

**SAN DIEGO COUNTY
AIR POLLUTION CONTROL DISTRICT**

NOTICE OF PUBLIC HEARING

NOTICE, pursuant to the State of California Health and Safety Code Sections 40725 and the Code of Federal Regulations (CFR) Title 40, section 51.102, is hereby given of a public hearing on October 8, 2026, at 2:00 p.m., before the San Diego County Air Pollution Control District Governing Board (Governing Board) in the County Administration Center, Room 302, 1600 Pacific Highway, San Diego, CA 92101, for the purpose of receiving public comments and considering the adoption of proposed amendments to 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 on proposed amendments to Rule 69.7 should visit the District’s Governing Board’s website at <https://bit.ly/3F8NXsQ> and click on “Meeting Information” for instructions on how to participate, and/or click on “Agendas & Minutes” to view the meeting agenda and supporting documentation.

Rule 69.7 was adopted by the Governing Board and became effective on March 9, 2023. The rule applies to enclosed 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. Rule 69.7 complies with federal Reasonably Available Control Technology (RACT) requirements that support U.S. Environmental Protection Agency (EPA) and California Air Resources Board (CARB) air quality goals. The proposed amendments also support the resubmittal of the 2020 RACT Demonstration for ozone in San Diego County with Addendum. The Governing Board may consider modifications to the proposal, which may be deemed appropriate.

EPA is requesting amendments to Rule 69.7 to correct a federal enforceability deficiency identified in its proposed conditional approval published in the Federal Register on May 7, 2026 (91 FR 24765), which requires the District to revise affected provisions in accordance with EPA guidance and submit the revised 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 is soonest. 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 State Implementation Plan (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).

If approved by the Governing Board, proposed amendments to Rule 69.7 will take effect upon adoption on October 8, 2026. Upon submittal of the rule to EPA (through CARB) for inclusion in the San Diego County portion of the SIP, the identified deficiency will be cured. This submission will supersede the previously submitted version of Rule 69.7. If EPA takes final action to approve the submission, the final action will incorporate Rule 69.7 into the federally enforceable SIP. Failure to submit the revision within the required timeframe will result in the EPA taking action to disapprove the rule.

Written comments may be provided to District staff no later than October 7, 2026. Comments 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
APCDRules@sdapcd.org

Copies of the proposed amendments to Rule 69.7 as well as additional supporting documentation, may be examined or obtained at the District 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 at (858) 586-2798 or Nick.Cormier@sdapcd.org.

Assistance for Persons with Disabilities and Language Accessibility: Disability and language-related accommodations can be requested to allow participation in the Governing Board meeting. Agendas and records are available, upon request, in alternative formats to assist persons with a disability. Other documents may be requested in alternative formats and languages. Spanish language interpreter services are offered at Board meetings. Additional language interpreter services for public speakers are available upon request. Contact the APCD Governing Board Clerk at (858) 586-2600 or via e-mail at APCDPublicComment@sdapcd.org with questions or to request a disability-related accommodation including sign language interpretation or to request language interpreter services. To the extent reasonably possible, requests for accommodation or assistance should be submitted at least 72 hours in advance of the meeting so that the arrangements may be made.

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: HEIDI GABRIEL-PACK, SENIOR DEPUTY

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