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EXHIBIT 1

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.: 5139-7

**DECLARATION OF CHRISTIAN
COLLINE RE PETITION FOR
VARIANCE; FILED IN SUPPORT OF
CONSENT CALENDAR**

Date: November 18, 2025
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
declaration based upon personal knowledge of the facts set forth herein and, if called

1 as a witness in this matter, I could and would competently testify to the facts stated
2 herein.

3 **Background**

4 2. I am familiar with the issues presented in the Petition requesting a
5 Variance filed in Case No. 5139-7 (“Petition”) related to anticipated exceedances of
6 the permitted sulfur and SOx limits for flaring system # 5 (“Flare # 5 system”) at the
7 Facility. These limits are set forth in Condition # 35 (hereinafter, “Condition # 35”) of
8 the Permit to Construct the Flare # 5 system (“Flare # 5 PTC”), A/N 647970, which is
9 incorporated into the Facility’s Title V Permit (Rev. 21) dated June 18, 2025
10 (“Permit”).

11 3. On August 6 and October 3, 2024, I testified before the Hearing Board
12 (“Hearing Board”) of the South Coast Air Quality Management District
13 (“SCAQMD”) in support of Petitioner’s similar request in Case No. 5139-3 for
14 Interim and Regular Variances from the sulfur and SOx limits for the Flare # 4 system
15 at the Facility (“Flare # 4 Variance”). I also submitted a declaration in support of
16 Petitioner’s request to modify the Flare # 4 Variance to extend the final compliance
17 deadline. The modification request was considered on the Hearing Board’s consent
18 calendar and granted on July 16, 2025. I have supported and overseen implementation
19 of the Flare # 4 Variance conditions at the Facility for the duration of the initial and
20 modified/extended Flare # 4 Variance periods.

21 **Need and Basis for Flare # 5 Variance**

22 4. As explained to the Hearing Board in the Flare # 4 Variance proceedings,
23 in recent years there have been increased concentrations of Dimethyl Sulfide (“DMS”)
24 concentrations in landfill gas (“LFG”) generated by waste decomposition at the
25 landfill.

26 5. LFG is currently routed through a treatment system to remove sulfur
27 compounds using a carbon absorption unit before it is flared, but this system is not
28 able to remove DMS in the LFG stream.

1 6. The Permit limits the sulfur content of the LFG measured (as H₂S) at the
2 flare inlets and SO_x emissions in flare exhaust (once the LFG has been combusted in
3 the flare) for both the existing Flare # 4 system and the new Flare # 5 system.

4 7. Petitioner was granted the Flare # 4 Variance due to the fact that
5 increased DMS in LFG, which the Hearing Board found was beyond Petitioner's
6 reasonable control, caused it to exceed permitted sulfur limits.

7 8. Since that time, Petitioner received the Flare # 5 PTC (dated January 17,
8 2025) and has nearly completed construction of the new Flare # 5 system to increase
9 its capacity to control LFG collected at the Facility. Flare # 5 construction is expected
10 to be complete the first week of December. *See Attachment 1*, "Flare # 5 Permitting
11 & Construction Timeline."

12 9. The same LFG causing exceedances of the Flare # 4 sulfur limits will be
13 routed to the Flare # 5 system, which is subject to similar sulfur limits as the Flare # 4
14 system. Thus, based upon the known concentrations of DMS in the LFG to be routed
15 to the Flare # 5 system, Petitioner will be in violation of Condition # 35 as soon as that
16 system becomes operational.

17 10. Additionally, because the Facility will not be operating in compliance
18 with Condition # 35, Petitioner will be in violation of District Rules 203(b) and
19 3002(c)(1), which require compliance with permit conditions.

20 11. Petitioner, however, has an immediate need to start up the Flare # 5
21 system, to control the increasing volumes of LFG being collected due to its efforts to
22 install new gas collection wells over the past few years. Petitioner's flare contractor is
23 currently scheduled to be onsite the first week of December to start up Flare # 5. *See*
24 *Attach. 1*.

25 12. The DMS that is expected to cause exceedances of the total sulfur
26 monthly average limit in Condition # 35 is a by-product of LFG generated by the
27 decomposition of waste that Petitioner estimates was landfilled at the Facility prior to
28 2005. As the Hearing Board stated in its Minute Order granting the interim Flare # 4

1 Variance, “[t]here is no method to physically reduce the DMS component of SOx
2 emissions and the landfill cannot curtail operations.” *See* Minute Order, Case No.
3 5139-3 (Sept. 5, 2024) at p. 6. Thus, compliance with the sulfur and SOx limits in
4 Condition # 35 is beyond Petitioner’s reasonable control. *See id.*

5 13. Petitioner is preparing and will submit to SCAQMD an application to
6 modify the sulfur/SOx limits in Condition # 35, in accordance with the conditions set
7 forth in the [Proposed] Order. *See* Attach. 1. Once this application is submitted,
8 Petitioner will make itself available to meet monthly with SCAQMD permitting staff
9 (unless mutually agreed otherwise) to address any issues in the application.

10 14. There is, however, an immediate need to begin operating the Flare # 5
11 system to control the volumes of LFG being collected at the Facility, as the two
12 existing flares at the Facility are operating nearly at their permitted capacities of 6,325
13 scfm for each flare. *See* Permit No. R-G64400, Condition # 12 (Flare # 3); Permit No.
14 R-G64402, Condition # 12 (Flare # 4). The imminent need to operate the new flare—
15 and the expected timeline SCAQMD to consider Petitioner’s forthcoming application
16 to modify the sulfur limits in Condition # 35—are also beyond Petitioner’s reasonable
17 control.

18 15. 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 16. Denial of the requested variance for the Flare # 5 system would cause an
22 unreasonable burden upon an essential public service. It would also cause significant,
23 unreasonable, and unavoidable harm to Petitioner in that it would be subject to
24 monetary fines and penalties for violation of its Permit, as well as Rules 203(b) and
25 3002(c)(1). This significant harm to Petitioner would be without a corresponding
26 benefit in reducing air contaminants, as reductions of the DMS contributing to total
27 sulfur/SOx exceedances are not feasible at this time.

1 17. Petitioner has considered but cannot achieve compliance by curtailing
2 operations in lieu of obtaining a variance. First, as the Hearing Board acknowledged
3 in the Minute Order issued for the interim Flare # 4 Variance, the Facility is unable to
4 curtail operations without harm to the public as it provides an essential public service.
5 *See* Minute Order, Case No. 5139-3 (Sept. 5, 2024) at p. 6. Second, curtailing
6 operations would have no beneficial impact on the LFG generated by the
7 decomposition of existing waste at the Facility, which is the source of the DMS
8 expected to cause exceedances of the total sulfur/SOx limits in Condition # 35.

9 18. There have not been any excess emissions from the Flare # 5 system
10 because it is not yet operational. Petitioner will, however, calculate excess emissions
11 in accordance with the conditions set forth in the [Proposed] Order once the Flare # 5
12 system begins operation. And Petitioner will reduce such emissions to the maximum
13 extent feasible during the variance period by complying with the requirements
14 imposed as conditions of the variance, if granted.

15 19. Petitioner will monitor sulfur concentrations at the Flare # 5 system inlet
16 and report the results of this monitoring during the variance period, as required under
17 the conditions set forth in the [Proposed] Order.

18 20. Petitioner's operation under the [Proposed] Order will not result in a
19 violation of Health and Safety Code Section 41700 or SCAQMD Rule 402.

20 21. To allow sufficient time for SCAQMD consideration of Petitioner's
21 forthcoming application to modify the sulfur limits in Condition # 35, Petitioner
22 requests a variance of one year in duration or until the date that SCAQMD takes final
23 action on Petitioner's forthcoming application to modify the sulfur limits in Condition
24 # 35 and issues modified sulfur/SOx limits that Petitioner can comply with (as
25 demonstrated by Facility data), whichever occurs first.
26
27
28

1 I declare under penalty of perjury under the laws of the State of California that
2 the foregoing is true and correct. Executed this 12th day of November 2025 at
3 Concord, California.

4 

5 By: _____

6 Christian Colline
7 WM, Director of Air Programs (West)

Attachment 1 to Declaration of Christian Colline

**Petition for Variance Before the SCAQMD Hearing Board
(Case No. 5139-7)**

USA Waste of California, Inc. dba El Sobrante Landfill

Flare # 5 Permitting & Construction Timeline

