

State of California
California Environmental Protection Agency
AIR RESOURCES BOARD

**Addendum to the
Final Statement of Reasons for Rulemaking**

ADOPTION OF A REGULATION TO REDUCE METHANE EMISSIONS FROM
MUNICIPAL SOLID WASTE LANDFILLS

Public Hearing Date: June 25, 2009
Agenda Item No.: 09-6-3

This Addendum to the Final Statement of Reasons (FSOR) describes and provides the reasoning for non-substantive changes that the Air Resources Board (ARB or Board) has made to the Regulation to Reduce Methane Emissions from Municipal Solid Waste Landfills. All of these corrections were made in response to concerns raised by the Office of Administrative Law. The ARB is submitting this addendum to the FSOR for insertion in Office of Administrative Law (OAL) File Number 10-0505-02S.

Nonsubstantial Changes Made to the Final Regulation Order

ARB has made some minor nonsubstantial changes to the final regulation order for accuracy, and clarity. The changes made do not materially alter any requirement, right responsibility, condition, prescription, or other regulatory element of any California Code of Regulations (CCR) provisions. They are as follows:

1. The word "subsequent" was deleted from Section 95470(b)(3) to clarify that the initial annual report, like all subsequent annual reports, is to be submitted to the Executive Officer by March 15 following the calendar year. The March 15 date appears periodically in the regulations and no other annual reporting deadline was discussed either therein or in the Initial Statement of Reasons. Therefore, clarifying that all reports are to meet the March 15 deadline will not affect the rights or responsibilities of affected facilities because they were on notice of the March 15 deadline generally and there is no indication that any other deadline would apply for the initial annual report.
2. Lettering on Page 12 of the regulation in section 95469(a)(2): The list had been noticed and approved as (A), (B), (C), (E) and has now been corrected to (A), (B), (C), (D). We have verified that there are no cross-referencing issues with this correction.

3. On Page 13 of the regulation in section 95469(b)(3)(A), delete the word "during." Our intent was that this testing take place prior to planned outages. Because such testing can't actually be done during an outage since the system is not operating – no leak would ever be detected—no stakeholder could have been misled or confused by this logical impossibility.

Summary and Response

Comment: The City recommends that a 50 ppmv average methane concentration limit be utilized as an initial surface methane concentration limit, rather than the 25 ppmv limit currently proposed (CSDPW).

Response: ARB staff disagrees with this comment and believes that 25 ppmv is an appropriate and attainable standard for methane. The 25 ppmv integrated standard is modeled after South Coast Air Quality Management District (SCAQMD) Rule 1150.1. Although the SCAQMD rule requires an integrated surface standard of 50 ppmv (for non-methane organic compounds), ARB staff reviewed historical compliance data which indicated that very few landfills would not be able to meet a 25 ppmv integrated surface methane standard using current operating practices (see also response to comment 41). The regulation gives landfills a year to make the necessary system adjustments and improvements and establish monitoring protocols and procedures in order ensure compliance.

Comment: We recommend insertion of the phrase “that cannot be remediated within 10 calendar days” between “Board” and “will result...”(CSDPW).

Response: ARB staff disagrees with this comment. While ARB did allow a 10-day remediation period for self-identified monitored exceedances, the rationale there was to allow for early detection and remediation. That rationale does not apply for exceedances discovered during compliance inspections because the inspection was necessary to find the exceedance and its duration at discovery is unknown and must be discontinued promptly.

Comment: The requirement, “At least one gas flow rate measuring device which shall record the flow to the control device(s) at least every 15 minutes,” is overly restrictive with respect to exactly how the measurement of flow is achieved. Some piping configurations at existing facilities do not lend themselves to the placement of gas control measuring devices immediately before every control device due to the existence of short piping runs. Gas flows can be determined mathematically using other gas control measuring devices that are strategically placed and monitored (CSDPW).

Response: ARB staff acknowledges that specific needs at landfills may vary from site to site. The regulation contains a provision for landfills to request alternative

compliance options to address certain site-specific concerns (§ 95468), including monitoring requirements. We believe this option adequately addresses the commenter's concern.

Comment: The monitoring requirement in section 95469(b)(2) appears to be similar to the BAAQMD's "Key Emission Control System Operating Parameters." Flexibility is needed since the City has had difficulty in identifying the key emission control system operating parameters for our gensets (CSDPW).

Response: ARB staff acknowledges that specific needs at landfills may vary from site to site. The regulation contains a provision for landfills to request alternative compliance options to address certain site-specific concerns (§ 95468), including monitoring requirements. We believe this option adequately addresses the commenter's concern.

Comment: The City recommends removal of the requirement for negative pressure at wellheads (CSDPW).

Response: ARB staff disagrees with this comment. To demonstrate that the gas extraction rate for an active gas collection system is sufficient, a negative pressure must be maintained at each wellhead, except as specified in § 95464(d) and 95464(e) or under the conditions identified in § 95464(c)(1) and § 95464(c)(2). To provide landfill owners and operators greater flexibility to make the necessary repairs to their gas collection systems, § 95464(c)(1) of the regulation provides 120 days to complete correction actions from the date the positive pressure was first measured.