

*Missed Opportunity for Anne Arundel Bioreactor pilot.* The Anne Arundel County final rule package has been withdrawn from circulation for the Administrator's signature. Anne Arundel County informed Region 3 that they would not be going forward with the pilot.

Rather than to earmark future funds for a test pilot, the County believes that they know enough about bioreactors to support going forward with the concept. Instead of pursuing a small-scale test, they are planning to design new full-sized cells implementing the bioreactor concept – using the existing prescribed landfill liner design (which precludes the need for regulatory flexibility from 40 CFR 258).

### Background

EPA, the State of Maryland, and Anne Arundel County signed the Final Project Agreement in January 2001. By August 2001, Anne Arundel had already obtained the necessary State permits. The County had hoped to start construction and had set aside the budget to implement their pilot in 2002 and 2003. EPA proposed the rule in May 2003. The rule language had not been changed from the proposed rule.

OEPI and OSW recently briefed Jessica Furey, Stephanie Daigle, and Louise Wise regarding the differences between the Anne Arundel site-specific Project XL final rule and the OSW national final rule for Research, Development, and Demonstration Permits for Municipal Solid Waste Landfills. Even with the OSW national RD&D permit final rule looming, everyone agreed that it made sense to promulgate the Anne Arundel site-specific rule for a few prominent reasons: 1), because so much up-front regulatory and stakeholder involvement work had gone into the Project XL pilot that would enable specific agreed-upon data to be monitored and utilized from the Anne Arundel site, 2) there are no indications that the State of Maryland would adopt the RD&D permit provisions that would enable Anne Arundel to use the national rule provisions, and 3) most importantly, Anne Arundel could implement the pilot without further delay.

The site-specific final rule was recently approved by OPEI for the Administrator's signature. Unfortunately, by the end of fiscal year 2003, the County had to reappropriate the funding that had been set aside for the bioreactor pilot.

For more details regarding this project, contact: Sherri Walker, 566-2186.