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Attorneys for Petitioner
USA Waste of California, Inc. dba El Sobrante Landfill

**BEFORE THE HEARING BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

USA Waste of California, Inc. dba El
Sobrante Landfill
[Facility ID No. 113674],

Petitioner,

v.

South Coast Air Quality Management
District,

Respondent.

Case No.: 5139-3

**DECLARATION OF CHRISTIAN
COLLINE RE MODIFICATION OF
AN EXISTING VARIANCE; FILED IN
SUPPORT OF A CONSENT
CALENDAR REQUEST**

Date: July 14, 2026
Time: 9:30 a.m.
Place: South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

I, Christian Colline, declare:

1. I am the Director of Air Programs (West) for WM, the parent company of
Petitioner USA Waste of California, Inc. dba El Sobrante Landfill ("Petitioner" or
"USA Waste"), which operates the El Sobrante Landfill ("Facility"). I make this

1 declaration based upon personal knowledge of the facts set forth herein and, if called
2 as a witness in this matter, I could and would competently testify to these facts.

3 **Background**

4 2. I am familiar with the issues presented in Petitioner's requests for an
5 Interim and a Regular Variance in Case No. 5139-3 related to exceedances of the 60
6 ppmv monthly average concentration limit for total sulfur (SOx) for flaring system # 4
7 ("Flare # 4 system") set forth in Condition # 26 (hereinafter "Condition 26") of the
8 Facility's Permit to Construct/Operate ("PTC/PTO") No. R-G64402. I am also
9 familiar with the issues presented in the Petitions For Modification of an Existing
10 Variance in Case No. 5139-3 filed on June 12, 2025 ("2025 Modification Petition")
11 and more recently on May 29, 2026 ("2026 Modification Petition").

12 3. On August 6, 2024, I testified before the Hearing Board of the South
13 Coast Air Quality Management District ("Hearing Board") in support of Petitioner's
14 initial request for an Interim Variance. I am familiar with the Minute Order issued by
15 the Hearing Board dated September 4, 2024 granting an Interim Variance in Case No.
16 5139-3 ("2024 Minute Order") and the conditions incorporated into that Minute Order
17 ("Interim Variance Conditions").

18 4. On October 3, 2024, I testified before the Hearing Board in support of
19 Petitioner's request for a Regular Variance. I am familiar with the Hearing Board's
20 Findings and Decision and Order Granting Regular Variance, dated November 20,
21 2024 ("2024 Findings and Decision"), and the conditions incorporated into that order
22 ("Regular Variance Conditions").

23 5. I am also familiar with the Minute Order ("2025 Minute Order") issued
24 by the Hearing Board on August 14, 2025 extending the final compliance date to
25 August 5, 2026 or the date South Coast AQMD takes final action on A/N 655059 to
26 establish modified total sulfur/SOx limits that Petitioner can comply with, whichever
27 comes first. I am also familiar with the conditions incorporated into the 2025 Minute
28 Order ("Modified Variance Conditions").

1 6. I have supported and overseen implementation of the Interim, Regular,
2 and Modified Variance Conditions at the Facility since the Hearing Board initially
3 voted to grant the Interim Variance on August 6, 2024.

4 7. A timeline of activities undertaken by Petitioner in compliance with the
5 Interim, Regular, and Modified Variance Conditions is provided as **Colline Dec.**
6 **Attachment 1** (“Timeline of Variance Compliance Activities”).

7 **Need and Basis for a Variance Modification**

8 8. The 2024 Findings and Decision details the basis for Petitioner’s request
9 for a variance from the total sulfur/SOx limits for the Flare # 4 system set forth in
10 Condition 26.

11 9. As explained in the 2024 Findings and Decision, increased Dimethyl
12 Sulfide (“DMS”) concentrations in landfill gas (“LFG”) has caused exceedances of
13 the 60 ppmv (monthly average) total sulfur/SOx limit set forth in Condition 26. *See*
14 2024 Findings and Decision, p. 3. Due to increased DMS, Petitioner remains in
15 violation of the related total sulfur/SOx limits also in Condition 26, namely the 85
16 ppmv (daily average) limit applicable to LFG at the Flare # 4 system inlet and the 3.85
17 lb/hr and 2,810.4 lb/month mass limits stated in Condition 26.

18 10. Further, because the Facility is not operating in compliance with
19 Condition 26, Petitioner continues to be in violation of District Rules 203(b) and
20 3002(c)(1), which require compliance with permit conditions.

21 11. The DMS that is contributing to exceedances of the total sulfur/SOx
22 limits in Condition 26 is a by-product of LFG generated by the decomposition of
23 waste that Petitioner estimates was landfilled at the Facility prior to 2005. As the
24 Hearing Board stated in the 2024 Findings and Decision, “[t]here is no method to
25 physically reduce the DMS component of SOx emissions, and the landfill cannot
26 curtail operations.” *Id.* Thus compliance with Condition 26 is beyond Petitioner’s
27 reasonable control. *See id.* at p. 4.

1 12. Nonetheless, Petitioner has investigated the problem and sought
2 appropriate ways to address it, including undertaking physical modifications intended
3 to reduce the internal landfill cell area temperature, thus reducing the levels of DMS
4 being created in this area of concern at the Facility. In accordance with Modified
5 Variance Conditions 10 and 11, Petitioner has also investigated the causes of and
6 potential treatment systems for DMS and reported on its findings to SCAQMD staff.

7 13. On August 27, 2024, Petitioner also submitted an application (A/N
8 655059) to modify the total sulfur/SOx limits set forth in Condition 26. Petitioner has
9 worked diligently with SCAQMD to staff facilitate processing this application,
10 meeting regularly to discuss the details of the requested sulfur limit modifications and
11 responding to multiple information requests from staff.

12 14. Because Petitioner's application is still under review and final action has
13 not been taken to establish modified total sulfur/SOx limits that Petitioner can comply
14 with, Petitioner determined that it was necessary to petition for an extension of the
15 final compliance date set forth in the 2025 Minute Order.

16 15. Petitioner anticipates that compliance will be achieved once the
17 application to modify its existing permit limits (A/N 655059) is approved.

18 16. The Facility is a regional waste disposal facility that provides disposal
19 services for communities, businesses, and industries in Southern California and is an
20 essential public service per SCAQMD Rule 1203(m)(7).

21 17. Denying extension of the final compliance date as requested in the 2026
22 Modification Petition would cause an unreasonable burden upon an essential public
23 service. It would also cause significant, unreasonable, and unavoidable harm to
24 Petitioner in that Petitioner would be subject to monetary fines and penalties for
25 violation of its Permit, as well as Rules 203(b) and 3002(c)(1). This significant harm
26 to Petitioner would be without a corresponding benefit in reducing air contaminants,
27 as reductions of the DMS contributing to total sulfur/SOx exceedances are not feasible
28 at this time.

1 18. As required under Modified Variance Condition 17, Petitioner has been
2 calculating excess emissions of SOx and reporting these calculations to District staff
3 pursuant to Modified Variance Condition Nos. 9e and 13e on a bi-weekly basis.

4 19. Petitioner has considered but cannot achieve compliance by curtailing
5 operations in lieu of obtaining a variance. First, as the Hearing Board acknowledged
6 in the 2024 Findings and Decision, the Facility is unable to curtail operations without
7 harm to the public as it provides an essential public service. *See* 2024 Findings and
8 Decision at p. 6. Second, curtailing operations would have no beneficial impact on the
9 LFG generated by the decomposition of existing waste at the Facility, which is the
10 source of the DMS causing exceedances of the total sulfur/SOx limits in Condition 26.
11 *See id.*

12 20. Petitioner has reduced emissions to the maximum extent feasible during
13 the period by, among other things, complying with the Modified Variance conditions.
14 Petitioner will continue to reduce emissions to the maximum extent feasible during
15 the modified variance period by compliance with similar conditions.

16 21. Petitioner has been monitoring sulfur concentrations at the Flare # 4
17 system inlet and reporting the results of this monitoring during the Interim, Regular,
18 and Modified Variance periods in accordance with Modified Variance Conditions 3,
19 4, 9.d, and 13. Petitioner will continue to do so during the modified variance period
20 pursuant to the conditions in the [Proposed] Order submitted herewith, if granted.

21 22. Petitioner's operation under the [Proposed] Order submitted herewith is
22 not expected to result in a violation of Health and Safety Code Section 41700 or
23 SCAQMD Rule 402, in light of the following:

- 24 a. Petitioner has not received any Notice of Violation ("NOV") from
25 SCAQMD alleging nuisance or violations of District Rule 402 at
26 the Facility during the full variance period, commencing with the
27 Interim Variance granted in 2024.
28

- 1 b. As reflected in the 2026 Modification Petition, thirteen (13) total
2 complaints were submitted to Petitioner alleging the detection of
3 odors from the Facility in nearby residential neighbors during the
4 six (6) month period that preceded the filing of the 2026
5 Modification Petition from November 29, 2025 to May 29, 2026.
6 *See* 2026 Modification Petition at p. 6 (Question # 16).
7 c. Since May 30, 2026, four (4) additional complaints from two (2)
8 people have been received by Petitioner alleging the detection of
9 odors from the Facility. These complaints were not verified by
10 SCAQMD.
11 d. SCAQMD has not informed Petitioner that it has received any
12 additional odor complaints related to the Facility during the
13 Modified Variance period (July 16, 2025 to present).

14 23. SCAQMD staff needs additional time to process the permit application
15 submitted by Petitioner on August 27, 2024 to address Flare # 4 total sulfur/SOx
16 limits in Condition 26.

17 24. To allow sufficient time for processing of the application, Petitioner
18 submitted the 2026 Modification Petition because Petitioner cannot achieve
19 compliance by the Modified Variance final compliance date of August 5, 2026.

20
21
22 I declare under penalty of perjury under the laws of the State of California that
23 the foregoing is true and correct. Executed this 2nd day of July 2026 at Concord,
24 California.

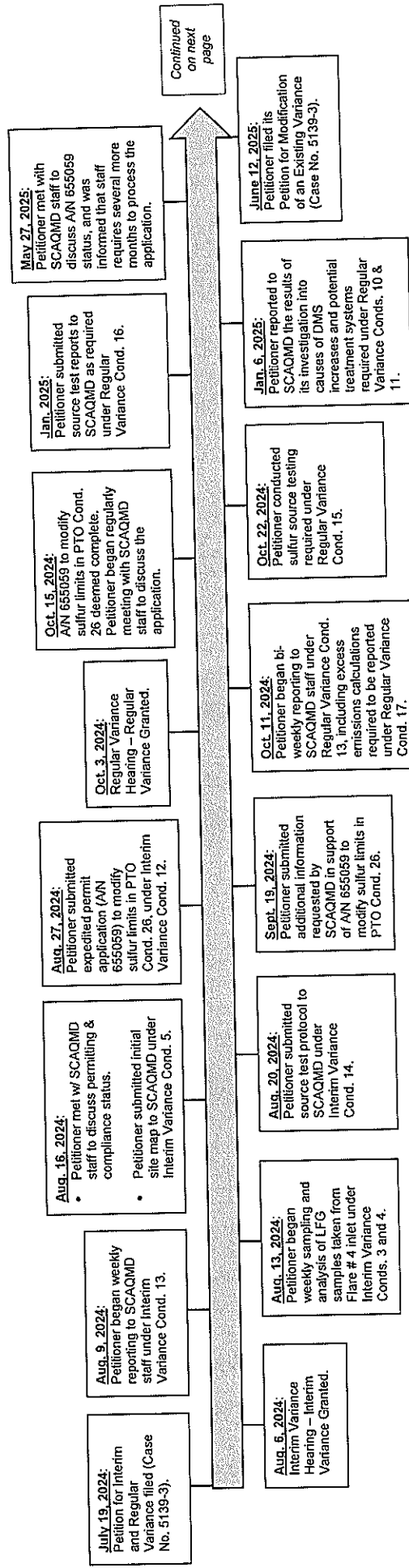
25 By: 

26 Christian Colline
27 WM, Director of Air Programs (West)

Attachment 1 to Declaration of Christian Colline

**Petition for Modification of Existing Variance
Before the SCAQMD Hearing Board
(Case No. 5139-3)
USA Waste of California, Inc. dba El Sobrante Landfill**

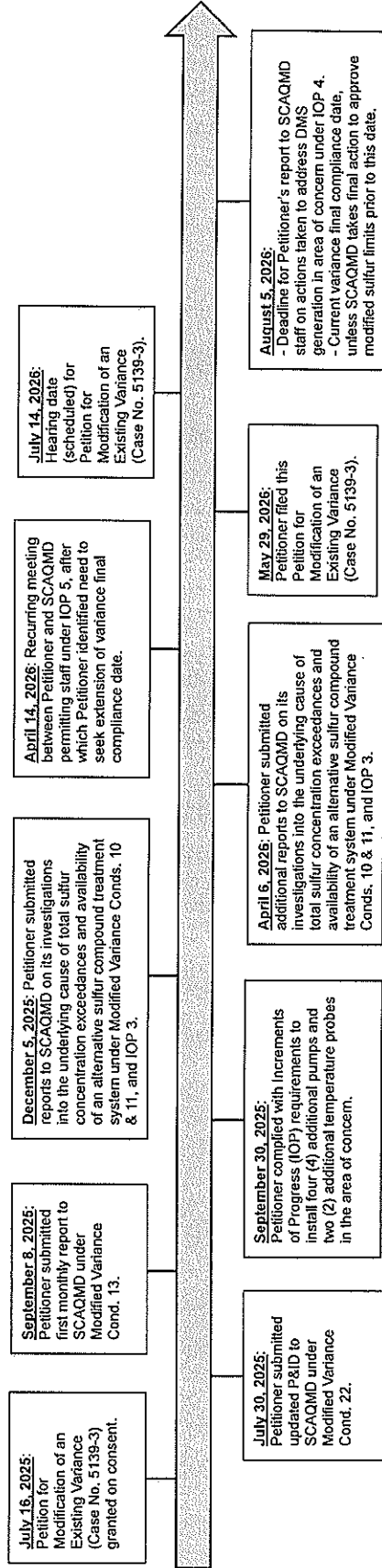
Timeline of Variance Compliance Activities^{1, 2}



¹ As reflected in this Exhibit, Petitioner timely complied with all conditions of Interim, Regular and Modified Variances issued in Case No. 5139-3.

² The spacing out of events depicted in this timeline is not proportionate to the time that elapsed between activities, but the dates for each activity are accurate.

Timeline of Variance Compliance Activities (continued)



From July 16, 2025 to present, Petitioner has continued to comply with all ongoing requirements of the Modified Variance set forth in the Minute Order and Findings & Decision for Case 5139-3 issued on August 14, 2025, including:

- Weekly sampling of sulfur compounds in LFG collected at the Flare No. 4 inlet using colorimetric tests for H₂S, e-mailing results to SCAQMD staff within 3 days of conducting the measurements (Modified Variance Cond. 3);
- Bi-weekly sampling and lab analysis of sulfur compounds in LFG collected at the Flare No. 4 inlet, expediting and e-mailing results to SCAQMD staff within 2 business days of receiving the complete lab analysis report (Modified Variance Cond. 4);
- Monthly site map updates to identify well heads where landfill gas temperature readings exceeded 145 degrees Fahrenheit, as applicable (Modified Variance Cond. 5);
- Recurring meetings with SCAQMD permitting staff to address issues related to Petitioner's request for modified SO_x limits in Permit Condition 26 (Modified Variance Cond. 12);
- Monthly written status report submissions to SCAQMD (Modified Variance Cond. 13);
- Payment of excess emission fees (Modified Variance Cond. 20);
- Monthly surface emission monitoring and maintaining records of monitoring results (Modified Variance Cond. 21).

