



## WASTE MANAGEMENT

### Public Affairs

915 L Street, Suite 1430  
Sacramento, CA 95814  
916/552-5859  
916/448-2470Fax

June 7, 2012

Dr. David Edwards, Manager  
Climate Change Reporting Section  
California Air Resource Board  
P.O. Box 2815  
Sacramento, CA 95812

Via Email: [dedwards@arb.ca.gov](mailto:dedwards@arb.ca.gov)

**Subject: Mandatory GHG Reporting Regulation Proposed Revisions**

Dear Dr. Edwards:

On behalf of Waste Management (WM), I am submitting comments on the CARB Discussion Draft of Proposed Revisions to the Mandatory Reporting Regulation (California Code of Regulations, sections 95100-95157) issued May 30, 2012. We appreciate the opportunity to submit these comments. The Cap & Trade Regulation will have a significant impact on solid waste management, including the generation of low carbon renewable energy from waste and the advancement of technologies that will result in a cleaner environment and fewer emissions of greenhouse gases into our atmosphere.

Waste Management is the leading provider of comprehensive waste management and environmental services in North America. The company serves approximately 20 million municipal, commercial, industrial, and residential customers through a network of 390 collection operations, 294 transfer stations, 266 active municipal solid waste (MSW) landfill disposal sites, 17 waste-to-energy (WTE) power plants, 121 recycling facilities, 34 organic processing facilities and 131 beneficial-use landfill gas projects. Many of these facilities operate in California.

Our comments are directed at proposed revisions to the Applicability Section 95101(a) (1) (B) that would subject flares used for environmental control of municipal solid waste landfills to the reporting requirements. The revisions will have a significant impact on the solid waste operations in California. This impact is contrary to the advertised intent of the revisions to merely clarify reporting requirements and not significantly change regulation.

The notice for the workshop held on May 30, 2012, stated “[t]he potential revisions would clarify requirements in several sections of the regulation.” Revisions were purported to be relatively minor and in keeping with the Mandatory Greenhouse Gas Emissions Reporting rule that only became effective five months ago.

In truth, the revisions, if promulgated, would result in up to a three-fold increase for operators in the number of landfills for which they are required to report under the rule. We do not believe there is an environmental basis for such a significant change. Other types of facilities that use flares for environmental control of emissions (e.g., wastewater plants, refineries, oil field operations, etc.) appear not to be similarly affected, and we are concerned that landfills are being singled out in this rulemaking. The landfill flare emissions themselves are biogenic, and therefore do not contribute to Climate Change, and the flares significantly reduce greenhouse gas emissions by destroying methane in the landfill gas. If the revision takes effect, the result will be increased costs and unnecessary expenditure of resources by landfill operators and the State of California for no environmental benefit.

With regard to landfill emissions generally, I would point out that CARB has already taken direct action through regulations to limit landfill emissions to the lowest achievable level through implementation of the Landfill Methane Rule (LMR) under 17 Code of California Regulations. CARB's own rule requires the installation and operation of flares to control methane emissions landfills, making the use of the flares a regulatory requirement. California's regulations represent the most stringent landfill methane control regulations in the world.

Finally, we refer CARB to the U.S. EPA's Mandatory Reporting Rule (MRR) under 40 Code of Federal Regulations (CFR) Part 98 with reference to its approach to reporting emissions from flares. Subpart C of 40 CFR 98 excludes emissions from landfill gas flares from mandatory reporting since these devices are for emission control and are required to comply with federal, state, and local air quality regulations. When CARB reviewed, state and federal reporting requirements several months ago, this flare exemption took effect in California. The proposed rulemaking would reverse that, and we believe punish landfill and other facility owner/operators for doing what is required of them to comply with applicable requirements. U.S EPA exempted flares from GHG reporting for good reason --- they are control devices required for compliance with other regulations. Therefore, we encourage CARB to recognize, as the U.S. EPA has recognized, that flares should be excluded from mandatory GHG reporting.

Thank you for this opportunity to submit comments. I am looking forward to meeting with you to discuss our concerns. I believe Ray Huff of SCS Engineers has scheduled a meeting with you at 4 pm PDT on Tuesday, June 12 at your offices.

Sincerely,



Charles A. White, P.E.  
Director of Regulatory Affairs/West

cc: Richard Bode, CARB, rbode@arb.ca.gov  
Pat Sullivan, SCS Engineers, psullivan@scsengineers.com  
Ray Huff, SCS Engineers, rhuff@scsengineers.com