

State of California
AIR RESOURCES BOARD

**Second Notice of Public Availability of Modified Text and
Availability of Additional Documents and Information**

PUBLIC HEARING TO CONSIDER THE ADOPTION OF A REGULATION TO
REDUCE METHANE EMISSIONS FROM MUNICIPAL SOLID WASTE LANDFILLS

Public Hearing Date: June 25, 2010
First Public Availability Dates: October 5, 2009 – October 21, 2009
Second Public Availability Date: April 19, 2010
Deadline for Public Comment: May 4, 2010

At its June 25, 2009, public hearing, the Air Resources Board (ARB or Board) approved the adoption to the California Code of Regulations, title 17, article 4, subarticle 6, sections 95460 to 95476, Methane Emissions from Municipal Solid Waste Landfills.

At the hearing, the Board approved staff's recommended modifications in response to comments received during the public comment period that began on May 8, 2010, and ended at the hearing on June 25, 2010. As a result, on October 5, 2009, the first Notice of Public Availability of Modified Text and Availability of Additional Documents and Information (1st 15-Day Change Notice) was issued. The public comment period for the 1st 15-Day Change Notice ended October 21, 2009.

This document contains staff's second set of proposed modifications to the proposed regulatory text as set forth in Appendix A to the Staff Report: Initial Statement of Reasons, released on May 8, 2009. All of the text shown in Attachment 1 is new language to be added to the California Code of Regulations. The originally proposed language is shown with no underlines or strikeouts. The first set of modifications to the originally proposed language was released on October 5, 2009; the modifications are shown in ~~strikeout~~ to indicate deletions and underline to indicate additions. The second set of modifications are shown in ~~double-strikeout~~ to indicate proposed deletions and double underline to indicate proposed additions. The symbol "*****" indicates that regulatory language not being amended is not shown. The rationale for the modifications to the regulation is set forth below.

I. Additional Modifications to the Original Proposal

- Section 95471(f)(1) was modified by inserting the corresponding starting page numbers in the Federal Register for each test method to improve clarity.
- The regulation as originally adopted cited 40 Code of Federal Regulations (CFR) § 60.18 incorrectly in sections 95464(b)(2)(B), 95470(a)(2)(E), and 95471(f)(2) as: "last amended 65 Fed.Reg. 61752, October 17, 2000." Sections 95464(b)(2)(B), 95470(a)(2)(E), and 95471(f)(2) were modified to correct the

citation by replacing the erroneous citation with the following: 73 Fed.Reg. 78209, December 22, 2008.

II. Additional Document added to the Record

In the interest of completeness, staff has also included to the rulemaking record the following document, which is referenced in the approved regulation:

- 73 Fed. Reg, 78209, December 22, 2008.

III. Comments and Subsequent Action

The Resolution and all other regulatory documents for this rulemaking are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2009/landfills09/landfills09.htm>.

In accordance with the Government Code, section 11346.8, the Board directed the Executive Officer to adopt in the California Code of Regulations, title 17, sections 95460 to 95476, after making them available to the public for comment for a period of at least fifteen days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Only comments relating to the above-described modifications to the text of the regulations, as set forth in Attachment I, will be considered by the Executive Officer. Comments will also be accepted on the additional document being added to the record. The written comments may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be

considered by the Executive Officer.

If you need this document in an alternate format (i.e., Braille, large print, etc.) or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo (por decir, sistema Braille, o en impresión grande) u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Attachments

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see ARB's website at www.arb.ca.gov.