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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.: 5139-3

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

Date: July 16, 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 (the “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 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 Petition For Modification Of An Existing  
10 Variance in Case No. 5139-3 filed on June 12, 2025 (the "Modification Petition").

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

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

22 5. I have supported and overseen implementation of the Interim and Regular  
23 Variance Conditions at the Facility since the Hearing Board initially voted to grant the  
24 Interim Variance on August 6, 2024.

25 6. A timeline of activities undertaken by Petitioner in compliance with the  
26 Interim and Regular Variance Conditions is provided as **Colline Dec. Attachment 1**  
27 ("Timeline of Variance Compliance Activities").  
28

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

2           7.       The Findings and Decision details the basis for Petitioner’s request for a  
3 variance from the total sulfur/SOx limits for the Flare # 4 system set forth in  
4 Condition 26. *See* Modification Petition Attach. 2, pp. 3-6.

5           8.       As explained in the Findings and Decision, increased Dimethyl Sulfide  
6 (“DMS”) concentrations in landfill gas (“LFG”) caused an exceedance of the 60 ppmv  
7 (monthly average) total sulfur/SOx limit set forth in Condition 26. *Id.* at p. 3. Due to  
8 increased DMS, Petitioner remains in violation of the related total sulfur/SOx limits  
9 also in Condition 26, namely the 85 ppmv (daily average) limit applicable to LFG at  
10 the Flare # 4 system inlet and the 3.85 lb/hr and 2,810.4 lb/month mass limits stated in  
11 Condition 26.

12           9.       Further, because the Facility is not operating in compliance with  
13 Condition 26, Petitioner continues to be in violation of District Rules 203(b) and  
14 3002(c)(1), which require compliance with permit conditions.

15           10.      The DMS that is contributing to exceedances of the total sulfur/SOx  
16 limits in Condition 26 is a by-product of LFG generated by the decomposition of  
17 waste that Petitioner estimates was landfilled at the Facility prior to 2005. As the  
18 Hearing Board stated in its Findings and Decision, “[t]here is no method to physically  
19 reduce the DMS component of SOx emissions, and the landfill cannot curtail  
20 operations.” *Id.* at 3. Thus compliance with Condition 26 is beyond Petitioner’s  
21 reasonable control. *See id.* at p. 4.

22           11.      Nonetheless, Petitioner has investigated the problem and sought  
23 appropriate ways to address it, including undertaking physical modifications intended  
24 to reduce the internal landfill cell area temperature, thus reducing the levels of DMS  
25 being created in this area. A timeline of past and planned future actions to address  
26 temperatures and corresponding DMS production in the area of concern is provided as  
27 **Colline Dec. Attachment 2** (“Timeline of Efforts to Address DMS”). In accordance  
28 with Regular Variance Conditions 10 and 11, Petitioner has investigated the causes of

1 and potential treatment systems for DMS and reported on its findings to SCAQMD  
2 staff. *See* Findings and Decision at pp. 12-15.

3 12. On August 27, 2024, Petitioner also submitted an application to modify  
4 the total sulfur/SOx limits set forth in Condition 26, as required under Interim  
5 Variance Condition 12. This application (A/N 655059) requests modified total  
6 sulfur/SOx limits for the Flare # 4 system, as follows: 116 ppmv (averaged monthly)  
7 in inlet, total sulfur as H<sub>2</sub>S; 6.37 lb/hr SOx and 4,652 lb/month SOx. The application  
8 also requests elimination of the current 85 ppmv (averaged daily) limit for total sulfur  
9 as H<sub>2</sub>S in the Flare # 4 system inlet.

10 13. SCAQMD Permitting & Engineering staff recently informed Petitioner  
11 that staff needs at least several more months to process the application. *See*  
12 Modification Petition at 4. While the application (A/N 655059) remains pending,  
13 Petitioner is scheduled to meet approximately monthly with District staff to address  
14 permitting issues. Petitioner anticipates that compliance will be achieved once the  
15 application to modify its existing permit is approved.

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

19 15. Denial of 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 it would be subject to monetary fines and  
22 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 16. As required under Regular Variance Condition 17, Petitioner has been  
27 calculating excess emissions of SOx and reporting these calculations to District staff  
28 pursuant to Regular Variance Condition Nos. 9e and 13e on a bi-weekly basis.

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 Findings and Decision, the Facility is unable to curtail operations without harm  
4 to the public as it provides an essential public service. *See* Modification Petition  
5 Attach. 2, pp. 5-6. Second, curtailing operations would have no impact on the LFG  
6 generated by the decomposition of existing waste at the Facility, which is the source  
7 of the DMS causing exceedances of the total sulfur/SOx limits in Condition 26. *See*  
8 *id.*

9           18. Petitioner has reduced emissions to the maximum extent feasible during  
10 the Regular Variance period by, among other things, complying with the Regular  
11 Variance conditions. Petitioner will continue to reduce emissions to the maximum  
12 extent feasible during the modified variance period by compliance with similar  
13 conditions.

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

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

22           21. As reflected in Colline Dec. Attachment 2, Petitioner has planned and  
23 undertaken a suite of activities to address temperatures and corresponding DMS  
24 production in the area of concern at the Facility. Petitioner will need time to undertake  
25 some of the identified future actions.

26           22. Critically, SCAQMD staff also needs time to process the permit  
27 application submitted by Petitioner on August 27, 2024 to address Flare # 4 total  
28 sulfur/SOx limits in Condition 26.

1           23. To account for these timing issues, Petitioner submitted the Modification  
2 Petition because Petitioner cannot achieve compliance by the Regular Variance final  
3 compliance date of August 5, 2025.

4           I declare under penalty of perjury under the laws of the State of California that  
5 the foregoing is true and correct. Executed this 8<sup>th</sup> day of July 2025 at Concord,  
6 California.

7 By: 

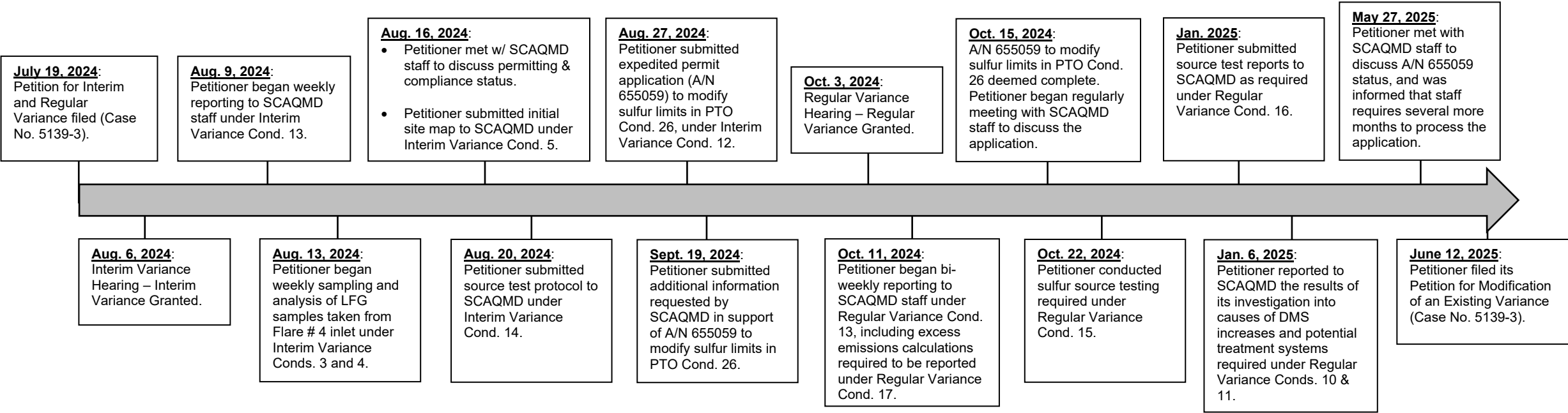
8 Christian Colline  
9 WM, Director of Air Programs (West)

## **Attachment 1 to Declaration of Christian Colline**

**Petition for Variance Before the SCAQMD Hearing Board  
(Case No. 5139-3)**

**USA Waste of California, Inc. dba El Sobrante Landfill**

**Timeline of Variance Compliance Activities<sup>1,2</sup>**



<sup>1</sup> As reflected in this Exhibit, Petitioner timely complied with all conditions of both the Interim and Regular Variances issued in Case No. 5139-3.

<sup>2</sup> 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.



## **Attachment 2 to Declaration of Christian Colline**

**Petition for Variance Before the SCAQMD Hearing Board  
(Case No. 5139-3)**

**USA Waste of California, Inc. dba El Sobrante Landfill**

**Timeline of Efforts to Address DMS**

