**EXHIBIT # ____**

**FLARE NO. 5 VARIANCE CONDITIONS**
**USA Waste of California, Inc. dba El Sobrante Landfill**
**Case No. 5139-7**

1. This variance shall only apply to the following SOx and total sulfur limits applicable to Flare No. 5 under Permit to Construct (A/N 647970, Permit Condition No. 35):

   Sulfur as $H_2S$: 60 ppmv, inlet LFG averaged monthly
   Sulfur as $H_2S$: 85 ppmv, inlet LFG averaged daily
   SOx: 5.45 lb/hr
   SOx: 2,810.00 lb/month

2. Petitioner shall not route landfill gas to Flare No. 5 unless first treated by Landfill Gas Treatment System "B" (A/N 647971, or subsequent), or other treatment system operated in accordance with its valid Permit to Construct or Operate as approved by the South Coast AQMD.

3. Petitioner shall sample the landfill gas sulfur compounds at the inlet to Flare No. 5 at least once every other calendar week (but at a frequency of at least five (5) calendar days between sampling events), unless more frequent sampling is required by the approved Rule 431.1 Alternative Monitoring Plan [A/N 351821, or subsequent].

   a. Petitioner shall have those samples analyzed by a certified laboratory using South Coast AQMD Method 307-91 and request and pay for expedited processing (with a five business day lab analysis reporting turnaround time), if available. The laboratory report shall specify total sulfur compounds as $H_2S$. Petitioner shall maintain on-site, which may include electronic storage, the South Coast AQMD Method 307-91 complete laboratory analysis report, which shall include the time and date each sample collection was conducted, and initialed by the personnel that conducted the sample collection. The complete laboratory analysis report shall be e-mailed within two (2) business days of receiving results to Peter Homsey, Air Quality Inspector III (phomsey@aqmd.gov), Alemayehu Solomon, WOC Supervising Air Quality Inspector (asolomon@aqmd.gov), and Duoduo Bao, Air Quality Engineer (dbao@aqmd.gov), except as allowed by Condition No. 11. Petitioner shall instruct the laboratory that results shall be provided to Petitioner as soon as possible after they are available.

4. Petitioner shall send updated, current site maps identifying each well head by component number and include visual indicator(s) for the well heads with landfill gas temperature reading(s) that have exceeded 131 degrees Fahrenheit with every monthly report to Peter Homsey, Air Quality Inspector III (phomsey@aqmd.gov), Alemayehu Solomon, WOC Supervising Air Quality Inspector (asolomon@aqmd.gov), and Duoduo Bao, Air Quality Engineer (dbao@aqmd.gov). If there has been no change in the identified wells that have exceeded 131 degrees Fahrenheit since the previous site map submission, Petitioner shall state in the monthly report for which a new site map would be due that there has been no change, and no updated map shall be required under this condition.

5. Petitioner shall report the sulfur compound readings and analyses required under the above Conditions No. 3 to South Coast AQMD as part of the monthly status report, pursuant to Condition No. 8. When conducting the sampling, analyzing, and recording required under Condition No. 3, Petitioner shall ensure that Tedlar bags used for Method 307-91 sampling and analysis are clean, unused, intact, and free from moisture and debris.

6. Petitioner shall replenish and/or replace spent granular activated carbon (GAC) media in the Landfill Gas Treatment System "B" (under A/N 647971, or subsequent) at a frequency sufficient to maintain a concentration of total sulfur as hydrogen sulfide at the inlet to Flare No. 5, excluding dimethyl sulfide (DMS), below 60 ppmv (averaged monthly) and 85 ppm (averaged daily). Spent media removed from the landfill gas treatment system shall be stored in closed containers not vented to atmosphere prior to disposal.

7. Petitioner shall maintain a record of the following information in an editable spreadsheet and pdf formats (with all units labeled) and include such records in the monthly status report submitted to the South Coast AQMD pursuant to Condition No. 8:
   a. The hourly flow of landfill gas combusted, in standard cubic feet per hour (scfm data averaged hourly) and the daily flow of landfill gas in standard cubic feet per day:
      i. Combusted by Flare No. 3;
      ii. Combusted by Flare No. 4;
      iii. Combusted by Flare No. 5;
      iv. Combusted in other combustion and/or control equipment operated valid South Coast AQMD Permit(s) (if applicable); and
      v. Totaled for the facility.
   b. Documentation of any time Flare No. 3, 4 or 5 are offline, including:
      i. Reason Flare(s) is/was offline;
      ii. Detailed information on what needs to be repaired/changed to bring the Flare(s) back online; and
      iii. Increments of progress towards and estimated time of when it will return to service.
   c. Temperature readings, in Fahrenheit, for all wellheads (including all temperature readings from the previous month and at minimum one temperature reading for each wellhead, contained in a single spreadsheet);
   d. Carbon monoxide (CO) concentration readings, in parts per million by volume (ppmv), and corrective actions relating to CO readings greater than 500 ppmv, for all wellheads (including all CO readings from the previous month and at minimum one reading for each wellhead, contained in a single spreadsheet);
   e. The results of the $H_2S$ and total sulfur readings, sampling, and analyses, with the time and date when each measurement or sample collection was conducted, pursuant to Condition No. 3; and
   f. Daily excess emissions in pounds (lbs.) of sulfur oxides (SOx) per day for Flare No. 5, calculated pursuant to Condition No. 9, including any assumptions and supporting information. Records shall be cumulative including all dates from the beginning of the variance.

8. Petitioner shall submit a written status report to the District no later than the seventh ($7^{th}$) day of each calendar month of the Regular Period, not later than 5:00 pm PST via email to Peter Homsey, Air Quality Inspector III (phomsey@aqmd.gov), Alemayehu Solomon, WOC Supervising Air Quality Inspector (asolomon@aqmd.gov), and Duoduo Bao, Air Quality Engineer (dbao@aqmd.gov), except as allowed by Condition No. 11. Petitioner may choose to submit this monthly status report as a combined status report with the monthly status report required under Condition No. 13 of the Flare No. 4 Minute Order (Case No. 5139-3, dated Aug. 13, 2025). Each monthly report shall contain at a minimum the following information gathered from the previous calendar month:
   a. Records identified in Condition No. 7, in an editable spreadsheet format, with all units labeled;
      i. Readings and corrective action data gathered under Condition No. 7.c and 7.d shall be submitted with every other monthly report.
   b. Records of each instance of GAC replenishment or change-out within the previous month, specifically the date, time, and the GAC that was replenished;
   c. Estimated schedule for any upcoming replacement of the GAC in the Landfill Gas Treatment System;
   d. Daily excess emissions in pounds (lbs.) of sulfur oxides (SOx) per day for Flare No. 5, pursuant to Condition No. 7.f.

9. Excess emissions from Flare No. 5 shall be calculated using the following equations based on larger resultant excess emissions of the four following equations on a per month basis. All necessary supporting information shall be provided to South Coast AQMD staff pursuant to Condition Nos. 7.f and 8.d. Any feedback or requested changes to this methodology provided to Petitioner in writing by South Coast AQMD staff shall be incorporated and utilized in subsequent excess emission calculations.

   Equation No. 1: SOx Excess Emissions (lb/day) = {[Daily TRS (ppmv) – 85 (ppmv)] x LFG Flow Rate to Flare No. 5 (scf/day) x $1.69 \times 10^{-7}$]}

   Equation No. 2: SOx Excess Emissions (lb/day) = {[Daily TRS (ppmv) x LFG flow rate to Flare No. 5 (scf/day)] x [$1.69 \times 10^{-7}$]} – [3.85 (lb/hr) x Actual Operating Hours of Flare No. 5 (hr)]

   Equation No. 3: SOx Excess Emissions (lb/month) = {[Monthly Average TRS (ppmv) – 60 (ppmv)] x LFG Flow Rate to Flare No. 5 (scf/month) x $1.69 \times 10^{-7}$]}

   Equation No. 4: SOx Excess Emissions (lb/month) = {[Monthly Average TRS (ppmv) x LFG flow rate to Flare No. 5 (scf/month)] x [$1.69 \times 10^{-7}$]} – [2810.4 (lb/month)]

   Where:
   LFG: landfill gas

Daily Total Sulfur as $H_2S$: The Total Sulfur as $H_2S$ concentration reflected in the most recent lab result collected and received pursuant to Condition No. 3.

Monthly Average Total Sulfur as $H_2S$: The average Total Sulfur as $H_2S$ concentration calculated based upon the sum of all samples received pursuant to Condition No. 5 in a calendar month divided by the number of samples analyzed in the calendar month.

lb/scf: pounds per standard cubic foot
lb/day: pounds per day
lb/month: pounds per month
ppmv: parts per million by volume
TRS: total sulfur as $H_2S$ concentration using South Coast AQMD Method 307-91
SOx: oxides of sulfur expressed as sulfur dioxide
scf/day: standard cubic feet per day

10. Petitioner shall provide any additional records requested by South Coast AQMD that are reasonably related to the variance scope. The records shall be provided upon request within seven (7) calendar days, or a longer period if approved in writing by South Coast AQMD staff.

11. Any submittal deadline in these conditions that falls on a weekend or Federal or California holiday shall be extended to the next weekday.

12. Petitioner shall pay all applicable fees to the Clerk of the Hearing Board, or the variance shall be invalidated pursuant to Rule 303(k), except for excess emissions fees, which shall be paid within fifteen (15) days of notification in writing that the fees are due, unless otherwise ordered by the Hearing Board.

13. In the Area of Concern, the Facility shall conduct instantaneous surface emission monitoring as outlined in Rule 1150.1 (e)(3) at least once each calendar month. Records of these monitoring events shall be recorded and any exceedances documented including the person conducting the monitoring, location of exceedance, concentration of exceedance, and remediation actions. The monthly instantaneous surface emission monitoring conducted pursuant to this Condition shall include monitoring with a portable FID at the surface around each wellhead casing in the Area of Concern. Monitoring shall also include visual observation of any leaking wellheads within the Area of Concern. Results of monitoring and visual observations at the wellhead casings shall also be recorded and all readings shall be documented, including the person conducting the monitoring, wellhead monitored, date/time of reading, concentration of exceedance, and any remediation actions taken (which shall be in accordance with Rule 1150.1(e)(3)). To the extent that additional wellheads are identified as having wellhead temperatures over 131 F, those wellheads shall be added to the list below and will be subject to monthly monitoring of the surface around each wellhead casing under this Condition.

For purposes of this Condition, the following wellheads shall be deemed to delineate the "Area of Concern" at the Facility:

| | | | |
|---|---|---|---|
| EW-0245 | EW-2197 | EW-2388 | EW-2449 |
| EW- 0247 | EW-2198 | EW-2389 | EW-2450 |
| EW- 0248 | EW-2199 | EW-2390 | EW-2451 |
| EW-1002 | EW-2235 | EW-2391 | EW-2452 |
| EW-1107 | EW-2251 | EW-2392 | EW-2453 |
| EW-1554 | EW-2257 | EW-2393 | EW-2454 |
| EW-1795 | EW-2270 | EW-2394 | EW-2455 |
| EW-1796 | EW-2271 | EW-2429 | EW-2456 |
| EW-1929 | EW-2374 | EW-2430 | EW-2457 |
| EW-2100 | EW-2375 | EW-2431 | EW-2469 |
| EW-2101 | EW-2376 | EW-2432 | EW-2470 |
| EW-2102 | EW-2377 | EW-2433 | EW-2471 |
| EW-2103 | EW-2378 | EW-2434 | EW-2427 |
| EW-2104 | EW-2379 | EW-2435 | EW-2428 |
| EW-2105 | EW-2380 | EW-2436 | EW-2439 |
| EW-2106 | EW-2381 | EW-2437 | EW-2440 |
| EW-2107 | EW-2382 | EW-2438 | EW-2441 |
| EW-2108 | EW-2383 | EW-2442 | EW-2444 |
| EW-2109 | EW-2384 | EW-2443 | EW-2445 |
| EW-2110 | EW-2385 | EW-2446 | |
| EW-2111 | EW-2386 | EW-2447 | |
| EW-2196 | EW-2387 | EW-2448 | |

Records generated in accordance with this Condition shall be compiled in a complete and legible format. In the event that the District determines the format is not complete or not legible and provides written notice to the Facility, thereafter (starting the following calendar month after notice), such records shall be electronically entered and maintained for the monitoring performed each month under this Condition, to be made available upon request by the District.

The Facility shall continue to comply with the quarterly monitoring requirements in SCAQMD Rule 1150.1(e)(3) for areas outside the Area of Concern.

14. Petitioner shall notify the Clerk of the Board at clerkofboard@aqmd.gov in writing when final compliance has been achieved.

15. This variance shall terminate upon notification by the Petitioner to the Clerk of the Board that operation of all equipment for which a variance is granted is operating in compliance.

**EXHIBIT # ____**

## INCREMENTS OF PROGRESS

Petitioner shall continue to make itself available to meet approximately once each calendar quarter with SCAQMD permitting staff (unless mutually agreed otherwise) to address permitting issues until SCAQMD takes final action on the modifications requested in Application Nos. 664666 and 664667 for Flare No. 5 Condition # 35 sulfur/SOx limits.