

BUTTE COUNTY
AIR QUALITY MANAGEMENT DISTRICT
HEARING BOARD
STAFF REPORT
Regular Variance #18-04

Hearing Date:
January 29, 2019 at 11:00 a.m.
Butte County Association of Governments Board Room,
326 Huss Drive, Suite 100, Chico, CA

INTRODUCTION

Neal Road Recycling and Waste Facility (Petitioner) operates the Butte County sanitary landfill located at 1023 Neal Road, Paradise, CA. The site consists of 5 permitted disposal modules, landfill gas collection system with flare control, and leachate collection and evaporation system. On November 8, 2018, the facility's landfill gas collection system was severely damaged by an uncontrolled wildfire. The facility was granted an interim variance from November 15, 2018 to February 13, 2019. In accordance with the requirements of California Health and Safety Code, the Petitioner has requested a regular variance to continue operations while repairs are still being made.

BACKGROUND

The landfill gas system was first permitted in 2001. Since that time, three modules or cells of disposed materials have been encapsulated and closed off. Each of these modules have a series of vertical and horizontal landfill gas collection wells that direct the gas (about 50% methane) to over ground piping to the landfill flare. The flare is required to combust the gas to ensure at least 98% destruction efficiency. In 2015, a landfill gas to energy facility was constructed to turn the gas into electricity. Based on reports, the energy facility was not affected by the fire; however, power to the energy facility was and the it remains off-line.

The wildfire destroyed about 70% of the over ground piping and some well head structures. The petitioner has since successfully routed all undamaged well head structures to the existing flare. All damaged well head structures have been successfully capped to prevent excess gas emissions. However, routing efforts from the damaged wells to the flare is still ongoing.

FINDINGS OF FACT TO GRANT A REGULAR VARIANCE

Pursuant to the requirements of the California Health and Safety Code (HSC) Section 42352, the Hearing Board must make six findings to grant a variance. The following section of the staff report states the six findings required and topics for discussion assembled by staff to explore the petition in considering the findings.

1. That the Petitioner for a variance is, or will be, in violation of Section 41701 of the California Health and Safety Code, or of any rule, regulation, or order of the District.

Discussion: The current state and operation of the landfill gas collection system is not in compliance with condition #s 2,3,4,and 13 of Permit to Operate NRL-01-01, and conditions of Title V Operating Permit No. NRL-16-01-TV and subsequently District Rule 700.

2. That, due to conditions beyond the reasonable control of the Petitioner, requiring compliance would result in either (1) an arbitrary or unreasonable taking of property, or (2) the impractical closing and elimination of a lawful business.

Discussion: Requiring the Petitioner to cease or limit operations would result in an unreasonable restriction for the citizens of Butte County and the subsequent closing would not stop the production of landfill gas in the landfill. Closing the essential public service would displace approximately 25 employees.

3. That the closing or taking would be without a corresponding benefit in reducing air contaminants.

Discussion: The closing of the landfill would not stop VOC/methane emissions from occurring from the damaged areas. The current open sections of the landfill are being controlled so curtailing receiving waste would not have a benefit for the damaged areas.

4. That the Petitioner has given consideration to curtailing operations in lieu of obtaining a variance.

Discussion: Curtailing operations would not affect VOC/methane production in the landfill as this is a biological process that is continuously occurring. The current open sections of the landfill are being controlled so curtailing receiving waste would not have a benefit for the damaged areas.

5. During the period the variance is in effect, that the Petitioner will reduce excess emissions to the maximum extent feasible.

Discussion: The Petitioner has successfully restored damaged well head structures that were potential emission points during the interim variance and has demonstrated substantial progress in the other restoration efforts. The Petitioner has committed to work closely with the Butte County Air Quality District to reduce excess emissions to the maximum extent feasible.

6. During the period the variance is in effect, that the Petitioner will monitor or otherwise quantify emission levels from the source, if requested to do so by the District, and report these emissions levels to the District pursuant to a schedule established by the District.

Discussion: The Petitioner is working with its contractors to monitor landfill gas operations and address emissions.

The Petitioner has been notified that the Hearing Board must make each of the six findings before granting a regular variance. Copies of the regular variance petition and attachments are attached for reference and have been made available to interested members of the public.

IMPOSITION OF ADDITIONAL REQUIREMENTS/DISCRETION OF HEARING

BOARD

Upon making the specific findings set forth in Section 42352, the Hearing Board shall prescribe requirements other than those imposed by statute or by any rule, regulation, or order of the district board, not more onerous, applicable to plants and equipment operated by specified industry or business or for a specified activity, or to the operations of individual persons. In prescribing other and different requirements, the Hearing Board shall exercise wide discretion in weighing the equities involved and advantages to the residents of the District from the reduction in air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

The Air Pollution Control Officer (APCO) recommends that the following conditions, at a minimum, be placed in the Order should the Hearing Board grant the petition for a Regular Variance:

1. This Regular Variance shall be effective from November 15, 2018 through November 14, 2019, or until the design problems with the process and air pollution control equipment have been corrected, whichever occurs first.
2. This Regular Variance is valid for temporary relief from following requirements of Permit to Operate # NRL-01-01 (and related Title V Operating permit conditions) and applicable rules:
 - Control and Operate a landfill gas collection system to collect gas and route it to the flare or energy plant (Cond. A.2.)
 - Maintain a flare to destroy VOCs from the collection system with at least 98% destruction efficiency.
 - Other operations subject to permit conditions that have been damaged or destroyed by the fire.
3. Within thirty (30) days of the expiration of this variance and not later than December 14, 2019, the Petitioner shall submit a written report to the APCO which includes actions taken to achieve compliance with air quality permit requirements and any excess emissions recorded during the variance period.
4. Failure to comply with any condition of this Regular Variance may render the variance null and void.

Finally, pursuant to Rule 504, Section 4, Staff is recommending the Hearing Board waive the

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petition fees for this regular variance petition as the noncompliance is a result of a catastrophic event that was beyond the control of the petitioner and the affected party is an essential public service.

Staff contact for this Regular Variance petition is Ali Roohani.

W. James Wagoner,
Air Pollution Control Officer

By: 

Date: 1/11/19

Attachments: Petition #18-04
Permit to Operate No. NRL-01-01