



WASHINGTON REFUSE & RECYCLING ASSOCIATION

January 18, 2021

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

RE: WAC 173-446 Climate Commitment Act Program Informal Rulemaking Comments

Dear Cooper Garbe:

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 173-446 Climate Commitment Act Rulemaking. 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 provide comments on the draft rule.

Authority to include landfills in the program begins in 2031, not 2023.

Draft language in WAC 173-446-030 (1) incorrectly states that landfills are included the first compliance period (emissions year 2023 through 2026). In SB 5126, the legislature granted the Department authority to include landfills as covered entities beginning July 31, 2031, based on 2027-2029 data. The Department's authority to include landfills in the program is codified in RCW 70A.65.080(3)(a), which reads (emphasis added):

- (3)(a) A person is a covered entity beginning January 1, 2031, and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2027 through 2029, where the person owns or operates a:
- (i) Landfill utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent; or
 - ...
 - (b) Subsection (a) of this subsection does not apply to owners or operators of landfills that:
 - (i) Capture at least 75 percent of the landfill gas generated by the decomposition of waste using methods under 40 C.F.R. Part 98, Subpart HH - Municipal Solid Waste landfills, and subsequent updates; and
 - (ii) Operate a program, individually or through partnership with another entity, that results in the production of renewable natural gas or electricity from landfill gas generated by the facility.
 - (c) It is the intent of the legislature to adopt a greenhouse gas reduction policy specific to landfills. If such a policy is not enacted by January 1, 2030, the requirements of this subsection (3) take full effect.

WRRRA requests that the department delete the reference to landfills in the draft 173-446-030(1) language. Later within the applicability section, at subsection (3), the draft rules correctly state the Department's authority to consider landfills covered entities beginning 2031. 173-446-030(3) also correctly states exemptions for landfills with highly effective gas capture systems that produce energy from landfill gas.

WRRRA Members are Environmental Leaders

WRRRA generally supports the Department's goal to implement the Climate Commitment Act. 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 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).

Net-Zero GHG Analysis 2017

• Scope 1	Landfill Activity – DOE Data	2,363,000	MTCO ₂ e
• Scope 1	Fleet – DOT data	117,887	MTCO ₂ e
• Scope 2	Energy Use – Industry averages	17,683	MTCO ₂ e
• Scope 3	Recycling (Composting, AD, Combustion) DOE Data with Federal WARM Model	<7,064,545>	MTCO ₂ e
<u>Avoided GHG Emissions – Scope 3</u>		=	<u>7,064,545</u> = 2.8 Times
GHG Emissions – Scope 1 and 2			2,498,570

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.

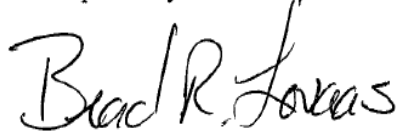
Next Steps

WRRRA member facilities, particularly landfills do not fit the traditional mold for emission reduction programs because our industry does not produce the wastes we receive. Rather, our members have the obligation to manage the waste generated by others, an essential public health service. Furthermore, landfill emissions cannot be directly measured, only estimated. We request the Department keep this principle at the forefront when considering landfills under the CCA and other emissions control programs.

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