

SOUTH COAST AQMD  
CLERK OF THE BOARDS  
2023 DEC 22 PM 3:17

PETITION FOR VARIANCE  
BEFORE THE HEARING BOARD OF THE  
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

SV  
1/30/24

PETITIONER: ORANGE COUNTY WASTE & RECYCLING (OCWR) CASE NO: 5710-6  
FACILITY ID: 69646

FACILITY ADDRESS: 11002 Bee Canyon Access Rd  
[location of equipment/site of violation; specify business/corporate address, if different, under Item 2, below]

City, State, Zip: Irvine, CA 92602

1. TYPE OF VARIANCE REQUESTED (more than one box may be checked; see Attachment A, Item 1, before selecting)

- INTERIM  SHORT  REGULAR  EMERGENCY  EX PARTE EMERGENCY

2. CONTACT: Name, title, company (if different than Petitioner), address, and phone number of persons authorized to receive notices regarding this Petition (no more than two authorized persons).

D. Casey Corliss, Env. Resource Specialist

Paul M. Albarian, Senior Deputy County Counsel

601 N. Ross St, 5<sup>th</sup> Floor

Office of the Orange County County Counsel

\_\_\_\_\_

400 W. Civic Center Dr., Suite 202

Santa Ana CA Zip 92701

Santa Ana CA Zip 92701

( 714 ) 834-8522 Ext.

( 714 ) 358-1068 <sup>2</sup> (714) 834-3313 Ext.

Fax ( ) \_\_\_\_\_

Fax ( ) \_\_\_\_\_

E-mail casey.corliss@ocwr.ocgov.com

E-mail paul.albarian@coco.ocgov.com

3. RECLAIM Permit  Yes  No Title V Permit  Yes  No

*Persons with disabilities may request this document in an alternative format by contacting the Clerk of the Board at 909-396-2500 or by e-mail at [clerkofboard@aqmd.gov](mailto:clerkofboard@aqmd.gov).*

*If you require disability-related accommodations to facilitate participating in the hearing, contact the Clerk of the Board at least five (5) calendar days prior to the hearing.*

[ALL DOCUMENTS FILED WITH CLERK'S OFFICE BECOME PUBLIC RECORD]

4. **GOOD CAUSE:** Explain why your petition was not filed in sufficient time to issue the required public notice. (Required only for Emergency and Interim Variances; see Attachment A, Item 4)

NA

5. Briefly describe the type of business and processes at your facility.

Frank R. Bowerman Landfill ("Landfill") is a municipal solid waste landfill operated by OCWR. The Landfill accepts and buries solid waste which results in the continual production of landfill gas (LFG). As required by regulation, the LFG is collected by a system of wells and pipes and is conveyed to flares for destruction.

Destroying the LFG is essential to eliminate the explosive gas and reduce odor and air pollutants and is identified under Rule 1302 (m) as an "essential public service". Protection of the health and safety of the environment and the surrounding community are essential to our operations.

6. List the equipment and/or activity(s) that are the subject of this petition (see Attachment A, Item 6, Example #1). **Attach copies of the Permit(s) to Construct and/or Permit(s) to Operate for the subject equipment. For RECLAIM or Title V facilities, attach *only* the relevant sections of the Facility Permit showing the equipment or process and conditions that are subject to this petition. You must bring the entire Facility Permit to the hearing.**

Equipment/Activity	Application/ Permit No.	RECLAIM Device No.	Date Application/Plan Denied (if relevant)*
Flare 6	AN 614468		

\*Attach copy of denial letter

7. Briefly describe the activity or equipment, and why it is necessary to the operation of your business. A schematic or diagram may be attached, in addition to the descriptive text.

Decomposing waste at the Bowerman Landfill continually produces landfill gas (LFG). As required by regulation, the LFG is collected by a system of wells and pipes and is conveyed to flares for destruction. LFG is also sent to our energy partner for conversion to clean, renewable energy.

Destroying the LFG is essential to eliminate the explosive gas and reduce odor and air pollutants and is identified under Rule 1302 (m) as an "essential public service". Protection of the health and safety of the environment and the surrounding community are essential to our operations.

Orange County Waste and Recycling ("OCWR") has been installing a new low-NOx flare (Flare 6, AN 614468, hereinafter referred to as "Flare 6") to ultimately comply with Rule 1118.1. The Frank R. Bowerman landfill ("Landfill") has five other flares that are currently fully capable of handling all the flaring needs of the site (Flare 1 to 5, AN R610010). Flare 6 is only being operated for testing and troubleshooting at this time.

The new low-NOx flare is the first flare installed by the manufacturer (Perrenial Energy Inc or PEI) with a landfill gas sulfur removal system. After installation, the flare has experienced some unexpected operational issues. OCWR has worked closely with our Energy Partner (Bowerman Power) and the manufacturer to understand the cause of the operational issues and to pursue corrective actions.

The first operational issue was determined to be that the automatic restart was improperly configured. This caused the flare to restart when there was not sufficient gas flow. OCWR has made changes to correct the issue with the automatic restart.

In the first week of December 2023, OCWR was informed by our Energy Partner that the flare burner would need to be replaced. The earliest OCWR can install the new burner is February 2024. The burner is fabricated in Missouri and must be shipped by freight to the site. Installation of the burner requires the use of a crane. Subsequently, OCWR will work with PEI to commission the repaired flare and prepare it for testing.

Flare 6 will only be operated for testing and maintenance purposes until it passes its source test.

8. Is there a regular maintenance and/or inspection schedule for this equipment? Yes  No

If yes, how often: As needed Date of last maintenance and/or inspection 11/27/2023

Describe the maintenance and/or inspection that was performed.

Regular maintenance/inspections are performed on the flare. This includes inspections/monitoring of the flare station's components, propane tank levels, and mechanical components. Additionally, inspections of the flare flame arrestor, instrumentation, blower parameters, and UV scanner will continue to be routinely performed. However, currently Flare 6 operations are terminated/curtailed while repairs are made and the Flare will only be operated in connection with preparation for the upcoming source test.

9. List all District rules, and/or permit conditions [indicating the specific section(s) and subsection(s)] from which you are seeking variance relief (if requesting variance from Rule 401 or permit condition, see Attachment A). Briefly explain how you are or will be in violation of each rule or condition (see Attachment A, Item 9, Example #2).

Rule	Explanation
Rule 1150.1 (f)(2)(A)	The initial source test report is to be submitted no later than 180 days after start-up.
AN 614468, Condition 24	Requires source test no later than 180 days after startup.
Title V Permit, Section K (8)	The operator shall comply with all regulatory requirements and all permit terms and conditions except as specified.
Rule 3002(c)(1), Rule 203(b)	Require compliance with permit conditions.

10. Are the equipment or activities subject to this request currently under variance coverage? Yes  No

Case No.	Date of Action	Final Compliance Date	Explanation

11. Are any other equipment or activities at this location currently (or within the last six months) under variance coverage? Yes  No

Case No.	Date of Action	Final Compliance Date	Explanation

12. Were you issued any Notice(s) of Violation or Notice(s) to Comply concerning this equipment or activity within the past year? Yes  No

If yes, you must attach a copy of each notice.

13. Have you received any complaints from the public regarding the operation of the subject equipment or activity within the last six months? Yes  No

If yes, you should be prepared to present details at the hearing.

14. Explain why it is beyond your reasonable control to comply with the rule(s) and/or permit condition(s). Provide specific event(s) and date(s) of occurrence(s), if applicable.

The operational issues with the new Flare 6 were not expected. We have made a substantial effort to resolve the issues with Flare 6 by working closely with the manufacturer and our Energy Partner. Flare 6 is the first design of this flare model with a gas treatment system.

Our Energy Partner has recently determined that the burner has been damaged and needs to be replaced. The earliest our Energy Partner can install the new burner is February 2024. The burner is fabricated in Missouri and must be shipped by freight to the site. Installation of the burner requires the use of a crane. Subsequently, OCWR will work with PEI to commission the repaired flare and prepare it for testing.

We are requesting a variance to cover the time between when the test would be due and when the Flare is planned to be ready for testing. Flare 6 will only be operated for testing and commissioning until the source test is passed.

15. When and how did you first become aware that you would not be in compliance with the rule(s) and/or permit condition(s)? Provide specific event(s) and date(s) of occurrence(s).

12/5/23: OCWR received notice from our Energy Partner that the Flare 6 burner would need to be replaced. The burner must be shipped from Missouri after fabrication. Installation requires a crane. This repair will cause us to exceed time limits to conduct the source test.

16. List date(s) and action(s) you have taken since that time to achieve compliance.

1. 7/6/23: Evidence that the Flare 6 automatic restart was improperly configured was obtained.
2. Mid August 2023: New burner controller with Auto-Restart inhibited was installed. New programming for Air/Fuel ratio excursion shutdown added. New burner air plenum high pressure shutdown switch added. New internal burner thermocouple for high temp shutdown added.
3. Week of 8/14/23: Multiple start-ups and shutdowns of Flares 1 - 5 were initiated to determine if this could cause Flare 6 shutdown or instability.
4. 8/25/23: OCWR request for an extension of the source test deadline was granted by SCAQMD.
5. 11/16/23: OCWR made a second request to extend the source test deadline.
6. 11/27/23: Flare manufacturer was onsite to investigate issues and make adjustments.
7. 12/5/23: OCWR received notice from our Energy Partner that the Flare 6 burner would need to be replaced. The burner must be shipped from Missouri after fabrication. Installation requires a crane.
8. 12/15/23: OCWR received notice that the second request to extend the source test deadline was denied.
9. 12/18/23: OCWR held a meeting with management to discuss compliance options.
10. 12/20/2023: OCWR began preparation of Variance petition.
11. 1/3/24: Manufacturer scheduled to be onsite to perform operational testing.

17. What would be the harm to your business during **and/or after** the period of the variance if the variance were not granted?

Economic losses: \$ Potential fines as may be assessed by SCAQMD of \$5,000 or more per  
day \_\_\_\_\_

Number of employees laid off (if any): NA

Provide detailed information regarding economic losses, if any, (anticipated business closure, breach of contracts, hardship on customers, layoffs, and/or similar impacts).

Rule 1302 (m) defines operation of a landfill gas control facility an "essential public service." It is important that the Flare 6 ultimately be permitted so OCWR can comply with the new low-NOx requirements found in Rule 1118.1 and to continue to perform its essential public service and destroy the flammable LFG that is continuously produced at the landfill.

Without the variance, OCWR (a public not-for-profit agency) may incur fines of \$5,000 or more per day and may damage relations with the community.

18. Can you curtail or terminate operations in lieu of, or in addition to, obtaining a variance? Please explain.

No, the underlying issue in this variance request is the administrative requirement that a source test be conducted within 180 days from start up. While Flare 6 is being repaired its operations are already being curtailed. Pending completion of repairs Flare 6 will only be run for purposes of preparing it for the required source test. Termination or curtailment of Landfill operations generally would have absolutely no impact or reduction in the amount of LFG produced at the Landfill. Flammable LFG is continuously produced by the landfill. As an "essential public services" under Rule 1302 and for the health and safety of the community, LFG must be flared continually. Flaring also reduces nuisance odors that can annoy nearby residents. We will only operate Flare 6 for testing until it passes the source test.

However, to reiterate, Flare 6 operations are already terminated/curtailed while repairs are made and the Flare will only be operated in connection with preparation for the upcoming source test.

19. Estimate excess emissions, if any, on a daily basis, including, if applicable, excess opacity (the percentage of total opacity above 20% during the variance period). If the variance will result in no excess emissions, insert "N/A" here and skip to No. 20.

Pollutant	(A)	(B)	(C)*
	Total Estimated Excess Emissions (lbs/day)	Reduction Due to Mitigation (lbs/day)	Net Emissions After Mitigation (lbs/day)
No excess emissions expected.			

\* Column A minus Column B = Column C

Excess Opacity: \_\_\_\_\_ %

20. Show calculations used to estimate quantities in No. 19, or explain why there will be no excess emissions.

No excess emissions are expected from the Flare. We hope to have the new low NOx Flare repaired soon. It will only be operated for testing and commissioning.

This variance request is to enable OCWR to operate the Flare 6 without a current source test and provide OCWR the ability to continue to use the Flare while we work to have a source test scheduled and performed.

21. Explain how you plan to reduce (mitigate) excess emissions during the variance period to the maximum extent feasible, or why reductions are not feasible.

We do not anticipate excess emissions. The flare will only be operated for testing and commissioning until it passes a source test.

22. How do you plan to monitor or quantify emission levels from the equipment or activity(s) during the variance period, and to make such records available to the District? **Any proposed monitoring does not relieve RECLAIM facilities from applicable missing data requirements.**

Operation of Flare 6 is expected to comply with the emission limits in the permit after repairs have been made. Source test will be scheduled in February 2024, unless Flare 6 is repaired before then and placed into operation.

23. How do you intend to achieve compliance with the rule(s) and/or permit condition(s)? Include a detailed description of any equipment to be installed, modifications or process changes to be made, permit conditions to be amended, etc., dates by which the actions will be completed, and an estimate of total costs.

We intend to achieve compliance by repairing the flare and scheduling and conducting a source test. With a valid source test the Flare will be in compliance with permit requirements.

This new Flare has been installed at a cost of more than \$1 million and was ultimately installed to comply with Rule 1118.1.

24. State the date you are requesting the variance to begin: ASAP and the date by which you expect to achieve final compliance: March 31, 2023.

If the regular variance is to extend beyond one year, you **must** include a **Schedule of Increments of Progress**, specifying dates or time increments for steps needed to achieve compliance. See District Rule 102 for definition of Increments of Progress (see Attachment A, Item 24, Example #3).

NA

25. List the names of any District personnel with whom facility representatives have had contact concerning this variance petition or any related Notice of Violation or Notice to Comply.

NA \_\_\_\_\_ Ext. \_\_\_\_\_  
\_\_\_\_\_ Ext. \_\_\_\_\_

If the petition was completed by someone other than the petitioner, please provide their name and title below.

Name	Company	Title
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The undersigned, under penalty of perjury, states that the above petition, including attachments and the items therein set forth, is true and correct.

Executed on December 22, 2023 at Santa Ana, California

 Signature _____	Jeff Arbour _____ Print Name
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Title: Section Manager \_\_\_\_\_

26. **SMALL BUSINESS and TABLE III SCHEDULE A FEES:** To be eligible for reduced fees for small businesses, individuals, or entities meeting small business gross receipts criterion [see District Rule 303(h)], you must complete the following:

***Declaration Re Reduced Fee Eligibility***

1. The petitioner is
  - a)  an individual, or
  - b)  an officer, partner or owner of the petitioner herein, or a duly authorized agent of the petitioner authorized to make the representations set forth herein.

***If you selected 1a, above, skip item 2.***

2. The petitioner is
  - a)  a business that meets the following definition of Small Business as set forth in District Rule 102:  
SMALL BUSINESS means a business which is independently owned and operated and meets the following criteria, or if affiliated with another concern, the combined activities of both concerns shall meet these criteria:
    - (a) the number of employees is 10 or less; **AND**
    - (b) the total gross annual receipts are \$500,000 or less **or**
    - (iii) the facility is a not-for-profit training center.

**-OR-**

- b)  an entity with total gross annual receipts of \$500,000 or less.

3. Therefore, I believe the petitioner qualifies for reduced fees for purpose of filing fees and excess emission fee calculations, in accordance with Rule 303(h).



I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_, at \_\_\_\_\_, California

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Title \_\_\_\_\_

### ATTACHMENT A

#### ITEM 1

Type of Variance Requested:

- (a) **SHORT:** If compliance with District rule(s) can be achieved in **90 days or less**, request a short variance. *(Hearing will be held approximately 21 days from date of filing--10-day posted notice required.)*
- (b) **REGULAR:** If compliance with District rule(s) will take **more than 90 days**, request a regular variance. If the variance request will extend beyond one year, you **must** include a specific detailed schedule of increments of progress [see Page 8, No. 24] under which you will achieve final compliance. *(Hearing will be held approximately 45 days from date of filing--30-day published notice required.)*
- (c) **EMERGENCY:** If non-compliance is the result of an unforeseen emergency, such as a sudden equipment breakdown, power failure, or accidental fire, you may request an emergency variance. You may request an *ex parte* emergency variance in addition to an emergency variance. **An emergency variance cannot be granted for more than 30 days.** *(Hearing will be held within 2 working days from the date of filing, whenever possible, excluding Mondays, weekends, and holidays.)* **If you request an emergency variance, you must answer No. 4 on page 1.**
- (d) **EX PARTE EMERGENCY:** If variance coverage is required on a weekend or when the Board is not in session, and you cannot wait until an emergency variance hearing can be held, you may request an *ex parte* emergency variance. An *ex parte* emergency variance will be granted or denied solely on the information contained in the petition and the District's response to the petition. Under most circumstances, an *ex parte* emergency variance will remain in effect only until a hearing can be held. **If you request an *ex parte* variance, you must answer No. 4 on page 1.**
- (e) **INTERIM:** If you require immediate relief (other than for emergencies) to cover the time until a short or regular variance hearing can be held, request an interim variance. If you request an interim variance, you must also request a short or a regular variance on the same petition. *(Hearing will be held approximately 2 working days from date of filing, whenever possible, excluding Mondays, weekends and holidays.)* **If you request an interim variance, you must answer No. 4 on page 1.**

#### ITEM 4

**GOOD CAUSE:** The Hearing Board is required to provide public notice of variance hearings, as the public has a right to attend and testify at such hearings. In order for the Hearing Board to hold an Interim, *Ex Parte* Emergency or Emergency Variance hearing without the required public notice, a petitioner must present facts which will support a determination by the Board that "good cause" exists to hear a variance without notifying the public about the variance and providing the public with an opportunity to present evidence concerning the variance.

#### ITEM 6

Example #1:

Equipment/Activity	Application/ Permit No.	RECLAIM Device No.	Date Application/Plan
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[YOU MAY ATTACH ADDITIONAL PAGES IF NECESSARY]

			Denied (if relevant)*
Tenter frame		D32	
Chrome-plating tank	M99999		
Bake oven	123456		
Create special effects (fog)	N/A	N/A	N/A
Mfg., sale, distribution, use of non-compliant coating	N/A	N/A	12/10/95

**ITEM 9**

a) If you are requesting relief from Rule 401 and the excess opacity during the variance period will reach or exceed 40%, you should also request relief from California Health and Safety Code Section 41701.

b) If you are requesting relief from a permit condition(s), you should also request relief from the rule requiring compliance with conditions of the permit: 202(a), (b) or (c) - Temporary Permit to Operate; 203(b) - Permit to Operate; 2004(f)(1) – RECLAIM Permit; 3002(c) – Title V Permit.

**Example #2:**

Rule	Explanation
404(a)	tenter frame is vented to damaged air pollution control equipment
2004 (f)(1) [Condition No. 28-2 of Facility P/O No. 099999]	source test cannot be conducted as required until new ESP is installed
1113(c)(2)	petitioner manufactures and sells clear wood finishes with VOCs in excess of 350 grams per liter
401(a) & California H&S Code Section 41701	Opacity will exceed 45%.

**ITEM 24**

**Example #3:**

**Sample Schedule of Increments of Progress**

- Permit application(s) will be submitted to the District by [date].
- Contracts for the purchase of emission control systems will be awarded by [date].
- On-site construction will be completed by [date].

(Petition for Variance: Revised February 22, 2011)

English	<b>"If you require a language interpreter in order to participate in the hearing, contact the Clerk of the Board at least five (5) calendar days before your hearing at 909-396-2500 or by e-mail at <a href="mailto:clerkofboard@aqmd.gov">clerkofboard@aqmd.gov</a>. Specify the case name and number, hearing date, and the language for which you are requesting an interpreter."</b>
Farsi	"اگر برای شرکت در جلسه استماع به مترجم نیاز دارید، حد اقل پنج (5) روز تقویمی قبل از جلسه استماع، با منشی هیئت توسط شماره تلفن 909-396-2500 یا بوسیله نامه الکترونیکی با نشانی <a href="mailto:clerkofboard@aqmd.gov">clerkofboard@aqmd.gov</a> تماس بگیرید. نام پرونده و شماره آن، تاریخ جلسه استماع و زبانی را که برای آن مترجم درخواست کرده اید، مشخص کنید"
Arabic	"إذا كنت في حاجة لمترجم من أجل المشاركة في جلسة الاستماع، اتصل بكاتب المحكمة قبل موعد جلسة الاستماع بخمسة (5) أيام على هاتف . حدد اسم ورقم القضية و تاريخ الاستماع واللغة <a href="mailto:clerkofboard@aqmd.gov">clerkofboard@aqmd.gov</a> 909-396-2500 أو بالبريد الإلكتروني على التي تريد في مترجم لها."
Armenian	"ՌԱԿԱՆՊՐՈՒԹՅԱՆ մասնակցելու համար, եթե թարգմանչի կարիքն ունենաք, ցայսրան ձեր ՌԱԿԱՆՊՐՈՒԹՅԱՆ, ամենաքիչն հինգ (5) օրացույցային օրից առաջ կապվեք համաձայնեքի բարոտղարի հետ, 909-396-2500 հեռախոսահամարով կամ էլեկտրոնային փոստով <a href="mailto:clerkofboard@aqmd.gov">clerkofboard@aqmd.gov</a> : Նշեք գործի անունն և համարը, ՌԱԿԱՆՊՐՈՒԹՅԱՆ թվականը, և լեզուն, որի համար թարգմանչի էք ցանկանում"
Vietnamese	"Nếu quý vị cần Thông Dịch Viên cho buổi điều trần, xin vui lòng điện-thoại cho Thư Ký Hội Đồng tại số 909-396-2500 trễ nhất là năm [5] ngày, không tính hai ngày Thứ Bảy và Chủ Nhật, trước buổi điều trần hoặc gửi điện thư đến <a href="mailto:clerkofboard@aqmd.gov">clerkofboard@aqmd.gov</a> . Nhớ ghi rõ tên và số hồ sơ, ngày điều trần, và ngôn ngữ quý vị cần có người để thông dịch."
Chinese	如果你要求翻譯來協助你參加聽證會，請在你的聽證會前至少提前五天（5個日曆日）打電話到909-396-2500或發電子郵件到 <a href="mailto:clerkofboard@aqmd.gov">clerkofboard@aqmd.gov</a> 與局裏的辦事人員聯絡。並且明確說明你的案子的名稱和號碼，聽證日期，以及你要求的翻譯的語種。
Japanese	公聴会（ヒアリング）に参加するために通訳が必要な場合、少なくとも5日前までに事務局（Clerk of the Board）にご連絡ください。電話でのご連絡は909-396-2500、e-メールでのご連絡は <a href="mailto:clerkofboard@aqmd.gov">clerkofboard@aqmd.gov</a> 。までお願いします。その際、案件名（case name）と案件番号（case number）、ヒアリングの日付、通訳が必要な言語を特定して下さい。
Korean	"만약 귀하나 귀하의 증인들이 심리에 참여하기 위해 통역사가 필요하시면, 심리일 5일 전까지 기관부서의 서기에게 909-396-2500으로 연락하시거나, <a href="mailto:clerkofboard@aqmd.gov">clerkofboard@aqmd.gov</a> 로 연락 하십시오. 통역이 필요하신 사건의 이름, 심리날짜, 그리고 언어를 정확하게 말씀해 주십시오."
Spanish	Si usted requiere un intérprete para poder participar en la audiencia, favor de comunicarse con el Secretario de la Junta cuando menos cinco (5) días hábiles antes de su audiencia al teléfono (909) 396-2500 ó por correo electrónico al <a href="mailto:clerkofboard@aqmd.gov">clerkofboard@aqmd.gov</a> . Especifique el nombre y el número de su causa, la fecha de la audiencia y el idioma del cual está solicitando el intérprete.
Tagalog	"Kung kailangan ninyo nang interpreter sa Pilipino para makasali kayo sa pagdinig sa kaso, tumawag lang po kayo sa Clerk of the Board sa numero 909-396-2500 or kung hindi mag-email kayo sa email <a href="mailto:clerkofboard@aqmd.gov">clerkofboard@aqmd.gov</a> . Kailangan na tumawag kayo sa loob nang limang araw (5 days) bago ang inyong hearing date at ibigay and inyong pangalan at case number, araw nang inyong pagdinig sa kaso at inyong gusto na may languahe na interpreter".
Thai	หากคุณต้องการร่วมในการขึ้นศาล ให้ติดต่อเจ้าหน้าที่ล่วงหน้าอย่างน้อย 5 วันก่อนวันขึ้นศาล โดยติดต่อที่เบอร์โทร 909-396-2500 หรือโดย e-mail ที่ <a href="mailto:clerkofboard@aqmd.gov">clerkofboard@aqmd.gov</a> ให้นบอกชื่อและหมายเลขของคดี พร้อมทั้งวันเวลาในการขึ้นศาล และระบุภาษาที่คุณต้องการร่วม

Hearing Board Required Findings  
(Health and Safety Code §42352)

California Health & Safety Code requires that the Hearing Board make the following 6 findings before granting a variance. We provide the information below to assist the Hearing Board in making its required findings.

1. That the petitioner for a variance is, or will be, in violation of Section 41701 or of any rule, regulation, or order of the district. **Answer: The deadline for OCWR to conduct the required source test on Flare 6 is December 28, 2023. OCWR estimates that it will take until approximately February 2024 to obtain and install the parts necessary to make the flare operational and ready for a source test. Therefore, OCWR is or will be in violation of SCAQMD Rule 1118.1 and Permit Condition 24.**
2. That, due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either
  - a. an arbitrary or unreasonable taking of property, or
  - b. the practical closing and elimination of a lawful business.

In making those findings where the petitioner is a public agency, the hearing board shall consider whether or not requiring immediate compliance would impose an unreasonable burden upon an essential public service. For purposes of this paragraph, "essential public service" means a prison, detention facility, police or firefighting facility, school, health care facility, landfill gas control or processing facility, sewage treatment works, or water delivery operation, if owned and operated by a public agency. **Answer: OCWR is a department of the County of Orange, which is a subdivision of the State of California that performs an essential public service in its operation of the Frank R. Bowerman Landfill and the landfill gas control system. Denying the requested variance would result in an arbitrary or unreasonable taking of property in the form of the potential issuance of an NOV and possibly subject OCWR to daily fines or penalties. OCWR is working with the manufacturer and its energy partner to comply with new low NOx regulatory requirements. Because these regulatory requirements are new, all parties involved are learning how to design and implement systems that comply with these new requirements. The failures associated with the new flare were unanticipated and beyond the reasonable control of OCWR.**

3. That the closing or taking would be without a corresponding benefit in reducing air contaminants. **Answer: Flare 6 is a new flare and not currently required to operate to ensure landfill compliance. OCWR has five other flares that are operational, and provide sufficient capacity to destroy landfill gas produced at the landfill. Denying the requested variance will not result in a corresponding benefit in reducing air contaminants because the flare will only be operated for testing and maintenance purposes until it passes its source test.**
4. That the applicant for the variance has given consideration to curtailing operations of the source in lieu of obtaining a variance. **Answer: OCWR is curtailing operations of the flare and will only operate the flare for testing and maintenance purposes until it passes its source test.**

5. During the period the variance is in effect, that the applicant will reduce excess emissions to the maximum extent feasible. **Answer: OCWR is curtailing operations of the flare and will only operate the flare for testing and maintenance purposes until it passes its source test, resulting in a reduction of emissions from the flare to the maximum extent feasible.**
  
6. During the period the variance is in effect, that the applicant will monitor or otherwise quantify emission levels from the source, if requested to do so by the district, and report these emission levels to the district pursuant to a schedule established by the district. **Answer: OCWR will monitor or otherwise quantify emissions from Flare 6 when operating the flare for testing and maintenance leading up to the source test in the manner requested by the district.**



## FACILITY PERMIT TO OPERATE OC WASTE & RECYCLING, FRB

### PERMIT TO CONSTRUCT

Granted as of 02/23/2022  
A/N 614468

#### Equipment Description:

Landfill Gas Flare, consisting of:

1. One (1) Knockout Vessel, Common to Flare I-1 to I-5
2. One (1) Flame Arrestor, horizontal type, in parallel.
3. One (1) Automatic Landfill Gas Shut-off Valve.
4. One (1) Flow Meter, with recorder.
5. One (1) Landfill Gas Booster Blower, 4000 scfm.
6. One (1) Flare (I-6), Perennial Energy ULE Enclosed Flare, Enclosed Flare, 120 mmBtu/hr (HHV), 48'-0" High by 12'-6" Dia., Propane Pilot Electric Ignitor, Ground Level, Shrouded with Combustion Air Blower, Automatic Combustion Air Fuel Ratio Control, UV Flame Scanner, Four 4" Source Test Ports.

#### Conditions:

1. Construction and operation of this equipment shall be conducted in accordance with all data and specifications submitted with the application under which this permit is issued unless otherwise noted below.  
[Rule 204]
2. This equipment shall be properly maintained and kept in good operating condition at all times.  
[Rule 204]
3. This equipment shall be operated by personnel properly trained in its operation.  
[Rule 204]
4. Identification tag(s) or nameplate(s) shall be displayed on the equipment to show manufacturer, model number, and the rated heat input capacity (HHV). The tag(s) or plate(s) shall be issued by the manufacturer and shall be affixed to the equipment in a permanent and conspicuous position.  
[Rule 204, Rule 1118.1, Rule 1303(b)(1)-Modeling, Rule 1303(b)(1)-Offsets]
5. The flare shall be designed and operated so that the flame in the flare remains below the height of the flare's operating thermocouple at all times.  
[Rule 204]
6. The flare shall be equipped with a sufficient number of view ports to allow visual inspection of the flame height within the flare at all times. The view ports shall be located at the elevation of the temperature sensor locations. Safe and adequate access shall be provided for all view ports upon request by South Coast AQMD personnel.  
[Rule 204, Rule 217]



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17. The heat input through the flare shall not exceed 120 MMBtu/hr (HHV). A log shall be kept indicating the total heating value of the landfill gas burned in the flare based on the recorded flow rate and weekly Btu content reading.  
[Rule 204, Rule 1303(b)(1)-Modeling, Rule 1303(b)(2)-Offset, Rule 1401]
18. All landfill gas shall be directed to this equipment for combustion and/or appropriate equipment which has an appropriate valid Permit to Construct or Operate issued by South Coast AQMD.  
[Rule 1150.1, Rule 1303(a)(1)-BACT]
19. The destruction efficiency for methane shall be at least 99% on the basis of mass of methane entering the flare.  
[Rule 1150.1]
20. The exhaust stack shall have a height at least 48'-0" above grade.  
[Rule 204, Rule 1401]
21. All recording devices shall be synchronized with respect to the time of day.  
[Rule 204]
22. Operation of this equipment shall not result in the release of landfill gas into the atmosphere. Any breakdown or malfunction which results in emissions of landfill gas shall be reported to the South Coast AQMD in accordance with Rule 430 provisions and immediate remedial measures shall be undertaken to correct the problem and prevent further emissions into the atmosphere.  
[Rule 402, Rule 430, Rule 1150.1]
23. This equipment shall be operated in compliance with all applicable provisions of Rules 431.1, 1118.1 and 1150.1.  
[Rule 431.1, Rule 1118.1, Rule 1150.1]
24. The operator shall conduct a source test on the flare at the maximum flow rates achievable at that time, within 90 days after the flare is able to achieve a firing period of at least 60 minutes, but not later than 180 days after initial startup, unless otherwise approved by South Coast AQMD. Thereafter, the operator shall conduct a source test on the flare in accordance with Rule 1118.1 and Rule 1150.1 and as indicated below, in as-found condition. Initial and subsequent source testing shall be conducted under the following conditions:
  - A. Testing shall be conducted by an approved contractor under the South Coast AQMD Laboratory Approval Program (LAP) and in compliance with South Coast AQMD Rule 304 (No Conflict of Interest).
  - B. The LAP contractor shall not conduct any pre-tests for compliance.
  - C. Sampling facilities shall comply with South Coast AQMD "Guidelines for Construction of Sampling and Testing Facilities" pursuant to Rule 217.
  - D. No later than 10 days prior to conducting a source test, South Coast AQMD shall be notified of the scheduled source test date. If a scheduled source test is delayed, an owner or operator shall notify the South Coast AQMD within 24 hours from the time that an owner or operator knew of the delay. An owner or operator shall provide at least 7 days prior notice of the rescheduled date of the source test or arrange a rescheduled date with the South Coast AQMD by mutual agreement.
  - E. A source test protocol shall be submitted to South Coast AQMD no later than 90 days before the proposed test date and shall be approved by South Coast AQMD before the test commences or a valid previously South Coast AQMD approved protocol may be used for recurring source test. At a minimum, the source test protocol should include the following:





## FACILITY PERMIT TO OPERATE OC WASTE & RECYCLING, FRB

- I. A description of the equipment tested. Include a process schematic indicating sampling locations/ports, and sampling duct/stack dimensions along with upstream and downstream flow disturbances (e.g. elbows, tees and fans).
  - II. A brief process description.
  - III. Operating conditions under which the test will be performed, including flow rate, temperature, pressure, and sewage treatment influent flow rate.
  - IV. A description of the sampling and analytical methods for each constituent measured.
  - V. Complete calculations for flow rates, concentrations, emission rates, and efficiencies.
  - VI. A description of the calibration and quality assurance procedures.
  - VII. Sampling facilities shall comply with the South Coast AQMD guidelines for construction of sampling and testing facilities, pursuant to Rule 217.
  - VIII. Copy of LAP approval for methods being used in the source test.
  - IX. A statement determining that the testing laboratory qualifies as an "independent testing laboratory" under Rule 304 (no conflict of interest), signed by the responsible authority.
- F. Source test report(s) shall be submitted to the South Coast AQMD Waste Management Permitting Unit within 45 days after completion of the source test, unless otherwise approved in writing by the South Coast AQMD. The testing shall be conducted when the equipment is in full operation, and shall include, but not limited to, unless otherwise approved by South Coast AQMD, a test of the inlet to the flare and the flare exhaust for:
- I. Methane
  - II. Total Non-Methane Organic Compounds (TNMOC)
  - III. Speciated organics including, but not limited to Rule 1150.1 Table 1 Carcinogenic and Toxic Air Contaminants
  - IV. NO<sub>x</sub>, as NO<sub>2</sub> (exhaust only)
  - V. CO (exhaust only)
  - VI. Total Particulates (PM<sub>10</sub>) (exhaust only)
  - VII. Oxygen and Carbon Dioxide
  - VIII. Moisture Content
  - IX. Temperature (exhaust only)
  - X. Flowrate of inlet landfill gas and exhaust gas
  - XI. Total Sulfur Compounds as Hydrogen Sulfide and speciated sulfur compounds (inlet only)
  - XII. Btu Value (HHV) (inlet only)
  - XIII. Nitrogen (exhaust only)
  - XIV. Methane and TNMOC destruction efficiency
- [Rule 204, Rule 217, Rule 304, Rule 1118.1, Rule 1150.1, Rule 1303(a)(1)-BACT, Rule 1303(b)(2)-Offset, Rule 1401, 40 CFR Subpart WWW, 40 CFR 63 Subpart AAAAA]
25. The operator shall operate and maintain this equipment according to the following requirements:
- A. The temperature in exhaust stack shall be maintained at a minimum of 1,400 degrees Fahrenheit, averaged over a 15- minute period and one-hour average shall be computed from data points in each one-hour period, whenever the equipment it serves is in operation.
  - B. Continuous exhaust temperature monitoring and recording system shall be pursuant to the operation and maintenance requirements specified in 40 CFR part 64.7. Such a system shall have an accuracy of within  $\pm 1\%$  of the temperature being monitored and shall be inspected, maintained, and calibrated on an annual basis in accordance with the manufacturer's specifications using an applicable South Coast AQMD or EPA approved method.