

October 31, 2025

Surabhi Subedi, Environmental Planner
Department of Ecology
(Comment Submitted Electronically)

RE: Notice of Opportunity to File Informal Comment on Cap-and-Invest Program Updates and Linkage

Dear Ms. Subedi,

LoCI Controls, Inc. (“LoCI”) writes to provide comments related to Department of Ecology’s (“DOE”) Cap-and-Invest Program’s proposed program updates and rulemaking. LoCI is an established and respected real-time data and control company using patented technology to reduce emissions from landfills and increase methane capture.

In line with DOE’s request for informal comment on necessary updates to the Cap-and-Invest Linkage Program updates and rulemaking, this comment focuses on the following:

- **Open the Cap-and-Invest protocol rulemaking process to implement a new Cap-and-Invest protocol for landfills generating incremental methane capture from voluntarily deploying advanced gas capture technologies**
- **Support automatic linkage of California’s Cap-and-Invest protocols to Washington’s Cap-and-Invest protocols**

LoCI appreciates the opportunity to provide this comment and would welcome any questions or follow-up regarding the points discussed herein.

Open the Rulemaking Process to Add New Cap-and-Invest Protocol

Under the Climate Commitment Act (RCW 70A.65.170), the DOE is authorized, via a rulemaking process, to adopt a new protocol that establishes an offset project so long as such protocol complies with the following standards:

1. Provide direct environmental benefits to Washington;
2. Result in greenhouse gas (GHG) reductions or removals that are:
 - a. Real, permanent, quantifiable, verifiable, and enforceable; and
 - b. Are in addition to GHG emission reductions or removals otherwise required by law and other GHG emission reductions or removals that would otherwise occur; and
3. Have been certified by a recognized registry.

LoCI requests that DOE use this rulemaking process to add incremental methane capture from landfills voluntarily deploying advanced gas capture systems as a new protocol (the “Proposed Protocol”).

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The Proposed Protocol would formally recognize the emission reductions achieved by in-state landfills deploying an automated, real-time gas capture system to their wellfield as quantified by the ACR Methodology for the Quantification Monitoring Reporting and Verification of Greenhouse Gas Emissions Reductions and Removals from Landfill Gas Destruction and Beneficial Use Projects, Version 2.0 (the “Methodology”). Furthermore, the Proposed Protocol complies with all standards outlined in the Climate Commitment Act as outlined below:

1. The Proposed Protocol would be applied to projects in Washington, therefore reducing emissions at in-state landfills and providing direct environmental benefits to Washington.
2. The Proposed Protocol achieves real, permanent, quantifiable, verifiable, and enforceable emission reduction by capturing and destroying fugitive emissions that would otherwise have been emitted into the atmosphere. Further, deployment of advanced gas capture systems is not required by law, therefore any emission reductions achieved by such installation are additional.
3. The Methodology used to quantify the Proposed Rule is already certified by the American Carbon Registry.

By adding the Proposed Rule, DOE would broaden the scope of offset protocols available in the Cap-and-Invest Program and increase the diversity of offset projects available to program participants, thereby broadening the scope of potential GHG reductions in Washington.

Washington’s Regional Methane Emissions Reduction Potential

DOE’s adoption of the Proposed Protocol would provide a powerful market signal to drive voluntary adoption of advanced gas capture systems to existing gas collection and control system infrastructure. Pursuant to the EPA Greenhouse Gas Reporting Program (“GHGRP”), large landfills report gas collection operating performance annually. Of the 13 landfills in Washington with a gas collection system and required to report under the GHGRP, over 112,000 MT of methane was captured in 2023. If such eligible landfills were to install an advanced gas capture system and increase methane capture by 15%, in line with LoCI’s System’s average performance, the landfills could yield an incremental emissions reduction of nearly 16,000 MT of methane, or over 445,000 MT CO₂e each year.

Linking California’s Cap-and-Invest Program Protocols to Washington’s Cap-and-Invest Program

Under the Climate Commitment Act (RCW 70A.65.170(4)(a)), the DOE may consider protocols from other offset projects used in other GHG emissions reduction programs with similar requirements, including California’s Cap-and-Invest Program. However, this authority still requires the DOE to go through the rulemaking process to adopt such protocols.

LoCI proposes DOE allow for protocols adopted in California’s Cap-and-Invest Program to be automatically adopted into Washington’s Cap-and-Invest Program, so long as the protocol aligns with all Washington’s regulatory requirements. This proposed amendment aligns with DOE’s goal to more

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efficiently facilitate the link between California and Washington and diversifies offset projects available to the program.

Conclusion

LoCI commends DOE's commitment to stakeholder engagement throughout the rulemaking process and LoCI is available to provide additional information regarding the considerations identified in this comment. We look forward to working with the DOE and continuing to support Washington's goals to reduce methane and GHG emissions.

Respectfully,



Peter Quigley
CEO and Chairman

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