



**Riverside County
Waste Management Department**

Hans W. Kernkamp, General Manager-Chief Engineer

December 15, 2010

Clerk of the Board
California Air Resources Board (CARB)
1001 I Street
Sacramento, CA 95812

RE: Comments Regarding the Proposed Amendment to the Mandatory Reporting of Greenhouse Gas (GHG) Emissions Regulation

To Whom It May Concern:

The Riverside County Waste Management Department (RCWMD) appreciates this opportunity to comment on the proposed amendment to Division 3, Chapter 1, Subchapter 10, Article 2, §95100 to §95133, Title 17, California Code of Regulations for mandatory reporting of GHG emissions.

The RCWMD has been communicating with CARB staff via electronic mail to clearly understand how the proposed CARB amendment aligns with the federal EPA mandatory GHG reporting regulation and specifically the applicability and reporting requirements for municipal solid waste (MSW) landfill facilities under §95101 and §95115. CARB staff has stated that the intention of the proposed amended regulation is that only stationary combustion sources, rather than all potential emission sources, at MSW facilities will be required to report under the proposed amended CARB regulation. If only these stationary combustion sources at MSW landfills are to report under the CARB rule, clarification is needed in the CARB regulation amendment to properly reflect this.

After careful review of the proposed amendment to the regulation for mandatory reporting of GHG emissions to CARB, the RCWMD has the following comments on the proposed amended regulation. The primary concern is related to inconsistencies in references to the EPA regulation in 40 CFR §98 as it relates to MSW landfill facilities.

§ 95101(a)(1)(A) Applicability

This section states that this regulation applies to "Operators of facilities located in California and included in 40 CFR §98.2(a)(1)-(3)". MSW landfills are included as a facility required to report under 40 CFR §98.2(a)(1)(xvi); however, the reporting process and corresponding thresholds for reporting to the EPA for MSW landfills are not consistent with CARB's stated intent (only stationary combustion sources) for this amended regulation. Subpart HH in 40 CFR §98 refers to a threshold requiring MSW landfills to report GHG emissions based on the MSW landfill's modeled potential to generate LFG regardless of whether the facility has a LFG collection and control system in place with stationary combustion or not. CARB has stated the intent is to use actual (instead of modeled) data generated from annual source test results, weekly fuel measurements and continuous flow rate data. The RCWMD suggests that §95101 be revised to state reporting for MSW landfills is only required for MSW facility stationary combustion sources that have emissions exceeding 10,000 metric tons of CO₂e and that all references for these stationary combustion sources are to 40 CFR §98 subpart C, rather than 40 CFR §98 subpart HH. Alternately, a section could be added under Subarticle 2 to specify MSW landfill stationary combustion source reporting requirements.

§ 95101(h) Cessation of Reporting

Since the basis of reporting for MSW landfills is completely different between the CARB proposed amended regulation and the EPA regulation, there should not be a reference to the EPA regulation for cessation of

reporting (that is, if reporting is not required, it does not need to cease). If the proposed amended regulation makes a reference to 40 CFR §98, then clarity as to the appropriate subpart is needed. Reference to subpart HH of 40 CFR §98 for MSW landfill facilities should not be included in the proposed amended regulation.

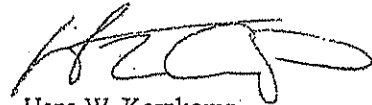
§ 95103(a) Abbreviated Reporting

The proposed amended rule broadly refers to 40 CFR §98 for abbreviated reporting for facilities with emission below 25,000 metric tons of CO₂e. If reference to 40 CFR §98 subpart HH is assumed for MSW landfill facilities, then a modeled potential to generate 25,000 metric tons of CO₂e is incorrectly being compared to actual facility emissions. MSW landfills with stationary combustion sources that actually (not modeled) emit greater than 10,000 metric tons of CO₂e, but less than 25,000 metric tons of CO₂e, should be allowed to qualify for abbreviated reporting.

The RCWMD suggests that the simplest solution to clarify proposed amended regulation for MSW landfills would be to add language to §95101 in the proposed amended regulation for mandatory GHG reporting that clearly excludes MSW landfills that do not have stationary combustion sources emitting greater than 10,000 metric tons of CO₂e.

If you would like to discuss this matter further, please call Mark Hunt or Noah Rau of my staff at (951) 486-3200.

Sincerely,



Hans W. Kernkamp
General Manager-Chief Engineer

HWK:nmr

cc: Joe McCann/Angela Dufresne/Mark Hunt/Noah Rau

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