr-22	Yes	3
	Apr-22	May-22	Yes	
	May-22	Jun-22	Yes	
M6-5N-H8	Apr-22	May-22	Yes	2
	May-22	Jun-22	Yes	
M7-2S-H1	Sep-22	Oct-22	No	1
M7-2S-H2	Sep-22	Oct-22	No	2
	Jan-25	Feb-25	Yes	
M7-2S-H3	Sep-22	Oct-22	No	1
M7-2S-H4	Sep-22	Oct-22	No	1
M74N-H3R	Jun-22	Jul-22	Yes	2
	Jul-22	Aug-22	Yes	
M74N-H4R	Mar-22	Apr-22	Yes	3
	Apr-22	May-22	Yes	
	May-22	Jun-22	Yes	
M74N-H5R	Aug-22	Sep-22	Yes	1
M7-4S-H1	Sep-22	Oct-22	No	1

**Denotes instances where temperature data was listed as 0, which indicates that an actual temperature was not measured.*

67. SLV Landfill failed to monitor wells on a monthly basis, in violation of 40 C.F.R. §§ 60.756(a); 60.766(a); 62.16722(a); and 63.1961(a).

7. Failure to Re-monitor Wells with Temperature Exceedances

68. Under NSPS Subparts WWW and XXX and Federal Plan Subpart OOO, prior to September 27, 2021, at the latest, MSW Landfills were required to operate each interior wellhead in the collection system with a landfill gas temperature less than 55°C (131°F). 40 C.F.R. §§ 60.753(c); 60.763(c); and 62.16716(c). Under NESHAP Subpart AAAA, by September 27, 2021, MSW Landfills must operate each interior wellhead in the collection system with a landfill gas temperature less than 62.8°C (145°F). 40 C.F.R. § 63.1958(c). SLV Landfill's Title V operating permit was not updated until November 30, 2022, and thus SLV Landfill was required to comply with the 55°C (131°F) operating threshold until November 30, 2022.

69. If a well exceeds the applicable operating parameters in paragraph 68 and if correction of the exceedance cannot be achieved within 15 calendar days of the first

measurement, corrective action must be taken per the Title V Operating Permit 3500536003 Section 2.a(f). Failure to re-monitor within 15 days of the first measurement prevents the Landfill from knowing whether a temperature below the operating parameter limit has been achieved.

70. Based on well monitoring data provided by SLV Landfill, between March 2022 and November 30, 2022, SLV Landfill reported two temperature readings greater than 131°F for which re-monitoring after first measurement took more than 15 days. See Table 7.

Table 7: Number of adjusted temperature readings greater than 131°F when time between initial reading and next monitoring was greater than 15 days

Well	Date Start	Date End	Disclosed	Days in violation
00000-W5	5/13/2022	6/10/2022	Yes	28
00000-W8	5/11/2022	7/6/2022	No	56

71. SLV Landfill failed to re-monitor temperature exceedances within 15 days two times and was therefore unable to demonstrate that the exceedances were corrected, in violation of the Title V operating permit 3500536003 Section 2.a(f).

8. Failure to Take Corrective Action at Wells for Exceedances of Oxygen Standard

72. Under NSPS Subpart WWW, prior to June 21, 2021, absent a demonstrated alternative, MSW Landfills were required to operate each interior wellhead in the collection system with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent. 40 C.F.R. § 60.753(c). SLV Landfill's operating permit was not updated until November 30, 2022, and thus was required to comply with the oxygen and nitrogen operational standards until November 30, 2022.

73. If correction of the exceedance of the operational standard in paragraph 72 cannot be achieved within 15 days of the first measurement, then corrective action must be taken per the Title V Operating Permit 3500536003 Section 2.a(f).

74. SLV Landfill's well monitoring data shows that between March 2022, and November 30, 2022, there were 39 instances where the oxygen reading was greater than five percent and nitrogen reading was greater than twenty percent for which re-monitoring after first measurement took more than 15 days. See table 8.

Table 8: Number of oxygen and nitrogen readings above the operating parameters for which time from day of first measurement to next reading took longer than 15 days.

Well	Date Start	Date End	Duration
00000-W2	9/6/2022	10/3/2022	27
00000-W5	6/10/2022	7/6/2022	26
00000-W5	9/6/2022	10/3/2022	27
00000-W8	9/6/2022	10/3/2022	27
0000ES-2	3/24/2022	N/A	
0000ES-4	5/11/2022	N/A	
0000ES-7	4/6/2022	N/A	
0000ES-7	5/11/2022	N/A	
0000ES-8	4/6/2022	N/A	
0000ES-8	5/11/2022	N/A	
0000ES-9	3/24/2022	N/A	
0000ES-9	4/6/2022	N/A	
0000ES-9	5/11/2022	N/A	
0000ES-9	5/11/2022	N/A	
0000-HW3	10/21/2022	11/28/2022	38
0000-W28	3/24/2022	N/A	
0000-W28	4/6/2022	N/A	
0000-W28	5/11/2022	N/A	
M6-2S-H2	6/10/2022	7/6/2022	26
M6-4S-H2	5/11/2022	6/10/2022	30
M6-4S-H2	6/20/2022	7/6/2022	16
M6-4S-H2	8/8/2022	10/3/2022	56
M6-4S-H2	11/29/2022	12/15/2022	16
M6-4S-H3	5/23/2022	7/6/2022	44
M6-4S-H3	10/3/2022	10/20/2022	17
M7-2S-H1	4/6/2022	4/27/2022	21
M7-2S-H1	8/11/2022	10/21/2022	71
M7-2S-H2	5/11/2022	6/10/2022	30
M7-2S-H2	7/6/2022	8/9/2022	34
M7-2S-H2	8/11/2022	10/6/2022	56
M7-2S-H4	11/29/2022	12/16/2022	17

M7-2S-H5	4/6/2022	6/10/2022	65
M7-2S-H5	6/22/2022	9/12/2022	82
M74N-H6R	5/11/2022	6/23/2022	43
M7-4S-H1	5/11/2022	6/10/2022	30
M7-4S-H1	7/6/2022	8/8/2022	33
M7-4S-H1	8/11/2022	10/6/2022	56
M7-4S-H4	4/6/2022	6/10/2022	65
M7-4S-H4	11/28/2022	12/16/2022	18

**N/A denotes instances where a well was not monitored again due to the well being decommissioned and the duration is assumed to have lasted one month*

*** None of the oxygen and nitrogen exceedances were reported*

9. Failure to Perform Compliant Surface Emission Monitoring

75. Each owner or operator must operate the collection system so that the methane concentration is less than 500 parts per million ("ppm") above background at the surface of the landfill. 40 C.F.R. §§ 60.753(d); 60.763(d); 62.16716(d); and 63.1958(d).

76. Each owner or operator seeking to demonstrate compliance with the 500-parts per million surface-methane operational standard in 40 C.F.R. §§ 60.753(d); 60.763(d); 62.16716(d); and 63.1958(d) must monitor surface concentrations of methane at least once per quarter according to the procedures in 40 C.F.R. §§ 60.755(c); 60.765(c); 62.16720(c); and 63.1960(c), respectively, and according to the instrument specifications in 40 C.F.R §§ 60.755(d); 60.765(d); 62.16720(d); and 63.1960(d), respectively. 40 C.F.R. §§ 60.756(f); 60.766(f); 62.16722(f); 63.1961(f).

77. Owners or operators must conduct surface emissions monitoring (SEM) around the perimeter of the collection area and along a pattern that traverses the landfill at no more than 30-meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation, cracks, or seeps in the cover. 40 C.F.R. §§ 60.753(d); 60.763(d); 62.16716(d); and 63.1958(d)(1).

78. Under NSPS Subpart XXX, Federal Plan Subpart OOO, and NESHAP Subpart AAAA, by June 21, 2021, SEM must be conducted at all "cover penetrations," which the regulations define as "a wellhead, a part of a landfill gas collection or operations system, and/or any other object that completely passes through the landfill cover…." 40 C.F.R. §§ 63.1958(d)(2)(ii); 63.1990; see also 40 C.F.R. §§ 60.763(d) and

62.16716(d).

79. SEM must be performed in accordance with section 8.3.1 of Method 21, but with the probe inlet placed between 5 and 10 centimeters of the ground. Section 8.3.1 of Method 21 states that the technician must slowly sample until finding the point of maximum concentration, at which point the probe must then be left at the location of maximum emissions reading for approximately twice the response time (Method 21 section 3.7), and if the maximum observed reading is greater than the leak definition (Method 21 section 3.3), the operator must record and report the exceedance. 40 C.F.R. §§ 60.755(d); 60.765(d); 62.16720(d); 63.1960(d).

80. Any surface emissions monitoring reading of 500 ppm or greater must be recorded as a monitored exceedance, and the location of each monitored exceedance must be marked, and the location and concentration recorded. The latitude and longitude coordinates of the location must be determined using an instrument with an accuracy of at least four meters. The coordinates must be in decimal degrees with at least five decimal places. 40 C.F.R. §§ 62.16720(c)(4)(i) and 63.1960(c)(4)(i).

81. During the 2023 Inspection, the EPA performed a partial SEM survey, which covered only a portion – approximately 15% – of the landfill surface subject to SEM monitoring. The EPA's partial SEM survey identified and recorded SEM exceedances above 500 parts per million (ppm) methane at 41 points on the Landfill. See Table 9. The EPA's recorded exceedances included exceedances at numerous penetrations, areas with exposed trash, and erosion gullies. SLV Landfill performs SEM on the Landfill on a quarterly basis. The total number of monitored exceedances from the 2023 Inspection was significantly more than the number reported by SLV Landfill from any of the quarterly SEM events between January 2019- August 2023.

Table 9: Number of total SEM readings at or above 500 ppm methane historically reported during quarterly SEM surveys from 2019 through the first quarter of 2025.

Monitoring Event	Historical Methane Exceedances reported by Landfill			
	Q1	Q2	Q3	Q4
2025	39	-	-	-
2024	7	17	18	51
2023	0	3	**1**	14
2022	1	0	1	0
2021	3	3	5	1
2020	2	1	0	1
2019	1	3	2	6

82. SLV Landfill's semi-annual reports include a form which identifies all surface penetrations on the Landfill during the quarterly monitoring event, called the "SLVSWMF Initial Penetration Monitoring Daily Report Form." According to those forms, between July 2021 and March 2025, there were 191 instances where well or penetration points were not monitored during a quarterly SEM event. See Table 10.

Table 10: Total number of wells or surface penetrations which were not monitored during quarterly SEM event

Monitoring Event	Missed Well or Penetration points during quarterly SEM Events			
	Q1	Q2	Q3	Q4
2025	11	-	-	-
2024	18	28	8	7
2023	7	4	4	63
2022	1	4	4	1
2021	-	-	30	1

83. Based on records submitted by SLV Landfill, from July 2022 through March 2025, SLV Landfill did not report 70 exceedances for which underlying SEM data indicates a methane reading >500 ppm in either the finalized SEM reports or semi-annual reports. See Table 11.

Table 11: Number of SEM exceedances for which underlying SEM data indicates a methane reading greater than 500 ppm which were not recorded and reported as exceedances in subsequent reports

SEM Monitoring Event	Number of non-reported SEM exceedances
Q3, 2022	1
Q1, 2023	3
Q2, 2023	7
Q3, 2023	4
Q4, 2023	14
Q1, 2024	21
Q2, 2024	11
Q3, 2024	9
Q4, 2024	0
Q1, 2025	0

84. The significant disparity between the number of surface-methane exceedances reported by SLV Landfill in its quarterly reports compared to the number of surface-methane exceedances identified during the 2023 Inspection, failure to monitor wells or penetration points during quarterly SEM events, and failure to record all exceedances demonstrates that SLV Landfill failed to properly conduct SEM, in violation of 40 C.F.R. §§ 60.756(f); 60.766(f); 62.16722(f); 63.1961(f); 60.753(d); 60.763(d); 62.16716(d); 63.1958(d); 60.755(c); 60.765(c); 62.16720(c); and 63.1960(c).

10. Failure to Re-monitor at Locations with SEM Exceedances

85. For any SEM reading of 500 ppm or more above background, owners or operators must perform cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance. 40 C.F.R. §§ 60.755(c)(4)(ii); 60.765(c)(4)(ii); 62.16720(c)(4)(ii); and 63.1960(c)(4)(ii). The location must be re-monitored within 10 days of detecting the exceedance.

86. For any SEM reading of 500 ppm or more above background for which 10-day re-monitoring of the location as described in paragraph 85 shows a second exceedance, an additional corrective action must be taken, and the location must be monitored

again within 10 days of the second exceedance. 40 C.F.R. §§ 60.755(c)(4)(iii); 60.765(c)(4)(iii); 62.16720(c)(4)(iii); and 63.1960(c)(4)(iii).

87. Any SEM reading of 500 ppm or more above background that initially showed an exceedance but has a methane concentration less than 500 ppm above background at the 10-day re-monitoring specified in paragraph 85 or 86 must be re-monitored 1 month from the initial exceedance. 40 C.F.R. §§ 60.755(c)(4)(iv); 60.765(c)(4)(iv); 62.16720(c)(4)(iv); and 63.1960(c)(4)(iv).

88. Based on records submitted by SLV Landfill, from May 2021 through February 2025, SLV Landfill did not re-monitor 23 locations with SEM exceedances within 10 days from the initial exceedance. See Table 12.

Table 12: Locations with Initial SEM reading greater than 500 ppm and 10-Day Monitoring events that are late or missing

SEM Monitoring Event	Location ID	Initial Monitoring		10-day monitoring	
		Reading	Date	Reading	Days Over
Q3, 2023	CV-118	1234	7/20/2023	None Indicated	
Q4, 2023	ES-9	933	11/15/2023	29842	9
Q1, 2024	F8	735	2/9/2024	59.4	4
	L8	615	2/9/2024	1.8	4
	SKO-1	15800	1/30/2024	223	14
	S-6	1959	1/30/2024	132	14
	S-7	13000	1/30/2024	None Indicated	
	WFP-15	10500	1/30/2024	223	14
Q3, 2024	SKO-5, In	760	7/31/2024	None Indicated	
	ZZ15 S	1200	7/26/2024	None Indicated	
Q4, 2024	U13	1140	11/16/2024	None Indicated	
	AA3	5785	10/20/2024	964	30
	NN4	2311	10/20/2024	2212	30
	M3	13000	10/20/2024	6689	30
	S-2	3733	10/20/2024	None Indicated	
	S-4	3695	10/20/2024	None Indicated	
	CFP-15	1665	10/20/2024	662	30
	CFP-17	2141	10/20/2024	887	30
	CFP-27	1648	10/20/2024	762	30
	EFP-2	538	10/20/2024	1043	30
	KO (O13)	1080	10/20/2024	None Indicated	

	JJ20 (SH 1339)	1339	1/28/2025	None Indicated
	CFP-18	15900	1/30/2025	None Indicated

89. Based on records submitted by SLV Landfill, from May 2021 through February 2025, SLV Landfill did not re-monitor 11 locations with SEM exceedances for which the 10-day re-monitoring also showed an exceedance, within 10 days of the second exceedance. See Table 13.

Table 13: Locations with Initial SEM reading greater than 500 ppm and 10-Day Re-Monitoring events that are late or missing

SEM Monitoring Event	Location ID	Initial Monitoring		10-day re-monitoring	
		Reading	Date	Reading	Days Over
Q2, 2021	V25	2300	5/18/2021	1670	4
Q4, 2023	ZZ23	3792	11/15/2023	41.5	10
	ES-9	933	11/15/2023	75605	23
Q4, 2024	AA3	5785	10/20/2024	315	41
	NN4	2311	10/20/2024	356	41
	M3	13000	10/20/2024	40.5	41
	CFP-15	1665	10/20/2024	457	41
	CFP-17	2141	10/20/2024	13.9	41
	CFP-27	1648	10/20/2024	5.1	41
	EFP-2	538	10/20/2024	61.6	41
	S-2	5885	1/30/2025	45.2	10
	S-4	18300	1/30/2025	496	10
Q4, 2023	ZZ15	8593	12/11/2023	*	-
Q4, 2024	G12 (SH 738)	738	12/13/2024	*	-

**These wells were greater than 500 ppm at the 30-day monitoring event. If the 1-month re-monitoring shows an exceedance, the actions specified in 40 C.F.R. §§ 63.1960 (c)(4)(iii) or (v) must be taken.*

90. Based on records submitted by SLV Landfill, from May 2021 through February 2025, SLV Landfill did not re-monitor 23 locations with SEM exceedances within 1 month from the initial exceedance. See Table 14.

Table 14: Locations with Initial SEM reading greater than 500 ppm and were not re-monitored within 1 month of the initial exceedance

SEM Monitoring Event	Location ID	Initial Monitoring		30-day monitoring	
		Reading	Date	Reading	Days Over
Q3, 2021	CC8	510	8/16/2021	37	7
	V21	1600	8/17/2021	12	6
Q4, 2021	ZZ20	550	11/19/2021	60	10
Q3, 2023	CV-118	1234	7/20/2023	None Indicated	
Q4, 2023	ES-9	933	11/15/2023	12	11
Q1, 2024	SKO-1	15800	1/30/2024	21.2	7
	S-6	1959	1/30/2024	22.9	7
	S-7	13000	1/30/2024	None Indicated	
	WFP-15	10500	1/30/2024	7.5	7
Q3, 2024	SKO-5, In	760	7/31/2024	None Indicated	
	ZZ15 S	1200	7/26/2024	None Indicated	
Q4, 2024	U13	1140	11/16/2024	None Indicated	
	AA3	5785	10/20/2024	249	30
	NN4	2311	10/20/2024	325	30
	M3	13000	10/20/2024	65.1	30
	S-2	3733	10/20/2024	None Indicated	
	S-4	3695	10/20/2024	None Indicated	
	CFP-15	1665	10/20/2024	189	30
	CFP-17	2141	10/20/2024	36.7	30
	CFP-27	1648	10/20/2024	32.6	30
	EFP-2	538	10/20/2024	81.2	30
	KO (O13)	1080	10/20/2024	None Indicated	
	JJ20 (SH 1339)	1339	1/28/2025	None Indicated	
	CFP-18	15900	1/30/2025	None Indicated	

91. By not re-monitoring locations with SEM exceedances within 10 days of the initial exceedance, within 10 days of re-monitoring a second exceedance, or within 30 days of the initial exceedance, SLV Landfill violated 40 C.F.R. §§ 60.755(c)(4)(ii)-(iv); 60.765(c)(4)(ii)-(iv); 62.16720(c)(4)(ii)-(iv); and 63.1960(c)(4)(ii)-(iv).

11. Failure to Take Actions at Locations with Three SEM Exceedance in a Quarterly Period

92. For any location where the monitored methane concentration equals or exceeds 500 ppm above background three times within a quarterly period, a new well or other

collection device must be installed within 120 calendar days of the initial exceedance, unless an alternative remedy has been submitted for EPA approval. 40 C.F.R. §§ 60.755(c)(4)(v); 62.16720(c)(4)(v); 63.1960(c)(4)(v).

93. According to reports submitted by SLV Landfill, there were 2 instances from May 2021 through February 2025 when SLV Landfill measured surface methane concentrations at or above 500 ppm at the same location three times within a quarter and did not install a new well or other collection device within 120 days of the initial exceedance or submit an alternative remedy to the EPA for approval. See Table 15.

Table 15: Locations with Initial SEM Reading greater than 500 ppm with more than three exceedances in a quarter

SEM Monitoring Event	Location ID	Reading	Date
Q2, 2021	V25	2300	5/18/2021
		1100	5/28/2021
		1670	6/1/2021
Q4, 2023	ES-9	933	11/15/2023
		29842	12/4/2023
		75605	12/18/2023

94. SLV Landfill failed to take actions at locations with SEM exceedances three times within a quarter at the same location, in violation of 40 C.F.R. §§ 60.755(c)(4)(v); 60.765(c)(4)(v); 62.16720(c)(4)(v); and 63.1960(c)(4)(v).

12. Failure to Sufficiently Monitor and Repair Cover Integrity

95. MSW Landfill owners or operators must implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis. 40 C.F.R §§ 60.755(c)(5); 60.765(c)(5); 62.16720(c)(5); and 63.1960(c)(5).

96. In its Monthly Cover Integrity Reports from March 2022 through April 2025, SLV Landfill reported no issues or only minimal issues with cover integrity. During this timeframe, SLV Landfill conducted 43 cover integrity monitoring events. Under the "Intermediate Cover" section, SLV Landfill stated 39 "yes" and 1 instance reporting additional cover needed. Under "Daily Cover" these fields were marked with "1" for 39 instances, and "Daily Cover Estimated Thickness" is blank for 31 instances.

Under the "Litter" section, there are 40 instances of "yes" or "yes, crew working". The only needs for follow-up noted in the forms were related to repairs needed on fences or gates. There were no other issues noted in the "Other Issues" section of any of the weekly forms.

97. During the EPA's inspections, the EPA identified several areas of exposed waste, distressed/dead vegetation, and eroded, or deficient landfill cover. For example, inspectors identified areas where large swaths of the slope were under cover with little to no vegetation, dead or lack of vegetation throughout the landfill, erosion rills, large swaths of unburied waste, and loose disturbed dirt. Many of these conditions found during the Inspection indicate longer-term problems that should have been found and repaired during monthly cover integrity monitoring events.

98. Reviewing historic satellite imagery of the Landfill from Google Earth demonstrates a persistent exposed waste, distressed/dead vegetation, and erosion rills.

99. Based on conditions, imagery, and reports, SLV Landfill failed to sufficiently monitor for cover integrity and implement necessary cover repairs, in violation of 40 C.F.R. §§ 60.755(c)(5); 60.765(c)(5); 62.16720(c)(5); and 63.1960(c)(5).

13. Failure to Properly Operate Enclosed Flare within Design and Operational Requirements

100. MSW Landfills must route all the collected gas to a control system that complies with the following requirements: (1) an open flare designed and operated in accordance with 40 C.F.R. §§ 60.18 and 63.11(b); (2) a control system designed and operated to reduce NMOC by 98 weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by 98 weight-percent or reduce the outlet NMOC concentration to less than 20 ppm by volume, dry basis as hexane at 3% oxygen; or (3) route the collected gas to a treatment system that processes the collected gas for subsequent sale or use. 40 C.F.R. §§ 60.752(b)(2)(iii); 60.762(b)(2)(iii); 62.16714(c); and 63.1959(b)(2)(iii).

101. For landfills using an enclosed combustor, 40 C.F.R. §§ 60.752(b)(2)(iii)(B)(2); 60.762(b)(2)(iii); 62.16714(c)(2)(ii); and 63.1959(b)(2)(iii)(B)(2) state that the enclosed combustor must be operated within the parameter ranges established

during the initial or most recent performance test. The operating parameters to be monitored are specified in 40 C.F.R. §§ 60.756(b); 60.766(b); 62.16722(b); and 63.1961(b).

102. During testing, the Landfill set the temperature parameter at 1,450 degrees Fahrenheit.

103. According to continuous flare-monitoring data SLV Landfill submitted to the EPA, the flow and/or temperature of landfill gas to one or more flares deviated from the operating parameters for the flare(s) on numerous occasions between November 2023 and March 2025. These cited instances do not include periods where gas was not being routed to the flare(s). Table 16 summarizes the deviations.

Table 16: Flare Temperature and Flow Rate Deviations

Parameter / Year	2024
Flare 1 below minimum flow for at least a 3-hour block	Sep 8-15, 22-28; Oct 2-3; Nov 1-30
Flare 1 below minimum temperature for at least a 3-hour block	Apr 19-20; Sep 8-15, 22-28; Oct 2-3; Nov 1-30; Dec 1-31
Flare 2 below minimum flow for at least a 3-hour block	Oct 2-6, 9, 12-16, 20-31; Nov 1-30
Flare 2 below minimum temperature for at least a 3-hour block	Apr 13; Aug 16-17; Sep 5, 8-15

104. SLV Landfill operated flares outside their required operating parameters, in violation of 40 C.F.R. §§ 60.752(b)(2)(iii)(B); 60.762(b)(2)(iii)(B); 62.16714(c)(2); and 63.1959(b)(2)(iii)(B).

14. Failure to Submit a Revised Design Plan

105. MSW Landfills that had already been required to submit a design plan must submit a revised design plan to the EPA for approval (1) at least 90 days before expanding operations to an area that the previously approved design plan does not cover; and/or (2) prior to installing or expanding the collection system in a way that is not consistent with the design plan submitted according to 40 C.F.R. §§ 60.767(c), 62.16724(d) and 63.1981(d). 40 C.F.R. §§ 60.767(d), 62.16724(e) and 63.1981(e).

106. SLV Landfill modified its GCCS by expanding the landfill to areas not covered by the GCCS. In a Title V Permit Deviation Report dated November 7, 2023, SLV Landfill reported a violation to Conditions ll.B.2.g(b)(1) of the Landfill's current Title V permit, which requires the collection system to operate in areas which solid waste has been in place for at least five years if active. Based on the Deviation Report, it appears that SLV Landfill did not include the expanded areas in the approved design plan, and it did not revise and resubmit its design plan prior to doing so.

107. The expanded areas were not included in the design plan and thus were not covered by the GCCS, and created areas in which gas was not being collected.

108. SLV Landfill failed to submit a revised design plan prior to installing or expanding the GCCS in a way that is not consistent with the design plan, in violation of 40 C.F.R. §§ 60.767(d)(2), 62.16724(e)(2), 63.1981(e)(2).

15. Failure to Submit Accurate Annual or Semi-Annual Reports

109. Under NSPS Subparts WWW and XXX and Federal Plan Subpart OOO, before September 27, 2021, at the latest, MSW Landfill owners or operators were required to submit annual reports to the EPA that included, but were not limited to, the value, length of time, and location of various operational exceedances. 40 C.F.R. §§ 60.757(f), 60.767(g), and 62.16724(h). SLV Landfill's Title V operating permit was not updated until November 30, 2022, and thus SLV Landfill was required to comply with the reporting requirements of NSPS Subparts WWW and XXX and Federal Plan Subpart OOO until November 30, 2022. Specifically, MSW Landfill owners and operators were required to record and report the value and length of time for exceedances of applicable parameters such as temperature, gauge pressure, and nitrogen or oxygen at each wellhead. 40 C.F.R. §§ 60.757(f)(1); 60.767(g); 62.16724(h)(1); and 63.1981(h)(1).

110. Under NESHAP Subpart AAAA, by September 27, 2021, the frequency of these reports increased to semi-annual intervals and required MSW Landfill owners or operators to report additional information including root cause analyses and results of enhanced monitoring, if necessary. 40 C.F.R. § 63.1981(h). SLV Landfill's Title V

operating permit was not updated until November 30, 2022, and thus SLV Landfill was required to comply with the reporting requirements of NESHAP Subpart AAAA until November 30, 2022.

111. SLV Landfill's semi-annual reports and supporting data show instances of unreported monitored SEM exceedances. See Table 17. (Unreported SEM exceedances also detailed in Paragraph 83 and Table 11.)

112. Comparing the semi-annual reports submitted for SLV Landfill with the Extraction Well Data submitted by SLV Landfill show instances of positive pressure exceedances at wells that the Landfill did not report. See Table 17. (Unreported positive pressure exceedances also detailed in Paragraph 62 and Table 5.

113. SLV Landfill's semi-annual reports show an instance of a high temperature exceedance of the Title V Operating Permit 3500536003 parameters at well 00000-W8 that the Landfill did not report. See Table 17. (Unreported high-temperature exceedances detailed in Paragraph 70 and Table 7.)

114. SLV Landfill's semi-annual reports shows instances of high oxygen and nitrogen exceedance of the Title V Operating Permit 3500536003 parameters that the Landfill did not report. See Table 17. (Unreported instances of high oxygen and nitrogen exceedances also detailed in Paragraph 74 and Table 8.

Table 17: Semi-Annual Reports with Undisclosed Exceedances

Report	Undisclosed Exceedances
2022 SAR #1	Temperature exceedances, Oxygen/Nitrogen exceedances
2022 SAR #2	Positive pressure, Oxygen/Nitrogen exceedance, SEM exceedance
2023 SAR #1	Positive pressure, SEM exceedance
2023 SAR #2	Positive pressure, SEM exceedance
2024 SAR #1	SEM exceedance
2024 SAR #2	Positive pressure
2025 SAR #1	Positive pressure

115. SLV Landfill failed to properly report various GCCS and SEM exceedances across multiple annual and semi-annual reports as shown in Table 17, in violation of 40 C.F.R. §§ 60.757(f); 60.767(g); 62.16724(h); and 63.1981(h).

16. Failure to Report on Compliant Root Cause Analysis Requirements

116. For temperature and pressure exceedances that take more than 60 days to correct, 40 C.F.R. § 63.1981(h)(7) requires the landfill to include the following in the semi-annual report: the root cause analysis conducted, including a description of the recommended corrective action(s); the date for corrective action(s) already completed following the positive pressure or high temperature reading; and, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates. 40 C.F.R. § 63.1981(h)(7); see also 40 C.F.R. § 62.16724(h)(7).

117. Comparing the semi-annual reports submitted for SLV Landfill with the Extraction Well Data submitted by SLV Landfill, discrepancies exist between the number of wells with non-negative pressure for more than 60 days and the number of wells for which the semi-annual reports include root cause analyses. See Table 18.

Table 18: Extraction wells with non-negative pressure measurements for more than 60 days but root cause analysis information not included in semi-annual reports

Well number	Number of consecutive days exceeding pressure standard	Root cause or Corrective Action Forms Submitted as Part of Semi-Annual Report	Reporting Period
0000ES-9	96	No	2023 SAR 2
00000-W4	106	No	2024 SAR 1 & 2
00GW-131	62	No	2022 SAR 2 & 2023 SAR 1
M7-2S-H5	71	No	2022 SAR 2
M7-2S-H5	71	No	2022 SAR 2 & 2023 SAR 1
M74N-H2R	99	No	2024 SAR 2
M74N-H3R	89	No	2022 SAR 1 & 2
M74N-H3R	99	No	2024 SAR 2

118. SLV Landfill failed to submit a root cause analyses and the other items required in 63.1981(h)(7) for pressure exceedances lasting more than 60 days 8 times, in violation of 40 C.F.R. §§ 63.1960(a)(3)(i)(B); 63.1960(a)(4)(i)(B); 62.16724(h)(7); and 63.1981(h)(7).

III. ENFORCEMENT AUTHORITY

119. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), provides that whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement of prohibition of the CAA, the Administrator may issue an order requiring such person comply with the requirements or prohibition of the Act, issue an administrative penalty order in accordance with section 113(d) of the Act, or bring a civil action in accordance with section 113(b) of the Act for injunctive relief or civil penalties.

120. The issuance of this Notice of Violation does not in any way limit or preclude the EPA from pursuing additional enforcement options concerning inspections or review referenced in this Notice of Violation. Also, this Notice of Violation does not preclude enforcement action for violations not specifically addressed in this Notice of Violation.

Issued: __October 7, 2025___

SUZANNE BOHAN

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Suzanne J. Bohan, Director
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