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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 HAWTHORNE STREET
SAN FRANCISCO, CALIFORNIA 94105**

In the Matter of:)	Docket No.
)	CAA-09-2026-0011
County of Sacramento—Kiefer Landfill)	
)	CONSENT AGREEMENT AND
Respondent.)	FINAL ORDER
)	

I. CONSENT AGREEMENT

The United States Environmental Protection Agency, Region IX (“EPA”), and the County of Sacramento (“Respondent”) agree to settle this matter and consent to the entry of this Consent Agreement and Final Order (“CAFO”), which simultaneously commences and concludes this matter in accordance with 40 C.F.R. §§ 22.13 and 22.18.

A. AUTHORITY, JURISDICTION, AND PARTIES

1. This is a civil administrative penalty assessment proceeding brought under section 113(d) of the Clean Air Act (the “Act”), 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice

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Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, Region IX (“EPA”), who has been duly delegated the authority to initiate and settle civil administrative penalty proceedings under section 113(d) of the Act.
3. Respondent is a municipal entity that, among other things, owns and operates the Landfill located at 12701 Kiefer Boulevard, in Sloughouse, California, zip code 95683.
4. Pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), EPA and the United States Department of Justice jointly determined that this matter, which involves alleged violations that occurred more than one year before this proceeding, is appropriate for an administrative penalty assessment.
5. EPA issued a Finding and Notice of Violation (“FOV/NOV”) to Respondent on March 1, 2024, and provided a copy of the FOV/NOV to the California Air Resources Board (“CARB”) and the Sacramento Metropolitan Air Quality Management District (“SMAQMD”). The FOV/NOV provided notice to the Respondent and to CARB and SMAQMD that EPA found that the Respondent committed the alleged violations described in Section I.C of this CAFO and provided the Respondent an opportunity to confer with EPA.

B. STATUTORY AND REGULATORY AUTHORITY

**National Emission Standards for Hazardous Air Pollutants (“NESHAP”) General Provisions
and Subpart AAAA**

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6. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), requires EPA to promulgate emission standards for sources of hazardous air pollutants (“HAPs”) to achieve the maximum emission reduction of HAPs achievable for each source category.
7. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA first promulgated the NESHAP General Provisions, at 40 C.F.R. Part 63, Subpart A, on March 16, 1994, at 59 Fed. Reg. 12430. They have been amended numerous times since then and apply as specified in the relevant NESHAP, 40 C.F.R. § 63.1(a)(4)(i).
8. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), on January 16, 2003, EPA promulgated the Landfill NESHAP at 40 C.F.R. Part 63, Subpart AAAA. *See* 68 Fed. Reg. 2227.
9. The HAPs emitted by MSW landfills include, but are not limited to, vinyl chloride, ethyl benzene, toluene, and benzene. Each of the HAPs emitted from MSW landfills can cause adverse health effects. *See* 68 Fed. Reg. 2227.
10. EPA promulgated amendments to the Landfill NESHAP at 40 C.F.R. Part 63, Subpart AAAA on March 26, 2020. *See* 85 Fed. Reg. 17,244.
11. Section 63.1935(a)(3) of the Landfill NESHAP provides, in pertinent part, that an owner or operator of an MSW landfill that has accepted waste since November 8, 1987, is subject to the Landfill NESHAP if the landfill has a design capacity equal to or greater than 2.5 million Mg and 2.5 million m³ and has estimated uncontrolled emissions equal to or greater than 50 Mg per year of NMOC.
12. Section 63.1930(a) of the Landfill NESHAP provides, in pertinent part, that before September 28, 2021, MSW landfills subject to the Landfills NESHAP must meet the requirements of the Landfill NSPS at 40 C.F.R. Part 60, Subpart WWW.

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13. Section 63.1930(b) of the Landfill NESHAP provides, in pertinent part, that beginning no later than September 27, 2021, MSW landfills subject to the Landfills NESHAP must meet the requirements of Subpart AAAA.

Applicable MSW Landfill NESHAP Requirements

14. The Landfill NESHAP requires that each subject owner or operator of an MSW landfill that has a gas collection and control system (“GCCS”) with an active collection system used to comply with applicable provisions must use the active collection system to collect gas from each area, cell, or group of cells in the MSW landfill in which solid waste has been in place for five or more years if the landfill is active or two years or more if closed or at final grade. 40 C.F.R. §§ 63.1958(a), 63.1959(b)(2)(ii)(B)(2).
15. The Landfill NESHAP requires that each subject owner or operator of an MSW landfill with a GCCS with an active collection system used to comply with the applicable provisions to use the active collection system to collect gas at a sufficient extraction rate. 40 C.F.R. § 63.1959(b)(2)(ii)(B)(3).
16. The Landfill NESHAP defines “sufficient extraction rate,” as “a rate sufficient to maintain a negative pressure at all wellheads in the collection system without causing air infiltration, including any wellheads connected to the system as a result of expansion or excess surface emissions, for the life of the blower.” 40 C.F.R. § 63.1990.
17. The Landfill NESHAP requires each owner or operator of an MSW landfill with a GCCS used to comply with applicable provisions to operate the collection system with negative pressure at each wellhead except during a fire or elevated temperature, during the use of a geomembrane or synthetic cover, or on a decommissioned well. 40 C.F.R. § 63.1958(b).

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18. The Landfill NESHAP requires each owner or operator of an MSW landfill with a GCCS used to comply with applicable provisions to operate the collection and control device in accordance with the operational, compliance and monitoring provisions of the Landfill NESHAP. 40 C.F.R. § 63.1957(a).
19. The Landfill NESHAP provides that, in the even the gas collection or control system is not operating, (1) the gas mover system must be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere must be closed within one hour of the collection or control system not operating; and (2) efforts to repair the collection or control system must be initiated and completed in a manner such that downtime is kept to a minimum and the collection and control system must be returned to operation. 40 C.F.R. § 63.1958(e).
20. The Landfill NESHAP provides that, where an owner or operator seeks to demonstrate compliance with the operational standards in introductory paragraph 40 C.F.R. § 63.1958(e), the provisions of the Landfill NESHAP apply at all times, except during periods of Shutdown, Startup, and Malfunction (“SSM”), provided that the duration of SSM does not exceed 5 days for collection systems and does not exceed 1 hour for treatment or control devices. Once an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with the operational standard in § 63.1958(e)(1), the provisions of this subpart apply at all times, including periods of SSM. During periods of SSM, the owner or operator must comply with the work practice requirement specified in § 63.1958(e) in lieu of the compliance provisions in § 63.1960. 40 C.F.R. § 63.1960(e).

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21. The Landfill NESHAP requires that at all times, beginning no later than September 27, 2021, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. 40 C.F.R. § 63.1955(c).
22. The Landfill NESHAP requires compliance with the emissions standards and the operating standards of 40 C.F.R. § 63.1958 at all times. 40 C.F.R. § 1964(b).

Title V Permit

23. Pursuant to Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), it is unlawful to violate any requirement of a Title V permit issued by a permit authority with a program approved under Title V of the CAA.
24. Effective January 1, 2004, EPA issued full final approval of Title V Program for the Sacramento Metropolitan Air Quality Management District (“SMAQMD”). See 40 C.F.R. Part 70, Appendix A.
25. On January 25, 2002, the SMAQMD issued the initial Title V Permit for the Landfill. On January 25, 2012, the SMAQMD issued the second permit renewal for the Landfill, which is the Landfill’s current Title V Permit (the “Title V Permit”). On January 22, 2016, Sacramento County submitted an application to SMAQMD to renew the Title V permit.
26. Section III.7 of the Landfill’s Title V Permit states that if a complete application for renewal has been submitted according to the permit requirements, the existing permit will continue in force until the SMAQMD issues or denies a renewed permit.

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27. The Title V Permit requires that landfill gas shall be collected from each area, cell, or group of cells in the Landfill in which the initial solid waste has been placed for a period of 5 years or more if active or 2 years or more if closed or at final grade. Condition V.A.B.4 of the Title V Permit.
28. The Title V Permit requires that landfill gas shall be collected at a sufficient extraction rate. Condition V.A.B.5 of the Title V Permit.
29. The Title V Permit requires that the landfill gas collection system shall operate such that each landfill gas wellhead exhibits negative pressure except under the following conditions: (A) A fire or increased well temperature. The owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. (B) Use of geomembrane or synthetic cover. (C) A decommissioned well. Condition V.A.B.9 of the Title V Permit.

C. ALLEGATIONS

30. At all times relevant to this CAFO, Respondent was an owner or operator of the Landfill as that term is defined in the NESHAP, 40 C.F.R. § 60.2.
31. At all times relevant to this CAFO, Respondent was the permit holder of the Title V permit.
32. From January 24, 2023, to September 12, 2023, the County was in violation of the Landfill NESHAP and specific provisions of the Landfill's Title V permit as cited below.
33. The County failed to operate the Landfill's GCCS such that gas is collected from each area, cell, or group of cells in the Landfill in which solid waste has been in place for five or more years, in violation of 40 C.F.R. §§ 63.1958(a), 63.1959(b)(2)(ii)(B)(2), and Condition V.A.B.4 of the Title V Permit.

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34. The County failed to operate the Landfill's GCCS such that it collects gas at a sufficient extraction rate, in violation of 40 C.F.R. § 63.1959(b)(2)(ii)(B)(3) and Condition V.A.B.5 of the Title V Permit.
35. The County failed to operate the Landfill's GCCS with negative pressure at each wellhead, in violation of 40 C.F.R. § 63.1958(b) and Condition V.A.B.9 of the Title V Permit.
36. The County failed to maintain compliance at all times with the emissions standards and the operating standards of 40 C.F.R. § 63.1958, in violation of 40 C.F.R. § 63.1957(a).
37. The County failed to minimize GCCS downtime and emissions that occurred during the construction on Module 1, in violation of 40 C.F.R. §§ 63.1955(c), 63.1958(e) and 63.1960(e).

D. RESPONDENT'S ADMISSIONS

38. During the time relevant to the allegations in paragraphs 30 to 37, the County was in the process of final cover construction for the Module M-1 top deck. The top deck of Module M-1 is approximately 54 acres in size, and construction of the final cover required depositing no less than five additional vertical feet of soil on top of the interim cover, or roughly 657,000 cubic yards of soil material.
39. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding,
- Respondent: (i) admits that EPA has jurisdiction over the subject matter alleged in this CAFO and over Respondent; (ii) neither admits nor denies the specific factual allegations contained in Section I.C of this CAFO; (iii) consents to the assessment of the civil administrative penalty under Section I.E of this CAFO; (iv) waives any right to contest the

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allegations set forth in Section I.C of this CAFO; and (v) waives the right to appeal the proposed Final Order contained in this CAFO.

40. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement.

E. CIVIL ADMINISTRATIVE PENALTY

41. Respondent agrees to pay a civil penalty in the amount of ONE HUNDRED NINETY-SIX THOUSAND NINE HUNDRED THIRTY-SIX DOLLARS (\$196,936) (“Assessed Penalty”) within thirty (30) days after the date of the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk (“Filing Date”).
42. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
43. When making a payment, Respondent shall:
- a. Identify every payment with Respondent’s name and the docket number of this CAFO, CAA-09-2026-0011,
 - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Regional Hearing Clerk
Office of Regional Counsel
U.S. Environmental Protection Agency, Region IX
R9HearingClerk@epa.gov

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Tyler Holybee
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region IX
Holybee.Tyler@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

- c. If Respondent fails to pay in full the Assessed Penalty within thirty (30) days of the Filing Date, then Respondent shall pay to EPA the stipulated penalty of ONE THOUSAND DOLLARS (\$1,000.00) for each day the default continues, in addition to the assessed penalty, upon written demand by EPA. Stipulated penalties shall accrue until the Assessed Penalty and all accrued stipulated penalties are paid and shall become due and payable upon EPA’s written request.

44. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts:

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- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7524(c)(6), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the Internal Revenue Service (“IRS”) standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.
- b. Handling Charges. The United States’ enforcement expenses including, but not limited to, attorneys’ fees and costs of handling collection.
- c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

45. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this CAFO, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following:

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the IRS for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

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- c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
- d. Request that the Attorney General bring a civil action in the appropriate district court to enforce the Final Order and recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty and Final Order shall not be subject to review.

46. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

G. CERTIFICATION OF COMPLIANCE

47. In executing this CAFO, Respondent certifies that, to its knowledge, it is currently in compliance with the Landfill NESHAP and its Title V permit.

H. RETENTION OF RIGHTS

48. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's liability for federal civil penalties for the violations and facts specifically alleged in Section I.C of the CAFO. Nothing in this CAFO is intended to or shall be construed to resolve (i) any civil liability for violations of any provision of any federal, state, or local law, statute, regulation, rule, ordinance, or permit not specifically alleged in Section I.C of the CAFO; or (ii) any criminal liability. EPA specifically reserves any and all authorities, rights, and remedies

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available to it (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address any violation of this CAFO or any violation not specifically alleged in Section I.C of the CAFO.

49. This CAFO does not exempt, relieve, modify, or affect in any way Respondent's duty to comply with all applicable federal, state, and local laws, regulations, rules, ordinances, and permits.

I. ATTORNEY'S FEES AND COSTS

50. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this Proceeding.

J. EFFECTIVE DATE

51. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CAFO shall be effective on the date that the Final Order contained in this CAFO, having been approved and issued by either the Regional Judicial Officer or Regional Administrator, is filed.

K. BINDING EFFECT

52. The undersigned representative of EPA and the undersigned representative of Respondent each certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to bind the party he or she represents to this CAFO.

53. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.

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The foregoing Consent Agreement *In the Matter of: County of Sacramento—Kiefer Landfill*,
Docket No. CAA-09-2026-0011 is hereby stipulated, agreed, and approved for entry.

FOR RESPONDENT:

7/29/2025

Date

DocuSigned by:


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Signature

Printed Name: Keith Goodrich

Title: Director

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The foregoing Consent Agreement *In the Matter of: County of Sacramento—Kiefer Landfill*,
Docket No. CAA-09-2026-0011 is hereby stipulated, agreed, and approved for entry.

FOR COMPLAINANT:

Date

JOEL JONES

Digitally signed by JOEL
JONES
Date: 2025.10.01
10:19:33 -07'00'

for/ Amy C. Miller-Bowen
Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

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II. FINAL ORDER

EPA Region IX and the County of Sacramento, having entered into the foregoing Consent Agreement, IT IS HEREBY ORDERED that this CAFO (Docket No. CAA-09-2026-0011) be entered, and Respondent shall pay a civil administrative penalty in the amount of ONE HUNDRED NINETY-SIX THOUSAND NINE HUNDRED THIRTY-SIX DOLLARS (\$196,936) and otherwise comply with the terms set forth in the CAFO.

Beatrice Wong
Regional Judicial Officer
United States Environmental Protection Agency
Region IX

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order in the matter of County of Sacramento Kiefer Landfill (Docket No. CAA-09-2026-0011) was filed with Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was served on the parties, via electronic mail, as indicated below:

RESPONDENT: Brittany Johnson
Attorney
Somach Simmons & Dunn
500 Capitol Mall, Suite 1000
Sacramento, CA 95814
Bjohnson@somachlaw.com

COMPLAINANT: Jacob Finkle
Assistant Regional Counsel
U.S. EPA – Region IX
Air & Toxics Section II (ORC-2-2)
75 Hawthorne Street
San Francisco, CA 94105
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Ponly Tu
Regional Hearing Clerk
U.S. EPA – Region IX