WASHINGTON REFUSE & RECYCLING ASSOCIATION

July 30, 2021

Rulemaking Lead
Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

RE: WAC 173-441 Reporting of Emissions of Greenhouse Gasses Informal Rule Comments

Dear Rachel Assink:

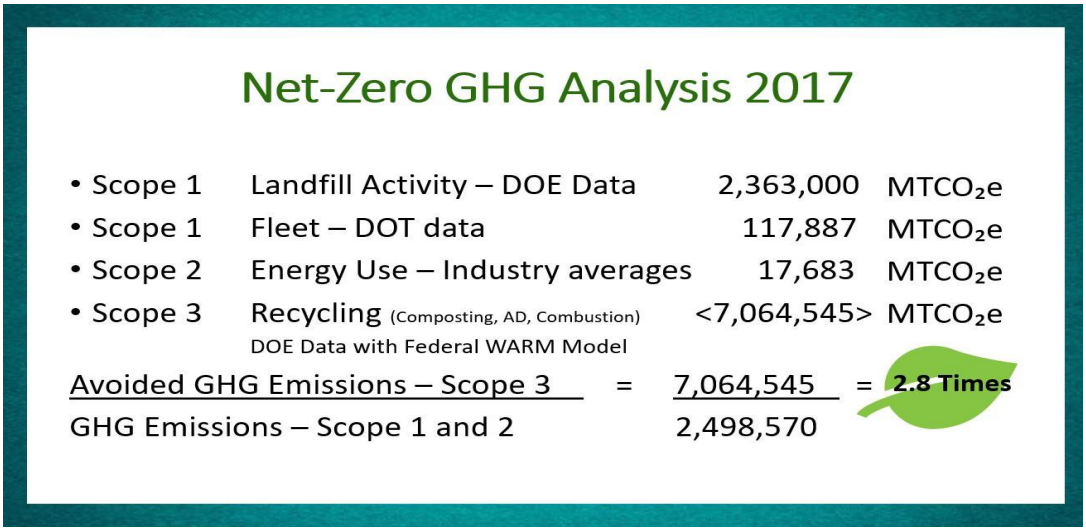
The Washington Refuse and Recycling Association (WRRA) is the oldest Solid Waste Trade Association operating on the West Coast of the United States, founded 73 years ago. WRRA represents the private sector solid waste and real recycling industry in Washington, from curbside collection service, state of the art recycling facilities, to landfills. WRRA member companies and the solid waste industry serve a vital role in public health, safety, and environmental protection.

Our members work in their communities every day and provide essential services. Washington's solid waste system is a successful public-private partnership. Washington's regulated and municipal solid waste collection system provides for excellent service, has consistently beat the national recycling rate by double digits, and maintains family wage jobs in every community in which we operate— all at a transparent and affordable price. We have an obligation to serve and to provide universal service as directed by the state and local governments.

Thank you for the opportunity to comment on the early draft of the 173-441 WAC Reporting of Emissions of Greenhouse Gases update. WRRA actively participated in the development of SB 5126, the Climate Commitment Act (CCA), during the 2021 legislative session and ultimately supported the legislation. A number of WRRA members that operate landfills and other waste and recycling facilities in Washington may also comment on the draft rule.

WRRA Members are Environmental Leaders

WRRA generally supports the Department's goal to update Washington's greenhouse gas reporting rules to implement SB 5126. WRRA members have always been environmental leaders that get real results. Through a successful public-private partnership, Washington has become a national leader on recycling. Our recycling rate hovers around 50% and beats the national recycling of 32% rate by double digits. Through all the materials we recycle, our industry is net zero on greenhouse gas emissions. In fact, Washington's recycling and solid waste industry has avoided 2.8 times more GHGs than have been emitted (see the attached Net-Zero GHG Analysis study produced by Edgars & Associates).



WRRA members were also early adopters of cleaner burning compressed natural gas (CNG) collection fleets and operate methane capture and gas-to-energy facilities at landfills, efficient waste-by-rail networks, composting, and material recovery facilities responsible for the majority of real recycling. WRRA members are producing renewable natural gas and electricity from landfill gas in Washington.

Align with Established EPA Standards

At page 112 of the draft rule, Table 120 includes new landfill specific language. This new language discusses established EPA landfill reporting methodologies (HH-4, HH-6, and HH-8 calculations). The new language departs from current EPA practice and directs landfills to "Otherwise use the higher methane emissions value from Equation HH-6 or Equation HH-8 of this subpart unless otherwise instructed by ecology," under some circumstances. On the July 22 webinar, DOE staff expressed an intent for reporting to remain EPA based and use EPA-based calculation methods.[1] These changes to the reporting rule will cause inconsistencies with EPA reported data.

[1] Slide 18 from the July 22 webinar.

The treatment of landfill emission reporting appears contrary to the goal of consistency with EPA-based reporting requirements. WRRA requests that DOE engage stakeholders when departing from established EPA reporting methods. Further, we ask that the Department articulate the reasoning for doing so, such as recognizing and incentivizing investments in energy production at landfills.

Recognizing and Incentivizing Energy Production at Landfills

As the Department works to implement the CCA, a reporting element or other metric should be developed to recognize and incentivize energy production from landfill gas. A number of Washington landfills already produce electricity and renewable natural gas. The current EPA reporting methodology does not work well for recognizing and incentivizing investments in energy production at landfills. EPA reporting data treats flared methane and methane directed to landfill gas projects identically. Both assume that collected methane is destroyed.

The CCA recognizes the role of landfill gas capture and energy production at landfills. Facilities with highly effective gas capture systems that produce energy are treated differently than landfills that do not.[2] Similarly, a 2018 report by the Washington State University Energy Program, "Harnessing Renewable Natural Gas for Low-Carbon Fuel: A Roadmap for Washington State," recognized the potential for renewable natural gas (RNG) projects at Washington landfills.[3] The report identified RNG production opportunities at a number of Washington landfills (see below).

Table 2. RNG Opportunity at Landfills

Potential number of projects	8 to 12
Total estimated RNG potential	16,519,219 MMBTU/yr
Electricity – Megawatt hours per year	1,738,865 MWh/yr
RNG Fuel – Diesel gallon equivalents	122,364,586 DGE/yr

Note: Heat rating for power 9,500 BTU/kWh, Fuel factor 135,000 BTU/DGE

WRRA requests the Department work with the solid waste industry to ensure that reporting and all programs adopted under the CCA create incentives for the production of energy from landfill gas and give credit for existing projects.

Technical Corrections

In "Table 050-1: Total Annual Facility Product Data Requirements by Primary NAICS code," the draft rule includes three solid waste industry NAICS codes (solid waste landfill, solid waste combustors and incinerators, and solid waste collection). The vast majority of facilities and entities under NAICS code "562111 solid waste collection" are not required to report greenhouse gas emissions. At the July 22 webinar, agency staff indicated the inclusion of this NAICS code was based on previous practice and at least one facility had reported under this code previously. The inclusion of this code will likely lead to confusion among reporters. WRRA

[2] SB 5126 Sec. 10 (3)(b)(i) & (ii)
[3] Harnessing Renewable Natural Gas for Low-Carbon Fuel: A Roadmap for Washington State, http://www.commerce.wa.gov/wp-content/uploads/2018/02/Energy-RNG-Roadmap-for-Washington-Jan-2018.pdf

suggests harmonizing facility reporting under the codes for landfills and incinerators and to delete the reference to NAICS code 562111 to eliminate this confusion.

More Stakeholder Engagement and Time for Comment

We appreciate the opportunity to comment on this rule. Earlier this year, the Department provided only a 1-month comment window for the Greenhouse Gas Assessment Rule for Projects (GAP Rule). The department received many comments that noted the short window is not enough time to provide feedback. A two-week comment window is not enough time to review and provide meaningful feedback on highly technical rule language. WRRA asks that the Department consult with the industry and association on any future action regarding rule and its application to waste facilities over a longer timeline.

Waste management is an integral component of any plan to achieve environmental progress. WRRA members have stood as national leaders on environmental issues and the association looks forward to future communication regarding this rule.

Please direct any questions or comments to Rod Whittaker at rod@wrra.org. Thank you for the opportunity to comment.

Sincerely,

Rod Whittaker
In-House Counsel, WRRA