



Nick Lapis

9-6-3



June 24, 2009

Mary Nichols, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Landfill Gas Regulations

Dear Chair Nichols,

With the proposed regulations before you today, the Air Resources Board is at a critical juncture in regards to setting a national and international precedent for how fugitive landfill emissions will be handled in greenhouse gas reduction efforts. Therefore, it is disappointing that the proposed landfill gas regulation does not go as far it could in reducing fugitive emissions and is actually counter-productive by making unjustifiable and erroneous claims about landfill performance under the rule.

Rule Strengthening and Ongoing Analysis

The requirements in the rule are significantly weaker than previous iterations and are not particularly ambitious in terms of reducing emissions from landfills. The original staff proposal for this rule would have pushed the envelope by requiring all landfills to minimize the amount of landfill gas that escapes to the atmosphere. Since then, the surface emission standards in the rule have been raised to existing NSPS standards, the monitoring requirements have been loosened, the size of applicable landfills has been raised and other elements of the rule have been watered down. The resulting rule is a modest step in the right direction that will increase gas capture at low-performing landfills, but represents a missed opportunity for truly internalizing the greenhouse gas impacts of landfilling.

We consistently argued against the weakening of the rule and even suggested less restrictive incentive-based strategies for reducing emissions, but our recommendations were not reflected in the final rule. The rule does, however, require reporting of information that would be useful in determining the feasibility of additional requirements. We urge you to direct staff to revisit this rule within the next two years to evaluate the reported landfill data and determine what additional measures should be targeted in this sector.

Counter-Productive Collection Efficiency Estimate

In addition to the actual requirements of the regulation, the Initial Statement of Reasons also includes an estimate of the emission reductions that are expected from this rule. We have very serious concerns that the methodology used to quantify these emission reductions is inaccurate, arbitrary, and would result in a significant barrier to diverting methane-generating

materials from landfills.

The crux of the emission reductions calculation was a comparison of the fugitive emissions at a landfill (Palos Verdes Landfill) that is currently subject to regulations similar to those in the proposed rule to a modeled estimate of average statewide gas capture. We have fundamental concerns with this approach for the following reasons:

- Emissions from the Palos Verdes Landfill were used as a proxy for the impacts of implementing this rule statewide, but this facility is not representative of an average California landfill. The primary distinction is that Palos Verdes is a closed landfill with seven feet of low permeability clean soil as cover. There is no reasonable basis to assume that emissions from a closed landfill represent the emissions from all of California's landfills (active and closed) because active landfills have uncontrolled open working faces and areas under daily and intermediate cover.
- The methodology (AERMOD) used to estimate the emissions at this one facility has not been sufficiently vetted for this application. In fact, US EPA does not recommend the use of this method for measuring fugitive emissions from landfills and instead recommends the use of Tunable Diode Lasers (as described in Other Test Method 10). Also, none of the data that was used in the AERMOD analysis has been made public and the staff has not provided any sort of uncertainty analysis.
- The baseline estimate of 75% collection efficiency is statistically insignificant and no stakeholders have faith in the accuracy of this number. This collection efficiency estimate does not take into account the full lifecycle of landfill emissions (including the time before a gas collection system is in place, the time after it is removed, or the active parts of the landfill that are not subject to gas collection). Furthermore, ARB analysis has clearly demonstrated that this collection efficiency is not applicable for any single landfill and, as such, can not be compared to a new 85% rate.

Making the unsubstantiated claim that California's landfills will have a collection efficiency of at least 85% will jeopardize the accuracy of carbon accounting in upcoming offset protocols and the Low Carbon Fuel Standard, as well as local and statewide greenhouse gas inventories. This is counterproductive to the goals of AB 32 and unnecessarily undermines efforts to divert organic materials from landfills to composting facilities and anaerobic digesters. It will also overstate the emission reductions that will be achieved from this measure, reducing the effectiveness of AB 32 as a whole.

Instead of focusing on estimated improvements in collection efficiencies, the Final Statement of Reasons and the economic analysis should be focus on the amount of additional gas captured in landfill gas control systems. This could be accomplished by analyzing the differential gas capture rates between landfills that are in South Coast AQMD jurisdiction and those located elsewhere in the state. We urge you to direct to staff to reanalyze the emission reductions associated with this measure.

As you are aware, many of the state's greenhouse gas efforts (including cap-and-trade and mandatory reporting) have largely avoided dealing with the significant impacts of fugitive impacts from landfills and, given the lack of other AB 32 control mechanisms for this sector, it is imperative that this rule maximize emission reductions.

Sincerely,

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Californians Against Waste

Brian Nowicki
California Climate Policy Director
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Jared Blumenfeld
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CC: Members, Air Resources Board

