

**ATTACHMENT B
to Resolution 09-38**

June 25, 2009

Staff's Suggested Modifications to the Original Proposal

**PROPOSED REGULATION TO REDUCE METHANE EMISSIONS FROM
MUNICIPAL SOLID WASTE LANDFILLS**

Note: Proposed modifications are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions, compared to the preexisting regulatory language. The symbol "*****" indicates that regulatory language not being amended is not shown.

Amend sections 95462, 95463, 95465, 95470, 95471, and 95475, title 17, California Code of Regulation to read as follows.

§ 95462. Exemptions

(c) This subarticle does not apply to closed or inactive MSW landfills with less than 450,000 tons of waste-in-place.

§ 95463. Determination for Installing a Gas Collection and Control System

- (b) *MSW Landfills Greater Than or Equal to 450,000 Tons of Waste-in-Place:* Within 90 days of the effective date of this subarticle or upon reaching 450,000 tons of waste-in-place, each owner or operator of an MSW landfill having greater than or equal to 450,000 tons of waste-in-place must calculate the landfill gas heat input capacity pursuant to section 95471(b) and must submit a Landfill Gas Heat Input Capacity Report to the Executive Officer.
- (1) If the calculated landfill gas heat input capacity is less than 3.0 million British thermal units per hour (MMBtu/hr) recovered, the owner or operator must:
- (A) Recalculate the landfill gas heat input capacity annually using the procedures specified in section 95471(b).
 - (B) Submit an annual Landfill Gas Heat Input Capacity Report to the Executive Officer until either of the following conditions is met:

1. The calculated landfill gas heat input capacity is greater than or equal to 3.0 MMBtu/hr recovered, or
2. If the MSW landfill is active, the owner or operator submits a Closure Notification pursuant to section 95470(b)(1). Submitting the Closure Notification fulfills the requirements of this subarticle. If the MSW landfill is closed or inactive ~~closed or inactive~~, submittal of the Closure Notification is not required to fulfill the requirements of the subarticle.

§ 95465. Surface Methane Emission Standards

- (a) Except as provided in sections 95464(d), 95464(e), and 95466, beginning January 1, 2011, or upon commencing operation of a newly installed gas collection and control system, whichever is later, no location on the MSW landfill surface may exceed either of the following methane concentration limits:

§ 95470. Recordkeeping and Reporting Requirements.

- (a) *Recordkeeping Requirements.*
 - (1) An owner or operator must maintain the following records, whether in paper or electronic format, for at least five years:
 - (2) The owner or operator must maintain the following records, whether in paper or electronic format, for the life of each gas control device, as measured during the initial source test or compliance determination:

§ 95471. Test Methods and Procedures

- (c) *Surface Emissions Monitoring Procedures:* The owner or operator must measure the landfill surface concentration of methane using a hydrocarbon detector meeting the requirements of section 95471(a). The landfill surface must be inspected using the following procedures:
 - (1) *Monitoring Area:* The entire landfill surface must be divided into individually identified 50,000 square foot grids. The grids must be used for both instantaneous and integrated surface emissions monitoring.

- (B) The walking pattern must be no more than a 25-foot spacing interval and must traverse each monitoring grid.

2. If aAn owner or operator of a MSW landfill can demonstrate that in the past three years before the effective date of this subarticle that there were no measured exceedances of the limits specified in section 95465 by annual or quarterly monitoring, the owner or operator may increase the walking pattern spacing to 100-foot intervals. The owner or operator must return to a 25-foot spacing interval upon any exceedances of the limits specified in section 95465 that cannot be remediated within 10 calendar days or upon any exceedances detected during a compliance inspection.

§ 95475. Definitions

- (a) For purposes of this subarticle, the following definitions apply:

- (11) “Exceedance” means the concentration of methane measured within 3 inches above the landfill surface that exceeds 500 ppmv, other than non-repeatable, momentary readings, as determined by instantaneous surface emissions monitoring; or the average methane concentration measurements that exceed 25 ppmv, as determined by integrated surface emissions monitoring.

- (26) “Professional Engineer” means an engineer holding a valid certificate issued by the State of California Board of Registration for Professional Engineers and Land Surveyors or an engineer holding a valid certificate issued by a state offering reciprocity with California.