



WASHINGTON REFUSE & RECYCLING ASSOCIATION

April 25, 2021

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

RE: WAC 173-424 Clean Fuels Program Rulemaking Comments

Dear Rachel Assink:

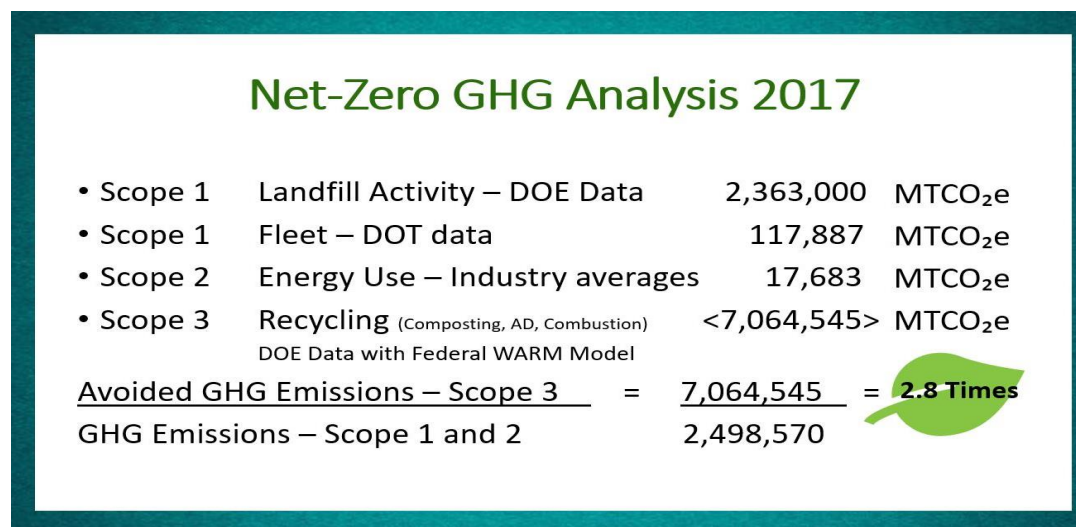
The Washington Refuse and Recycling Association (WRRA) is the oldest solid waste trade association operating on the West Coast of the United States, founded 75 years ago. WRRA represents the private sector solid waste and real recycling industry in Washington, from curbside collection service, state 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, 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 Clean Fuels Program Rule, WAC 173-424. WRRA actively participated in the development of SB 5126, the Climate Commitment Act (CCA), and HB 1091 (Low Carbon Fuel Standard), during the 2021 legislative session. WRRA and several member companies ultimately supported the legislation. WRRA members that operate landfills as well as other waste and recycling facilities in Washington may also provide comments on the draft rule.

WRRRA Members are Environmental Leaders

WRRRA generally supports the Department’s goal to implement the CCA and Clean Fuel Standard. 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 rates hover around 50% and beats the national recycling rate of 32% 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).



WRRRA members were also early adopters of cleaner burning compressed natural (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 real recycling. WRRRA members are producing renewable natural gas and electricity from landfill gas in Washington. WRRRA requests that the Department continue to develop strong incentives to produce renewable energy from landfill gas wherever possible.

Third Party Arrangements: Compliance & Reporting

Landfill gas-to-energy projects (for both electricity and RNG) are often operated by a third-party entity and not the landfill owner/operator. In the 2022 legislative session, the legislature recognized this distinction in HB 1663, a bill that created new compliance and reporting requirements for landfill gas capture systems and energy projects. Sec (4)(1) of HB 1663 acknowledges this common arrangement and provides that “the obligation to comply with the requirements of this chapter are the responsibility of the owner or operator of the relevant portion of the gas collection and control system or energy recovery device.”

Some WRRRA members also own or operate natural gas fueling stations. Our industry was among the first to transition to more eco-friendly CNG collection fleets. Many of the garbage

trucks on the street today in Washington operate on CNG and have for some time. Like Washington's new landfill program, the Clean Fuels Program Rule should ensure compliance obligations and credits are borne by the entity that owns/operates a facility, but the rule should continue to allow the entities involved to establish contractual arrangements for obligations/credits.

Recognizing and Incentivizing Energy Production at Landfills

As the Department works to implement the Clean Fuels Program and CCA, WRRRA supports incentives to produce energy from landfill gas. Several Washington landfills already produce electricity and renewable natural gas. 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.¹ The report identified RNG production opportunities at 8 to 12 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

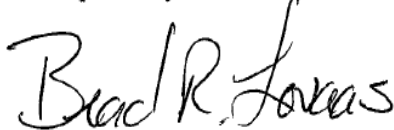
WRRRA requests that the Department work with the solid waste industry to ensure all programs adopted under the Clean Fuel Program and CCA create incentives to produce energy from landfill gas and give credit for existing projects.

Next Steps

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.

Respectfully submitted,



Brad R. Lovaas

Executive Director

¹ 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>