

Solid Waste Industry for Climate Solutions

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October 21, 2009
Clerk of the Board
Chair, California Air Resources Board
1001 I Street
P.O. Box 2815
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To Whom It May Concern:

Comments on the 15-Day Modifications to the Original Proposed Regulation to Reduce Methane Emissions from Municipal Solid Waste Landfills

We appreciate the opportunity to comment on the 15-Day Modifications to the Original Proposed Regulation to Reduce Methane Emissions from Municipal Solid Waste Landfills. The undersigned are representatives of an informal organization of solid waste management and recycling organizations known as the Solid Waste Industry for Climate Solutions (SWICS). The entities represented by this organization provide comprehensive waste management, biomass energy and recycling services throughout California. The purpose of this organization is to provide Climate Change policy makers with the most accurate information about our industry and our potential contributions to climate change solutions.

SWICS would like to extend our appreciation to CARB staff for all their efforts to work with our industry, listen to our concerns and make changes to the proposed regulation. We believe that the final product when fully implemented, will provide real methane reduction from landfills operated here in the State of California. However, there remain two areas where SWICS would like to provide comment. The first concerns the implementation of the regulation. Implementation has been an on-going concern to SWICS and we believe that this represents an issue that has not been fully resolved. Our second concern is what we believe to be some inaccurate statements that were made at the June 25, 2009 public hearing to adopt this regulation, which should be cleared up. Each of these points are discussed more fully below.

Implementation

In the past SWICS has commented on the lack of involvement of local air districts in the working group process and how many of the provisions of the proposed regulation may be “up to interpretation.” The proposed 15-day changes have certainly cleared up many of the uncertainties in rule language; however, implementation of this regulation will still be a challenge to many operators.

At the June 25 Board Hearing, staff agreed to an Implementation Workgroup to help deal with many uncertainties with the regulation that will undoubtedly occur. In addition, some local AQMDs have agreed to establish MOUs with CARB in implementing the regulation locally, and the SCAQMD is likely to revise their Rule 1150.1 to incorporate the state requirements. These are all positive steps in ensuring a smooth transition for landfill operators affected by the regulation, but to date, none of these steps have occurred and the regulation is proposed to become effective January 1, 2010 with the surface methane standards to become effective one-year later.

SWICS is very concerned with the timing of this process and the challenges industry will face in implementing the regulation. Bear in mind that after the 15-day process is completed, a final package still needs to be submitted to OAL which is likely to take us into December, and the regulation becomes effective January 1, 2010, yet the Implementation Workgroup has not been formed, and no MOUs with local AQMDs have been executed. SWICS does not believe it is good public policy to allow a regulation to proceed with this level of uncertainty, especially considering the severe penalty provisions contained in the proposed regulation.

Recognizing the implementation issues industry will face because of these timing issues, SWICS recommends that implementation of the proposed regulation be pushed back at least six months. This delay will provide time for the Implementation Workgroup to be formed and meet, and for the local AQMDs to develop a strategy for implementing the regulation avoiding a situation where industry must comply with, in some cases, dual or even triple regulations (e.g., local landfill regulations, CARB regulations and the Federal NSPS for landfills).

Public Testimony of Concern

During public testimony at the June 25 Board Hearing, two points were made that SWICS believes are inaccurate, and deserve some discussion.

First, a speaker portrayed the proposed regulation as “not particularly ambitious in terms of reducing emissions from landfills”. Landfills operated in the State of California face some of the toughest regulations in the entire nation. SWICS believes that in some regions, landfills are so heavily regulated that little more methane can be extracted. In general though, the proposed regulation will “level the playing field” for all affected landfills in the state resulting all these sites collecting as much methane as feasible. Fully reaching the objectives of the proposed regulation will require a significant effort from industry, and in many cases will be at great cost. SWICS believes that this is likely the most “ambitious” effort in the world to control methane from landfills. Minimizing the effort to get there, especially considering the solid waste industry’s past efforts and commitments to reduce methane, is a disservice to the industry.

A second issue brought up by a speaker surrounds CARB’s effort to establish a landfill gas collection efficiency estimate for use in determining the effectiveness of the proposed regulation.

Staff's work was based upon a published study by the Los Angeles County Sanitation Districts (LACSD) that provides a methodology for estimating collection efficiency at one of its closed landfills. In fact, this methodology was later field-verified in a study done with the oversight of DTSC. The speaker believed that the use of this study was not valid, and urged staff to "reanalyze the emission reductions associated with this measure." SWICS will not go into significant detail as to why this conclusion is incorrect, since LACSD already has a detailed letter to the Board on record explaining why the study is appropriate, however, some general statements should be made.

The state has used a default landfill collection efficiency of 75% for purposes such as the greenhouse gas inventory, and for other purposes. The use of this value has been heavily disputed by SWICS in past correspondence and studies that have already been submitted to staff. The 85% landfill gas collection efficiency estimated by staff is a more realistic estimate of collection efficiency. In fact, studies have found that collection efficiencies could be as high as 99%; but it is certainly well established that 75% is too low. The speaker objected to the use of a closed landfill study by CARB staff, as "not representative" of active sites throughout the state. An important point that is missed in this statement is that the method of determining collection efficiency in this study was based up measured surface levels. Thus, landfills complying with the proposed regulation, and in many cases, existing regulations, would achieve the same low surface emission levels found at this closed site, and thus have a similar landfill gas collection efficiency.

SWICS has shown that many studies conducted to date, as well as on-going studies, support the fact that well operated landfills will achieve high landfill gas collection efficiencies; the science is very strong. SWICS believes that the real issue here is how recognition of higher collection efficiency at landfills operated in the state will affect diversion efforts, such as organics diversion, by many groups in the state. It should be clear that our industry strongly supports alternatives to landfills, where practical, but we strongly object to any unwarranted attacks on landfills to achieve these objectives.

Clerk of the Board
October 21, 2009

Thank you for the opportunity to provide these comments for your consideration. Please contact any one of the undersigned if you have questions.

Sincerely,

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