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

In the Matter of

Case No.: 5139-3

USA Waste of California, Inc. dba El
Sobrante Landfill

**[PROPOSED] FINDINGS AND
DECISION AND ORDER GRANTING
MODIFICATION OF AN EXISTING
VARIANCE**

[Facility ID No. 113674]

Section 42350 et. seq. of the California
Health and Safety Code

Hearing Date: July 14, 2026

FINDINGS AND DECISION OF THE HEARING BOARD

The Petition For Modification Of An Existing Variance in Case No. 5139-3 ("Modification Petition"), filed on May 29, 2026 by USA Waste of California, Inc. dba El Sobrante Landfill ("Petitioner") was heard on the Consent Calendar on July 14, 2026 pursuant to notice and in accordance with the provisions of South Coast Air Quality Management District ("SCAQMD") Rule 510. The matter was placed on the Consent Calendar pursuant to the Stipulation to Place Petition for Modification of an Existing Variance on Consent Calendar. The following members of the Hearing Board

1 were present: Micah Ali, Chair; Robert Pearman, Vice Chair; Jerry Abraham, MD,
2 MPH, CMQ; Mohan Balagopalan; and Cynthia Verdugo-Peralta. Petitioner,
3 represented by Malcolm C. Weiss, Esquire, did not appear. Respondent SCAQMD,
4 represented by Mary Reichert, Senior Deputy District Counsel, did not appear.

5 The matter was submitted for consideration on the Consent Calendar. Public
6 notice for the July 14, 2026 hearing was provided. The public was given the
7 opportunity to testify, and none did. The Declarations of Christian Colline and Peter
8 Homsey were received into evidence by the Hearing Board. The [Proposed] Findings
9 and Decision of the Hearing Board was received, and the case submitted. The Parties
10 have agreed by Joint Stipulation to place this matter on the Consent Calendar and to
11 the issuance of this Order. The Joint Stipulation incorporates by reference all evidence
12 and testimony offered in support of Petitioner's requests for an Interim, Regular, and
13 Modified Variance (including all evidence and testimony presented at both the August
14 6, 2024 hearing on the Interim Variance and the October 3, 2024 hearing on the
15 Regular Variance).

16 The Hearing Board finds and declares as follows:

17 **FINDINGS OF FACT**

18 1. Petitioner's El Sobrante Landfill (Facility ID No. 113674) ("Facility") is
19 an essential public service per SCAQMD Rule 1302(m)(7). The Facility is a regional
20 waste disposal facility that provides safe and convenient disposal services for
21 communities, businesses, and industries in Southern California. The Facility is located
22 at 10910 Dawson Canyon Road in Corona, California.

23 2. The equipment that is the subject of the Modification Petition is the
24 landfill gas ("LFG") flaring system # 4 ("Flare # 4 system") that operates as
25 abatement equipment for LFG generated by waste decomposition at the Facility. The
26 Flare # 4 system is operated pursuant to Permit to Construct/Operate ("PTC/PTO")
27 No. R-G64402, which is incorporated into the Facility's Title V Permit ("Permit").
28

1 3. Petitioner was granted an Interim Variance on August 6, 2024 and a
2 Regular Variance on October 3, 2024 from SCAQMD Rules 203(b) and 3002(c) and
3 from the SOx limits stated in Condition # 26 of the Permit (hereinafter, "Condition
4 # 26") for the Flare # 4 system. The Hearing Board's order granting the Regular
5 Variance set August 5, 2025 as the final compliance date. *See* Findings and Decision
6 and Order Granting a Regular Variance, Case No. 5139-3 (Nov. 20, 2024) at 7
7 (hereinafter, "2024 Findings and Decision").

8 4. On August 14, 2025, the Hearing Board issued a Minute Order ("2025
9 Minute Order") extending the final compliance date to August 5, 2026 or the date
10 South Coast AQMD takes final action on A/N 655059 to establish modified total
11 sulfur/SOx limits that Petitioner can comply with, whichever comes first. *See* Minute
12 Order, Case No. 5139-3 (Aug. 14, 2026) at p. 1.

13 5. Petitioner remains in violation of the total sulfur/SOx limits in
14 Condition # 26 and is unable to comply with the final compliance date set in the 2025
15 Minute Order.

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

19 7. The Dimethyl Sulfide ("DMS") that is contributing to exceedances of the
20 total sulfur/SOx monthly average limit in Condition # 26 is a by-product of LFG
21 generated by the decomposition of waste that Petitioner estimates was landfilled at the
22 Facility prior to 2005. As the Hearing Board stated in the 2024 Findings and Decision,
23 "[t]here is no method to physically reduce the DMS component of SOx emissions, and
24 the landfill cannot curtail operations." *See* 2024 Findings and Decision, p. 3. Thus,
25 compliance with Condition # 26 is beyond Petitioner's reasonable control. *See id.* at p.
26 4.

27 8. Nonetheless, Petitioner has acted diligently to investigate the problem
28 and to seek appropriate ways to address it, including undertaking physical

1 modifications intended to reduce the internal landfill cell area temperature, thus
2 reducing the levels of DMS being created in the area of concern at the Facility.

3 9. Petitioner has also investigated the causes of and potential treatment
4 systems for DMS and reported on its findings to SCAQMD staff.

5 10. On August 27, 2024, Petitioner also submitted an application (A/N
6 655059) to modify the total sulfur/SOx limits set forth in Condition 26. Petitioner has
7 worked diligently with SCAQMD staff facilitate processing this application, meeting
8 regularly to discuss the details of the requested sulfur limit modifications and
9 responding to multiple information requests from staff.

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

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

16 13. Granting the Modification Petition will allow additional time for
17 SCAQMD to process the application to address total sulfur/SOx limits in Condition #
18 26.

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

26 15. Petitioner has considered but cannot achieve compliance by curtailing
27 operations in lieu of obtaining a variance. First, as the Hearing Board acknowledged
28 in the 2024 Findings and Decision, the Facility is unable to curtail operations without

1 harm to the public as it provides an essential public service. *See* 2024 Findings and
2 Decision at p. 6. Second, curtailing operations would have no beneficial impact on the
3 LFG generated by the decomposition of existing waste at the Facility, which is the
4 source of the DMS causing exceedances of the total sulfur/SOx limits in Condition 26.
5 *See id.*

6 16. As required under Regular Variance Condition 17, Petitioner has been
7 calculating excess emissions of SOx and reporting these calculations to District staff
8 pursuant to Regular Variance Condition Nos. 9e and 13e on a bi-weekly basis.

9 17. Petitioner will reduce emissions to the maximum extent feasible during
10 the Modified Variance period by, among other things, complying with conditions and
11 Increments of Progress set forth in this Order.

12 18. Petitioner will continue monitoring sulfur concentrations at the Flare # 4
13 system inlet and will report the results of this monitoring pursuant to the conditions in
14 this Order.

15 **CONCLUSION AND ORDER**

16 The Regular Variance Findings and Decision are incorporated herein by
17 reference.

18 THEREFORE, the Hearing Board orders as follows:

19 A. The variance from SCAQMD Rules 203(b) and 3002(c) and from the
20 SOx limits stated in Permit Condition # 26 of PTC/PTO No. R-G64402 for the Flare
21 # 4 system that was granted to Petitioner in Case No. 5139-3 is hereby modified by
22 extending the final compliance date until August 5, 2027 or until the date that
23 SCAQMD takes final action on A/N 655059 to establish modified total sulfur/SOx
24 limits that Petitioner can comply with, as demonstrated by Facility data, whichever
25 occurs first.

26 B. The variance granted herein is subject to the following conditions:
27
28

1. This variance shall only apply to the SO_x and total sulfur limits applicable to Flare No. 4 under Permit to Operate (R-G64402, A/N 618396, Permit Condition 26).
2. Petitioner shall, to the maximum extent feasible during the variance period, limit the use of Flare Nos. 4 and 5 and prioritize and maximize the use of the facility's other Flare (No. 3) [Permit to Operate R-G64400], and/or route landfill gas to other combustion and/or control equipment operated valid South Coast AQMD Permit(s).
3. In lieu of the colorimetric tube sampling of the SCAQMD Rule 431.1 Alternative Monitoring Plan incorporated into the Permit, Petitioner shall sample, measure, and record the landfill gas sulfur compounds at the inlet to Flare No. 4 on a weekly basis using colorimetric tests for hydrogen sulfide (H₂S). Records of the date and time of the test, the test results, and name of personnel conducting the test shall be maintained on-site and e-mailed within three (3) weekdays of conducting the measurement to Peter Homsey, Air Quality Inspector III (phomsey@aqmd.gov), Alisha Lewis, Supervising Air Quality Inspector (alewis@aqmd.gov) and Duoduo Bao, Air Quality Engineer (dbao@aqmd.gov), except as allowed by Condition No. 19.
4. Petitioner shall sample the landfill gas sulfur compounds at the inlet to Flare No. 4 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].
 - 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 H₂S. Petitioner shall maintain on-site, which may include electronic storage, the South Coast AQMD Method 307-91

1 complete laboratory analysis report, which shall include the time and date
2 each sample collection was conducted, and initialed by the personnel that
3 conducted the sample collection. The complete laboratory analysis report
4 shall be e-mailed within two (2) business days of receiving results to
5 Peter Homsey (phomsey@aqmd.gov), Alisha Lewis, Supervising Air
6 Quality Inspector (alewis@aqmd.gov), and Duoduo Bao
7 (dbao@aqmd.gov), except as allowed by Condition No. 19. Petitioner
8 shall instruct the laboratory that results shall be provided to Petitioner as
9 soon as possible after they are available.

10 5. With regard to the site map provided to SCAQMD under Condition 5 of the
11 Regular Variance, Petitioner shall either:

- 12 a. Send updated, current site maps identifying each well head by component
13 number and include visual indicator(s) for the well heads with landfill
14 gas temperature reading(s) that have exceeded 145 degrees Fahrenheit
15 with every monthly report to Peter Homsey, Air Quality Inspector III
16 (phomsey@aqmd.gov), Alisha Lewis, Supervising Air Quality Inspector
17 (alewis@aqmd.gov), Duoduo Bao, Air Quality Engineer
18 (dbao@aqmd.gov), and Travis Rohde, Senior Air Quality Engineer
19 (trohde@aqmd.gov), commencing with the first monthly report due in
20 September 2025; or
21 b. If there has been no change in the identified wells that have exceeded 145
22 degrees Fahrenheit since the previous site map submission, Petitioner
23 shall state that in the monthly report for which a new site map would be
24 due, and no updated map shall be required under this condition.

25 6. Petitioner shall report the sulfur compound readings and analyses required under
26 Conditions Nos. 3 and 4 to South Coast AQMD as part of the monthly status
27 report, pursuant to Condition No. 13. Petitioner shall comply with the following
28

1 requirements when conducting the sampling, analyzing, and recording required
2 under Condition Nos. 3 and 4:

- 3 a. Tedlar bags used for Method 307-91 sampling and analysis shall be
4 clean, unused, intact, and free from moisture and debris.
- 5 b. Colorimetric tube readings shall be conducted by taking a reading from
6 the Method 307-91 Tedlar bag sample using an appropriate colorimetric
7 tube sample collection pump. All sampling shall be performed in
8 accordance with the operational manual for the colorimetric tube sample
9 collection pump.
- 10 c. Colorimetric tube readings shall use colorimetric tubes of appropriate
11 concentration range and shall be reported as follows:
- 12 i. Petitioner shall first use the estimated appropriately-ranged
13 colorimetric tube.
- 14 ii. If the resulting reading reaches the upper concentration of the
15 colorimetric tube concentration range, additional reading(s) shall
16 be taken using a colorimetric tube with a concentration range that
17 has a larger upper concentration threshold until the result is not the
18 upper concentration threshold of the concentration range. Report
19 the tube concentration range and tube concentration result for each
20 reading.
- 21 iii. If the reading results in the lowest concentration of the colorimetric
22 tube concentration range or does not register a result, additional
23 reading(s) shall be taken using a colorimetric tube with a
24 concentration range that has a smaller lowest concentration
25 threshold, if available, until the colorimetric tubes available to the
26 facility result in:
- 27 1. A reading that is within the concentration range of the tube;
28

2. A reading is the lowest concentration of the colorimetric tube concentration range with the lowest concentration threshold; or

3. The colorimetric tubes do not register a result.

When the result is the lowest concentration of the colorimetric tube concentration range or does not register a result, the lowest concentration of the colorimetric tube concentration shall be considered the concentration result. Report the tube concentration range and tube concentration result for each reading. If a lower range colorimetric tube is not used and the tube concentration result is below the lower range of the colorimetric tube used, Petitioner shall document and report the result as "less than" or "<" the lower range value of the tube. Notwithstanding the forgoing, Petitioner shall ensure that the colorimetric tube result is below the upper range of the colorimetric tube used and shall report the precise result of all results above the lowest range of the colorimetric tube used.

7. Petitioner shall maintain on site an adequate stock of appropriately ranged colorimetric tubes.

8. Petitioner shall replenish and/or replace spent granular activated carbon (GAC) media in the Landfill Gas Treatment System (under AN 627016) at a frequency sufficient to maintain a concentration of total sulfur as hydrogen sulfide at the inlet to Flare No. 4, 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 prior to disposal.

9. Petitioner shall maintain a record of the following information in an editable spreadsheet and pdf formats with all units labeled and provide such records to the South Coast AQMD pursuant to Condition No. 13:

- 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 in other combustion and/or control equipment operated valid South Coast AQMD Permit(s) (if applicable); and
 - iv. Totaled for the facility.
 - b. 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);
 - c. 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);
 - d. The results of the H₂S and total sulfur readings, sampling, and analyses, with the time and date when each measurement or sample collection was conducted, pursuant to Condition Nos. 3 and 4; and
 - e. Daily excess emissions in pounds (lb) of sulfur oxides (SO_x) per day for Flare No. 4, calculated pursuant to Condition No. 17, including any assumptions and supporting information. Records shall be cumulative including all dates from the beginning of the variance.
10. Petitioner shall continue to investigate and, to the extent feasible, determine the underlying cause of total sulfur concentration exceedances. Details of this investigation, information discovered, and conclusions, if any, shall be included in summary reports to be submitted pursuant to the schedule set forth in Increment of Progress # 3. The report shall explain the specific steps undertaken

1 by Petitioner (*e.g.*, literature review, data analysis, outreach to industry and/or
2 academic experts) to investigate the underlying cause of the total sulfur
3 concentration exceedances, information received or discovered, any conclusions
4 reached, and any other details that may be relevant to this issue. The investigation
5 and subsequent reports shall include relevant site-specific operational parameters,
6 including but not limited to, long-term temperature trends, vacuum system
7 performance, leachate management, and waste acceptance records.

- 8 11. Petitioner shall further investigate throughout the modified variance period the
9 availability, viability, and utilization, including pilot testing if needed, of an
10 alternative sulfur compound treatment system that controls, treats, or removes
11 dimethyl sulfide and other sulfur compounds. Petitioner shall submit updates of
12 this investigation pursuant to Increment of Progress #3.
- 13 12. With regard to the application submitted to SCAQMD on August 27, 2024 for the
14 modification of Flare No. 4 emission limits under Permit to Operate (R-G64402,
15 A/N 618396), Petitioner shall continue to make itself available to meet once each
16 calendar month with SCAQMD permitting staff (unless mutually agreed
17 otherwise) to address permitting issues, until SCAQMD takes final action on the
18 modifications requested in the permit application to Condition # 26 SO_x limits.
- 19 13. Petitioner shall submit a written status report to the District no later than the
20 seventh (7th) day of each calendar month of the Modified Variance Period, not
21 later than 5:00 pm PST via email to Peter Homsey, Air Quality Inspector III
22 (phomsey@aqmd.gov), Alisha Lewis, Supervising Air Quality Inspector
23 (alewis@aqmd.gov), Duoduo Bao, Air Quality Engineer (dbao@aqmd.gov), and
24 Travis Rohde, Senior Air Quality Engineer (trohde@aqmd.gov). Each monthly
25 report shall contain at a minimum the following information gathered from the
26 previous calendar month:
- 27 a. Records identified in Condition No. 9, in an editable spreadsheet format,
28 with all units labeled;

- i. Readings and corrective action data gathered under Condition No. 9b and 9c 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. Specifications of the equipment and materials used for the weekly colorimetric tests (only if there is a change from the previously provided specifications of the colorimetric instrumentation or method used);
- e. Daily excess emissions in pounds (lb) of sulfur oxides (SO_x) per day for Flare No. 4, pursuant to Condition No. 9.e.

The first monthly report prepared under this Condition shall be submitted no later than September 8, 2025 and shall cover the above information gathered in August 2025.

14. [Petitioner has complied with this condition.] Petitioner shall submit a source test protocol consistent with this paragraph, by August 20, 2024, with expedited review requested, for the review and approval of South Coast AQMD, via email to sourcetesting@aqmd.gov, Peter Homsey, Air Quality Inspector III (phomsey@aqmd.gov), Alisha Lewis, Supervising Air Quality Inspector (alewis@aqmd.gov), Duoduo Bao, Air Quality Engineer (dbao@aqmd.gov), and Travis Rohde, Senior Air Quality Engineer (trohde@aqmd.gov). The source test protocol shall include, at a minimum, procedures for testing total sulfur compounds as H₂S and speciated sulfur compounds pursuant to South Coast AQMD Method 307-91, and for speciated organic compounds pursuant to U.S. EPA Method TO-15, at both the inlet to Flare No. 4, and in the vapors in the headspace of at least one leachate tank, pursuant to Condition 15 below. Petitioner has fulfilled the initial submission deadline of August 20, 2024.

Petitioner shall respond in a timely manner to written requests from South Coast AQMD related to review of the submitted source test protocol within the deadline provided in the written request, unless an extension is requested and approved in writing by South Coast AQMD.

15. [Petitioner has complied with this condition.] Petitioner shall, within 45 calendar days of the approval of the submitted source test protocol (STID 24289), unless otherwise approved in writing by South Coast AQMD, conduct sampling and analysis of vapors in the headspace of at least one of leachate tank (No. T-104a, T-104b, or T-104c) under (Permit to Operate G61424, A/N 615966) and within the landfill gas combusted in Flare No. 4 under Permit to Operate (R-G64402, A/N 618396).

- a. The sampled leachate storage tank(s) shall be filled at least 2/3 full of leachate. Tank(s) to be sampled shall be preferentially selected to be those not connected/vented to the landfill gas collection system and/or landfill gas control systems.
- b. Vapor sampling and analysis for both the leachate tank vapor headspace, and the landfill gas combusted in Flare No. 4 shall be conducted for total sulfur compounds as H₂S and speciated sulfur compounds pursuant to South Coast AQMD Method 307-91, and for speciated organic compounds pursuant to U.S. EPA Method TO-15.
- c. Sampling and analysis shall be performed by a South Coast AQMD Laboratory Approval Program (LAP) approved laboratory(ies), capable of sampling and analysis per South Coast AQMD Method 307-91 and U.S. EPA Method TO-15.

16. [Petitioner has complied with this condition.] The final results of the source test required in Conditions 14 and 15 shall be submitted via email in a source test report(s) format to sourcetesting@aqmd.gov, Peter Homsey, Air Quality Inspector III (phomsey@aqmd.gov) Alisha Lewis, Supervising Air Quality

Inspector (alewis@aqmd.gov), Duoduo Bao, Air Quality Engineer (dbao@aqmd.gov), and Travis Rohde, Senior Air Quality Engineer (trohde@aqmd.gov) within 3 weekdays of receipt of the final source test report(s), unless otherwise approved in writing by South Coast AQMD. Petitioner shall request and pay for expedited review of the final source test report.

17. Excess emissions from Flare No. 4 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. 9.e and 13.e. 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.

$$\text{Equation No. 1: SOx Excess Emissions (lb/day)} = \{[\text{Daily TRS (ppmv)} - 85 \text{ (ppmv)}] \times \text{LFG Flow Rate to Flare No. 4 (scf/day)} \times 1.69 \times 10^{-7}\}$$

$$\text{Equation No. 2: SOx Excess Emissions (lb/day)} = \{[\text{Daily TRS (ppmv)} \times \text{LFG flow rate to Flare No. 4 (scf/day)}] \times [1.69 \times 10^{-7}]\} - [3.85 \text{ (lb/hr)} \times \text{Actual Operating Hours of Flare No. 4 (hr)}]$$

$$\text{Equation No. 3: SOx Excess Emissions (lb/month)} = \{[\text{Monthly Average TRS (ppmv)} - 60 \text{ (ppmv)}] \times \text{LFG Flow Rate to Flare No. 4 (scf/month)} \times 1.69 \times 10^{-7}\}$$

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

Where:

LFG: landfill gas

Daily Total Sulfur as H₂S: The Total Sulfur as H₂S concentration reflected in the most recent lab result collected and received pursuant to Condition No. 4.

Monthly Average Total Sulfur as H₂S: The average Total Sulfur as H₂S concentration calculated based upon the sum of all samples received pursuant to Condition No. 4 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 H₂S concentration using South Coast AQMD Method 307-91

SO_x: oxides of sulfur expressed as sulfur dioxide

scf/day: standard cubic feet per day

18. 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.
19. Any submittal deadline in these conditions that falls on a weekend or Federal or California holiday shall be extended to the next weekday.
20. 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.

21. 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	

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. Results of monitoring 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

1 are identified as having wellhead temperatures over 131 F, those wellheads shall
2 be added to the list above and will be subject to monthly monitoring of the
3 surface around each wellhead casing under this Condition.

4 Records generated in accordance with this Condition shall be compiled in a
5 complete and legible format. In the event that the District determines the format
6 is not complete or not legible and provides written notice to the Facility,
7 thereafter (starting the following calendar month after notice), such records shall
8 be electronically entered and maintained for the monitoring performed each
9 month under this Condition, to be made available upon request by the District.
10 The Facility shall continue to comply with the quarterly monitoring requirements
11 in SCAQMD Rule 1150.1(e)(3).

12 22. Petitioner shall submit within fourteen (14) calendar days of the Modification of
13 Variance, to Peter Homsey, Air Quality Inspector III (phomsey@aqmd.gov),
14 Alisha Lewis, Supervising Air Quality Inspector (alewis@aqmd.gov), Duoduo
15 Bao, Air Quality Engineer (dbao@aqmd.gov), and Travis Rohde, Senior Air
16 Quality Engineer (trohde@aqmd.gov) a Piping and Instrumentation Diagram
17 (P&ID) which provides the connections and configuration of the existing
18 leachate/condensate/landfill liquids collection system, including liquid collection
19 pipelines, and all collection and storage tanks. The P&ID shall label the type of
20 liquid conveyed/stored at each location/connection.

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

23 24. This variance shall terminate upon notification by the Petitioner to the Clerk of
24 the Board that operation of all equipment for which a variance is granted is
25 operating in compliance.
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1 C. Petitioner shall comply with the following schedule of increments of
2 progress as adopted by the Board pursuant to California Health and Safety Code
3 § 42358:

- 4 1. Petitioner shall report to SCAQMD staff (Duoduo Bao, Air Quality Engineer
5 (dbao@aqmd.gov); Travis Rohde, Senior Air Quality Engineer
6 (trohde@aqmd.gov); Peter Homsey (phomsey@aqmd.gov), Alisha Lewis
7 (alewis@aqmd.gov), and Mary Reichert (mreichert@aqmd.gov)) the information
8 detailed in Modified Variance Condition Nos. 10 & 11, and any conclusions
9 reached, every four months during the modified variance period, with the first
10 report due December 5, 2025.
- 11 2. Petitioner shall report to SCAQMD staff on actions taken to address DMS
12 generation in area of concern, impacts of measures taken, and evaluation of
13 utility of future actions (*e.g.*, continuing to increase well density) with respect to
14 DMS generation by August 5, 2026.
- 15 3. Petitioner shall continue to make itself available to meet approximately once each
16 calendar month with SCAQMD permitting staff (unless mutually agreed
17 otherwise) to address permitting issues until SCAQMD takes final action on the
18 modifications requested in A/N 655059 for Flare No. 4 Condition # 26 SOx
19 limits.

20 FOR THE BOARD: _____

21
22 DATED: _____