



This Advisory is provided to inform you about activities of the Air District which may affect your operation. It is intended to assist you in your effort to achieve and maintain compliance with applicable air pollution regulations.

ATTENTION: SOLID WASTE DISPOSAL FACILITIES

SUBJECT: Enforcement Advisory – Operating Practices for Solid Waste Disposal Facilities

This advisory is intended to provide compliance guidance with:

- Bay Area Air Quality Management District's (BAAQMD) Regulation 8, Rule 34, Section 113, Limited Exemption, Inspection and Maintenance and
- CARB Title 17 CCR 95460 for Methane Emissions from Municipal Solid Waste Landfills.

This information supersedes all prior advisories.

BAAQMD Regulation 8, Rule 34, Section 113: Inspection and Maintenance

The purpose of this Section 113 is to encourage careful advanced planning, monitoring and expedited repairs that minimize emissions, thus preventing unexpected shutdowns leading to excess emissions.

For purposes of this section:

- **“Inspection”** may include shutdowns prior to any non-compliance, based on performance monitoring or parametric indicators, of the system or components (for example temperature, O₂, or flow indicators) to conduct inspections.
- **“Maintenance”** may include shutdowns for effecting repairs or preventive maintenance, the replacement of control equipment or the addition of control equipment permitted under an Authority to Construct.
- **“Inspection and Maintenance” does not include** shutdowns after non-compliance commences and can be either personnel-based or automated control system-based.
- Planned or unplanned shutdowns may qualify provided that “Inspection and Maintenance” is performed during the shutdown for a manned landfill or during the next available shift for an unmanned landfill and documented as required.

A facility claiming the Section 113 exemption should carefully document the parametric indicators predicting non-compliance, characterize the inspection and maintenance conducted, and document the amount of time elapsed in detail.

In situations where non-compliance is caused by breakdown or malfunction of air pollution abatement equipment that does not qualify for the Section 113 exemption a facility may request breakdown relief (under District Regulation 1, Section 112) and no enforcement action may be taken if:

- failure or malfunction is not the result of intent, neglect, or disregard of any air pollution control law, rule or regulation.
- not the result of improper maintenance
- does not constitute a nuisance
- is not an excessively recurrent breakdown of the same equipment.

If non-compliance lasts longer than 24 hours and is beyond the facility's reasonable control a facility may apply for a variance. A variance is an administrative order granting temporary relief from the provisions of a District regulation, including permit conditions. It allows a facility to operate while it takes steps to come into compliance with the regulation in question. Applications for variances from air quality regulations are heard by the District's Hearing Board.

CARB Title 17 CCR 95460:

Shutdowns of the gas collection system are allowed for in Title 17 CCR 95464(e) Repairs and Temporary Shutdown of Gas Collection System Components. The state regulation allows a facility to shut down the landfill gas collection system for both temporary repairs and catastrophic events provided the following requirements are satisfied:

The facility is required:

- methane emissions are minimized during the shutdown
- records required in Sections 95469 and 95470 are maintained
- the gas collection system shutdown is restricted to 240 hours per calendar year and 5 consecutive days (Regulation 8-34-113)

This **does not include** activities or events of either semi-automated or automated collection and control systems-based shutdowns. Facilities that experience these types of collection and control systems shutdowns which are restarted without any inspection and maintenance must apply to the Executive Officer (BAAQMD) for an Alternative Compliance Option as outlined in Title 17 CCR 95468.

Any new gas collection system components required to maintain compliance for the repair and temporary shutdown as allowed in this Section must be included in the most recent Design Plan that is on record, Section 95464(a)(4).

Overall Compliance Reminder:

The District has the authority to disqualify exemptions if emissions are not minimized, the records are insufficient or if the records do not demonstrate a diligent and expeditious response to collection or control equipment parametric indicators prior to non-compliance.

If you have any further needs, please call the District at the following numbers:

- ☎ For questions about this advisory contact:
 - Linda Carey, Senior Air Quality Inspector at lcarey@baaqmd.gov or (415) 749-4979; or
 - Carol Allen, Supervising Air Quality Engineer at callen@baaqmd.gov or (415) 749-4702.
- ☎ For a copy of the above listed rule, see <http://www.baaqmd.gov/Divisions/Planning-and-Research/Rules-and-Regulations.aspx>
- ☎ For compliance assistance, call (415) 749-4999, the Compliance Counselor Hotline.

Wayne Kino
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