



KITSAP ENVIRONMENTAL COALITION



July 21, 2023

Director Laura Watson
Washington State Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

RE: Informal Comments for Landfill Methane Gas Rule

Director Watson,

We, the undersigned organizations representing residents from across the state, submit these informal comments that the Washington State Department of Ecology has solicited for the rulemaking associated with the new law RCW 70A.540.010 to reduce methane emissions from landfills. We appreciate this opportunity to comment.

This rulemaking is important and timely. In Washington, we are experiencing wildfires and other negative impacts from climate change on a frequent basis. According to the Intergovernmental Panel on Climate Change, one of the most effective actions to limit near-term warming is "strong, rapid, and sustained methane reductions." As you know, as organic waste decomposes in landfills, it emits methane – a super-pollutant greenhouse gas with about 80 times the warming power of carbon dioxide on a 20-year time horizon. Landfills are a large source of methane emissions in Washington - the majority of the largest methane emitters are

municipal solid waste landfills.¹ Landfills create many challenges for surrounding communities, including the potential for toxic leachate into groundwater, air pollution, quality of life impacts, noise and odors.

Chapter 173-408 WAC rule on landfill methane emissions is the opportunity to ensure that Washington's environment is protected for years to come, and that Washington achieves its commitment to reduce greenhouse gas emissions to 95 percent below 1990 levels by 2050. The current draft rule contains several improvements from the status quo, including higher methane destruction efficiency requirements. We believe, however, in order for the standards to achieve methane emissions reductions, the rule must be strengthened in the following ways:

- **The rule should align with neighboring leading states' standards such that it is at least as comprehensive as Oregon's rule, and should not weaken monitoring standards.** Oregon's rule, finalized in 2021 after a multi-year process including public feedback and cost analyses, is the most recent and builds on California's over-decade-old rule with more current information. Notably, both California and Oregon's rules establish a tighter monitoring grid, to better detect methane point sources, and allow operators to relax their monitoring under certain conditions. Effective monitoring is the lynchpin of methane mitigation - if the operator doesn't find the emissions, they will never be addressed. Ecology should not expand those monitoring loopholes further by using an expansive, untested new definition of "inactive area," as proposed in its draft rule language, or with more allowances to decrease monitoring frequency or increase monitoring distances.
- **Ecology should work to incorporate California's latest *proposed* improvements, which could greatly improve methane mitigation.** In May, the California Air Resources Board (CARB) announced its intent to update a number of key parameters in its rule that would improve the effectiveness of methane controls. Ecology's current draft rule does not bring forward any of the improvements CARB named. Here in Washington, we cannot afford to miss this opportunity to incorporate the best available technology and update key parameters to reflect current research findings on what drives emissions at landfills. Ecology should evaluate and incorporate in its own rulemaking process the rule improvements that CARB is considering. Definitions should also be designed to be "evergreen" so they do not preclude available technologies that could enable methane mitigation such as drones.
- **Required records should be accessible to the public and reporting requirements strengthened:** All required records should be available for public viewing. And, furthermore, required records/reports should go both to Ecology and the local air districts and be electronically submitted so that the public can easily request these for review. Reporting requirements should be strengthened to give a better understanding of monitoring effectiveness by including, for example, all measured surface emissions of methane with the map traversed for sampling clearly identifying each reading's location.

¹ EPA GHGRP 2021 EPA Data.

Thank you for the opportunity to provide feedback at this critical juncture in the rulemaking process.

Sincerely,

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