



WASHINGTON REFUSE & RECYCLING ASSOCIATION

July 21, 2023

Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

To Whom it May Concern:

The Washington Refuse and Recycling Association (WRRA) is the oldest Solid Waste Trade Association operating on the West Coast of the United States, founded 76 years ago. WRRA represents the private sector solid waste and recycling industry in Washington, from curbside collection service and state of the art recycling facilities and landfills. WRRA member companies and the solid waste industry serve a vital role in public health, safety, and environmental protection.

Our members provide essential services in their communities every day. 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 Draft WAC 173-408 Landfill Methane Emissions Rulemaking. WRRA members that own or operate landfills may also comment on the rulemaking. We appreciate the work done by staff in hosting webinars to facilitate communication as well.

California Rule / Washington Statute

WRRA supported [HB 1663 \(2022\)](#), the enacting legislation for this rulemaking. Much of HB 1663 was drawn or copied directly from [California's Landfill Methane Rule](#) with the intent of adopting similar standards for Washington. WRRA worked with the bill sponsors and committee members on HB 1663 and can provide information regarding the legislative history of

this bill if useful by the Department. The statutory language for this bill, like the California rule, is highly technical and detailed.

Much of the draft proposed rule language draws directly from the Washington statute or California rule. WRRRA supports this approach by the Department. Some WRRRA members that own and operate landfills in Washington also operate facilities covered by the California rule and are familiar with those requirements. California's rule addresses many of the remaining "gaps" present in the process of implementing the statute into rule. Moving forward, and into formal rule drafts, it would be helpful to flag where the rule incorporates material beyond the statute or California rule.

Proposed WAC 173-408-070(1)

WAC 173-408-070(1) adds a new requirement, not present in the California rule or Washington statute. The proposed rule section requires landfill owners/operators to notify local air authorities within 72 hours of any exceedance and resulting corrective measures. Based on the comprehensive and highly technical nature of the California rule, WRRRA requests additional dialogue and consultation with stakeholders should the Department consider requirements beyond those contained in the statute or California rule.

WRRRA does not oppose notice requirements for exceedances, but a 72-hour window for reporting both exceedances and corrective action is potentially unworkable. Landfill owners/operators have 10 days to take corrective actions and re-monitor the noted exceedance. In some instances, corrective actions may not be determined within this 72-hour time frame, making it unreasonable to report the corrective action. The draft proposed rule also does not provide exceptions for weekends, holidays, extreme weather, and other events beyond the landfill owner/operator's control. Additionally, the corrective action may change as the conditions are further evaluated during the allowable 10-day period.

Reporting Requirements

The proposed language for WAC 173-408-110(1)(a)(xii) requires documentation of construction activities at covered landfills. WRRRA members have suggested that a definition of construction activities would be helpful. The intent of this section appears to cover true construction projects and not day to day landfill operations, which should be excluded in the definition of "construction activities."

WRRRA members also expressed confusion about the various criteria for reporting under proposed WAC 173-408-110(ix), (xi), and (xii). It appears that the same activity could trigger duplicative documentation and reporting under multiple subsections due to the structure of this rule section. WRRRA requests that the Department clarify these sections or add language that clarifies reporting is required only under one subsection for a given activity.

Time for Comment & Tracking Changes Moving Forward

WRRRA thanks the Department for extending the comment window to 30 days beyond the June webinar and posting the full draft rule language. The original extended due date of July 7

would not have allowed time for review of these highly technical rules. A comment period of at least 30 days from posting of rule language is helpful to supply meaningful feedback. More time for review of final CR-102 rules is always welcome. As the rule moves toward final adoption, it would be helpful to present the CR-102 draft rules (or any future informal drafts) in a form that tracks changes between the current proposed version and the CR-102 version.

Conclusion

Thank you for the opportunity to comment on this important topic and working with stakeholders on the implementation of this important legislation. Please direct any questions or comments to Rod Whittaker at rod@wrra.org. Thank you for the opportunity to comment.

Respectfully submitted,

A handwritten signature in black ink that reads "Brad R. Lovaas". The signature is written in a cursive, flowing style.

Brad R. Lovaas

Executive Director