



**COMMENTS ON
PROPOSED CHAPTER 173-408 WAC, LANDFILL METHANE EMISSIONS**

PREPARED BY

KING COUNTY SOLID WASTE DIVISION

No.	Rule Section	Subsection	Comment
1	General	--	<p><i>Comment 1 is also included in the comment letter submitted by King County. Illustrative examples are included here rather than in the letter.</i></p> <p>King County recommends applying <u>one or more</u> of the following approaches to Chapter 173-408 WAC to avoid promulgating a rule that imposes a large administrative burden for minimal environmental benefit:</p> <ul style="list-style-type: none"> i. Remove provisions in Chapter 173-408 WAC that are substantively similar to existing requirements in federal regulations and, instead, refer to the corresponding federal requirements. <ul style="list-style-type: none"> Example: <ul style="list-style-type: none"> a. “Enclosed combustor means an enclosed flare, steam generating boiler, internal combustion engine, or gas turbine the same as defined in 40 CFR 60.761.” <p><u>and/or</u></p> <ul style="list-style-type: none"> ii. Replace provisions in Chapter 173-408 WAC that are substantively similar to existing requirements in federal regulations with <i>the exact language</i> used in corresponding federal regulations. <ul style="list-style-type: none"> Examples: <ul style="list-style-type: none"> a. “Enclosed combustor means an enclosed flare, steam generating boiler, internal combustion engine, or gas turbine an enclosed firebox which maintains a relatively constant limited peak temperature generally using a limited supply of combustion air. An enclosed flare is considered an enclosed combustor.” (verbatim from 40 CFR 60.761) b. Revise WAC 173-408-090 (1) to exactly match 40 CFR 60.762(b)(2)(v)(B): “The gas collection and control system has been in operation for at least 15 years, or the owner or operator demonstrates to the satisfaction of the department or local authority that, due to declining methane production rates, the MSW landfill will be unable to operate the gas collection and control system for a 15-year period;” <u>The collection and control system has been in operation a minimum of 15 years or the landfill owner or operator demonstrates that the GCCS will be unable to operate for 15 years due to declining gas flow.</u>” c. Revise WAC 173-408-110(1)(c)(ii)(A) to exactly match 40 CFR 62.16720(c)(4)(iii): <u>“If the re-monitoring of the location shows a second exceedance, additional corrective action must be taken, and the location must be monitored again within 10 days of the second exceedance. If the re-monitoring shows a third exceedance for the same location, the action specified in paragraph (c)(4)(v) of this section must be taken, and no further monitoring of that location is required until the action specified in paragraph (c)(4)(v) of this section has been taken.”</u> <p><u>and/or</u></p> <ul style="list-style-type: none"> iii. Exempt select landfills from portions of Chapter 173-408 WAC if those landfills are subject to corresponding requirements under federal regulations. <ul style="list-style-type: none"> Examples: <ul style="list-style-type: none"> a. Exempt landfills subject to 40 CFR 60.766 (Monitoring of operations.) from WAC 173-408-110 (Monitoring.) b. Exempt landfills subject to 40 CFR 60.767 (Reporting requirements.) from WAC 173-408-170 (Reporting requirements.)



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1 (cont.)	General	--	<p style="text-align: center;"><i>and/or</i></p> <p>iv. Revise rule language to explicitly identify each provision of 173-408 that is satisfied by compliance with corresponding requirements under Federal regulations.</p> <p>Examples: a. Append the following language to WAC 173-408-110(1) "Compliance with 40 CFR 60.765(c)(3) satisfies this requirement." b. Append the following language to WAC 173-408-110(3) "Compliance with 40 CFR 60.766(a)(1) satisfies this requirement."</p>
2	173-408-020 Definitions	--	To promote consistency where it is intended, and to highlight distinctions where they exist, King County recommends referencing existing regulatory definitions for terms defined elsewhere, to the maximum extent possible. For example, the definitions of "air pollution" and "emission" refer to "air contaminants" but Chapter 173-408-020 WAC does not include a definition for "air contaminants." Recommend defining that term consistent with the existing definition in Chapter 173-400 WAC.
3	173-408-030 Applicability	4(b)(ii)	Proposed subsection (b)(ii) suggests that open flares may not operate after January 31, 2032, even if they meet NSPS flare requirements in 40 CFR 60.18. Language should be revised to exempt existing open flares that meet 40 CFR 60.18 performance specifications, when those open flares are used for gas collected from older areas of a landfill that is reclaiming higher quality landfill gas for renewable natural gas production.
4	173-408-080 Gas collection and control systems	(9)	Recommend the following <u>revision</u> : "Repairs and temporary shutdown of gas collection system components: The requirements of subsections (3)(a) and (b) and (7) of this section do not apply to individual landfill gas collection system components that must be temporarily shut down to repair or modify components of the gas collection system, to connect new landfill gas collection system components to the existing system, to <u>prevent or</u> extinguish landfill fires, or if the MSW landfill engages in construction, active mining, or law enforcement activities..."
5	173-408-100 Methane concentration limits	(2)(b)	The proposed rule requires "integrated surface emissions monitoring" but that term is not defined. Recommend adding a definition for this term and more specificity related to the required monitoring and data analysis, including the methodology for calculating the average methane concentration of the grid based on gathered measurements.
6	173-408-110 Monitoring	(2)	Reporting within two days of conducting a corrective action for an individual exceedance during the multi-day monitoring process is a very tight turnaround, would require additional staffing, and would divert attention away from addressing the exceedance itself. There is no corresponding short-term reporting requirement in NSPS Subpart XXX. This short-term reporting requirement should be removed and reporting of exceedances/ corrective actions should be required as part of the annual report.



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7	173-408-120 Monitoring	(3)(a)(ii)(A)	<p>The proposed rule allows for the monitoring spacing to be adjusted from 25-foot to 100- foot spacing intervals if no exceedances have been detected in four (4) consecutive quarterly monitoring periods. Since the monitoring is conducted on a grid-by-grid basis, this adjustment should also be available on a grid-by-grid basis. In other words, if no exceedances are detected in a given grid for four (4) consecutive quarterly monitoring periods, the monitoring spacing for that grid is adjusted to 100-foot spacing intervals.</p> <p>Request the following <u>revision</u>:</p> <p>“If the owner or operator measures no exceedances of the limits specified in WAC 173-408-100(2) <u>in a grid established per WAC 173-408-120(3)(a)</u>, after any four consecutive quarterly monitoring periods, the walking pattern spacing may be increased to 100-foot intervals <u>in that grid</u>. The owner or operator must return to a 25-foot spacing interval <u>in that grid</u> upon detection of any exceedances of the limits specified in WAC 173-408-100(2) that cannot be remediated within 10 calendar days or upon any exceedances detected during a compliance inspection.”</p> <p>Without offering this grid-by-grid adjustment, the purpose of establishing 50,000 square foot grids is unclear for landfills monitored using instantaneous surface emissions monitoring.</p>
8	173-408-180 Civil Penalty	--	<p>The proposed rule appears to presume that a reading above the surface methane limit is a violation of the regulations. To be consistent with the federal regulations, this provision should be revised to clarify that an exceedance of the surface methane limit is not a violation if the owner/operator is complying with the corrective action requirements.</p> <p>See 40 CFR 60.765(c)(4):</p> <p>“Any reading of 500 parts per million or more above background at any location must be recorded as a monitored exceedance and the actions specified in paragraphs (c)(4)(i) through (v) of this section must be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements of § 60.763(d).”</p>