



San Diego County Air Pollution Control District Governing Board

San Diego County Air Pollution Control District

AGENDA ITEM #D.1

DATE: **October 8, 2026**

TO: SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD

SUBJECT:

NOTICED PUBLIC HEARING: ADOPTION OF AMENDMENTS TO RULE 69.7 - LANDFILL GAS FLARES

REQUESTED ACTION:

1. Find that the adoption of proposed amendments to Rule 69.7 – Landfill Gas Flares is exempt from the provisions of the California Environmental Quality Act (CEQA) under the common-sense exemption, California Code of Regulations, Title 14, Section 15061(b)(3) since it can be seen with certainty that there is no possibility the proposed amendments may have a significant effect on the environment, as the amendments are administrative in nature and do not authorize any increase in emissions – rather, they clarify the level of precision used in the existing standard and which test method should be used.
2. Adopt the Resolution entitled: RESOLUTION ADOPTING AMENDMENTS TO RULE 69.7 – LANDFILL GAS FLARES, OF REGULATION IV OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.
3. Direct the Air Pollution Control Officer to forward a copy of this Resolution and amended Rule 69.7 to the California Air Resources Board (CARB) for approval and subsequent submittal to the U.S. Environmental Protection Agency (EPA) for inclusion into the State Implementation Plan (SIP) to supersede the previously submitted version of Rule 69.7.

OVERVIEW:

Pursuant to the Federal Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) has established the National Ambient Air Quality Standards (NAAQS) for six common, yet harmful, outdoor air pollutants to protect public health and the environment. Each area of the nation with air pollution levels exceeding a federal ambient air quality standard must be designated by the EPA as a “Nonattainment Area” for that standard. San Diego County’s ambient air quality currently meets the NAAQS for five of the six criteria air pollutants. At this time, the one exception is ozone. Federal laws require the San Diego County Air Pollution Control District (District) to adopt and implement rules to control emissions of ozone precursors – volatile organic compounds (VOC) and nitrogen oxides (NOx). In addition, as control technologies advance or in order to ensure rules are federally enforceable, the District must update its rules accordingly to further protect public health.

Rule 69.7 – Landfill Gas Flares was initially adopted by the Governing Board and became effective on March 9, 2023, and was submitted to EPA (through CARB) as a revision to the San Diego County portion of the California State Implementation Plan (SIP) on April 3, 2023. The rule applies to landfill gas flares at municipal solid waste landfills in San Diego County that are classified as major sources of nitrogen oxides (NO_x), meaning they can emit 25 tons or more per year. Rule 69.7 establishes emission limitations and work practice standards for enclosed flares designed to ensure proper control and combustion of landfill gas, thereby helping improve air quality and public health when implemented as specified. Adoption of Rule 69.7 was necessary to comply with federal Reasonably Available Control Technology (RACT) requirements that support EPA and CARB air quality goals.

On May 7, 2026 (approximately three years after submittal), the EPA reviewed Rule 69.7 and identified an administrative deficiency within the rule that requires an amendment in order for it to be approved and federally enforceable. The District committed to amending Rule 69.7 to revise the affected provisions in accordance with EPA guidance no later than June 30, 2027, or within one year of the effective date of the EPA's final action, whichever is soonest (Attachment E). Failure to submit the revision within the required timeframe will result in the EPA taking action to disapprove the rule, which in turn could result in regionwide sanctions.

As currently written and initially adopted, Rule 69.7 allows use of the "most current version" of certain test methods, which is not enforceable by federal law, and prevents EPA from approving Rule 69.7 for inclusion into the San Diego County portion of the SIP. To ensure federal approval and enforceability and correct the deficiency, the District is proposing amendments to Rule 69.7 Subsections (h)(3)(i) and (h)(3)(ii) to specify that the applicable test methods must be the EPA-approved versions. The District is also proposing other additional minor administrative revisions to improve clarity and implementation of the rule. These minor revisions include updating the NO_x emission limit in Subsection (d)(1) to two significant figures; revising Subsection (e)(2) to clarify that only landfill gas flow to an inoperable flare must stop while other permitted control devices may continue operating; adding recordkeeping requirements in new Subsection (g)(5); and removing CARB approval requirements for test methods in Subsection (h)(4) that are unnecessary. The proposed amendments will also support the recent resubmittal of the 2020 RACT Demonstration for Ozone in San Diego County with Addendum.

If approved by the Governing Board, proposed amendments to Rule 69.7 will become effective upon adoption on October 8, 2026. If adopted, the District will submit the amended rule to EPA (through CARB) for inclusion in the San Diego County portion of the SIP. Upon EPA's approval of the submission, the identified SIP deficiency in Rule 69.7 will be resolved, and EPA's final action will supersede the previously submitted version of Rule 69.7.

For SIP submittal and recordkeeping purposes, the 2026 Board documentation will replace and supplement the 2023 Board documentation (Attachment D), including the supporting analyses completed in 2023 such as the socioeconomic impact assessment and cost-effectiveness evaluation. Subsequently, this updated documentation will provide a clear and complete basis for future SIP submissions and regulatory recordkeeping.

FISCAL IMPACT:

There is no fiscal impact associated with the proposed amendments to Rule 69.7.

ENVIRONMENTAL STATEMENT:

The proposed rule amendments to Rule 69.7 are administrative in nature. District staff have determined that adoption of the proposed amendments is exempt from CEQA under the common-sense exemption, California Code of Regulations, Title 14, Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the amendments may have a significant effect on the environment. The amendments (i) restate the NOx emission limit in Subsection (d)(1) to two significant figures, which do not authorize any increase in emissions – rather, they clarify the level of precision used in the existing standard; (ii) specify EPA-approved versions of existing test methods in Subsections (h)(3) and remove an unnecessary CARB-approval requirement in Subsection (h)(4); (iii) add recordkeeping in new Subsection (g)(5); and (iv) clarify in Subsection (e)(2) that, when a flare is inoperable, gas flow to that flare must cease and all valves contributing to venting to the atmosphere must be closed within one hour, while permitting continued routing of collected landfill gas to other permitted control devices. None of these changes weaken an emission standard or authorize any emissions that the existing rule prohibits; the Subsection (e)(2) clarification does not permit venting and therefore does not allow any environmental degradation. Section 15187 of the CEQA Guidelines does not apply, because the amendments do not require the installation of pollution control equipment, establish a performance standard, or establish a treatment requirement.

PREVIOUS RELEVANT BOARD ACTIONS:

March 8, 2023 (Agenda Item #E.3), Adoption of Proposed New Rule 69.7 – Landfill Gas Flares.

PUBLIC ENGAGEMENT AND OUTREACH:

On May 26, 2026, the District issued a public notice initiating a 30-day comment period to solicit input from the public, the regulated community, and other stakeholders regarding the proposed amendments to Rule 69.7. No comments were received during the District's comment period. Furthermore, a public notice was posted in a local newspaper 30 days prior to today's Hearing, posted on the District's website, and sent to subscribers of the District's electronic mail service, CARB, and the EPA.

EQUITY IMPACT STATEMENT

Today's item supports the District's vision of 'Clean Air for All' by proposing revisions to an existing rule to control air pollution emissions and to help attain national ozone standards in communities across the region.

RECOMMENDED BY:

Michael Watt, Chief, Emission Reduction Strategies

CONTACT PERSON(S):

Name: Nick Cormier, Supervising Air Resources Specialist

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Email: nick.cormier@sdapcd.org

ATTACHMENTS:

[Item D1_Att A_Rule 69.7-Resolution.pdf](#)

[Item D1_Att B_Change Copy.pdf](#)

[Item D1_Att C_Rule 69.7 Staff Report.pdf](#)

[Item D1_Att D_Rule 69.7 2023 Board Documentation.pdf](#)

[Item D1_Att E_Rule 69.7 Commitment Ltr 1.pdf](#)

Resolution No: 26.006
Meeting Date: 10/8/2026 (Item D.1)

**RESOLUTION ADOPTING AMENDMENTS TO
RULE 69.7 – LANDFILL GAS FLARES,
OF REGULATION IV OF THE RULES AND REGULATIONS OF THE
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member Koval, seconded by Member Bush, the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control District Governing Board (Governing Board), pursuant to Section 40702 of the California Health and Safety Code, adopted Rules and Regulations of the San Diego County Air Pollution Control District (District); and

WHEREAS, said Governing Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been held relating to the amendments of said Rules and Regulations pursuant to Section 40725 of the California Health and Safety Code and Section 51.102 of Title 40 of the Code of Federal Regulations; and

WHEREAS, pursuant to Section 40727 of the California Health and Safety Code, the Governing Board makes the following findings:

- (1) (Necessity) The adoption of proposed amendments to Rule 69.7 is necessary to comply with the federal Clean Air Act (CAA) requirements and to ensure approval by the United States Environmental Protection Agency (EPA) for inclusion into the San Diego County portion of the California State Implementation Plan (SIP). The proposed amendments are also necessary to comply with the federal requirements for Reasonably Available Control Technology (RACT) and state requirements for implementing all feasible control measures to achieve the ambient air quality standards for ozone by reducing emissions of nitrogen oxides (NOx) within San Diego County;
- (2) (Authority) The adoption of proposed amendments to Rule 69.7 is authorized by Sections 39002, 40000, 40001, and 40702 of the California Health and Safety Code;
- (3) (Clarity) Proposed amendments to Rule 69.7 can be easily understood by persons directly affected by it;
- (4) (Consistency) The adoption of proposed amendments to Rule 69.7 is in harmony with, and not in conflict with or contrary to, existing statutes, court decisions, and state and federal regulations;

- (5) (Non-duplication) The adoption of proposed amendments to Rule 69.7 does not duplicate and does not impose the same requirements as existing District, state, or federal requirements;
- (6) (Reference) The adoption of proposed amendments to Rule 69.7 is necessary to comply with CAA Section 110(a) and to address the federal enforceability deficiency identified in EPA's proposed conditional approval published on May 7, 2026 (91 FR 24765). The adoption of amendments also aligns with CAA Section 182(f), which requires implementation of RACT on stationary sources of NOx emissions, and California Health and Safety Code Section 40914(b)(2), which requires adoption of every feasible control measure to reduce ozone-precursor emissions;

WHEREAS, the Governing Board further finds pursuant to the California Health and Safety Code Section 40001 that adoption of proposed amendments to Rule 69.7 will facilitate the attainment and maintenance of ambient air quality standards and ensure consistency with EPA requirements for SIP approvability; and

WHEREAS, the Governing Board further finds that an analysis comparing proposed amendments to Rule 69.7 with applicable requirements of federal and local regulations is required pursuant to Section 40727.2 of the California Health and Safety Code and has been prepared; and

WHEREAS, the Governing Board further finds that an incremental cost-effectiveness analysis pursuant to Section 40920.6(a) of the California Health and Safety Code is not required because the proposed amendments to Rule 69.7 do not impose any new emission standards or performance requirements; and

WHEREAS, the Governing Board further finds that an assessment of the socioeconomic impacts of proposed amendments to Rule 69.7 is not required under California Health and Safety Code Section 40728.5 because the adoption of amendments will not significantly affect air quality or emission limitations and do not impose new or more stringent requirements on affected sources; and

WHEREAS, proposed amendments to Rule 69.7 will be submitted to the California Air Resources Board (CARB) for approval, and for subsequent submittal to the EPA for inclusion into the State Implementation Plan (SIP), and concurrently, the District will request that CARB withdraw any previously submitted version of Rule 69.7 from further EPA consideration so the amended rule supersedes it in the SIP.

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control District Governing Board that the Rules and Regulations of the San Diego County Air Pollution Control District be, and hereby are amended as follows:

1. Proposed amendments to Rule 69.7 are to read as follows:

RULE 69.7 LANDFILL GAS FLARES (Adopted and Effective *(date of adoption)*)

(a) **APPLICABILITY**

This rule shall apply to all landfill gas flares at a municipal solid waste (MSW) landfill where the aggregate actual or potential emissions, from such flares, are at or above the federal major stationary source threshold for nitrogen oxides (NO_x).

(b) **EXEMPTIONS**

Sections (d) Standards, (h) Test Methods, and (i) Source Test Requirements of this rule shall not apply to existing open landfill gas flares.

(c) **DEFINITIONS**

For the purposes of this rule, the following definitions shall apply:

- (1) **“Btu”** means British thermal unit.
- (2) **“Calendar Year”** means the same as defined in Rule 2 – Definitions.
- (3) **“CFR”** means Code of Federal Regulations.
- (4) **“Enclosed Flare”** means a flare composed of multiple gas burners that are grouped in an enclosure, which operates at a wide range of flow rates and constant limited peak temperature.
- (5) **“Existing Flare”** means a flare which commenced operation on or before March 9, 2023.
- (6) **“Federal Major Stationary Source”** means the same as defined in Rule 20.1 – New Source Review – General Provisions.
- (7) **“Flare Maintenance Event”** means a regularly scheduled course of procedure designed to prevent equipment failure or decline of equipment function.
- (8) **“Gas Mover Equipment”** means the equipment (e.g., fan, blower, compressor) used to transport landfill gas through the header system.
- (9) **“Landfill Gas”** means any gas derived through a natural process from the decomposition of waste deposited in a landfill.
- (10) **“Landfill Gas Flare”** means a combustion device that oxidizes combustible landfill gases or vapors, where the combustible landfill gases or vapors being destroyed are routed into the burner. Types of landfill gas flares include open and enclosed flares.

(11) **“Municipal Solid Waste (MSW) Landfill”** means an entire disposal facility in a contiguous geographical space, publicly or privately owned, where household waste is placed in or on land. Portions of an MSW landfill may be separated by access roads. An MSW landfill may also receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D (40 CFR Parts 257 and 258) wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste.

(12) **“New Flare”** means a flare which commenced operation after March 9, 2023.

(13) **“Open Flare”** means a flare without enclosure or shroud.

(14) **“Pilot”** means an auxiliary burner used to ignite the vent gas routed to a flare.

(d) **STANDARDS**

A person shall not install and/or operate an enclosed landfill gas flare subject to this rule unless:

(1) Emissions of NO_x, calculated as nitrogen dioxide, do not exceed 0.060 pounds per million Btu of heat input.

(2) Emissions of carbon monoxide (CO) do not exceed 0.20 pounds per million Btu of heat input.

(e) **OPERATIONAL REQUIREMENTS**

(1) The landfill gas flare shall be properly maintained and operational at all times when the collected landfill gas is routed to the flare.

(2) In the event the landfill gas flare is inoperable, gas flow to the flare shall cease and all valves in the landfill gas collection system and flare contributing to venting of the gas to the atmosphere shall be closed within one hour.

(3) An enclosed flare shall be:

(i) Equipped with automatic dampers, an automatic shutdown device, a flame arrester, and continuous-recording temperature sensors.

(ii) Operated within the parameter ranges established during the initial or most recent source test.

(4) An open flare shall be:

(i) Equipped with a heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the flare pilot flame or the flare flame itself to indicate the continuous presence of a flame. The heat-sensing device shall be maintained and

calibrated in accordance with the manufacturer's specifications and recommendations.

(ii) Operated in accordance with Title 17, California Code of Regulations, Subsection 95464(b)(2)(B).

(f) MONITORING REQUIREMENTS

An owner or operator of any landfill gas flare shall install and maintain in good working order the following:

(1) A gas flow rate measuring device to monitor, display, and record the landfill gas flow rate to each flare at least once every 15 minutes. The gas flow rate measuring device shall be calibrated at least once per calendar year in accordance with the manufacturer's specifications and recommendations.

(2) For an enclosed flare: a gas temperature measuring device equipped with a continuous recorder which has an accuracy of $\pm 1\%$ of the temperature being measured. The gas temperature measuring device shall be calibrated in accordance with the manufacturer's specifications and recommendations.

(3) For an open flare: a heat device to continuously monitor for the presence of a flare pilot flame or flare flame using an ultraviolet beam sensor or thermocouple, and any additional monitoring requirements as specified by the Air Pollution Control Officer.

(g) RECORD KEEPING REQUIREMENTS

An owner or operator of a landfill gas flare shall maintain, at a minimum, the following:

(1) Records of the landfill gas flow rate.

(2) Records of all landfill gas flow rate-measuring device calibrations pursuant to Subsection (f)(1).

(3) Records of the landfill gas throughput in standard cubic feet, which shall be recorded based on actual readings of the landfill gas flow rate-measuring device.

(4) Records of all periods when the flare is non-operational.

(5) Records of the time(s) of all valve openings and closings, and records of the start and end times of gas flow to the flare, pursuant to Subsection (e)(2).

(6) Records of all flare maintenance events, including dates maintenance was performed and the nature of the maintenance.

(7) Records of any source test as conducted in accordance with Section (i) Source Test Requirements.

(8) A manual of recommended maintenance as provided by the flare manufacturer, or other maintenance procedures as approved in writing by the Air Pollution Control Officer.

(9) For an enclosed flare:

(i) Records of all 3-hour periods of operation during which the average temperature difference was more than 82°F (28°C) below the average combustion temperature during the most recent source test at which compliance with Title 17, California Code of Regulations, Sections 95464(b)(2) and 95464(b)(3)(A) was determined.

(ii) Records of the flare temperature, expressed in °F or °C.

(iii) Records of all flare temperature-measuring device calibrations pursuant to Subsection (f)(2).

(10) For an open flare:

(i) Records of the flare pilot flame or flare flame continuous monitoring.

(ii) Records of all periods of operation during which the flare pilot flame or the flare flame is absent.

All records shall be retained in electronic and/or hardcopy format on-site for at least five calendar years and made available to the District upon request.

(h) **TEST METHODS**

When more than one test method or set of test methods are specified in this section, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of this rule.

(1) Measurement of NO_x and CO emissions in pounds per million Btu of heat input shall be determined using the emission concentrations measured in accordance with Subsection (h)(2) and the gas composition of the total gas or vapor combusted in the landfill gas flare measured in accordance with Subsection (h)(3), and calculated using the procedures in 40 CFR Part 60, Appendix A, Method 19 (Determination of Sulfur Dioxide Removal Efficiency and Particulate, Sulfur Dioxide and Nitrogen Oxides Emission Rates).

(2) Measurement of NO_x, CO and oxygen content of the exhaust gas shall be determined in accordance with the San Diego County Air Pollution Control District Test Method 100 (Test Procedures for the Determination of Nitrogen Oxides, Carbon Monoxide and Diluent Gases by Continuous Emission Monitoring), May 1995, or its most current version approved by the U.S. Environmental Protection Agency (EPA).

(3) Landfill gas composition shall be determined in accordance with the following methods:

(i) ASTM D3588-98(2017)e1 (Standard Practice for Calculating Heat Value, Compressibility Factor, and Relative Density of Gaseous Fuels), or its most current version approved by EPA; and

(ii) ASTM D1945-14(2019) (Standard Test Method for Analysis of Natural Gas by Gas Chromatography), or its most current version approved by EPA; or

(iii) EPA Method 25C (Determination of Nonmethane Organic Compounds (NMOC) in Landfill Gases).

(4) Other test methods which are determined to be equivalent to the test methods specified in this rule and approved in writing by the Air Pollution Control Officer and EPA may be used in place of the test methods specified in this rule.

(i) SOURCE TEST REQUIREMENTS

Source tests for enclosed landfill gas flares shall be conducted according to the following:

(1) For initial compliance determination with Section (d) Standards, a landfill gas flare shall be source tested under the following conditions:

(i) For an existing flare: at typical operating conditions according to the facility specifications. An initial compliance determination is required if source test documentation demonstrating compliance with Subsections (d)(1) and/or (d)(2) is older than three calendar years.

(ii) For a new flare: at typical operating conditions according to the facility specifications and at maximum temperature and maximum fuel flow according to the manufacturer's specifications.

(2) After initial compliance has been determined, any landfill gas flare shall be source tested under typical operating conditions according to the facility specifications, and with the following frequency:

(i) For an existing flare: in accordance with the current compliance schedule pursuant to Title 17, California Code of Regulations, Section 95464 (b)(4)(A), or

(ii) For a new flare: in accordance with Title 17, California Code of Regulations, Section 95464 (b)(4)(A).

(3) Measurement of NO_x and CO emission concentrations shall be based on a continuous sampling period of 15 minutes or more, and not to exceed 60 minutes. For the purpose of averaging, a minimum of five data sets with averaging intervals no greater than three minutes shall be used.

(4) Emissions source testing shall be conducted using the test methods specified in Section (h) Test Methods and a source test protocol approved in writing by the Air Pollution Control Officer prior to testing.

(j) **COMPLIANCE SCHEDULE**

(1) All new landfill gas flares shall comply with all applicable requirements of this rule upon initial startup.

(2) The owner or operator of an existing enclosed landfill gas flare shall:

(i) By September 9, 2023, submit to the Air Pollution Control Officer current documentation which demonstrates that the flare is in compliance with Section (d) Standards emission limits, or

(ii) By March 9, 2024, conduct a source test in accordance with Subsections (i)(1)(i), (i)(3), and (i)(4), and submit to the Air Pollution Control Officer documentation which demonstrates that the flare is in compliance with all applicable requirements of this rule.

FURTHER RESOLVED AND ORDERED that proposed amendments to Rule 69.7 of Regulation IV shall take effect *(date of adoption)*.

FURTHER RESOLVED AND ORDERED that the District shall request, through CARB, the submittal of Rule 69.7 to the EPA for inclusion in the San Diego County portion of the SIP to cure the identified deficiency, and that the submission will supersede the version of Rule 69.7 previously submitted in 2023 which, if approved by the EPA, will incorporate Rule 69.7 into the federally enforceable SIP.

PASSED AND ADOPTED by the Air Pollution Control District Governing Board of the San Diego County Air Pollution Control District, this 8th day of October, 2026, by the following votes:

AYES: Aguirre, Bush, Birkbeck-Garcia, Campbell, Gomez, Koval, Stigler Granados

ABSENT: Duncan, Fitzgerald, Gloria, Lawson-Remer

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY: HEIDI GABRIEL-PACK, SENIOR DEPUTY

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STATE OF CALIFORNIA)

County of San Diego)^{SS}

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the San Diego County Air Pollution Control District Governing Board.



MARVICE MAZYCK

Clerk of the San Diego County Air Pollution Control District Governing Board

RULE 69.7 LANDFILL GAS FLARES (Adopted and Effective ~~March 9, 2023~~ (date of adoption))

(a) **APPLICABILITY**

This rule shall apply to all landfill gas flares at a municipal solid waste (MSW) landfill where the aggregate actual or potential emissions, from such flares, are at or above the federal major stationary source threshold for nitrogen oxides (NO_x).

(b) **EXEMPTIONS**

Sections (d) Standards, (h) Test Methods, and (i) Source Test Requirements of this rule shall not apply to existing open landfill gas flares.

(c) **DEFINITIONS**

For the purposes of this rule, the following definitions shall apply:

- (1) **“Btu”** means British thermal unit.
- (2) **“Calendar Year”** means the same as defined in Rule 2 – Definitions.
- (3) **“CFR”** means Code of Federal Regulations.
- (4) **“Enclosed Flare”** means a flare composed of multiple gas burners that are grouped in an enclosure, which operates at a wide range of flow rates and constant limited peak temperature.
- (5) **“Existing Flare”** means a flare which commenced operation on or before March 9, 2023.
- (6) **“Federal Major Stationary Source”** means the same as defined in Rule 20.1 – New Source Review – General Provisions.
- (7) **“Flare Maintenance Event”** means a regularly scheduled course of procedure designed to prevent equipment failure or decline of equipment function.
- (8) **“Gas Mover Equipment”** means the equipment (e.g., fan, blower, compressor) used to transport landfill gas through the header system.
- (9) **“Landfill Gas”** means any gas derived through a natural process from the decomposition of waste deposited in a landfill.
- (10) **“Landfill Gas Flare”** means a combustion device that oxidizes combustible landfill gases or vapors, where the combustible landfill gases or vapors being destroyed are routed into the burner. Types of landfill gas flares include open and enclosed flares.

(11) **“Municipal Solid Waste (MSW) Landfill”** means an entire disposal facility in a contiguous geographical space, publicly or privately owned, where household waste is placed in or on land. Portions of an MSW landfill may be separated by access roads. An MSW landfill may also receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D (40 CFR Parts 257 and 258) wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste.

(12) **“New Flare”** means a flare which commenced operation after March 9, 2023.

(13) **“Open Flare”** means a flare without enclosure or shroud.

(14) **“Pilot”** means an auxiliary burner used to ignite the vent gas routed to a flare.

(d) **STANDARDS**

A person shall not install and/or operate an enclosed landfill gas flare subject to this rule unless:

(1) Emissions of NO_x, calculated as nitrogen dioxide, do not exceed 0.060 pounds per million Btu of heat input.

(2) Emissions of carbon monoxide (CO) do not exceed 0.20 pounds per million Btu of heat input.

(e) **OPERATIONAL REQUIREMENTS**

(1) The landfill gas flare shall be properly maintained and operational at all times when the collected landfill gas is routed to the flare.

(2) In the event the ~~landfill gas collection system or~~ landfill gas flare is inoperable, ~~the gas mover equipment shall be shut down and~~ gas flow to the flare shall cease and all valves in the landfill gas collection system and flare contributing to venting of the gas to the atmosphere shall be closed within one hour.

(3) An enclosed flare shall be:

(i) Equipped with automatic dampers, an automatic shutdown device, a flame arrester, and continuous-recording temperature sensors.

(ii) Operated within the parameter ranges established during the initial or most recent source test.

(4) An open flare shall be:

(i) Equipped with a heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the flare pilot flame or the flare flame itself to indicate the continuous presence of a flame. The heat-sensing device shall be maintained and calibrated in accordance with the manufacturer's specifications and recommendations.

(ii) Operated in accordance with Title 17, California Code of Regulations, Subsection 95464(b)(2)(B).

(f) MONITORING REQUIREMENTS

An owner or operator of any landfill gas flare shall install and maintain in good working order the following:

(1) A gas flow rate measuring device to monitor, display, and record the landfill gas flow rate to each flare at least once every 15 minutes. The gas flow rate measuring device shall be calibrated at least once per calendar year in accordance with the manufacturer's specifications and recommendations.

(2) For an enclosed flare: a gas temperature measuring device equipped with a continuous recorder which has an accuracy of $\pm 1\%$ of the temperature being measured. The gas temperature measuring device shall be calibrated in accordance with the manufacturer's specifications and recommendations.

(3) For an open flare: a heat device to continuously monitor for the presence of a flare pilot flame or flare flame using an ultraviolet beam sensor or thermocouple, and any additional monitoring requirements as specified by the Air Pollution Control Officer.

(g) RECORD KEEPING REQUIREMENTS

An owner or operator of a landfill gas flare shall maintain, at a minimum, the following:

(1) Records of the landfill gas flow rate.

(2) Records of all landfill gas flow rate-measuring device calibrations pursuant to Subsection (f)(1).

(3) Records of the landfill gas throughput in standard cubic feet, which shall be recorded based on actual readings of the landfill gas flow rate-measuring device.

(4) Records of all periods when the flare is non-operational.

(5) Records of the time(s) of all valve openings and closings, and records of the start and end times of gas flow to the flare, pursuant to Subsection (e)(2).

~~(5)~~(6) Records of all flare maintenance events, including dates maintenance was performed and the nature of the maintenance.

~~(6)~~(7) Records of any source test as conducted in accordance with Section (i) Source Test Requirements.

~~(7)~~(8) A manual of recommended maintenance as provided by the flare manufacturer, or other maintenance procedures as approved in writing by the Air Pollution Control Officer.

~~(8)~~(9) For an enclosed flare:

(i) Records of all 3-hour periods of operation during which the average temperature difference was more than 82°F (28°C) below the average combustion temperature during the most recent source test at which compliance with Title 17, California Code of Regulations, Sections 95464(b)(2) and 95464(b)(3)(A) was determined.

(ii) Records of the flare temperature, expressed in °F or °C.

(iii) Records of all flare temperature-measuring device calibrations pursuant to Subsection (f)(2).

~~(9)~~(10) For an open flare:

(i) Records of the flare pilot flame or flare flame continuous monitoring.

(ii) Records of all periods of operation during which the flare pilot flame or the flare flame is absent.

All records shall be retained in electronic and/or hardcopy format on-site for at least five calendar years and made available to the District upon request.

(h) **TEST METHODS**

When more than one test method or set of test methods are specified in this section, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of this rule.

(1) Measurement of NO_x and CO emissions in pounds per million Btu of heat input shall be determined using the emission concentrations measured in accordance with Subsection (h)(2) and the gas composition of the total gas or vapor combusted in the landfill gas flare measured in accordance with Subsection (h)(3), and calculated using the procedures in 40 CFR Part 60, Appendix A, Method 19 (Determination of Sulfur Dioxide Removal Efficiency and Particulate, Sulfur Dioxide and Nitrogen Oxides Emission Rates).

(2) Measurement of NO_x, CO and oxygen content of the exhaust gas shall be determined in accordance with the San Diego County Air Pollution Control District Test Method 100 (Test Procedures for the Determination of Nitrogen Oxides, Carbon Monoxide and Diluent Gases by Continuous Emission Monitoring), May 1995, or its most current version approved by the U.S. Environmental Protection Agency (EPA).

(3) Landfill gas composition shall be determined in accordance with the following methods:

(i) ASTM D3588-98(2017)e1 (Standard Practice for Calculating Heat Value, Compressibility Factor, and Relative Density of Gaseous Fuels), or its most current version approved by EPA; and

(ii) ASTM D1945-14(2019) (Standard Test Method for Analysis of Natural Gas by Gas Chromatography), or its most current version approved by EPA; or

(iii) EPA Method 25C (Determination of Nonmethane Organic Compounds (NMOC) in Landfill Gases).

(4) Other test methods which are determined to be equivalent to the test methods specified in this rule and approved in writing by the Air Pollution Control Officer, ~~the California Air Resources Board~~, and EPA may be used in place of the test methods specified in this rule.

(i) SOURCE TEST REQUIREMENTS

Source tests for enclosed landfill gas flares shall be conducted according to the following:

(1) For initial compliance determination with Section (d) Standards, a landfill gas flare shall be source tested under the following conditions:

(i) For an existing flare: at typical operating conditions according to the facility specifications. An initial compliance determination is required if source test documentation demonstrating compliance with Subsections (d)(1) and/or (d)(2) is older than three calendar years.

(ii) For a new flare: at typical operating conditions according to the facility specifications and at maximum temperature and maximum fuel flow according to the manufacturer's specifications.

(2) After initial compliance has been determined, any landfill gas flare shall be source tested under typical operating conditions according to the facility specifications, and with the following frequency:

(i) For an existing flare: in accordance with the current compliance schedule pursuant to Title 17, California Code of Regulations, Section 95464 (b)(4)(A), or

(ii) For a new flare: in accordance with Title 17, California Code of Regulations, Section 95464 (b)(4)(A).

(3) Measurement of NO_x and CO emission concentrations shall be based on a continuous sampling period of 15 minutes or more, and not to exceed 60 minutes. For the purpose of averaging, a minimum of five data sets with averaging intervals no greater than three minutes shall be used.

(4) Emissions source testing shall be conducted using the test methods specified in Section (h) Test Methods and a source test protocol approved in writing by the Air Pollution Control Officer prior to testing.

(j) COMPLIANCE SCHEDULE

(1) All new landfill gas flares shall comply with all applicable requirements of this rule upon initial startup.

(2) The owner or operator of an existing enclosed landfill gas flare shall:

(i) By September 9, 2023, submit to the Air Pollution Control Officer current documentation which demonstrates that the flare is in compliance with Section (d) Standards emission limits, or

(ii) By March 9, 2024, conduct a source test in accordance with Subsections (i)(1)(i), (i)(3), and (i)(4), and submit to the Air Pollution Control Officer documentation which demonstrates that the flare is in compliance with all applicable requirements of this rule.

STAFF REPORT

AMENDMENTS TO RULE 69.7
LANDFILL GAS FLARES

San Diego County Air Pollution Control District
Rule Development Section

Completed by Miriam Sanchez
Reviewed by Nick Cormier

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EXECUTIVE SUMMARY

This staff report presents information on proposed amendments to Rule 69.7 – Landfill Gas Flares of the San Diego County Air Pollution Control District’s (District) Regulation IV – Prohibitions, to satisfy federal requirements and to provide greater clarity of the rule language for stakeholders and District personnel.

Pursuant to the Code of Federal Regulations (CFR) Title 40, Section 51.212(c), rules that are included in a State Implementation Plan (SIP) must contain federally enforceable test method provisions. However, as currently written and initially adopted, Rule 69.7 allows use of the “most current version” of certain test methods, which is not enforceable by federal law. Under the Federal Clean Air Act (CAA) Section 110(a), this deficiency prevents U.S. Environmental Protection Agency (EPA) from approving Rule 69.7 for inclusion into the San Diego County portion of the California SIP. To correct this deficiency, EPA issued a proposed conditional approval published in the Federal Register on May 7, 2026 ([91 FR 24765](#)), requiring the District to revise affected provisions consistent with EPA guidance and submit the amended rule to the California Air Resources Board (CARB) for submittal to EPA by June 30, 2027, or within one year of the effective date of the EPA’s final action, whichever occurs first. In response, the District proposes amendments to Rule 69.7 Subsections (h)(3)(i) and (h)(3)(ii) to specify that the applicable test methods must be the EPA-approved versions.

The District is also proposing additional minor administrative revisions to improve clarity and implementation of Rule 69.7. These minor revisions include: updating the NO_x emission limit in Subsection (d)(1) to two significant figures; revising Subsection (e)(2) to clarify that only landfill gas flow to an inoperable flare must stop while other permitted control devices may continue operating; adding recordkeeping requirements in new Subsection (g)(5); and removing CARB approval requirements for test methods in Subsection (h)(4).

Rule 69.7 was initially adopted by the Governing Board and became effective on March 9, 2023. The rule applies to landfill gas flares at municipal solid waste landfills in San Diego County. Rule 69.7 establishes emission limitations and work practice standards for enclosed flares designed to ensure proper control and combustion of landfill gas. There are six existing landfill gas flares subject to Rule 69.7. Rule 69.7 complies with federal Reasonably Available Control Technology (RACT) requirements that support EPA and CARB air quality goals. The proposed amendments also support the recent resubmittal of the 2020 RACT Demonstration for ozone in San Diego County with Addendum.

The following statements summarize important elements of the proposed rulemaking:

Comparative Analysis

An analysis (“Comparative Analysis”) comparing the proposed amendments to Rule 69.7 with applicable federal, state, and local regulatory requirements was prepared, focusing specifically on the sections being amended. This comparative analysis demonstrates alignment and consistency with existing federal, state and local standards and reflects practices commonly implemented by other air districts in California.

Cost Effectiveness, Incremental Cost-Effectiveness, and Other Costs

Cost effectiveness accounts for the cost of emission reductions, typically expressed in dollars spent per pound or ton of emissions reduced. The District finds that a cost effectiveness evaluation (including an evaluation of incremental cost-effectiveness and other costs) is not applicable to the proposed amendments to Rule 69.7.

Socioeconomic Impact Assessment

An assessment of the socioeconomic impacts of the proposed amendments to Rule 69.7 is not required under California Health and Safety Code Section 40728.5 because the amendments will not significantly affect air quality or emission limitations and are not intended to impose new or more stringent emission-related requirements on affected sources.

California Environmental Quality Act (CEQA)

The proposed amendments to Rule 69.7 are exempt from the provisions of the California Environmental Quality Act (CEQA) under the common-sense exemption, California Code of Regulations, Title 14, Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment, as the amendments are administrative in nature, and do not authorize any increase in emissions—rather they clarify the level of precision used in the existing standard and which test method should be used.

Environmental Justice

The proposed amendments to Rule 69.7 support the District's commitment to incorporating environmental justice and equity into its operations, policies, and regulations. By strengthening the administrative requirements of the Rule, the proposed amendments help ensure that landfill gas flare operations continue to not threaten air quality standards or pose unacceptable health risks for nearby or downwind communities, including AB 617 communities.

I. INTRODUCTION

In 2021, the San Diego Air Basin was reclassified by the EPA as a Severe Nonattainment Area for ozone, which resulted in reducing the threshold for federal major stationary sources from 50 tons per year to 25 tons per year of NO_x. As a result, the federal Clean Air Act (CAA) and California Health and Safety Code Sections 40406 and 40920, requires the District to adopt and implement rules reflecting RACT for major stationary sources of ozone precursors, including NO_x from landfill gas flares. Similarly, the CAA requires the District to adopt and implement all feasible measures to control and reduce ozone-forming emissions from stationary sources. NO_x emissions contribute to ground-level ozone, which compromises public health in nearby communities and affects the environment.

Rule 69.7 applies to landfill gas flares at municipal solid waste landfills in San Diego County that are classified as major sources of nitrogen oxides (NO_x), meaning they can emit 25 tons or more per year. The rule establishes emission limitations and work practice standards for enclosed flares designed to ensure proper control and combustion of landfill gas. Although Rule 69.7 was

originally adopted to fulfill these federal and state requirements, the rule must also be approved by EPA for inclusion into the SIP to fully satisfy federal requirements.

The SIP is a comprehensive, federally enforceable statewide plan that describes how each air district will attain and maintain the National Ambient Air Quality Standards (NAAQS). SIP approval is important because once a rule is incorporated into the SIP, it becomes federally enforceable, which allows EPA to credit emission reductions toward regional ozone attainment and demonstrate that the District is complying with federal requirements under the CAA. However, the EPA cannot finalize SIP approval for Rule 69.7 until the rule language fully aligns with federal requirements. The proposed amendments are necessary to ensure the rule is clear, enforceable, and aligns with federal RACT requirements, which will allow EPA to approve Rule 69.7 into the SIP and formally recognize NO_x reductions from landfill gas flares as part of the region's ozone attainment strategy. The proposed amendments also support the recent resubmittal of the 2020 RACT Demonstration for ozone in San Diego County with Addendum.

II. BACKGROUND

The District submitted Rule 69.7 to CARB on March 13, 2023, and CARB submitted the rule to EPA on April 3, 2023, as a revision to the San Diego County portion of the California SIP. On April 12, 2023, the EPA determined the submittal met completeness criteria outlined in 40 CFR Part 51, Appendix V, but did not immediately review or take action on the rule as an action pursuant to Clean Air Act Section 110(k).

On May 7, 2026 (approximately three years after submittal), the EPA published a proposed conditional approval in the Federal Register (91 FR 24765) stating that amendments to Rule 69.7 are needed to correct a federal enforceability deficiency. Under this proposed federal action, the District is required to revise the affected provisions consistent with EPA guidance and submit the amended rule to CARB for submittal to EPA no later than June 30, 2027, or within one year of the effective date of the EPA's final action, whichever occurs first. Currently, Rule 69.7 as written, allows use of the "most current version" of certain test methods, which is not enforceable per 40 CFR Section 51.212(c). Under Clean Air Act Section 110(a), this deficiency prevents EPA from approving Rule 69.7 for inclusion into the San Diego County portion of the California SIP. To ensure federal approval and enforceability, the District is proposing amendments to Rule 69.7 Subsections (h)(3)(i) and (h)(3)(ii) to specify that the applicable test methods must be the EPA-approved versions.

The District is also proposing additional minor administrative revisions to improve clarity and implementation of Rule 69.7. These minor revisions include: updating the NO_x emission limit in Subsection (d)(1) to two significant figures; revising Subsection (e)(2) to clarify that only landfill gas flow to an inoperable flare must stop while other permitted control devices may continue operating; adding recordkeeping requirements in new Subsection (g)(5); and removing CARB approval requirements for test methods in Subsection (h)(4).

III. CONTROL TECHNOLOGIES

Landfill gas flares are used to control landfill gas generated from the decomposition of municipal solid waste. Landfill gas flares are designed to serve two main functions: as emission control devices that destroy methane and other landfill gases, and as a safety device during unforeseeable and unpreventable emergency situations that require immediate gas destruction for safe operation. During combustion, landfill gas flares effectively reduce methane emissions, however NO_x and carbon monoxide are formed as byproducts due to the high-temperature oxidation process. To mitigate these emissions, operators often consider alternatives to flaring because it is generally costly and could be seen as wasteful, therefore it is generally avoided whenever possible. One alternative to flaring is recovering and using landfill gas for power generation, a common approach at landfill sites across San Diego County.

There are two types of flares most commonly used at landfills, open and enclosed flares. Enclosed flares are the primary control technology for NO_x emissions from landfill gas combustion under Rule 69.7. Enclosed flares are designed with multiple burners housed within an enclosure to provide consistent temperature and improve combustion efficiency of methane. The proposed amendments to Rule 69.7 do not impact nor affect the available control technologies applicable to landfill gas flares.

IV. SUMMARY OF PROPOSED RULE AMENDMENTS

The proposed amendments to Rule 69.7 are summarized below.

Section (d) – Standards

Revising Subsection (d)(1) to express the NO_x emission limit to two significant figures as it's currently expressed as only one significant figure. Specifically, changing the value from 0.06 pounds per million Btu of heat input to 0.060 pounds per million Btu of heat input. This proposed amendment enhances measurement and reporting accuracy to fulfill the rule's original purpose and aligns with EPA's Performance Test Calculation Guidelines, which assumes at least two significant figures for emission standards. This amendment does not intend to increase its stringency or result in a less-restrictive emission limit. Based on a review of historical source test data performed under the current standard, no source that is in compliance with the existing 0.06 pounds per million Btu limit would become noncompliant as a result of this change. The proposed amendment is not intended to significantly change how compliance is determined, significantly alter the manner in which source-test results are rounded, nor impose a new emission limit, or make the existing limit meaningfully more stringent. It is therefore a non-substantive clarification that imposes no additional requirement on any affected source.

Section (e) – Operational Requirements

Revising Subsection (e)(2) to specify that if a landfill gas flare becomes inoperable, only the gas flow to the flare shall cease, to allow other permitted landfill gas control devices, such as those used for recovery and use of landfill gas for power generation, to continue operation.

Section (g) – Record Keeping Requirements

Revising to add new Subsection (g)(5) to specify records that are required pursuant to Subsection (e)(2), in the event that landfill gas flares become inoperable. This new subsection helps operators and inspectors to easily identify instances when the landfill gas flare was inoperable and ensure that the appropriate valves within the landfill gas collection system were closed within one hour as required by the rule.

Section (h) – Test Methods

Revising Subsections (h)(3)(i) and (h)(3)(ii) to reference the most current EPA-approved test methods. Also revising Subsection (h)(4) to remove the requirement for CARB approval of test methods since CARB approval is unnecessary for test methods.

V. STATUTORY REQUIREMENTS

Under the CAA section 110(k)(4), EPA is proposing to conditionally approve Rule 69.7 upon correction of the enforceability deficiency identified in EPA’s proposed conditional approval published in the Federal Register on May 7, 2026 (91 FR 24765). Rule 69.7 currently authorizes the use of the “most current version” of ASTM test methods, which is not currently enforceable under 40, CFR Section 51.212(c) and prevents federal approval into the California SIP. To satisfy the SIP enforceability and RACT requirements, the District is amending Rule 69.7 Subsections (h)(3)(i) and (h)(3)(ii) to reference only the EPA-approved versions of the applicable methods. The District is required to submit these amendments to CARB for subsequent submission to EPA no later than June 30, 2027, or within one year of the effective date of EPA’s final action, whichever occurs first.

VI. COMPARATIVE ANALYSIS

California Health and Safety Code Section [40727.2\(a\)](#) requires the District to perform a written analysis identifying and comparing the air pollution control standards and other provisions of proposed amended Rule 69.7 with existing or proposed District rules and guidelines and existing federal rules, requirements, and guidelines applying to the same source category. The District finds that an analysis comparing proposed amended Rule 69.7 with applicable requirements of federal and local regulations (“Comparative Analysis”) is required only for the sections being amended, since there is a change being made to recordkeeping requirements.

The proposed amendments to Rule 69.7 align the District with standard and common practices used by other air districts across California and satisfy federal enforcement requirements. Consistent with other California air districts that implement RACT for major NOx sources in severe ozone nonattainment areas, these amendments focus on clarifying test methods, refining recordkeeping, and standardizing numerical formatting rather than modifying actual emission limits. Revising the NOx limit to 0.060 lb/MMBtu in Subsection (d)(1) improves consistency with EPA’s significant figure guidelines and maintains alignment with the emission limits used in Sacramento Metropolitan Air Quality Management District’s BACT determination for landfill gas flares. Clarifying inoperable-flare procedures in Subsection (e)(2) and adding a new Subsection (g)(5) aligns Rule 69.7 with San Joaquin Valley Air Pollution Control District Flare Rule 4311, which separates operational requirements and documentation for clarity. Revising Subsections

(h)(3)(i) and (h)(3)(ii) to reference the most current EPA-approved methods and removing the CARB approval requirement for test methods in Subsection (h)(4) aligns Rule 69.7 with federal SIP enforceability requirements and satisfies EPA's conditional approval of Rule 69.7 (91 FR 24765). Overall, these proposed amendments strengthen the SIP consistency without adding any regulatory burdens beyond existing state and federal requirements.

VII. EMISSION SOURCES AND IMPACTS

No new or additional emission impacts are anticipated from the proposed amendments to Rule 69.7. Facilities that have previously source tested and demonstrated compliance with the rule to date, would remain unaffected by the proposed change. The proposed amendments are primarily to clarify the enforceable test methods required for federal approval and compliance verification.

VIII. ECONOMIC IMPACTS & COST-EFFECTIVENESS

Statutory Requirements

California Health & Safety Code 40703 requires that in adopting any regulation, the district shall consider, pursuant to Section 40922, and make available to the public, its findings related to the cost effectiveness of a control measure, as well as the basis for the findings and the considerations involved. A district shall make reasonable efforts, to the extent feasible within existing budget constraints, to make specific reference to the direct costs expected to be incurred by regulated parties, including businesses and individuals. The district shall also comply with California Health & Safety Code 40920.6(a) pertaining to cost-effectiveness of best available retrofit control technology as applicable.

Cost Effectiveness, Incremental Cost-Effectiveness, and Other Costs

Cost effectiveness accounts for the cost of emission reductions, typically expressed in dollars spent per pound or ton of emissions reduced. Under the California Health and Safety Code 40920.6(a), the District finds that a cost effectiveness evaluation (including an evaluation of incremental cost-effectiveness and other costs) is not applicable to the proposed amendments to Rule 69.7 because these amendments are not required either for best available retrofit technology or a feasible measure pursuant to Section 40914. With regards to Section 40703, the updates (clarifying the source test significant figures/test methods and clarifying that gas flow to inoperable flares be routed to other control devices and recording that) are not imposing new costs.

Socioeconomic Impacts Assessment (SIA)

Per California Health & Safety Code 40728.5 (if applicable), whenever a district intends to propose the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, that agency shall, to the extent data are available, perform an assessment of the socioeconomic impacts of the adoption, amendment, or repeal of the rule or regulation. The Governing Board shall actively consider the socioeconomic impact of regulations and make a good faith effort to minimize adverse socioeconomic impacts. This section does not apply to the adoption, amendment, or repeal of any rule or regulation that results in any less restrictive emissions limit if the action does not interfere with the district's adopted plan to attain ambient air quality standards and results or does not result in any significant increase in emissions.

An assessment of the socioeconomic impacts of the proposed amendments to Rule 69.7 is not required under California Health and Safety Code Section 40728.5 because the amendments will not “significantly affect” air quality or emission limitations and are not intended to impose new or more stringent requirements on affected sources. Restating the Subsection (d)(1) limit to two significant figures offers clarification on the level of precision used in the existing standard; it does not impose a new limit or standard. A review of historical source test data performed under the current standard shows that whether one or two significant figures were used, no test result would have changed. Accordingly, the proposed amendments fall within the category of rule changes for which a socioeconomic impact assessment is not required under Section 40728.5.

IX. ENVIRONMENTAL ANALYSIS

California Environmental Quality Act (CEQA)

CEQA (California Public Resources Code Sections 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.) require environmental review of certain actions. District staff conducted a review of whether CEQA applies to adoption of the proposed amendments to Rule 69.7. The District finds that the proposed amendments to Rule 69.7 are exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines, since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and do not authorize any increase in emissions – rather, they clarify the level of precision used in the existing standard and which test method should be used.

Substantial evidence supports this determination: the amendments do not impose a new limit or standard, add no source of emissions, and—with respect to the inoperable-flare clarification in Subsection (e)(2)—continue to require that all valves contributing to venting to the atmosphere be closed within one hour, permitting only the continued routing of collected landfill gas to other permitted control devices rather than any venting. Accordingly, it can be seen with certainty that there is no possibility the amendments may have a significant effect on the environment. Furthermore, consistent with the Public Resources Code 21159, the District conducted an early assessment of the reasonably foreseeable environmental impacts, feasible mitigation measures, potential alternative means of compliance associated with the amendments, as well as any greenhouse gas emission impacts and a reasonable range of environmental, economic, and technical factors, population and geographic areas, and specific sites. Because the amendments are considered administrative and strictly to improve clarity and implementation of Rule 69.7, the District finds that no significant environmental impacts are reasonably foreseeable. Therefore, the proposed amendments are exempt from CEQA and will ensure continued enforceability of emission standards for landfill gas flares.

Analysis of Expected Methods of Compliance

Compliance with the proposed amendments to Rule 69.7 is expected to follow the same methods and procedures already established under the existing rule requirements, as the proposed amendments are solely to improve clarity and implementation of Rule 69.7.

Environmental Justice

The proposed amendments to Rule 69.7 support the District's commitment to incorporating environmental justice and equity into its operations, policies, and regulations. The proposed amendments help ensure that landfill gas flare operations do not threaten air standards or pose unacceptable health risks for nearby or downwind communities, including AB 617 communities because they enhance already-existing requirements.

X. RULE DEVELOPMENT AND PUBLIC PARTICIPATION PROCESS

On May 26, 2026, the District issued a public notice initiating a 30-day comment period to solicit input from the public, the regulated community within the County (including the six landfill gas flares subject to Rule 69.7), and other stakeholders regarding the proposed amendments to Rule 69.7. An electronic notice was also sent to over 10,800 interested parties subscribed to the District's electronic mail service, CARB, and the EPA. The notice included a description and explanation of proposed amendments, provided access to the draft rule language, and specified that the District would hold a public workshop if substantive issues or questions were raised. The District did not receive any feedback or questions from the public, the regulated community, CARB, the EPA, and stakeholders during this comment period.

On May 7, 2026, EPA's proposed conditional approval of Rule 69.7 was published in the Federal Register (91 FR 24765), providing a parallel federal comment opportunity through June 8, 2026. This overlapping local and federal outreach ensured comprehensive public participation. One comment was received expressing support for EPA's conditional approval action.

Furthermore, on September 8, 2026, a 30-day Notice of Public Hearing regarding the proposed amendments to Rule 69.7 was posted in a local newspaper, posted on the District's website, and sent to subscribers of the District's electronic mail service, CARB, and the EPA.

Rule Change Copy Formatting

The District uses specific formatting procedures in draft rule change copies, as shown in Table 1, that are released for public review. This ensures all changes can be adequately tracked by staff and the public throughout the rule development process.

Table 1. Rule Development Change Copy Formatting Procedures

	New Rule	Example Language	Revised Rule	Example Language
Public Workshop Change Copy (Prior to Public Workshop)	Normal text, no formatting needed	“Change of Ownership”	Single underline/ Single strikeout	<u>“Change of Ownership”</u> “Change of Ownership”
Post-Workshop Change Copy (Prior to Governing Board consideration)	Single underline/ Single strikeout	<u>“Change of Ownership”</u> “Change of Ownership”	Double underline/ Double strikeout	<u><u>“Change of Ownership”</u></u> <u>“Change of Ownership”</u>
2nd Public Workshop Change Copy if needed (After first workshop and prior to Governing Board consideration)	Double underline/ Double strikeout	<u><u>“Change of Ownership”</u></u> <u>“Change of Ownership”</u>	Single underline/ Single strikeout/ Italics	<u><u>“Change of Ownership”</u></u> <u>“Change of Ownership”</u> <i>and location</i>
Post 2nd Workshop Change Copy or other changes if needed	Single underline/ Single strikeout/ Italics	<u><u>“Change of Ownership”</u></u> <u>“Change of Ownership”</u> <i>and location</i>	Double underline/ Double strikeout/ Italics	<u><u><u>“Change of Ownership”</u></u></u> <u><u>“Change of Ownership”</u></u> <i>and location</i>

XI. OTHER RULE AMENDMENTS

In April 2026, as part of the conditional approval, the EPA noted an additional recommendation within their Technical Support Document, to consider as part of the next revision to Rule 69.7.¹ The EPA recommended that the District consider adding a requirement for landfill gas flares owners and operators to notify the Air Pollution Control Officer at least seven days before conducting a source test. This recommendation is based on similar provisions in South Coast Air Quality Management District’s Rule 1118.1 and the Kiefer Landfill permit to operate requirements.

The District considered this revision and after further review, the District is not recommending inclusion of the suggested notification requirement in Rule 69.7 at this time. While the District understands the EPA’s intent behind such a change, to include a standalone notification provision into the rule would create inconsistencies with existing District practices and with other rules that also require source testing but do not specify notification timelines. Testing notification, protocol review, witnessing, and reporting requirements are already addressed and specified in the permit to operate for emission units, which provide more detailed and case specific instructions. These permit requirements/conditions ensure that the District staff can coordinate source testing effectively while preventing unintended enforcement and compliance issues that could result from adding specific notification provisions into the rule.

Currently, there are no other District rulemakings in process that are directly tied to the proposed amendments to Rules 69.7.

¹ <https://downloads.regulations.gov/EPA-R09-OAR-2025-1641-0002/content.pdf>

XII. CONCLUSION

The proposed amendments to Rule 69.7 address the federal SIP deficiency identified by EPA, improve clarity, and align with federal and state requirements. The primary amendment is to specify that test methods shall be approved by EPA. Other minor administrative amendments provide better clarity for landfill gas flare operators and support regional air quality goals.

Upon adoption of proposed amendments to Rule 69.7 by the Governing Board, the District will submit the amended rule to EPA (through CARB) for inclusion in the San Diego County portion of the SIP, complying with EPA's conditional approval timeline requirements (91 FR 24765). Following EPA's approval of the submission, the identified SIP deficiency in Rule 69.7 will be resolved, and EPA's final action will supersede previously submitted version of Rule 69.7.

XIII. REFERENCES

1. San Diego County Air Pollution Control District, *Notice of Proposed Amendments To Rule 69.7 – Landfill Gas Flares*, May 26, 2026.
2. EPA, Proposed Conditional Approval of Rule 69.7, *Air Quality Plan; California; San Diego County Air Pollution Control District; Landfill Flares*, Federal Register, 91 FR 24765, May 7, 2026.
3. San Diego County Air Pollution Control District, *Rule 69.7 – Landfill Gas Flares (2023 Board Adoption Package)*, March 9, 2023.

XIV. ATTACHMENTS

There are no attachments to this report.

**2023 DOCUMENTATION FOR ADOPTION OF
RULE 69.7 - LANDFILL GAS FLARES**

San Diego County Air Pollution Control District
Rule Development Section

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2. Compliance Advisory
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2023 Board Package



Air Pollution Control District Governing Board

San Diego County Air Pollution Control District

AGENDA ITEM #E.3

DATE: March 9, 2023

TO: San Diego County Air Pollution Control District Governing Board

SUBJECT:

ADOPTION OF PROPOSED NEW RULE 69.7 - LANDFILL GAS FLARES

REQUESTED ACTION:

1. Find that the adoption of proposed new Rule 69.7 - Landfill Gas Flares is categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15308, as an action taken to assure the protection of the environment, and pursuant to Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. Adopt the Resolution entitled: RESOLUTION ADOPTING NEW RULE 69.7 - LANDFILL GAS FLARES, OF REGULATION IV OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.
3. Direct the Air Pollution Control Officer to forward a copy of this Resolution and new Rule 69.7 to the California Air Resources Board (CARB) for approval and subsequent submittal to the U.S. Environmental Protection Agency (EPA) for inclusion into the State Implementation Plan (SIP).

OVERVIEW:

Pursuant to the Federal Clean Air Act (CAA), the EPA has established the National Ambient Air Quality Standards (NAAQS) for six common, yet harmful, outdoor air pollutants to protect public health and the environment. Each area of the nation with air pollution levels exceeding a federal ambient air quality standard must be designated by the EPA as a "Nonattainment Area" for that standard.

San Diego County's ambient air quality currently meets the NAAQS for five of the six air pollutants. The one exception is ozone. In July 2021, the San Diego Air Basin was reclassified as a Severe Nonattainment Area for both the 2008 and 2015 eight-hour ozone NAAQS. Because of this reclassification, the federal major stationary source threshold for the San Diego region was reduced from 50 tons per year to 25 tons per year of an ozone-forming pollutant (i.e., nitrogen oxides (NOx) or volatile organic compounds (VOC)). Consequently, the EPA requires the San Diego County Air Pollution Control District (District) to write new or amend existing regulations to control emissions from newly specified major stationary sources meeting or exceeding this new, more stringent threshold. Specifically, CAA Section 182(f) requires the District to adopt rules implementing Reasonably Available

Control Technology (RACT) emission limits on major stationary sources of ozone precursors (i.e., NO_x and VOC). According to the EPA, RACT is defined as the lowest emission limit that a source can meet by applying control technology that is reasonably available considering technological and economic feasibility.

The District is proposing new Rule 69.7 to fulfill the District's commitment in its 2020 Ozone SIP to adopt a RACT rule to control NO_x emissions from landfill gas flares. The federal deadline for rule submittal to the EPA, through CARB, is April 30, 2023, pursuant to a proposed nationwide consent decree that sets federal deadlines for certain EPA actions. Failure to adopt and submit the proposed rule to the EPA by this date could result in possible future nationwide sanctions, including withholding of highway transportation funds. If adopted, proposed new Rule 69.7 will be submitted to the EPA (through CARB) for inclusion into the San Diego County portion of the California SIP for attaining and maintaining the air quality standards.

Landfill gas flares are combustion devices that destroy methane and carbon dioxide gas which are given off from the decomposition of waste at a landfill. The flare burns landfill gas at high temperature and produces NO_x and carbon monoxide (CO) as byproducts. Proposed new Rule 69.7 would apply to all existing landfill gas flares operating at municipal solid waste (MSW) landfills in San Diego County, where the aggregate actual or potential emissions from such flares are at or above 25 tons per year or more of NO_x. Enclosed landfill gas flares subject to the proposed rule would be required to emit no more than 0.06 pounds of NO_x per million British thermal units of heat input (lbs/MMBtu), and no more than 0.20 lbs/MMBtu of carbon monoxide (CO).

The District evaluated existing facility data for MSW landfills in San Diego County with flares subject to proposed new Rule 69.7 and determined that all existing flares currently emit at or below the NO_x and CO emission limits in the proposed rule. Though no emission reductions are anticipated should the proposed rule be adopted by the Governing Board, emission standards contained in the proposed rule will ensure the existing flares are not replaced with more polluting equipment in the future. The proposed rule will also make sure facilities comply with stringent testing and monitoring procedures to ensure that their emissions remain below the required standards. Proposed new Rule 69.7 is also cost-effective to implement. Cost-effectiveness of proposed new Rule 69.7 with its NO_x emission standard of 0.06 lbs/MMBtu, is estimated to be \$0.31 per pound of NO_x emissions reduced.

The District determined proposed new Rule 69.7 met federal RACT requirements by evaluating landfill flare rules in other air districts, including South Coast Air Quality Management District (SCAQMD) Rule 1118.1, San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 4311, as well as other proposed or existing rules for non-refinery flares throughout California. The SCAQMD and SJVAPCD landfill gas flare rules contain a lower NO_x emission limit of 0.025 lbs/MMBtu, which is more stringent (i.e., lower) than the proposed 0.06 lbs/MMBtu NO_x limit in proposed new Rule 69.7.

Staff considered a lower NO_x standard for proposed new Rule 69.7 found in the SCAQMD and SJVAPCD rules during the rule development process, but found it was cost prohibitive for sources in

San Diego County at an estimated \$21 per pound of NOx emissions reduced. This significantly exceeds both the EPA's RACT guidance threshold (\$2.50 per pound), as well as the cost-effectiveness of the District's other prohibitory rules (\$6 per pound). Furthermore, both the SCAQMD and SJVAPCD rule emission limits are "technology forcing" and have not been adopted in any nonattainment areas that are not classified as an Extreme Nonattainment Area for federal ozone standards. Regardless, new landfill gas flares that are installed in San Diego County in the future would be subject to more stringent New Source Review permit requirements, including Best Available Control Technology (BACT). This process would potentially necessitate complying with a low NOx limit of 0.025 lbs/MMBtu. Additional cost-effectiveness information can be found in the Incremental Cost-Effectiveness Analysis (Attachment C).

FISCAL IMPACT:

There is no fiscal impact associated with proposed new Rule 69.7. A Socioeconomic Impact Assessment (Attachment D) prepared by the District demonstrates that adopting the proposed rule will not have a significant adverse impact on affected industries in the region.

ENVIRONMENTAL STATEMENT:

California Environmental Quality Act (CEQA) requires environmental review of certain actions. District staff conducted a review of whether CEQA applies to the adoption of proposed new Rule 69.7. The proposed rule will not result in greater air pollutant emissions from existing federal major stationary sources in San Diego County. Additionally, the proposed rule is required pursuant to Section 182(f) of the CAA. District staff therefore determined that adoption of proposed new Rule 69.7 is exempt from the provisions of CEQA pursuant to California Code of Regulations, Title 14, Section 15308, as an action taken to assure the protection of the environment, and pursuant to Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

PREVIOUS RELEVANT BOARD ACTIONS:

N/A

PUBLIC ENGAGEMENT AND OUTREACH:

A virtual public workshop was conducted on December 20, 2022, to gather input on proposed new Rule 69.7 from members of the public, regulated community, and other stakeholders. The public workshop was attended by 18 people. The District received comments related to the applicability of the proposed rule, proposed emission standard limits, and actions upon approval of the proposed rule. In response to comments submitted, the District has revised the proposed rule to clarify the applicability and standard emission limits.

The District received additional comments during and after the public workshop and responded to all stakeholder comments in a Workshop Report (Attachment E). Furthermore, a public notice regarding today's hearing was posted in a local newspaper, on the District's website, and sent to subscribers of the District's email notification service, the EPA, and CARB.

EQUITY IMPACT STATEMENT

Today's item supports the District's vision of 'Clean Air for All' by proposing a new rule to control air pollution emissions and to help attain national ozone standards in communities across the region.

RECOMMENDED BY:

Michael Watt, APCD Deputy Director

CONTACT PERSON(S):

Name: Nick Cormier, Supervising Air Resources Specialist

Phone: (858) 586-2798

Email: nick.cormier@sdapcd.org

ATTACHMENTS:

[Item E3_AttA_Rule 69.7 Resolution.pdf](#)

[Item E3_AttB_Rule 69.7 Comparative Analysis.pdf](#)

[Item E3_AttC_Rule 69.7 Incremental Analysis.pdf](#)

[Item E3_AttD_Rule 69.7 SIA.pdf](#)

[Item E3_AttE_Rule 69.7 Workshop Report.pdf](#)

[Item E3_AttF_Rule 69.7 Post Workshop Change Copy.pdf](#)

ATTACHMENT A

Resolution No: 23-005
Meeting Date: 3/9/2023 (E.3)

**RESOLUTION ADOPTING NEW RULE 69.7 – LANDFILL GAS FLARES,
OF REGULATION IV OF THE RULES AND REGULATIONS OF THE
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member Sanchez, seconded by Member Medina, the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control District Governing Board (Governing Board), pursuant to Section 40702 of the California Health and Safety Code, adopted Rules and Regulations of the San Diego County Air Pollution Control District (District); and

WHEREAS, said Governing Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been held relating to the amendments of said Rules and Regulations pursuant to Section 40725 of the California Health and Safety Code and Section 51.102 of Title 40 of the Code of Federal Regulations; and

WHEREAS, pursuant to Section 40727 of the California Health and Safety Code, the Governing Board makes the following findings:

- (1) (Necessity) The adoption of proposed new Rule 69.7 is necessary in order to implement federal requirements for Reasonably Available Control Technology (RACT) and state requirements for all feasible control measures to achieve the ambient air quality standards for ozone by revising emissions of nitrogen oxides (NOx) in San Diego County;
- (2) (Authority) The adoption of proposed new Rule 69.7 is authorized by Sections 39002, 40000, 40001, and 40702 of the California Health and Safety Code;
- (3) (Clarity) Proposed new Rule 69.7 can be easily understood by persons directly affected by it;
- (4) (Consistency) The adoption of proposed new Rule 69.7 is in harmony with, and not in conflict with or contrary to, existing statutes, court decisions, and state and federal regulations;
- (5) (Non-duplication) The adoption of proposed new Rule 69.7 does not impose the same requirements as an existing state or federal regulation unless the District finds that the requirements are necessary or proper to execute the power and duties granted to, and imposed upon, the District;

- (6) (Reference) The adoption of proposed new Rule 69.7 is necessary to comply with: federal law, Clean Air Act Section 182 (f) which requires implementation of RACT on stationary sources of NOx emissions; and state law, California Health and Safety Code Section 40914(b)(2), which requires adoption of every feasible control measure to reduce ozone-precursor emissions;

WHEREAS, the Governing Board further finds pursuant to the California Health and Safety Code Section 40001 that adoption of proposed new Rule 69.7 will facilitate the attainment and maintenance of ambient air quality standards; and

WHEREAS, the Governing Board further finds that an analysis comparing proposed new Rule 69.7 with applicable requirements of federal and local regulations is required pursuant to Section 40727.2 of the California Health and Safety Code and has been prepared; and

WHEREAS, the Governing Board further finds that an incremental cost-effectiveness analysis pursuant to Section 40920.6(a) of the California Health and Safety Code has been prepared for proposed new Rule 69.7 and has been made available for public review and comment, and has been actively considered; and

WHEREAS, the Governing Board further finds pursuant to Section 40728.5(e) of the California Health and Safety Code that proposed new Rule 69.7 only adopts requirements that are substantially similar to, or required by, state or federal statutes, regulations, or formal guidance documents, and as such, the socioeconomic analysis required to analyze either the impact of the adoption of proposed new Rule 69.7 on employment and the economy of the region, or the availability and cost-effectiveness of alternatives to proposed new Rule 69.7, and that as a result a socioeconomic impact analysis of the remaining factors specified in the California Health and Safety Code Section 40728.5(b) has been prepared; and

WHEREAS, proposed new Rule 69.7 will be submitted to CARB and U.S. EPA for inclusion into the State Implementation Plan.

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control Governing Board that the Rules and Regulations of the San Diego County Air Pollution Control District be, and hereby are amended as follows:

1. Proposed new Rule 69.7 is to read as follows:

RULE 69.7 LANDFILL GAS FLARES (Adopted and Effective *(date of adoption)*)

(a) **APPLICABILITY**

This rule shall apply to all landfill gas flares at a municipal solid waste (MSW) landfill where the aggregate actual or potential emissions, from such flares, are at or above the federal major stationary source threshold for nitrogen oxides (NO_x).

(b) **EXEMPTIONS**

Sections (d) Standards, (h) Test Methods, and (i) Source Test Requirements of this rule shall not apply to existing open landfill gas flares.

(c) **DEFINITIONS**

For the purposes of this rule, the following definitions shall apply:

- (1) **“Btu”** means British thermal unit.
- (2) **“Calendar Year”** means the same as defined in Rule 2 – Definitions.
- (3) **“CFR”** means Code of Federal Regulations.
- (4) **“Enclosed Flare”** means a flare composed of multiple gas burners that are grouped in an enclosure, which operates at a wide range of flow rates and constant limited peak temperature.
- (5) **“Existing Flare”** means a flare which commenced operation on or before *(date of adoption)*.
- (6) **“Federal Major Stationary Source”** means the same as defined in Rule 20.1 – New Source Review – General Provisions.
- (7) **“Flare Maintenance Event”** means a regularly scheduled course of procedure designed to prevent equipment failure or decline of equipment function.
- (8) **“Gas Mover Equipment”** means the equipment (e.g., fan, blower, compressor) used to transport landfill gas through the header system.
- (9) **“Landfill Gas”** means any gas derived through a natural process from the decomposition of waste deposited in a landfill.
- (10) **“Landfill Gas Flare”** means a combustion device that oxidizes combustible landfill gases or vapors, where the combustible landfill gases or vapors being destroyed are routed into the burner. Types of landfill gas flares include open and enclosed flares.

(11) **“Municipal Solid Waste (MSW) Landfill”** means an entire disposal facility in a contiguous geographical space, publicly or privately owned, where household waste is placed in or on land. Portions of an MSW landfill may be separated by access roads. An MSW landfill may also receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D (40 CFR Parts 257 and 258) wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste.

(12) **“New Flare”** means a flare which commenced operation after *(date of adoption)*.

(13) **“Open Flare”** means a flare without enclosure or shroud.

(14) **“Pilot”** means an auxiliary burner used to ignite the vent gas routed to a flare.

(d) **STANDARDS**

A person shall not install and/or operate an enclosed landfill gas flare subject to this rule unless:

(1) Emissions of NO_x, calculated as nitrogen dioxide, do not exceed 0.06 pounds per million Btu of heat input.

(2) Emissions of carbon monoxide (CO) do not exceed 0.20 pounds per million Btu of heat input.

(e) **OPERATIONAL REQUIREMENTS**

(1) The landfill gas flare shall be properly maintained and operational at all times when the collected landfill gas is routed to the flare.

(2) In the event the landfill gas collection system or landfill gas flare is inoperable, the gas mover equipment shall be shut down and all valves in the collection system and flare contributing to venting of the gas to the atmosphere shall be closed within one hour.

(3) An enclosed flare shall be:

(i) Equipped with automatic dampers, an automatic shutdown device, a flame arrester, and continuous-recording temperature sensors.

(ii) Operated within the parameter ranges established during the initial or most recent source test.

(4) An open flare shall be:

(i) Equipped with a heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the flare pilot flame or the flare flame itself to indicate the continuous presence of a flame. The heat-sensing device shall be maintained and

calibrated in accordance with the manufacturer's specifications and recommendations.

(ii) Operated in accordance with Title 17, California Code of Regulations, Subsection 95464(b)(2)(B).

(f) MONITORING REQUIREMENTS

An owner or operator of any landfill gas flare shall install and maintain in good working order the following:

(1) A gas flow rate measuring device to monitor, display, and record the landfill gas flow rate to each flare at least once every 15 minutes. The gas flow rate measuring device shall be calibrated at least once per calendar year in accordance with the manufacturer's specifications and recommendations.

(2) For an enclosed flare: a gas temperature measuring device equipped with a continuous recorder which has an accuracy of $\pm 1\%$ of the temperature being measured. The gas temperature measuring device shall be calibrated in accordance with the manufacturer's specifications and recommendations.

(3) For an open flare: a heat device to continuously monitor for the presence of a flare pilot flame or flare flame using an ultraviolet beam sensor or thermocouple, and any additional monitoring requirements as specified by the Air Pollution Control Officer.

(g) RECORD KEEPING REQUIREMENTS

An owner or operator of a landfill gas flare shall maintain, at a minimum, the following:

(1) Records of the landfill gas flow rate.

(2) Records of all landfill gas flow rate-measuring device calibrations pursuant to Subsection (f)(1).

(3) Records of the landfill gas throughput in standard cubic feet, which shall be recorded based on actual readings of the landfill gas flow rate-measuring device.

(4) Records of all periods when the flare is non-operational.

(5) Records of all flare maintenance events, including dates maintenance was performed and the nature of the maintenance.

(6) Records of any source test as conducted in accordance with Section (i) Source Test Requirements.

(7) A manual of recommended maintenance as provided by the flare manufacturer, or other maintenance procedures as approved in writing by the Air Pollution Control Officer.

(8) For an enclosed flare:

(i) Records of all 3-hour periods of operation during which the average temperature difference was more than 82°F (28°C) below the average combustion temperature during the most recent source test at which compliance with Title 17, California Code of Regulations, Sections 95464(b)(2) and 95464(b)(3)(A) was determined.

(ii) Records of the flare temperature, expressed in °F or °C.

(iii) Records of all flare temperature-measuring device calibrations pursuant to Subsection (f)(2).

(9) For an open flare:

(i) Records of the flare pilot flame or flare flame continuous monitoring.

(ii) Records of all periods of operation during which the flare pilot flame or the flare flame is absent.

All records shall be retained in electronic and/or hardcopy format on-site for at least five calendar years and made available to the District upon request.

(h) **TEST METHODS**

When more than one test method or set of test methods are specified in this section, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of this rule.

(1) Measurement of NO_x and CO emissions in pounds per million Btu of heat input shall be determined using the emission concentrations measured in accordance with Subsection (h)(2) and the gas composition of the total gas or vapor combusted in the landfill gas flare measured in accordance with Subsection (h)(3), and calculated using the procedures in 40 CFR Part 60, Appendix A, Method 19 (Determination of Sulfur Dioxide Removal Efficiency and Particulate, Sulfur Dioxide and Nitrogen Oxides Emission Rates).

(2) Measurement of NO_x, CO and oxygen content of the exhaust gas shall be determined in accordance with the San Diego County Air Pollution Control District Test Method 100 (Test Procedures for the Determination of Nitrogen Oxides, Carbon Monoxide and Diluent Gases by Continuous Emission Monitoring), May 1995, or its most current version approved by the U.S. Environmental Protection Agency (EPA).

(3) Landfill gas composition shall be determined in accordance with the following methods:

(i) ASTM D3588-98(2017)e1 (Standard Practice for Calculating Heat Value, Compressibility Factor, and Relative Density of Gaseous Fuels), or its most current version; and

(ii) ASTM D1945-14(2019) (Standard Test Method for Analysis of Natural Gas by Gas Chromatography), or its most current version; or

(iii) EPA Method 25C (Determination of Nonmethane Organic Compounds (NMOC) in Landfill Gases).

(4) Other test methods which are determined to be equivalent to the test methods specified in this rule and approved in writing by the Air Pollution Control Officer, the California Air Resources Board, and EPA may be used in place of the test methods specified in this rule.

(i) SOURCE TEST REQUIREMENTS

Source tests for enclosed landfill gas flares shall be conducted according to the following:

(1) For initial compliance determination with Section (d) Standards, a landfill gas flare shall be source tested under the following conditions:

(i) For an existing flare: at typical operating conditions according to the facility specifications. An initial compliance determination is required if source test documentation demonstrating compliance with Subsections (d)(1) and/or (d)(2) is older than three calendar years.

(ii) For a new flare: at typical operating conditions according to the facility specifications and at maximum temperature and maximum fuel flow according to the manufacturer's specifications.

(2) After initial compliance has been determined, any landfill gas flare shall be source tested under typical operating conditions according to the facility specifications, and with the following frequency:

(i) For an existing flare: in accordance with the current compliance schedule pursuant to Title 17, California Code of Regulations, Section 95464 (b)(4)(A), or

(ii) For a new flare: in accordance with Title 17, California Code of Regulations, Section 95464 (b)(4)(A).

(3) Measurement of NO_x and CO emission concentrations shall be based on a continuous sampling period of 15 minutes or more, and not to exceed 60 minutes. For the purpose of averaging, a minimum of five data sets with averaging intervals no greater than three minutes shall be used.

(4) Emissions source testing shall be conducted using the test methods specified in Section (h) Test Methods and a source test protocol approved in writing by the Air Pollution Control Officer prior to testing.

(j) COMPLIANCE SCHEDULE

(1) All new landfill gas flares shall comply with all applicable requirements of this rule upon initial startup.

(2) The owner or operator of an existing enclosed landfill gas flare shall:

(i) By *(6 months after date of adoption)*, submit to the Air Pollution Control Officer current documentation which demonstrates that the flare is in compliance with Section (d) Standards emission limits, or

(ii) By *(12 months after date of adoption)*, conduct a source test in accordance with Subsections (i)(1)(i), (i)(3), and (i)(4), and submit to the Air Pollution Control Officer documentation which demonstrates that the flare is in compliance with all applicable requirements of this rule.

FURTHER RESOLVED AND ORDERED that proposed new Rule 69.7 of Regulation IV shall take effect *(date of adoption)* and be submitted to the U.S. Environmental Protection Agency (through the California Air Resources Board) for inclusion in the San Diego County portion of the California State Implementation Plan (SIP).

PASSED AND ADOPTED by the Air Pollution Control District Governing Board of the San Diego County Air Pollution Control District, this 9th day of March, 2023, by the following votes:

AYES: Bush, Gloria, Gomez, Martinez, Medina, Sanchez

ABSENT: Birkbeck-Garcia, Elo-Rivera, Lawson-Remer, Shu, Vargas

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY: Veera Tyagi, Senior Deputy

— — —
STATE OF CALIFORNIA)

County of San Diego)^{SS}

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the San Diego County Air Pollution Control District Governing Board.



MARVICE MAZYCK

Clerk of the San Diego County Air Pollution Control District Governing Board

ATTACHMENT B**COMPARATIVE ANALYSIS OF
PROPOSED NEW RULE 69.7 – LANDFILL GAS FLARES****Statutory Requirements**

Pursuant to California Health and Safety Code Section 40727, the San Diego County Air Pollution Control District Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference prior to adopting, amending, or repealing a rule or regulation. As part of the consistency finding to ensure proposed new Rule 69.7 – Landfill Gas Flares requirements do not conflict with or contradict other San Diego County Air Pollution Control District (District), state or federal regulations, the California Health and Safety Code Section 40727.2(a) requires the District to perform a written analysis identifying and comparing the requirements and other provisions of proposed new Rule 69.7 with existing or proposed District rules and guidelines, and existing state and federal rules, regulations, and guidelines applying to the same source category.

Analysis

The proposed new Rule 69.7 is a new regulation that would apply to landfill gas flares at municipal solid waste (MSW) landfills to satisfy federal Reasonably Available Control Technology (RACT) requirements. Facilities subject to proposed new Rule 69.7 would be required to operate landfill gas flare equipment that meets minimum emission standards for nitrogen oxides (NO_x) and carbon monoxide (CO), among other operational and testing requirements.

Comparison with Existing District Rules and Regulations

Though Rule 59 also applies to landfill gas flares in San Diego County, no comparison is presented since the standards of Rule 59 are applicable to odors, toxic air contaminants and/or reactive organic compounds emissions, and does not regulate NO_x and CO emissions. Additionally, no comparison to Rule 59.1 is presented because the standards included in Rule 59.1 require landfill emission control systems to meet the federal requirements found in 40 CFR Part 60 Subpart WWW, which is reflected in Table 1.

Comparison with existing Federal Rules and Regulations

With the exception of District Rules 59 and 59.1, the District presents a detailed comparative analysis of proposed new Rule 69.7 to one existing District rule and four federal regulations which have specific sections applicable to landfill gas flares. The results of this analysis are provided in Table 1.

Table 1
Detailed Comparison – Rule 69.7 Landfill Gas Flares

Rule Element	Rule 69.7	Rule 20.3	40 CFR Part 60 Subpart WWW	40 CFR Part 60 Subpart XXX	40 CFR Part 63 Subpart AAAA	17 CCR, Sections 95460-95476
Applicability	This rule applies to MSW landfill gas flare, or collection of landfill gas flares, that is itself a federal major stationary source of NOx.	This rule applies to... any new or modified federal major stationary source, ... and to any relocated emission unit being moved to a stationary source if, after completion of the project, the stationary source will be a... federal major stationary source...	This rule applies to each MSW landfill that commenced construction, reconstruction, or modification on or after May 30, 1991, but before July 18, 2014.	This rule applies to each municipal solid waste landfill that commenced construction, reconstruction, or modification after July 17, 2014.	This rule applies to MSW landfill that has accepted waste since November 8, 1987 or has additional capacity for waste deposition and meets any one of the three criteria specified 63.1935(a) (1) through (3) of this subsection.	This rule applies to all MSW landfills that received solid waste after January 1, 1977.
Standard	Emissions of NOx for an enclosed flare do not exceed 0.06 pounds per million Btu of heat input.	Any increase in potential emissions of NOx and has a post-project potential to emit 10 pounds per day or more of NOx shall be equipped with BACT for NOx.	No standards for NOx emissions.	No standards for NOx emissions.	No standards for NOx emissions.	No standards for NOx emissions.

Rule Element	Rule 69.7	Rule 20.3	40 CFR Part 60 Subpart WWW	40 CFR Part 60 Subpart XXX	40 CFR Part 63 Subpart AAAA	17 CCR, Sections 95460-95476
Standard	Emissions of carbon monoxide (CO) for an enclosed flare do not exceed 0.20 pounds per million Btu of heat input.	No standard for CO emissions.	No standard for CO emissions.	No standard for CO emissions.	No standard for CO emissions.	No standard for CO emissions.
Operational Requirements	The flare shall be properly maintained and operated.	NA	Operate the control system at all times when the collected gas is routed to the system.	Operate the control system at all times when the collected gas is routed to the system.	Operate the control system at all times when the collected gas is routed to the system.	Operate a flare... to prevent unburned collected methane from being emitted to the atmosphere.
Operational Requirements	When the landfill gas collection system or landfill gas flare is inoperable, the gas mover equipment shall be shut down and... venting of the gas to the atmosphere shall be closed within one hour.	NA	When the collection or control system is not operating, the gas mover system must be shut down and... venting of the gas to the atmosphere must be closed within one hour.	When the collection or control system is not operating, the gas mover system must be shut down and... venting of the gas to the atmosphere must be closed within one hour.	NA	NA
Operational Requirements	An enclosed flare shall be equipped with automatic dampers, an automatic shutdown device, a flame arrester, and continuous-recording temperature sensors; and operated within the parameter ranges established during the initial or most recent source test.	NA	An enclosed combustor shall calibrate, maintain, and operate... a temperature monitoring device equipped with a continuous recorder.	An enclosed combustor must calibrate, maintain, and operate... a temperature monitoring device equipped with a continuous recorder.	NA	A flare must... be equipped with... a continuous recording temperature sensors.

Rule Element	Rule 69.7	Rule 20.3	40 CFR Part 60 Subpart WWW	40 CFR Part 60 Subpart XXX	40 CFR Part 63 Subpart AAAA	17 CCR, Sections 95460-95476
Operational Requirements	An open flare shall be equipped with a heat sensing device... to indicate the continuous presence of a flame. The heat-sensing device shall be maintained and calibrated in accordance with the manufacturer's specifications and recommendations.	NA	Open flare must install, calibrate, maintain, and operate according to the manufacturer's specifications a heat sensing device to indicate the continuous presence of a flame.	Non-enclosed flare must install, calibrate, maintain, and operate according to the manufacturer's specifications a heat sensing device to indicate the continuous presence of a flame.	NA	NA
Monitoring Requirements	Monitor, display, and record the landfill gas flow rate to each flare at least once every 15 minutes.	NA	Install, calibrate, and maintain a gas flow rate measuring device that records the flow to the control device at least every 15 minutes.	Install, calibrate, and maintain a gas flow rate measuring device that records the flow to the control device at least every 15 minutes.	Install, calibrate, and maintain a gas flow rate measuring device that must record the flow to the control device at least every 15 minutes.	Owner or operator must record the flow to the control device(s) at least every 15 minutes.
Monitoring Requirements	For an enclosed flare: install and maintain in good working order a gas temperature measuring device equipped with a continuous recorder which has an accuracy of $\pm 1\%$ of the temperature being measured.	NA	Owner or operator using an enclosed combustor must calibrate, maintain, and operate a temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius or ± 0.5 degrees Celsius, whichever is greater.	Owner or operator using an enclosed combustor must calibrate, maintain, and operate a temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius or ± 0.5 degrees Celsius, whichever is greater.	Owner or operator using an enclosed combustor must calibrate, maintain, and operate a temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius or ± 0.5 degrees Celsius, whichever is greater.	For enclosed flares, a temperature monitoring device must be installed, calibrated, maintained, and operated according to the manufacturer's specifications and equipped with a continuous recorder which has an accuracy of plus or minus ($\pm$) 1 percent of the temperature being measured expressed in degrees Celsius or Fahrenheit.

Rule Element	Rule 69.7	Rule 20.3	40 CFR Part 60 Subpart WWW	40 CFR Part 60 Subpart XXX	40 CFR Part 63 Subpart AAAA	17 CCR, Sections 95460-95476
Monitoring Requirements	For an open flare: install and maintain in good working order a heat device to continuously monitor for the presence of a flare pilot flame or flare flame.	NA	Owner or operator using a non-enclosed flare must install, calibrate, maintain, and operate a heat sensing device to indicate the continuous presence of a flame.	Owner or operator using a non-enclosed flare must install, calibrate, maintain, and operate a heat sensing device to indicate the continuous presence of a flame.	Owner or operator using a non-enclosed flare must install, calibrate, maintain, and operate a heat sensing device to indicate the continuous presence of a flame.	Owner or operator using a non-enclosed flare must install, calibrate, maintain, and operate a heat sensing device to indicate the continuous presence of a flame.
Record Keeping Requirements	(g)(1) Maintain records of the landfill gas flow rate, calibration, non-operational status, maintenance, source testing, temperature, flame presence	NA	Must keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters and periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.	Must keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters and periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.	Must keep records specified in this subpart the general provisions of 40 CFR part 63 as shown in Table 1 to this subpart	Must maintain records of the equipment operating parameters monitored as well as records for periods of operation during which the parameter boundaries established during the most recent source test are exceeded.
Test Methods	Specified test methods or methods approved by the District, CARB or EPA.	NA	NA	NA	NA	NA
Source Test Requirements	Flare shall be source tested at typical operating conditions according to the facility specifications.	NA	NA	NA	NA	NA
Source Test Requirements	After initial compliance has been determined, an existing landfill gas flare shall be source tested under typical operating conditions.	NA	NA	NA	NA	NA

Rule Element	Rule 69.7	Rule 20.3	40 CFR Part 60 Subpart WWW	40 CFR Part 60 Subpart XXX	40 CFR Part 63 Subpart AAAA	17 CCR, Sections 95460-95476
Source Test Requirements	Measurement of NO _x and CO emission concentrations shall be based on a continuous sampling period of 15 minutes or more, and not to exceed 60 minutes and conducted using approved test methods.	NA		NA	NA	NA. Test requirements are to determine the methane destruction efficiency of the control device.
Compliance Schedule	(j)(1) All new landfill gas flares shall comply with all applicable requirements of this rule upon initial startup.	NA		NA	63.1945(a) If your landfill is a new affected source, you must comply with this subpart by January 16, 2003, or at the time you begin operating, whichever is later.	NA
Compliance Schedule	(j)(2) The owner or operator of an existing landfill gas flare shall: (i) By <i>(6 months after date of adoption)</i> , submit documentation which demonstrates compliance or (ii) By <i>(12 months after date of adoption)</i> , conduct a source test and submit documentation which demonstrates compliance.	NA		NA	63.1945(b) If your landfill is an existing affected source, you must comply with this subpart by January 16, 2004.	NA

Conclusion

As shown in Table 1, there are no conflicts or contradictions between Rules 69.7 and District rules or other regulations applicable to landfill gas flares. The requirements of other regulations that are similar, support Rule 69.7 or adds related requirements.

ATTACHMENT C**INCREMENTAL COST-EFFECTIVENESS ANALYSIS****PROPOSED NEW RULE 69.7 – LANDFILL GAS FLARES**

The California Health and Safety Code Section 40920.6 (a) requires air pollution control districts to identify one or more potential control options that achieve at least the same benefit as the proposed new rule, assess the cost-effectiveness of those options, and calculate the incremental cost-effectiveness of each identified option. Incremental cost-effectiveness is defined as the difference in control costs divided by the difference in emission reductions between two potential options achieving the same emission reduction goal.

The only potential option that achieves at least the same or better environmental benefits from controlling nitrogen oxides (NO_x) emissions from the operation of landfill gas flares at municipal solid waste landfills would be to adopt the lower NO_x emission limits of Rule 1118.1 (Control of Emissions from Non-Refinery Flares) of the South Coast Air Quality Management District (SCAQMD).

Table 1. San Diego Air Pollution Control District (SDAPCD) Rule 69.7 – Proposed New Rule

NO _x Emission Reductions	25.5 tons per year = 51,000 pounds per year ¹
Annualized Cost for Proposed Rule 69.7	\$16,026 per year ²
Cost-Effectiveness	\$0.31 per pound of NO _x reduced

Table 2. SCAQMD Rule 1118.1 - 2019

NO _x Emission Reductions	70.2 tons per year = 140,400 pounds per year
Annualized cost	\$1,885,041 per year
Cost-Effectiveness	\$13.43 per pound of NO _x reduced

Table 3. Incremental Cost-Effectiveness

Incremental Annualized Cost	\$1,885,041 – \$16,026 = \$1,869,015 per year
Incremental Annual Emission Reductions	140,400 – 51,000 = 89,400 pounds per year
Incremental Cost-Effectiveness	\$20.91 per pound of NO _x reduced

¹ Assumed NO_x reductions are only representative of the change in the default emission factor currently assigned to landfill gas flares in the SDAPCD Emissions Inventory (EI), should proposed new Rule 69.7 be adopted. The current default NO_x emission factor for landfill gas flares in the EI is 0.08 lbs/MMBtu. Should proposed new Rule 69.7 be adopted, the default factor will decrease to 0.06 lbs/MMBtu. The emission factor change will result in an assumed decrease of 25.5 tons per year of NO_x only in the SDAPCD EI. However, because all facilities subject to the proposed rule currently operate flares that already comply with the proposed NO_x limit of 0.06 lbs/MMBtu, no emission reductions in practice will be achieved, nor assumed for State Implementation Plan purposes.

² Assumed SDAPCD source testing fees.

As shown in Table 3. Incremental Cost-Effectiveness, each extra pound of NOx emissions that would be reduced by adopting the more stringent limits of SCAQMD Rule 1118.1 would result in compliance costs of \$20.91 for existing facilities in San Diego County due to the additional expense of advanced emission-control technology. This cost significantly exceeds both the EPA's Reasonably Available Control Technology (RACT) threshold for NOx emission control measures, as well as the cost-effectiveness of the District's other prohibitory rules, therefore the more stringent limits are not recommended at this time.

ATTACHMENT D

SOCIOECONOMIC IMPACT ASSESSMENT

**PROPOSED NEW RULE 69.7 -
LANDFILL GAS FLARES**

February 2023

Prepared by

**San Diego County Air Pollution Control District
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San Diego, CA 92131**

**SOCIOECONOMIC IMPACT ASSESSMENT
PROPOSED NEW RULE 69.7 –
LANDFILL GAS FLARES**

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EXECUTIVE SUMMARY

The San Diego County Air Pollution Control District (District) is required by federal and state law to adopt and periodically update rules to control and reduce ozone-forming emissions from stationary sources in the San Diego region, which is an ozone nonattainment area. The District's proposed new Rule 69.7 – Landfill Gas Flares is the result of these federal and state requirements.

Additionally, when adopting, amending, or repealing a rule that can significantly affect air quality or increase emissions, the District is required by state law to assess the socioeconomic impacts. Proposed new Rule 69.7 would affect emissions limitations by establishing emissions standards for landfill gas flares operated at municipal solid waste (MSW) landfills. Accordingly, this Socioeconomic Impact Assessment (SIA) has been prepared pursuant to state law.

The Federal Clean Air Act (CAA) Section 182(f) requires ozone nonattainment areas (Moderate and above) to implement Reasonably Available Control Technology (RACT) for specific types of nitrogen oxides (NOx) sources. In July 2021, the San Diego Air Basin was reclassified as a Severe Nonattainment Area for the 2008 ozone and 2015 eight-hour ozone National Ambient Air Quality Standards (NAAQS). Consequently, the federal major stationary source threshold for the San Diego region was reduced from 50 tons per year to 25 tons per year of NOx and volatile organic compounds (VOC). The U.S. Environmental Protection Agency (EPA) requires the District to write new or amend existing regulations for sources meeting or exceeding this new federal major stationary source threshold. Proposed new Rule 69.7 is being proposed pursuant to these federal requirements and a corresponding commitment in the District's 2020 Ozone State Implementation Plan (SIP) to regulate landfill gas flares operated at MSW landfills that are federal major stationary sources of NOx emissions.

Overall, the proposed new rule is expected to have no significant impact on employment, business creation, elimination or expansion, or business competitiveness in the San Diego region. MSW landfills that operate landfill gas flares subject to the rule currently comply with the proposed emission limits and requirements. Since the affected MSW landfills already comply with the proposed emission limits and requirements, proposed new Rule 69.7 would not result in any NOx emission reductions. Affected facilities would only incur additional costs for ongoing compliance source testing required by the proposed new rule.

I. INTRODUCTION

California law requires air pollution control districts (with populations of 500,000 people or higher) to perform an SIA when adopting, amending, or repealing rules and regulations that will significantly affect air quality and emission limitations.

The California Health and Safety Code Section 40728.5(b), specifies the following elements to be included in the SIA:

1. The type of industry or business, including small business, affected by the rule or regulation.
2. The impact of the rule or regulation on employment and the economy of the region affected by the adoption of the rule or regulation.
3. The range of probable costs to industry or business, including small business, of the rule or regulation.
4. The availability and cost-effectiveness of alternatives to the rule or regulation.
5. The emission reduction potential of the rule or regulation.
6. The necessity of adopting, amending, or repealing the rule or regulation in order to attain state and federal ambient air quality standards.

Pursuant to the California Health and Safety Code Section 40728.5(e), the analyses specified in items 2 and 4 listed above are not required if the proposed rule is substantially similar to or required by a state or federal law, regulation, or formal guidance document, including federal Control Techniques Guidelines. The District is proposing a NO_x emission standard within proposed new Rule 69.7 that is considered RACT and thus is required pursuant to both federal law and the District's 2020 Ozone SIP. Therefore, based on the California Health and Safety Code stipulation, this SIA does not address either the availability or the cost-effectiveness of the alternatives to proposed new Rule 69.7, or its impact on the employment and the economy of San Diego County.

II. NECESSITY OF PROPOSED NEW RULE 69.7

The San Diego County Air Basin is not in attainment with National and State Ambient Air Quality Standards for ozone. Both federal and State laws require the District to adopt and implement rules that control emissions of ozone precursors – NO_x and VOCs. Similarly, the California Clean Air Act requires the District to adopt all feasible measures to control and reduce ozone precursor emissions from stationary sources.

The District is required to implement air quality attainment plans that demonstrate our progress towards meeting all federal NAAQS for ozone. Because the attainment plans are developed using air quality models that depend on how much air pollution is emitted into the air, it is important to account for all air emissions reductions that occur as a result of the District's activities and because of the rules adopted by the Governing Board. Adopting proposed new Rule 69.7 with its emissions

requirements, and revised baseline emission factors, would allow the District to account for those emissions reductions in the region's air quality attainment plans, which will improve ozone modeling will improve modeling accuracy and the prognosis for attaining each ozone NAAQS.

III. SUMMARY OF PROPOSED NEW RULE 69.7

In summary, proposed new Rule 69.7 will include the following requirements:

- A NOx emission standard of 0.06 pounds per million British thermal units (Btu) of heat input
- A carbon monoxide (CO) emission standard of 0.20 pounds per million Btu of heat input
- Operational, monitoring, record keeping, and source test requirements
- Test methods and compliance schedule

IV. TYPE OF INDUSTRIES AFFECTED BY THE PROPOSED NEW RULE

Proposed new Rule 69.7 applies to all landfill gas flares located at a MSW landfill where the aggregate actual or potential emissions from such flares are at or above the federal major stationary source threshold of 25 tons per year for NOx. There are six enclosed landfill gas flares permitted with the District currently being operated at three MSW landfills that would be subject to the proposed rule.

V. RANGE OF PROBABLE COSTS TO INDUSTRY INCLUDING SMALL BUSINESSES

Proposed new Rule 69.7 is expected to have no significant impact on employment, business creation, elimination or expansion, or business competitiveness in the San Diego region. The proposal will not significantly affect MSW landfills operating flares because these landfills currently comply with the proposed emission limits, as well as operational and testing requirements required by state regulations. Therefore, only additional costs for ongoing compliance source testing would be required by the proposed new rule.

VI. EMISSION REDUCTION POTENTIAL AND COST-EFFECTIVENESS OF THE PROPOSED NEW RULE

NOx emission reductions of proposed new Rule 69.7 were determined using emission factors based on (1) District source testing of enclosed flares, (2) the District's existing emission factor of 0.08 pounds per million Btu of heat input (MM/Btu) for landfill gas flares, (3) a revised emission factor of 0.06 lbs/MMBtu consistent with the proposed rule, and (4) the annual landfill gas throughput obtained from the 2021 Emissions Inventory or source test data.

Since the subject landfills currently comply with the proposed requirements, there are no SIP-creditable NOx emission reductions, and no costs associated with the proposed new rule, outside of ongoing costs incurred for source testing.

VII. CONCLUSION

Overall, the proposed new rule is expected to have no significant impact on employment, business creation, elimination or expansion, or business competitiveness in the San Diego region. MSW landfills that operate flares subject to the proposed new rule currently comply with the proposed requirements.

The proposed new rule will provide air quality benefits by ensuring NO_x emissions from regulated sources, which are precursors of ground level ozone, a major component of photochemical smog, remain below the required standards.

ATTACHMENT E

**SAN DIEGO COUNTY
AIR POLLUTION CONTROL DISTRICT**

**DRAFT PROPOSED NEW
RULE 69.7 – LANDFILL GAS FLARES**

WORKSHOP REPORT

The San Diego County Air Pollution Control District (District) held a virtual public workshop on December 20, 2022, to discuss and receive input on draft proposed new Rule 69.7 – Landfill Gas Flares. A meeting notice was mailed to all owners or operators of municipal solid waste (MSW) landfills in San Diego County, which included the four facilities that the proposed new rule may apply to. Additionally, a meeting notice was posted on the District’s website, on social media, and distributed to interested parties via the District’s electronic mail service.

The virtual workshop was attended by 18 people. A summary of the comments and District responses are provided below:

1. WORKSHOP COMMENT

If a MSW landfill site does not fall under the California Landfill Methane Rule (LMR), is a source test still required to comply with draft proposed new Rule 69.7?

DISTRICT RESPONSE

Yes. Draft proposed new Rule 69.7 would apply to a MSW landfill where the aggregate actual or potential emissions from the landfill gas flares are at or above the federal major stationary source threshold for nitrogen oxides (NO_x), even if the source is not subject to the LMR. Currently, the San Diego Air Basin’s federal major stationary source threshold, as a Severe Nonattainment area, is 25 tons of NO_x per year.

2. WORKSHOP COMMENT

What are the next steps if the draft proposed new rule is approved by the San Diego County Air Pollution Control District Governing Board (Governing Board)? What is the role of the California Air Resources Board (CARB) and/or the Environmental Protection Agency (EPA) upon rule approval by the Governing Board?

DISTRICT RESPONSE

If approved by the Governing Board, draft proposed new Rule 69.7 would be submitted to CARB for approval with a request to forward the rule to EPA for approval and inclusion in the State Implementation Plan (SIP). The rule will be in effect upon the date of adoption by the Governing Board.

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Draft Proposed New Rule 69.7

3. CARB COMMENT

CARB has no official comments at this time.

4. EPA COMMENT

Section (d) Standards is not enforceable for open flares. The District should consider clarifying that the standards in proposed new Rule 69.7 are only for enclosed flares. Optionally, the District should explain how emission standards can be enforced for open flares.

DISTRICT RESPONSE

The District agrees and has added language in Section (d) Standards to clarify that NO_x and Carbon Monoxide (CO) standards would only apply to enclosed landfill gas flares. Currently, there are no open flares operating at MSW landfills in San Diego County. Additionally, language in Section (b) Exemptions has been added to clarify that Sections (d) Standards, (h) Test Methods, and (i) Source Test Requirements of proposed new Rule 69.7 would not apply to existing open landfill gas flares.

5. EPA COMMENT

EPA recommends including an explanation of how the District set emission limits contained in Section (d) of proposed new Rule 69.7. EPA recently approved South Coast Air Quality Management District (SCAQMD) Rule 1118.1 and San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 4311, both with landfill gas flare emission limits that go beyond what is considered to be Reasonably Available Control Technology (RACT).

DISTRICT RESPONSE

The District proposes to adopt new Rule 69.7 to satisfy federal RACT requirements. RACT requirements extend to major sources of NO_x pursuant to Clean Air Act (CAA) Section 182(f). Cost-effectiveness criteria for NO_x emission reductions are utilized to determine what is considered RACT, as well as if other air districts have adopted similar emission limits.

The District considers EPA's RACT guidance in adopting NO_x controls for RACT, using a threshold of \$5,000 per ton of NO_x reduced (i.e., \$2.50 per pound), which exceeds EPA's inflation adjusted threshold found in the RACT guidance. The District also considers a local cost-effectiveness threshold of \$12,000 per ton of NO_x reduced (i.e. \$6 per pound) when adopting all rules to control emissions from existing sources. The District evaluated existing facility data for MSW landfills with flares subject to proposed new Rule 69.7, and determined that all existing flares already comply with the proposed NO_x and CO emission limits in Section (d). Therefore, proposed new Rule 69.7 is cost-effective to implement, and satisfies EPA RACT guidance and District rule development thresholds. Cost-effectiveness for proposed new Rule 69.7, with a NO_x emission standard of 0.06 pounds per million BTU of heat input (lbs/MMBtu), is estimated to be

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Draft Proposed New Rule 69.7

\$0.31 per pound of NO_x reduced. At the time the Governing Board considers the proposed rule for adoption, the District will include additional cost-effectiveness information in the Incremental Cost-Effectiveness Analysis.

To determine whether the proposed NO_x emission limit in proposed new Rule 69.7 is RACT, the District evaluated landfill flare rules found in various air districts in California, including SCAQMD Rule 1118.1 and SJVAPCD Rule 4311, as well as documentation for a proposed landfill gas flare rule in Bay Area Air Quality Management District (BAAQMD). For both SCAQMD and SJVAPCD rules, both air districts have set a “low-NO_x” level for non-refinery flares at 0.025 lbs/MMBtu. The District evaluated a low-NO_x standard for proposed new Rule 69.7, but determined the threshold was not yet cost-effective to implement in San Diego County. Preliminary incremental cost-effectiveness estimates determined controlling emissions at the low-NO_x level in San Diego County would result in costs of up to \$21 per pound of NO_x reduced. This significantly exceeds both EPA’s RACT guidance threshold, as well as the local District rule development threshold. Furthermore, both the SCAQMD and SJVAPCD rule emission limits are considered to be “technology-forcing” and have yet to be adopted in nonattainment areas that are not classified as an extreme nonattainment area for federal ozone standards. Additionally, documentation from BAAQMD in 2017 for enclosed biogas flares similarly concluded a NO_x emission limit of 0.06 lbs/MMBtu was considered to be RACT level of control.¹ As such, staff determined the low-NO_x emission limit to exceed RACT level of emission control for existing landfill gas flares in San Diego County. However, new landfill gas flares that are installed in San Diego County in the future would be subject to New Source Review permit requirements including Best Available Control Technology (BACT), and thus would need to meet the established low-NO_x limit.

6. POST-WORKSHOP CLARIFICATION

The District has amended the language in Section (a) Applicability to clarify that draft proposed new Rule 69.7 would apply to all enclosed flares at a MSW landfill if the combined actual or potential emissions from such flares are at or above the federal major stationary source threshold for NO_x. Currently, the San Diego Air Basin’s federal major stationary source threshold, as a Severe Nonattainment area, is 25 tons of NO_x per year.

7. POST-WORKSHOP CLARIFICATION

The District has amended the language in Subsection (c)(10), definition of “Landfill Gas Flare”, to clarify that flares subject to the rule are those that combust landfill gas. Additionally, unnecessary language regarding energy recovery was removed since landfill gas flares operate independently from energy recovery plant(s).

¹ “Spare The Air – Cool the Climate. A Blueprint for Clean Air and Climate Protection in the Bay Area. Final 2017 Clean Air Plan.” Volume 2 – Stationary Source Sector. Stationary Source Control Measure #SS23. Page SS-76. Adopted April 19, 2017.

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Draft Proposed New Rule 69.7

8. POST-WORKSHOP CLARIFICATION

For the purposes of the District's emission inventory, the current emission factor for landfill gas flares in San Diego County will be revised should proposed new Rule 69.7 be adopted by the Governing Board. NOx emissions from landfill gas flares are currently estimated using a default emission factor of 0.08 lbs/MMBtu. This emission factor would be revised to 0.06 lbs/MMBtu to reflect the NOx emission limit found in the proposed rule.

NC:MS;jlm
02/03/23

ATTACHMENT F**RULE 69.7 LANDFILL GAS FLARES** (Adopted and Effective *(date of adoption)*)**(a) APPLICABILITY**

This rule shall apply to all landfill gas flares at any a municipal solid waste (MSW) landfill gas flare, or collection of landfill gas flares, that is itself a where the aggregate actual or potential emissions, from such flares, are at or above the federal major stationary source threshold of for nitrogen oxides (NO_x).

(b) EXEMPTIONS

Sections (d) Standards, (h) Test Methods, and (i) Source Test Requirements of this rule shall not apply to existing open landfill gas flares.

(c) DEFINITIONS

For the purposes of this rule, the following definitions shall apply:

- (1) **“Btu”** means British thermal unit.
- (2) **“Calendar Year”** means the same as defined in Rule 2 – Definitions.
- (3) **“CFR”** means Code of Federal Regulations.
- (4) **“Enclosed Flare”** means a flare composed of multiple gas burners that are grouped in an enclosure, which operates at a wide range of flow rates and constant limited peak temperature.
- (5) **“Existing Flare”** means a flare which commenced operation on or before *(date of adoption)*.
- (6) **“Federal Major Stationary Source”** means the same as defined in Rule 20.1 – New Source Review – General Provisions.
- (7) **“Flare Maintenance Event”** means a regularly scheduled course of procedure designed to prevent equipment failure or decline of equipment function.
- (8) **“Gas Mover Equipment”** means the equipment (e.g., fan, blower, compressor) used to transport landfill gas through the header system.
- (9) **“Landfill Gas”** means any gas derived through a natural process from the decomposition of waste deposited in a landfill.

(10) **“Landfill Gas Flare”** means a combustion device that oxidizes combustible landfill gases or vapors, where the combustible landfill gases or vapors being destroyed are routed ~~directly~~ into the burner ~~without energy recovery~~. Types of landfill gas flares include open and enclosed flares.

(11) **“Municipal Solid Waste (MSW) Landfill”** means an entire disposal facility in a contiguous geographical space, publicly or privately owned, where household waste is placed in or on land. Portions of an MSW landfill may be separated by access roads. An MSW landfill may also receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D (40 CFR Parts 257 and 258) wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste.

(12) **“New Flare”** means a flare which commenced operation after *(date of adoption)*.

(13) **“Open Flare”** means a flare without enclosure or shroud.

(14) **“Pilot”** means an auxiliary burner used to ignite the vent gas routed to a flare.

(d) **STANDARDS**

A person shall not install and/or operate ~~a~~ an enclosed landfill gas flare subject to this rule unless:

(1) Emissions of NO_x, calculated as nitrogen dioxide, do not exceed 0.06 pounds per million Btu of heat input.

(2) Emissions of carbon monoxide (CO) do not exceed 0.20 pounds per million Btu of heat input.

(e) **OPERATIONAL REQUIREMENTS**

(1) The landfill gas flare shall be properly maintained and operational at all times when the collected landfill gas is routed to the flare.

(2) In the event the landfill gas collection system or landfill gas flare is inoperable, the gas mover equipment shall be shut down and all valves in the collection system and flare contributing to venting of the gas to the atmosphere shall be closed within one hour.

(3) An enclosed flare shall be:

(i) Equipped with automatic dampers, an automatic shutdown device, a flame arrester, and continuous-recording temperature sensors.

(ii) Operated within the parameter ranges established during the initial or most recent source test.

(4) An open flare shall be:

(i) Equipped with a heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the flare pilot flame or the flare flame itself to indicate the continuous presence of a flame. The heat-sensing device shall be maintained and calibrated in accordance with the manufacturer's specifications and recommendations.

(ii) Operated in accordance with Title 17, California Code of Regulations, Subsection 95464(b)(2)(B).

(f) MONITORING REQUIREMENTS

An owner or operator of any landfill gas flare shall install and maintain in good working order the following:

(1) A gas flow rate measuring device to monitor, display, and record the landfill gas flow rate to each flare at least once every 15 minutes. The gas flow rate measuring device shall be calibrated at least once per calendar year in accordance with the manufacturer's specifications and recommendations.

(2) For an enclosed flare: a gas temperature measuring device equipped with a continuous recorder which has an accuracy of $\pm 1\%$ of the temperature being measured. The gas temperature measuring device shall be calibrated in accordance with the manufacturer's specifications and recommendations.

(3) For an open flare: a heat device to continuously monitor for the presence of a flare pilot flame or flare flame using an ultraviolet beam sensor or thermocouple, and any additional monitoring requirements as specified by the Air Pollution Control Officer.

(g) RECORD KEEPING REQUIREMENTS

An owner or operator of a landfill gas flare shall maintain, at a minimum, the following:

(1) Records of the landfill gas flow rate.

(2) Records of all landfill gas flow rate-measuring device calibrations pursuant to Subsection (f)(1).

(3) Records of the landfill gas throughput in standard cubic feet, which shall be recorded based on actual readings of the landfill gas flow rate-measuring device.

(4) Records of all periods when the flare is non-operational.

(5) Records of all flare maintenance events, including dates maintenance was performed and the nature of the maintenance.

(6) Records of any source test as conducted in accordance with Section (i) Source Test Requirements.

(7) A manual of recommended maintenance as provided by the flare manufacturer, or other maintenance procedures as approved in writing by the Air Pollution Control Officer.

(8) For an enclosed flare:

(i) Records of all 3-hour periods of operation during which the average temperature difference was more than 82°F (28°C) below the average combustion temperature during the most recent source test at which compliance with Title 17, California Code of Regulations, Sections 95464(b)(2) and 95464(b)(3)(A) was determined.

(ii) Records of the flare temperature, expressed in °F or °C.

(iii) Records of all flare temperature-measuring device calibrations pursuant to Subsection (f)(2).

(9) For an open flare:

(i) Records of the flare pilot flame or flare flame continuous monitoring.

(ii) Records of all periods of operation during which the flare pilot flame or the flare flame is absent.

All records shall be retained in electronic and/or hardcopy format on-site for at least five calendar years and made available to the District upon request.

(h) **TEST METHODS**

When more than one test method or set of test methods are specified in this section, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of this rule.

(1) Measurement of NO_x and CO emissions in pounds per million Btu of heat input shall be determined using the emission concentrations measured in accordance with Subsection (h)(2) and the gas composition of the total gas or vapor combusted in the landfill gas flare measured in accordance with Subsection (h)(3), and calculated using the procedures in 40 CFR Part 60, Appendix A, Method 19 (Determination of Sulfur Dioxide Removal Efficiency and Particulate, Sulfur Dioxide and Nitrogen Oxides Emission Rates).

(2) Measurement of NO_x, CO and oxygen content of the exhaust gas shall be determined in accordance with the San Diego County Air Pollution Control District Test Method 100 (Test Procedures for the Determination of Nitrogen Oxides, Carbon Monoxide and Diluent Gases by Continuous Emission Monitoring), May 1995, or its most current version approved by the U.S. Environmental Protection Agency (EPA).

(3) Landfill gas composition shall be determined in accordance with the following methods:

(i) ASTM D3588-98(2017)e1 (Standard Practice for Calculating Heat Value, Compressibility Factor, and Relative Density of Gaseous Fuels), or its most current version; and

(ii) ASTM D1945-14(2019) (Standard Test Method for Analysis of Natural Gas by Gas Chromatography), or its most current version; or

(iii) EPA Method 25C (Determination of Nonmethane Organic Compounds (NMOC) in Landfill Gases).

(4) Other test methods which are determined to be equivalent to the test methods specified in this rule and approved in writing by the Air Pollution Control Officer, the California Air Resources Board, and EPA may be used in place of the test methods specified in this rule.

(i) SOURCE TEST REQUIREMENTS

Source tests for enclosed landfill gas flares shall be conducted according to the following:

(1) For initial compliance determination with Section (d) Standards, a landfill gas flare shall be source tested under the following conditions:

(i) For an existing flare: at typical operating conditions according to the facility specifications. An initial compliance determination is required if source test documentation demonstrating compliance with Subsections (d)(1) and/or (d)(2) is older than three calendar years.

(ii) For a new flare: at typical operating conditions according to the facility specifications and at maximum temperature and maximum fuel flow according to the manufacturer's specifications.

(2) After initial compliance has been determined, any landfill gas flare shall be source tested under typical operating conditions according to the facility specifications, and with the following frequency:

(i) For an existing flare: in accordance with the current compliance schedule pursuant to Title 17, California Code of Regulations, Section 95464 (b)(4)(A), or

(ii) For a new flare: in accordance with Title 17, California Code of Regulations, Section 95464 (b)(4)(A).

(3) Measurement of NO_x and CO emission concentrations shall be based on a continuous sampling period of 15 minutes or more, and not to exceed 60 minutes. For the purpose of averaging, a minimum of five data sets with averaging intervals no greater than three minutes shall be used.

(4) Emissions source testing shall be conducted using the test methods specified in Section (h) Test Methods and a source test protocol approved in writing by the Air Pollution Control Officer prior to testing.

(j) **COMPLIANCE SCHEDULE**

(1) All new landfill gas flares shall comply with all applicable requirements of this rule upon initial startup.

(2) The owner or operator of an existing enclosed landfill gas flare shall:

(i) By *(6 months after date of adoption)*, submit to the Air Pollution Control Officer current documentation which demonstrates that the flare is in compliance with Section (d) Standards emission limits, or

(ii) By *(12 months after date of adoption)*, conduct a source test in accordance with Subsections (i)(1)(i), (i)(3), and (i)(4), and submit to the Air Pollution Control Officer documentation which demonstrates that the flare is in compliance with all applicable requirements of this rule.

Public Notice

**SAN DIEGO COUNTY
AIR POLLUTION CONTROL DISTRICT**

NOTICE OF PUBLIC HEARING

NOTICE, pursuant to State of California Health and Safety Code Section 40725 and the Code of Federal Regulations Title 40, section 51.102, is hereby given of a public hearing on March 9, 2023, at 2:00 p.m., before the San Diego County Air Pollution Control District Governing Board (Governing Board) in the County Operations Center Hearing Room, 5520 Overland Avenue, San Diego, California, for the purpose of receiving public comments on and considering the adoption of proposed new Rule 69.7 – Landfill Gas Flares of the San Diego County Air Pollution Control District (District). Those wishing to participate in the public hearing and/or provide comments to the Governing Board on proposed new Rule 69.7 should visit the District's Governing Board website at <https://bit.ly/3F8NXsQ>.

Proposed new Rule 69.7 would apply to all landfill gas flares at a municipal solid waste (MSW) landfill where the aggregate actual or potential emissions from such flares are at or above the federal major stationary source threshold for nitrogen oxides (NO_x). A federal major stationary source is currently defined as a stationary source that emits, or has the potential to emit, 25 tons per year or more of NO_x. Facilities subject to proposed new Rule 69.7 would be required to operate landfill gas flare equipment that meets minimum emission standards for NO_x and carbon monoxide (CO), among other operational and testing requirements. The new rule is being proposed to satisfy federal Reasonably Available Control Technology (RACT) requirements. Requirements in the proposed new rule are consistent with the California Air Resources Board Methane Emissions from MSW Landfills regulation and applicable federal regulations.

If approved by the Governing Board, proposed new Rule 69.7 will be submitted through the California Air Resources Board to the U.S. Environmental Protection Agency for approval as part of the San Diego County portion of the State Implementation Plan.

Written comments may also be provided to District staff no later than March 8, 2023, and should be addressed to:

Nick Cormier, Supervising Air Resources Specialist
San Diego County Air Pollution Control District
10124 Old Grove Road, San Diego, CA 92131

Copies of proposed new Rule 69.7 may be examined or obtained at the District's headquarters, 10124 Old Grove Road, San Diego, CA 92131, or by visiting the District's Rule Development website at <https://bit.ly/3lkUCYJ>. Specific information with respect to this matter may be obtained by contacting Nick Cormier, Supervising Air Resources Specialist, at (858) 586-2798 or Nick.Cormier@sdapcd.org.

MARVICE MAZYCK
Clerk of the Governing Board of the
San Diego County Air Pollution Control District

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY: VEERA TYAGI, SENIOR DEPUTY

Compliance Advisory



San Diego County Air Pollution Control District

March 24, 2023

COMPLIANCE ADVISORY

New Rule 69.7 – Landfill Gas Flares

On March 9, 2023, the San Diego County Air Pollution Control District (District) Governing Board adopted District new [Rule 69.7 – Landfill Gas Flares](#). The San Diego Air Basin was reclassified in July 2021 by the U.S. Environmental Protection Agency (EPA) as a Severe Nonattainment Area for both the 2008 and 2015 eight-hour ozone National Ambient Air Quality Standards (NAAQS). Because of this reclassification, new Rule 69.7 was adopted to meet federal requirements to control emissions from sources that emit or have the potential to emit 25 tons per year (tpy) or more of nitrogen oxides (NO_x), such as landfill gas flares, to satisfy federal Reasonably Available Control Technology (RACT) requirements.

In an effort to minimize NO_x emissions in San Diego County that contribute to ozone pollution and to meet federal requirements, new Rule 69.7 will ensure that flares subject to the rule are properly operated and ensure they do not exceed NO_x and carbon monoxide (CO) emission limits by requiring additional source testing.

New Rule 69.7 includes the following new requirements:

- Section (a) Applicability: Landfill gas flares operating at municipal solid waste (MSW) landfills in San Diego County, where the aggregate actual or potential emissions from such flares are at or above the current federal major stationary source threshold of 25 tpy or more of NO_x.
- Section (b) Exemptions: Existing open landfill gas flares are not subject to Sections (d) Standards, (h) Test Methods, or (i) Source Test Requirements.
- Section (d) Standards: Enclosed flares cannot exceed 0.06 pounds of NO_x per million British thermal units of heat input (lbs/MMBtu), or 0.20 lbs/MMBtu of CO.
- Section (h) Test Methods: Approved test methods for determining NO_x and CO emissions (lbs/MMBtu) from enclosed landfill gas flares.
- Section (i) Source Test Requirements: Existing and new enclosed flares must show compliance by conducting an initial source test. An initial source test for existing flares may not be required if the facility confirms compliance with documentation no older than three calendar years. A new flare shall be source tested in accordance with the California Air Resources Board (CARB) Landfill Methane Regulation (LMR), which requires source testing for three consecutive years, then once every third year if it remains in compliance during three consecutive years. Existing flares may continue to follow their current LMR source test schedule after the initial source test is conducted and compliance is confirmed.

- Section (j) Compliance Schedule: Compliance schedule for an existing enclosed flare subject to new Rule 69.7 includes submitting documentation to the District demonstrating compliance by *September 9, 2023*, or conducting an initial source test and demonstrating compliance by *March 9, 2024*. New flares must comply at the time of startup.

Other requirements such as operational, continuous monitoring and record keeping, Sections (e), (f), and (g), respectively, specified in new Rule 69.7 are consistent with the CARB LMR for MSW landfills and other applicable federal regulations.

A copy of the adopted rule is available on the District's website at <https://bit.ly/SDAPCDRules>. If you have any questions, please contact the Compliance Division at (858) 586-2650 or by email at apcdcomp@sdapcd.org.



San Diego County Air Pollution Control District

January 13, 2026

Ariel Fideldy, Branch Chief
Air Quality Planning Branch
California Air Resources Board
1001 I Street
Sacramento, CA 9581

Mike Martucci, Acting Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

REQUEST FOR SUBMITTAL OF COMMITMENT LETTER TO MAKE AMENDMENTS TO RULE 69.7 – LANDFILL GAS FLARES OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT

Dear Ms. Fideldy and Mr. Martucci,

On April 3, 2023, the California Air Resources Board (CARB) submitted San Diego County Air Pollution Control District (District) Rule 69.7 – Landfill Gas Flares to the U.S. Environmental Protection Agency (EPA) for inclusion into the State Implementation Plan (SIP). However, on December 15, 2025, EPA notified the District and verbally identified two deficiencies in Rule 69.7 Subsections (h)(3)(i) and (ii) which specify test methods required to determine composition of landfill gas.

The District is submitting this letter of commitment to adopt and submit amendments to Rule 69.7 for rule approvability by EPA and inclusion into the SIP. Specifically, the District commits to proposing amendments to Subsections (h)(3)(i) and (ii) to specify that the most current version of the test methods listed shall be approved by the EPA:

1. Subsection (h)(3)(i) – "ASTM D3588-98(2017)e1 (Standard Practice for Calculating Heat Value, Compressibility Factor, and Relative Density of Gaseous Fuels), or its most current version **approved by the EPA**; and".

2. Subsection (h)(3)(ii) – “ASTM D1945-14(2019) (Standard Test Method for Analysis of Natural Gas by Gas Chromatography), or its most current version *approved by the EPA*; or”.

Under Section 110(k)(4) of the Clean Air Act, the EPA may proceed with a conditional approval of District Rule 69.7 if the District commits to these amendments to address these specific deficiencies within one year of EPA’s conditional approval. The District commits to adopt these revisions and transmit them to CARB by Spring 2027, for final submission by CARB to EPA no later than June 30, 2027, or within one year of the effective date of the EPA conditional approval action in the Federal Register (whichever is soonest). To meet this commitment, the District anticipates that it will announce an opportunity for public comment on the revisions by Winter 2026.

If you have any questions or need additional information, please contact Nick Cormier at nick.cormier@sdapcd.org or (858) 586-2798.

Paula Forbis, Air Pollution Control Officer
San Diego County Air Pollution Control District