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EXHIBIT 3

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

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

In the Matter of

Case No.: 5139-8

USA Waste of California, Inc.
dba El Sobrante Landfill

**[PROPOSED] FINDINGS AND
DECISION AND ORDER GRANTING
INTERIM VARIANCE**

[Facility ID No. 113674]

Section 42350 of the California Health and
Safety Code

Hearing Date: October 1, 2026

FINDINGS AND DECISION OF THE HEARING BOARD

The Petition for Variance (“Petition”) filed on September 16, 2026 by USA Waste of California, Inc. dba El Sobrante Landfill (“Petitioner” or “USA Waste”) was heard on the consent calendar on October 1, 2026. The following members of the Hearing Board were present: Micah Ali, Chair; Robert Pearman, Vice Chair; Jerry P. Abraham, MD, MPH, CMQ; Mohan Balagopalan; and Cynthia Verdugo-Peralta. Petitioner was represented by Malcolm C. Weiss, Esquire, and Respondent South

1 Coast Air Quality Management District (“Respondent” or “SCAQMD”) was
2 represented by Mary Reichert, Senior Deputy District Counsel. Counsel for Petitioner
3 and Respondent did not appear during the Consent Calendar hearing.

4 The matter was submitted for consideration on the Consent Calendar. The
5 public was given the opportunity to testify, and none did. The Declarations of
6 Christian Colline and Peter Homsey were received as evidence, and the [Proposed]
7 Findings and Decision of the Hearing Board and [Proposed] Order Granting Interim
8 Variance was received as an exhibit, and the case submitted. The Parties have agreed
9 by Joint Stipulation to place this matter on the consent calendar and to the issuance of
10 this Order.

11 ~~**The Hearing Board finds and declares as follows:**~~

12 **The SCAQMD Executive Officer does not oppose the granting of the**
13 **variance.**

14 **NATURE OF BUSINESS AND LOCATION OF FACILITY**

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

20 **EQUIPMENT THAT IS THE SUBJECT OF THE VARIANCE PETITION**

21 The Petition concerns Flare # 3 and Flare # 4, which operate as emission control
22 devices for landfill gas (“LFG”) generated by waste decomposition at the Facility.
23 These flares (and Flare # 5, which is not a subject of the Petition) are part of an LFG
24 flaring system that is used to control LFG emissions from the Facility and are required
25 by the Facility’s Title V Permit (Rev. 21) (“Permit”) and applicable SCAQMD rules.

SUMMARY

The LFG combusted in Flare # 3 and Flare # 4 is subject to the 150 ppmv daily average sulfur concentration limit in Rule 431.1(c)(2), Table 1. Each flare is also subject to individual sulfur emission limits stated in the Permit.

LFG is currently routed through two separate treatment systems at the Facility to remove sulfur compounds using carbon absorption units before it is flared, but these systems are not able to remove DMS in the LFG stream. And there is currently no commercially available treatment system that can reduce DMS in LFG. Petitioner was previously granted variances from the Permit's sulfur limits for Flare # 4 and Flare # 5 (Case Nos. 5139-3 and 5139-7, respectively) because increased DMS concentrations in the Facility's LFG are causing exceedances of the permitted sulfur limits, which the Hearing Board found was beyond Petitioner's reasonable control.

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

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

Same-day laboratory analyses of LFG sampled at the Flare # 3 and # 4 inlets began to consistently indicate sulfur levels in excess of the 150 ppmv concentration limit in Rule 431.1 on or about August 26, 2026. Based on these results, Petitioner determined on or about September 10, 2026 that it was in violation of the Rule

431.1(c)(2) sulfur concentration limit (150 ppmv) for LFG sampled at the Flare # 3 and # 4 inlets. Petitioner also concluded that it is or will be in violation of the Flare # 3 SOx limits in Condition 23 of Permit to Construct/Operate No. R-G64400 (incorporated into the Permit), which are 6.41 lbs/hour (as SO₂) and 4,679 lbs/month, and the related Rules and Permit conditions identified in the Petition. It thus filed the Petition requesting both an Interim and Regular Variance on September 16, 2026.

FINDINGS OF FACT AND CONCLUSIONS

~~A. Findings Required to Grant Interim Variance~~

~~The following facts and conclusions support making the~~ In bifurcated proceedings, the Hearing Board first considered whether good cause exists to justify the holding of a hearing on an interim variance petition in the absence of notice to the public. Having found good cause, the Hearing Board then proceeded to the merits of the interim variance request, concluding that there is a basis for making six findings inrequired under the Health and Safety Code ~~Section 42352(a) required~~ to grant the requested variance. ~~The SCAQMD Executive Officer does not oppose the granting of the variance.~~ Accordingly, the Hearing Board finds and concludes as follows:

~~1. Petitioner is, or will be, in violation of Cal. Health & Safety Code Section 41701 or of any rule regulation or order of the District.~~

A. Good cause exists to justify granting an interim variance in the absence of notice to the public.

Good cause exists to justify granting an interim variance in the absence of notice to the public, as the relevant factors in the Hearing Board's "Good Cause Guidelines" have been demonstrated:

1. Petitioner is in violation of District Rule 431.1(c)(2), which prohibits the burning of LFG containing sulfur compounds (calculated as H₂S) in excess of the 150 ppmv daily average in Table 1, due to the sulfur concentrations recently measured in

1 LFG samples taken from the inlets of Flare # 3 and Flare # 4. Petitioner is also in
2 violation of Facility-Wide Permit Condition # 4, which prohibits use of LFG containing
3 sulfur compounds (calculated as H₂S) in excess of 150 ppmv averaged daily. Petitioner
4 is or will be in violation of Flare # 3 Permit Condition # 23, which limits SO_x emissions
5 from the Flare # 3 outlet to 6.41 lbs/hour as SO₂ and 4,679 lbs/month. And Petitioner
6 is in violation of District Rules 203(b) and 3002(c)(1), which prohibit operation of
7 permitted equipment contrary to the conditions in the applicable Permit or PTO.

8 2. The circumstances leading to the violation were discovered shortly
9 before the filing of the Petition and, for the reasons stated in Section B.2.i below,
10 could not reasonably have been avoided nor anticipated.

11 3. Petitioner exercised diligence in petitioning for a variance as soon as
12 feasible once it confirmed that it was or would be in violation.

13 4. And as detailed below in Section B.2.ii, denial of the requested Interim
14 Variance would result in an unreasonable and unavoidable adverse impact on
15 Petitioner, and would unreasonably burden an essential public service.

16 Thus, based upon persuasive evidence, there is a basis for finding good cause
17 to justify the holding of a hearing on the interim variance petition in the absence
18 of notice to the public.

19 B. Findings Required to Grant Interim Variance
20 Having found good cause, the Hearing Board makes the following the six
21 findings in Health and Safety Code Section 42352(a) required to grant the
22 requested variance.

23 1. Petitioner is, or will be, in violation of Cal. Health & Safety Code
24 Section 41701 or of any rule regulation or order of the District.
25 As stated above, Petitioner is or will be in violation of District Rules
26 431.1(c)(2), 203(b), and 3002(c)(1), as well as Facility-Wide Condition # 4 and
27 Flare # 3 Condition # 23 in the Permit.

1 **2. Due to conditions beyond the reasonable control of the petitioner,**
2 **requiring compliance would result in an arbitrary or unreasonable**
3 **taking of property.**

4 i. Conditions Beyond Reasonable Control. The DMS causing the
5 aforementioned violations is a by-product of LFG generated by the decomposition of
6 waste that Petitioner estimates was landfilled at the Facility prior to 2005. As the
7 Hearing Board stated in its Minute Order granting an interim variance for the Flare # 4
8 system, “[t]here is no method to physically reduce the DMS component of SOx
9 emissions and the landfill cannot curtail operations.” *See* Minute Order, Case No.
10 5139-3 (Sept. 5, 2024) at p. 6. Thus, compliance with the Rule 431.1(c)(2) and related
11 Permit sulfur limits is beyond Petitioner’s reasonable control. *See id.* Compliance with
12 Rule 431.1 will be achieved once the sulfur treatment system that Petitioner has
13 proposed to control DMS concentrations in the Facility’s LFG has been permitted by
14 SCAQMD staff, constructed, installed, and is working as anticipated. SCAQMD’s
15 permitting process will take time, however, as will Petitioner’s process to design,
16 equip, install, and begin operating the treatment system. Petitioner has submitted an
17 application to SCAQMD staff to permit the treatment system and is working diligently
18 to provide information to the District needed to permit the system. The timing of
19 SCAQMD issuance of a final permit allowing treatment system construction and
20 operation is, however, beyond Petitioner’s reasonable control.

21 ii. Unreasonable Taking. The Facility is a regional waste disposal facility that
22 provides disposal services for communities, businesses, and industries in Southern
23 California and is an essential public service per SCAQMD Rule 1302(m)(7). Denial of
24 the requested variance would cause an unreasonable taking and burden upon an
25 essential public service. It would also cause significant, unreasonable and unavoidable
26 harm to Petitioner in that Petitioner will be subject to monetary fines and penalties for
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1 violation of Rules 431.1(c)(2), 203(b), and 3002(c)(1), as well as the related Facility-
2 Wide and Flare # 3 Permit conditions.

3 **3. The closing or taking would be without a corresponding benefit in**
4 **reducing air contaminants.**

5 Denying the requested variance would result in significant harm to Petitioner,
6 as described above, without a corresponding benefit in reducing air contaminants, as
7 reductions of the DMS causing exceedances of the relevant sulfur limits are not
8 immediately feasible.

9 **4. The applicant for the variance has given consideration to curtailing**
10 **operations of the source in lieu of obtaining a variance.**

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

19 **5. During the period the variance is in effect, the applicant will reduce**
20 **excess emissions to the maximum extent feasible.**

21 Petitioner will reduce emissions to the maximum extent feasible during the
22 variance period by complying with the conditions of the variance, as set forth in the
23 [Proposed] Order.

24 **6. During the period the variance is in effect, the applicant will monitor**
25 **or otherwise quantify emission levels from the source, if requested to**
26 **do so by the District, and report these emission levels to the district**
27 **pursuant to a schedule established by the District.**

1 Petitioner has agreed to monitor or otherwise quantify emissions and report
2 them to SCAQMD during the variance period pursuant to the conditions of this
3 variance.

4 ~~**B. Good cause exists to justify granting an interim variance in the absence**~~
5 ~~**of notice to the public.**~~

6 ~~**As stated in above, Petitioner is or will be in violation of District Rules**~~
7 ~~**431.1(c)(2), 203(b), and 3002(c)(1), as well as Facility-Wide Condition # 4 and**~~
8 ~~**Flare # 3 Condition # 23 in the Permit.**~~

9 ~~**The circumstances leading to the violation were discovered shortly before**~~
10 ~~**the filing of the Petition and, for the reasons stated in Section A.2.i above, could**~~
11 ~~**not reasonably have been avoided nor anticipated.**~~

12 ~~**Petitioner exercised diligence in petitioning for a variance as soon as feasible**~~
13 ~~**once it confirmed that it was or would be in violation.**~~

14 ~~**And as detailed above in Section A.2.ii, denial of the requested Interim**~~
15 ~~**Variance would result in an unreasonable and unavoidable adverse impact on**~~
16 ~~**Petitioner, and would unreasonably burden an essential public service.**~~

17 **CONCLUSION AND ORDER**

18 THEREFORE, the Hearing Board orders as follows:

19 A. Petitioner is granted an interim variance from SCAQMD Rules
20 431.1(c)(2), 203(b) and 3002(c)(1) (as set forth in Condition # 1, below), and from
21 Facility-Wide Permit Condition # 4 and Flare # 3 Permit Condition # 23, which limits
22 SOx emissions from the Flare # 3 outlet to 6.41 lbs/hour as SO₂ and 4,679 lbs/month,
23 for the period commencing October 1, 2026 and continuing for ninety (90) days or
24 until the regular variance hearing currently scheduled for December 17, 2026,
25 whichever occurs first.

26 B. The interim variance granted herein is subject to the following
27 conditions:
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1. This variance shall only apply to the following SO_x and total sulfur limits applicable to Flare No. 3 (Permit to Operate R-G64400, or subsequent application) & Flare No. 4 (Permit to Operate R-G64402, or subsequent application):
 - a. Rule 431.1(c)(2) Table 1 limit (landfill gas sulfur content limit prior to combustion of 150 ppmv Total Sulfur as H₂S, averaged daily basis);
 - b. Title V Permit Facility Wide Condition No. 4 (landfill gas sulfur content limit prior to combustion of 150 ppmv Total Sulfur as H₂S, averaged daily); and
 - c. Flare No. 3 (Permit to Operate R-G4400, or subsequent application) Condition No. 23 SO_x emissions limits (6.41 lbs/hour as SO₂ and 4,679 lbs/month).
2. Petitioner shall not route landfill gas to Flare No. 3 & 4 unless first treated by Landfill Gas Treatment System "A" (A/N 627016, Permit No. G77924 or subsequent), or other treatment system operated in accordance with its valid Permit to Construct or Operate as approved by the South Coast AQMD.
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. 3& 4 (common line) 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), Garrett Kakishita, Air Quality Analysis and Compliance Supervisor (gkakishita@aqmd.gov) and Duoduo Bao, Air Quality Engineer (dbao@aqmd.gov), except as allowed by Condition No. 15. Records of the date and time of the test, the test results, and

1 name of personnel conducting the test shall be maintained on-site and e-mailed
2 within three (3) weekdays of conducting the measurement to Peter Homsey, Air
3 Quality Inspector III (phomsey@aqmd.gov), Garrett Kakishita, Air Quality
4 Analysis and Compliance Supervisor (gkakishita@aqmd.gov) and Duoduo Bao,
5 Air Quality Engineer (dbao@aqmd.gov), except as allowed by Condition No.
6 15.

- 7 4. Petitioner shall sample the landfill gas sulfur compounds at the inlet to Flare
8 No. 3 & 4 (common line) at least once every other calendar week (but at a
9 frequency of at least five (5) calendar days between sampling events) , unless
10 more frequent sampling is required by the approved Rule 431.1 Alternative
11 Monitoring Plan [A/N 351821, or subsequent].

- 12 a. Petitioner shall have those samples analyzed by a certified laboratory
13 using South Coast AQMD Method 307-91 and request and pay for
14 expedited processing (with a five-business-day lab analysis reporting
15 turnaround time), if available. The laboratory report shall specify total
16 sulfur compounds as H₂S. Petitioner shall maintain on-site, which may
17 include electronic storage, the South Coast AQMD Method 307-91
18 complete laboratory analysis report, which shall include the time and date
19 each sample collection was conducted, and initialed by the personnel that
20 conducted the sample collection. The complete laboratory analysis report
21 shall be e-mailed within two (2) business days of receiving results to
22 Peter Homsey, Air Quality Inspector III (phomsey@aqmd.gov), Garrett
23 Kakishita, Air Quality Analysis and Compliance Supervisor
24 (gkakishita@aqmd.gov) and Duoduo Bao, Air Quality Engineer
25 (dbao@aqmd.gov), except as allowed by Condition No. 15. Petitioner
26 shall instruct the laboratory that results shall be provided to Petitioner as
27 soon as possible after they are available.

- 1 5. Petitioner shall send current site maps identifying each well head by component
2 number and include visual indicator(s) for the well heads with landfill gas
3 temperature reading(s) that have exceeded 145 degrees Fahrenheit no later than
4 November 7, 2026, and with every monthly report thereafter to Peter Homsey,
5 Air Quality Inspector III (phomsey@aqmd.gov), Garrett Kakishita, Air Quality
6 Analysis and Compliance Supervisor (gkakishita@aqmd.gov) and Duoduo Bao,
7 Air Quality Engineer (dbao@aqmd.gov). If there has been no change in the
8 identified wells that have exceeded 145 degrees Fahrenheit since the previous
9 site map submission, Petitioner shall state in the monthly report for which a
10 new site map would be due that there has been no change, and no updated map
11 shall be required under this condition.
- 12 6. Petitioner shall report the sulfur compound readings and analyses required
13 under Conditions Nos. 3 and 4 to South Coast AQMD as part of the monthly
14 status report, pursuant to Condition No. 12. Petitioner shall comply with the
15 following requirements when conducting the sampling, analyzing, and
16 recording required under Condition Nos. 3 and 4:
- 17 a. Tedlar bags used for Method 307-91 sampling and analysis shall be
18 clean, unused, intact, and free from moisture and debris.
- 19 b. Colorimetric tube readings shall be conducted by taking a reading from
20 the Method 307-91 Tedlar bag sample using an appropriate colorimetric
21 tube sample collection pump. All sampling shall be performed in
22 accordance with the operational manual for the colorimetric tube sample
23 collection pump.
- 24 c. Colorimetric tube readings shall use colorimetric tubes of appropriate
25 concentration range and shall be reported as follows:
- 26 i. Petitioner shall first use the estimated appropriately-ranged
27 colorimetric tube.
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- 1 ii. If the resulting reading reaches the upper concentration of the
2 colorimetric tube concentration range, additional reading(s) shall
3 be taken using a colorimetric tube with a concentration range that
4 has a larger upper concentration threshold until the result is not the
5 upper concentration threshold of the concentration range. Report
6 the tube concentration range and tube concentration result for each
7 reading.
- 8 iii. If the reading results in the lowest concentration of the
9 colorimetric tube concentration range or does not register a result,
10 additional reading(s) shall be taken using a colorimetric tube with
11 a concentration range that has a smaller lowest concentration
12 threshold, if available, until the colorimetric tubes available to the
13 facility result in:
- 14 1. A reading that is within the concentration range of the tube;
15 2. A reading is the lowest concentration of the colorimetric
16 tube concentration range with the lowest concentration
17 threshold; or
18 3. The colorimetric tubes do not register a result.
19 4. When the result is the lowest concentration of the
20 colorimetric tube concentration range or does not register a
21 result, the lowest concentration of the colorimetric tube
22 concentration shall be considered the concentration result.
23 Report the tube concentration range and tube concentration
24 result for each reading. If a lower range colorimetric tube is
25 not used and the tube concentration result is below the lower
26 range of the colorimetric tube used, Petitioner shall
27 document and report the result as “less than” or “<” the
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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 “A” (A/N 627016, Permit No. G77924 or subsequent), or other treatment system operated in accordance with its valid Permit to Construct or Operate as approved by the South Coast AQMD, at a frequency sufficient to maintain a concentration of total sulfur as hydrogen sulfide at the inlet to Flare No. 3 & 4 (common line), excluding dimethyl sulfide (DMS), below 150 ppmv (averaged daily). Spent GAC 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. 12:
 - 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 by Flare No. 5;
 - iv. Combusted in other combustion and/or control equipment operated valid South Coast AQMD Permit(s) (if applicable); and

- v. 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. 3 & 4, calculated pursuant to Condition No. 13, 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 # 1 in Case No. 5139-3. The report shall explain the specific steps undertaken by Petitioner (*e.g.*, literature review, data analysis, outreach to industry and/or academic experts) to investigate the underlying cause of the total sulfur concentration exceedances, information received or discovered, any conclusions reached, and any other details that may be relevant to this issue. The investigation and subsequent reports shall include relevant

1 site-specific operational parameters, including but not limited to, long-term
2 temperature trends, vacuum system performance, leachate management, and
3 waste acceptance records.

- 4 11. With regard to the Application Nos. 670407-670409, submitted to South Coast
5 AQMD on September 3, 2026, for sulfur treatment system and corresponding
6 Title V Revision, Petitioner shall make itself available to meet once every two
7 calendar months with South Coast AQMD permitting staff (unless mutually
8 agreed otherwise) to address permitting issues, until South Coast AQMD takes
9 final action the permit applications. Petitioner shall provide any additional
10 information reasonably requested by South Coast AQMD related to these
11 permit applications, within the timeframe requested by South Coast AQMD
12 staff, unless a longer period to respond is approved in writing.
- 13 12. Petitioner shall submit a written status report to the District no later than the
14 seventh (7th) day of each calendar month of the Variance Period, not later than
15 5:00 pm PST via email to Peter Homsey, Air Quality Inspector III
16 (phomsey@aqmd.gov), Garrett Kakishita, Air Quality Analysis and
17 Compliance Supervisor (gkakishita@aqmd.gov) and Duoduo Bao, Air Quality
18 Engineer (dbao@aqmd.gov). These monthly status reports may be combined
19 with status reports required to be submitted pursuant to HB Case No. 5139-3 &
20 5139-7. Each monthly report shall contain at a minimum the following
21 information gathered from the previous calendar month:
- 22 a. Records identified in Condition No. 9, in an editable spreadsheet format,
23 with all units labeled;
 - 24 i. Readings and corrective action data gathered under Condition No.
25 9.b and 9.c shall be submitted with every other monthly report.
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- 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 (lbs) of sulfur oxides (SO_x) per day for Flare No. 5, pursuant to Condition No. 9.e.

The first monthly report prepared under this Condition shall be submitted no later than November 7, 2026 and shall cover the above information gathered in October 2026.

13. Excess emissions from Flares No. 3 & 4 shall be calculated using the following equations based on larger resultant excess emissions of the 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 12.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.

a. Flare No. 3 (A/N 616852, Permit to Operate R-G64400):

i. Equation No. 1: SO_x Excess Emissions (lb/day) = {[Daily TRS (ppmv) – 150 (ppmv)] x LFG Flow Rate to Flare No. 3 (scf/day) x 1.69 x 10⁻⁷}

ii. Equation No. 2: SO_x Excess Emissions (lb/day) = {[Daily TRS (ppmv) x LFG flow rate to Flare No. 3 (scf/day)] x [1.69 x 10⁻⁷]} – [6.41 (lb/hr) x Actual Daily Operating Hours of Flare No. 3 (hr)]

iii. Equation No. 3: SO_x Excess Emissions (lb/month) =
{[Daily TRS (ppmv) x LFG flow rate to Flare No. 3
(scf/month)] x [1.69 x 10⁻⁷]} – [4,679 (lb/month)]

b. Flare No. 4 (A/N 618396, Permit to Operate R-G64402):

i. Equation No. 1: SO_x Excess Emissions (lb/day) = {[Daily
TRS (ppmv) – 150 (ppmv)] x LFG Flow Rate to Flare No. 4
(scf/day) x 1.69 x 10⁻⁷}

ii. Where:

1. LFG: landfill gas

2. 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.

3. 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.

4. lb/scf: pounds per standard cubic foot

5. lb/day: pounds per day

6. lb/month: pounds per month

7. ppmv: parts per million by volume

8. TRS: total sulfur as H₂S concentration using South
Coast AQMD Method 307-91

9. SO_x: oxides of sulfur expressed as sulfur dioxide

10. scf/day: standard cubic feet per day

14. 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.

15. Any submittal deadline in these conditions that falls on a weekend or Federal or California holiday shall be extended to the next weekday.
16. 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.
17. 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 are identified as having wellhead temperatures over 131 F, those wellheads shall be added to the list above and will be subject to monthly monitoring of the surface around each wellhead casing under this Condition.

For purposes of this Condition, the following wellheads shall be deemed to delineate the “Area of Concern” at the Facility:

EW-0245

EW-2107

EW-2376

EW-2392

EW- 0247	EW-2108	EW-2377	EW-2393
EW- 0248	EW-2109	EW-2378	EW-2394
EW-1002	EW-2110	EW-2379	EW-2429
EW-1107	EW-2111	EW-2380	EW-2430
EW-1554	EW-2196	EW-2381	EW-2431
EW-1795	EW-2197	EW-2382	EW-2432
EW-1796	EW-2198	EW-2383	EW-2433
EW-1929	EW-2199	EW-2384	EW-2434
EW-2100	EW-2235	EW-2385	EW-2435
EW-2101	EW-2251	EW-2386	EW-2436
EW-2102	EW-2257	EW-2387	EW-2437
EW-2103	EW-2270	EW-2388	EW-2438
EW-2104	EW-2271	EW-2389	EW-2442
EW-2105	EW-2374	EW-2390	EW-2443
EW-2106	EW-2375	EW-2391	EW-2446
EW-2447	EW-2453	EW-2470	EW-2441
EW-2448	EW-2454	EW-2471	EW-2444
EW-2449	EW-2455	EW-2427	EW-2445
EW-2450	EW-2456	EW-2428	
EW-2451	EW-2457	EW-2439	
EW-2452	EW-2469	EW-2440	

Records generated in accordance with this Condition shall be compiled in a complete and legible format. In the event that the District determines the format is not complete or not legible and provides written notice to the Facility, thereafter (starting the following calendar month after notice), such records shall be electronically entered and maintained for the monitoring performed each month under this Condition, to be made available upon request by the District.

The Facility shall continue to comply with the quarterly monitoring requirements in SCAQMD Rule 1150.1(e)(3).

18. Petitioner shall submit within fourteen (14) calendar days of the granting of the Regular Variance, to Peter Homsey, Air Quality Inspector III (phomsey@aqmd.gov), Garrett Kakishita, Air Quality Analysis and

1 Compliance Supervisor (gkakishita@aqmd.gov) and Duoduo Bao, Air Quality
2 Engineer (dbao@aqmd.gov) a Piping and Instrumentation Diagram (P&ID)
3 which provides the connections and configuration of the existing
4 leachate/condensate/landfill liquids collection system, including liquid
5 collection pipelines, and all collection and storage tanks. The P&ID shall label
6 the type of liquid conveyed/stored at each location/tank/connection.

- 7 19. Petitioner shall notify the Clerk of the Board at clerkoofboard@aqmd.gov in
8 writing when final compliance has been achieved.
- 9 20. This variance shall terminate upon notification by the Petitioner to the Clerk of
10 the Board that operation of all equipment for which a variance is granted is
11 operating in compliance.

12
13 FOR THE BOARD: _____

14
15 DATED: _____

Summary report: Litera Compare for Word 11.14.0.42 Document comparison done on 9/29/2026 10:39:47 AM	
Style name: Firm Standard	
Intelligent Table Comparison: Active	
Original DMS: iw://hunton.cloudmanage.com/dms/357793287/5 - Exhibit 3 - Findings and Decision and Order Granting Interim Variance (Proposed).docx	
Modified DMS: iw://hunton.cloudmanage.com/dms/357793287/6 - Exhibit 3 - Findings and Decision and Order Granting Interim Variance (Proposed).docx	
Changes:	
<u>Add</u>	21
Delete	15
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	36