

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 NOx 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 NOx 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.