

HUNTON ANDREWS KURTH LLP
MALCOLM C. WEISS (State Bar No. 112476)
mweiss@Hunton.com
M. CLARE ELLIS (State Bar No. 317773)
cellis@Hunton.com
550 South Hope Street, Suite 2000
Los Angeles, California 90071-2627
Telephone: 213 • 532 • 2000
Facsimile: 213 • 532 • 2020

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.: 5139-8

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

Date: October 1, 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
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 variance petition filed in
5 Case No. 5139-8 (“Petition”) related to exceedances of the South Coast Air Quality
6 Management District (“SCAQMD”) Rule 431.1(c)(2) sulfur concentration limit for
7 landfill gas (“LFG”) combusted in Flare # 3 and Flare # 4 at the Facility. I am also
8 familiar with the other rules and conditions of the Facility’s Title V Permit (Rev. 21)
9 (“Permit”) from which Petitioner seeks variance relief due to these sulfur
10 concentration exceedances.

11 3. I have previously testified before the SCAQMD Hearing Board
12 (“Hearing Board”) and submitted declarations in support of Petitioner’s requests in
13 Case Nos. 5139-3 and 5139-7 for variances from the sulfur limits in the Permit
14 applicable to Flare # 4 and Flare # 5, respectively. I have supported and overseen
15 implementation of the Flare # 4 and Flare # 5 variance conditions at the Facility for
16 the duration of variances granted in Case Nos. 5139-3 and 5139-7.

17 **Need for Variance**

18 4. In recent years there have been increased concentrations of Dimethyl
19 Sulfide (“DMS”) concentrations in LFG generated by waste decomposition at the
20 Facility.

21 5. LFG is currently routed through two separate treatment systems to
22 remove sulfur compounds using a carbon absorption unit before it is flared, but these
23 systems are not able to remove DMS in the LFG stream. There is currently no
24 commercially available treatment system that can reduce DMS in LFG.

25 6. Petitioner was granted variances from the Permit’s sulfur limits for Flare
26 # 4 and Flare # 5 due to the fact that increased DMS concentrations in the Facility’s
27 LFG were causing violations of permitted sulfur limits, which the Hearing Board
28 found was beyond Petitioner’s reasonable control.

1 7. Since that time, Petitioner has been complying with the comprehensive
2 variance conditions applicable to Flare # 4 and Flare # 5. These include requirements
3 that Petitioner investigate the underlying cause of sulfur concentration exceedances in
4 LFG being generated at the Facility, as well as potential alternative sulfur compound
5 treatment systems able to address DMS in the Facility's LFG, and that Petitioner
6 report to SCAQMD staff the results of these investigations on a regular basis.

7 8. Petitioner has also been sampling and analyzing sulfur at the flare inlets
8 in accordance with the conditions of Flare # 4 and Flare # 5 variances and the
9 Facility's Rule 431.1 Alternative Monitoring Plan ("AMP") incorporated into the
10 Permit. In accordance with these requirements, Petitioner has been regularly reporting
11 sulfur analytical results to SCAQMD staff.

12 9. On August 20, 2026, Petitioner received same-day analytical results from
13 the laboratory reflecting total sulfur concentrations (including DMS) of approximately
14 155 ppmv and 152 ppmv in LFG samples taken at the Flare 3 and Flare 4 inlets,
15 respectively. When these initial results were received and assessed, Petitioner was not
16 able to determine whether they were isolated events or whether they indicated a trend
17 of LFG sulfur concentrations exceeding Rule 431.1 limits. Along these lines,
18 subsequent daily sulfur concentration analyses (August 21 through August 25) were
19 below the 150 ppmv limit. Given the variations, these laboratory results were
20 insufficient to allow Petitioner to conclude that it was out of compliance.

21 10. Between August 26 and September 16 (when the Petition was filed),
22 however, additional same-day laboratory analyses of LFG sampled at the Flare # 3
23 and # 4 inlets indicated sulfur levels in excess of the 150 ppmv concentration limit in
24 Rule 431.1 (with the exception of samples taken September 3 – 5, 2026 at both flares
25 and the September 9, 2026 sample from Flare # 4, which were below the 150 ppmv
26 concentration limit).

27 11. Based on these post-August 26 results, Petitioner determined that it is in
28 violation of the Rule 431.1(c)(2) sulfur concentration limit (150 ppmv) for LFG

1 sampled at the Flare # 3 and # 4 inlets. Petitioner also concluded that it is or will be in
2 violation of the Flare # 3 SOx limits in Condition 23 of Permit No. R-G64400
3 (incorporated into the Permit), which are 6.41 lbs/hour (as SO₂) and 4,679 lbs/month,
4 and related Rules and Permit conditions identified in the Petition. It thus filed a
5 request for both an Interim and Regular Variance on September 16, 2026. A timeline
6 of the relevant events leading up to this filing of the Petition is provided as **Colline**
7 **Dec. Attachment 1 (“Variance Timeline”)**.

8 12. The following requirements are the subject of Petitioner’s Interim and
9 Regular Variance request:

- 10 a. Rule 431.1(c)(2), which prohibits the burning of LFG containing sulfur
11 compounds (calculated as H₂S) in excess of the 150 ppmv daily average
12 in Table 1.
- 13 b. Facility-Wide Permit Condition # 4, which prohibits use of LFG
14 containing sulfur compounds (calculated as H₂S) in excess of 150 ppmv
15 averaged daily.
- 16 c. Flare # 3 Permit Condition # 23, which limits SOx emissions from the
17 Flare # 3 outlet to 6.41 lbs/hour as SO₂ and 4,679 lbs/month.
- 18 d. Rule 203(b), which prohibits the operation of equipment contrary to
19 conditions in the applicable Permit to Operate (“PTO”).
- 20 e. Rule 3002(1), which provides that all equipment located at a Title V
21 facility must be operated at all times in compliance with all terms,
22 requirements, and conditions of the Permit.

23 **Basis for Granting an Interim Variance**

24 13. Good cause exists for the Hearing Board to grant the requested interim
25 variance in the absence of notice to the public.

- 26 a. Petitioner is or will be in violation of the above-described Rule
27 requirements and Permit conditions.
- 28

- 1 b. The circumstances leading to the violations at issue could not reasonably
2 have been avoided by Petitioner. Increasing concentrations of DMS in
3 the LFG being generated at the Facility are causing these exceedances.
4 And as this Hearing Board has previously acknowledged, “[t]here is no
5 method to physically reduce the DMS component of SO_x emissions, and
6 the landfill cannot curtail operations.” *See* Findings and Decision and
7 Order Granting a Regular Variance, Case No. 5139-3 (Nov. 20, 2024), p.
8 3. Further, the circumstances causing the violations of the Rule 431.1 and
9 related sulfur limits could not have been anticipated in sufficient time to
10 provide public notice of a variance hearing. Petitioner only recently
11 became aware of a consistent trend of sulfur concentrations above 150
12 ppmv at the Flare # 3 and Flare # 4 inlets. It then acted quickly to
13 communicate with District Counsel and staff about the exceedances, to
14 prepare the Petition requesting an interim variance, and to schedule the
15 interim variance hearing.
- 16 c. Petitioner exercised diligence in filing the Petition under the
17 circumstances. Petitioner did not have sufficient sulfur data to identify
18 the need for relief from the Rule 431.1 limit and related Permit
19 conditions until approximately September 10, 2026. At that time,
20 laboratory analyses of Flare # 3 and Flare # 4 inlet samples indicated
21 consistent total sulfur concentrations greater than 150 ppmv. Petitioner
22 filed the Petition on September 16, 2026. This was as soon as feasible,
23 given the time required to prepare the Petition, to confirm relevant
24 technical details, and to work with District Counsel, staff, and the
25 Hearing Board Clerk’s Office on the filing. Petitioner thus exercised all
26 reasonable diligence in determining the need for the variance and
27 submitting the Petition.
- 28

d. Denial of the requested variance would result in adverse impacts to public health or welfare and to Petitioner. If the variance is denied, Petitioner will be out of compliance through no fault of its own and would likely be subject to enforcement for violations of District rules and Permit conditions. As a regional waste disposal facility with LFG control operations, Petitioner is an essential public service per SCAQMD Rule 1302(m)(7). Increased costs related to the payment of District-imposed fines and penalties would be passed on to public users of the landfill in the form of increased waste disposal costs. Petitioner itself would be subject to significant enforcement exposure. This would have an unreasonable adverse impact on the Facility's operations, given that the DMS increases causing the violations are, at this time, beyond Petitioner's reasonable control, and Petitioner is working diligently to address and resolve the issue.

14. There is a basis for the Hearing Board to make the six findings required under Health & Safety Code ("H&SC") Section 42352, as follows:

- a. As noted above (see Par. 11.a), Petitioner is or will be in violation of the Rule requirements and Permit conditions described above and in the Petition. *See* Cal. H&SC 42352(a)(1).
- b. These violations are due to conditions beyond Petitioner's reasonable control. The DMS that is causing these sulfur exceedances is a by-product of LFG generated by the decomposition of waste that Petitioner estimates was landfilled at the Facility prior to 2005, and there is no method to physically reduce the DMS component in the Facility's LFG. *See* Minute Order, Case No. 5139-3 (Sept. 5, 2024) at p. 6 (quoted above in Par. 13.b). Because the circumstances causing the violations at issue are beyond Petitioner's reasonable control, requiring compliance with the Rule requirements and Permit conditions at issue would cause an

unreasonable burden upon an essential public service (as noted above in Par. 13.d). *See* Cal. H&SC 42352(a)(2).

- c. Such harms to Petitioner would be without a corresponding benefit in reducing air contaminants, as reducing the DMS causing exceedances of the sulfur limits at issue is not immediately feasible for the reasons stated in Par. 5. *See* Cal. H&SC 42352(a)(3).
- d. Petitioner has considered but cannot achieve compliance by curtailing operations in lieu of obtaining a variance. Because the Facility provides an essential public service, it cannot curtail operations without harm to the public. Further, curtailing operations would have no beneficial impact on the LFG generated by the decomposition of existing waste at the Facility, which is the source of the DMS causing the current exceedances. *See* Cal. H&SC 42352(a)(4).
- e. Petitioner will reduce emissions to the maximum extent feasible during the variance period by complying with the conditions of the variance, if granted. *See* Cal. H&SC 42352(a)(5).
- f. Petitioner will monitor or otherwise quantify emissions during the variance period pursuant to the conditions of the variance, if granted. *See* Cal. H&SC 42352(a)(6).

15. Petitioner has also petitioned for a Regular Variance.

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

Final Compliance and Duration of Requested Variance

17. On September 3, 2026, Petitioner submitted a confidential application to SCAQMD for permits needed to construct and operate an innovative treatment system intended to remove sulfur compounds from the high-sulfur LFG stream at the Facility before they are emitted. This treatment system is designed to control the DMS

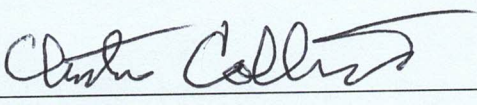
1 concentrations in the Facility's LFG so that emissions will be within the applicable
2 sulfur limits.

3 18. Petitioner has met on several occasions with SCAQMD staff over the
4 past year to detail this new treatment system concept and to receive staff's input on
5 the application submittal.

6 19. Petitioner will achieve compliance with the above-referenced rules and
7 Permit conditions once the sulfur treatment system has been permitted by SCAQMD
8 staff, constructed, installed, and is working as anticipated. A proposed schedule of
9 increments of progress was provided in response to Question 24 of the Petition.

10 20. Petitioner requests an interim variance for ninety (90) days or until the
11 occurrence of the regular variance hearing currently scheduled for December 17,
12 2026, whichever is first.

13
14 I declare under penalty of perjury under the laws of the State of California that
15 the foregoing is true and correct. Executed this 24th day of September 2026 at
16 Concord, California.

17
18 By: 

19 Christian Colline
20 WM, Director of Air Programs (West)
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Attachment 1 to Colline Declaration

VARIANCE TIMELINE

Below is a timeline of relevant events leading to the filing of the Petition in Case No. 5139-8:

1. August 20, 2026: Same-day lab analysis of LFG (Flare 3 & 4 inlets) indicated sulfur concentrations > 150 ppmv.
2. August 21 – 25, 2026: Same-day lab analysis of LFG (Flare 3 & 4 inlets) indicated sulfur concentrations < 150 ppmv.
3. August 26 – September 2, 2026: Same-day lab analysis of LFG (Flare 3 & 4 inlets) indicated sulfur concentrations > 150 ppmv.
4. **September 3, 2026: Petitioner submitted application to SCAQMD permitting staff, requesting permit to construct and operate the proposed sulfur treatment system.**
5. September 3 – 5, 2026: Same-day lab analysis of LFG (Flare 3 & 4 inlets) indicated sulfur concentrations < 150 ppmv.
6. September 4, 2026: Petitioner met telephonically with District counsel to discuss the reported sulfur results and potential need for a variance.
7. September 6 – 14, 2026: Same-day lab analysis of LFG (Flare 3 & 4 inlets) indicated sulfur concentrations > 150 ppmv.
8. **September 10, 2026: Petitioner determined that it is or will be in violation of Rule 431.1 sulfur limits and related Permit conditions.**
9. September 11 and 15, 2026: Petitioner met telephonically with District counsel to discuss the reported sulfur results and plan to seek a variance.
10. **September 16, 2026: Petitioner filed variance petition.**
11. October 1, 2026: Interim variance hearing date before SCAQMD Hearing Board.