



WASHINGTON REFUSE & RECYCLING ASSOCIATION

November 16, 2021

Rulemaking Lead
Department of Ecology
Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600

RE: WAC 173-441 Reporting of Emissions of Greenhouse Gasses Formal Rulemaking 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 173-441 WAC Reporting of Emissions of Greenhouse Gasses rule 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. WRRA members that operate landfills and other waste and recycling facilities in Washington may also comment on the draft rule.

Comment #1: Delete NAICS Code 562111 (Solid Waste Collection) from Table 050-1

“Table 050-1: Total Annual Facility Product Data Requirements by Primary NAICS code” includes three solid waste industry NAICS codes (solid waste landfill, solid waste combustors and incinerators, and solid waste collection). Including NAICS code 56211 (solid waste collection) on the table is arbitrary, unnecessary, and will create confusion among reporters.

When asked on the July 22 webinar, agency staff indicated the inclusion of NAICS 562111 code was based on prior practice and a single facility had reported under this code previously. After review, it appears that facility is the [Cathcart Landfill](#) in Snohomish County, which has reported under code 562111 (solid waste collection) instead of the appropriate code, 562212. The Cathcart Landfill has been closed for [nearly three decades](#). The production metric required for reporting is “metric tons of total waste entered into landfill.” The facility no longer accepts waste and only a single, closed landfill reports under this code.

The vast majority of, if not all, facilities under NAICS code 562111 (solid waste collection) are not required to report greenhouse gas emissions or do not meet the threshold for reporting. The NAICS code 56211 (solid waste collection) also has no corresponding source categories listed in the table in WAC 173-441-120, unlike codes for industrial and municipal solid waste landfills.

Table 050-1 should not include the unrelated NAICS code for solid waste collection based on the reporting of a single facility that ceased operations in 1992. WRRRA requests that the Department delete the reference to NAICS code 56211 (solid waste collection) in Table 050-1 and instead harmonize reporting under the appropriate NAICS code, 562212 (solid waste landfill) for facilities.

Comment #2: Align with EPA Reporting for Landfills in Table 120-1

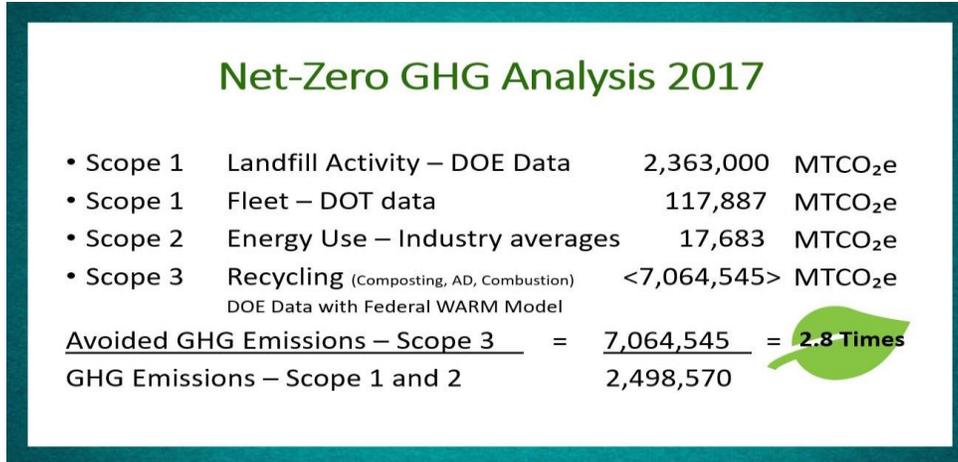
At page 42 of the draft rule, Table 120-1 includes new landfill specific language. This new language discusses established EPA landfill reporting methodologies (HH-4, HH-6, and HH-8 calculations). The new language departs from current EPA practice and directs landfills to “Otherwise use the higher methane 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, agency staff expressed an intent for reporting to remain consistent with Environment Protection Agency (EPA) requirements and use EPA-based calculation methods. The treatment of landfill emission reporting appears contrary to the stated goal of consistency.

WRRRA requests that the Department delete new language for MSW landfill reporting in Table 120 that is inconsistent with EPA requirements.

Recognizing Progress and Developing Further Incentives

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. Several

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.



WRRRA generally supports the Department’s goal to update Washington’s greenhouse gas reporting rules to implement SB 5126. WRRRA 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).

Waste management is an integral component of any plan to achieve environmental progress. WRRRA 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, WRRRA