



June 18, 2007

Dr. Robert Sawyer, Chair  
California Air Resources Board  
1001 I St.  
Sacramento, California 95814

RE: Proposed Early Actions to Mitigate Climate Change In California

Dear Chairman Sawyer:

RCRC is composed of members of the Boards of Supervisors from our 30 member counties. In addition, 22 RCRC member counties have formed the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) to provide assistance to counties regarding the management of solid waste. The ESJPA assists our member counties with the current diversion requirements that each California County must meet. Our organizations welcome this opportunity to comment on the greenhouse gas (GHG) mitigation measures outlined in the California Air Resources Board (ARB) report entitled, "Proposed Early Action Items to Mitigate Climate Change in California". While we appreciate the efforts of ARB staff to create a reasonable list of items that can be implemented by the 2010 deadline, we would like to express concern regarding the process and proposed early action items.

In the face of AB 32 implementation, RCRC and ESJPA are very interested in the prospect of voluntarily contributing to the process of reducing GHG emissions through carbon sequestration and the use of better technology. However, we are concerned about the adoption of unfunded mandates due to the proportionately higher costs rural counties face to comply with new regulations, and feel the proposed Group 1 early action item requiring improved landfill methane capture could pose unrealistic requirements on small rural landfills.

Our organizations have reservations regarding the time frame and cost of the proposed regulation requiring improved landfill methane capture. We understand the concern on GHG emissions from landfills throughout the state, but the emissions from small, rural landfills are comparatively insignificant to emissions produced by large landfills. Collectively, our 30 member counties handle less than four percent (4%) of California's 42 million tons. Even though our counties range over 46% of California's

area, the 30 rural counties represent only seven (7%) of the state's population, and contribute just a fraction of the ARB's estimate of 8.4 million metric tons of emissions from landfills. Some of these landfills are so small that they accept less than one garbage truck per day. The amount of landfill gas in many small landfills is not even measurable. Attempts to capture this gas will be expensive and can potentially cause underground fires at these sites. Rural landfills that have detected measurable landfill gas are already taking measures under the constant supervision of Local Enforcement Agencies and the California Integrated Waste Management Board.

Many county-owned rural landfills that may be required to comply with the proposed regulation are closed, and making it infeasible to comply in a short timeframe. Nearly half of the 100 rural county landfills on the ARB staff data collection list are closed. Of the active rural landfills, 18 receive 10 tons per day or less, another 18 receive less than 50 tons per day, six receive less than 100 tons per day. Very few of these sites are privately owned and most do not accept out of county wastes.

Should the Board decide to move forward with landfill methane capture as an early action item, we formally request that a stakeholder working group be established to provide technical advice to staff during the rulemaking process, and that a representative from ESJPA be included in that group. We also request that exemptions be considered for small rural landfills that contribute a small fraction of the total GHG emissions from landfills.

In addition to Group 1 measures, we also have concerns regarding items listed among the Group 2 measures. The report lists the development of protocols for forestry, manure management, and local governments to facilitate voluntary GHG reductions as part of the Group 2 items under consideration. We recommend that any protocols developed by ARB, whether independently or in conjunction with the California Climate Action Registry (CCAR), undergo a thorough public review process before being considered by the Board. Since the CCAR is a private, nonprofit organization, any existing protocols it has developed have not been through an official public process. We request that ARB form stakeholder working groups and conduct public workshops so that the protocols are developed in an open, transparent process.

Finally, it is our understanding that other entities, including the Environmental Justice Advisory Committee (EJAC), will be submitting recommendations to the Board before or at the June 21, 2007 hearing to request that additional items be added to the list of discrete early actions. We would oppose any addition to the current list of early action items at this late stage without the appropriate public comment opportunity. Since AB 32 stipulates that the list must be finalized by June 30, we ask that any additions be rejected.

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We look forward to working with ARB to address our concerns, and thank you for your consideration in this matter. If you would like to discuss our comments further, please contact either Staci or Mary at (916) 447-4806.

Sincerely,



Staci Heaton  
RCRC Director of Regulatory Affairs



Mary Pitto  
ESJPA Regulatory Programs Director

CC: Members of the California Air Resources Board  
Linda Adams, CalEPA Secretary  
Catherine Witherspoon, Executive Director, California Air Resources Board  
RCRC Board of Directors  
ESJPA Board of Directors