Local Government Advisory Committee

October 29, 2014

Dear Administrator McCarthy:

On behalf of the Local Government Advisory Committee, we are writing to provide our comments on the U.S. EPA proposed action to reduce methane emissions from landfills. On June 30, the agency published the proposed rule to update its air standards for new municipal solid waste (MSW) landfills. The proposed rule seeks to require certain landfills to capture landfill emissions designed to reduce methane emissions and help reduce pollution that harms public health in particular with climate change.

Background:

The proposed rule addresses two issues: 1) It proposes to clarify that the use of treated landfill gas is not limited to use as a fuel for a stationary combustion device, but also allows other beneficial uses such as vehicle fuel, production of high-BTU gas for pipeline injection, and use as a raw material in a chemical manufacturing process; and 2) It clarifies what constitutes landfill gas treatment as well as monitoring, recordkeeping and reporting requirements for treatment systems. The proposed rule would require certain MSW landfills to reduce emissions by requiring capture of two-thirds of their methane and air toxics emissions by 2023. The proposed rule applies to ”existing” landfills which were already constructed, modified or reconstructed before the proposal and have accepted waste since November 1987. The proposal does not apply to landfills subject to the 1996 NSPS but landfills that have begun construction, reconstruction or modification after July 17, 2014 are subject to the proposal. The EPA has estimated that the net nationwide annual costs of complying with the additional requirements in the proposed rule would be $471,000 in 2023.[1] This action is critically important not just for the environment due to subsurface migration (potential of combustion in the surrounding areas) but because of its impact on health due to the release of volatile organic

[1] http://www.epa.gov/ttn/atw/landfill/landflpg.html

compounds (VOCSs), carbon dioxide and other hazardous air pollutants (HAPS) that cause respiratory irritation and potential for cancer. If this continues and with climate change, everyone's health, especially vulnerable populations (environmental justice communities) with health disparities (particularly women and children) will be affected.

The proposal is part of President Obama's Climate Action Plan—Strategy to Reduce Methane Emissions announced in June, 2013.[2] The Plan recognized that methane emissions constitute 9% of domestic greenhouse gas (GHG) emissions and have decreased since 1990. However, the proposal also highlighted that methane, although much lower in concentration has about 20 times the impact on climate change that carbon dioxide has. It also outlined specific actions that could be taken to achieve additional progress, addressing data gaps, identifying technologies and best practices for reducing emissions and identifying existing authorities and incentive-based opportunities to reduce methane emissions.

Local Governments

EPA estimates that Americans generated about 251 million tons of trash in 2012.[3] Local governments manage landfills which are designed, operated, and monitored to ensure compliance with federal regulations. Solid waste landfills are designed to protect the environment from contaminants which may be present in the solid waste stream. Landfill gases include hazardous air pollutants and volatile organic compounds and the odors of these substances often elicit complaints of nausea and headaches from nearby residents, who disproportionately bear these negative health effects and tend to have low incomes. VOCs also aid in the formation of PM2.5 which has been associated with respiratory disease and cardiac arrests. Furthermore methane which composes 45-60% of landfill gas, is a precursor to ozone, of which increased levels are associated with asthma and other respiratory diseases.[4] As mentioned earlier, methane is also the second greatest contributor to climate change and climate change, particularly heat waves, can lead to increased deaths and illness.

Currently there are 636 operational landfills with landfill gas energy projects and there are approximately 440 more that are considered as candidate sites.[5] New landfills can be designed

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[2] Climate Action Plan: Strategy to Reduce Methane Emissions. March 2014. p.5. *http://www.whitehouse.gov/sites/default/files/strategy_to_reduce_methane_emissions_2014-03-28_final.pdf*.

[3] Municipal Solid Waste Generation, Recycling, and Disposal in the United States: Facts and Figures for 2012 http://www.epa.gov/osw/nonhaz/municipal/pubs/2012_msw_fs.pdf

[4] Agency for Toxic Substances & Disease Registry http://www.atsdr.cdc.gov/HAC/landfill/html/ch2.html

[5] Energy Projects and Candidate Landfills http://www.epa.gov/outreach/lmop/projects-candidates/index.html#map-area

to collect potentially harmful landfill gas emissions and convert the gas into energy. [6] There could be public health benefits to reducing harmful landfill gases but also could provide economic benefits to provide sources of energy. In fact, the more than 500 operational landfill gas energy sites provide enough energy to power over 940,000 homes and heat more than 722 homes annually.[7] These sites also achieve reductions in greenhouse gas emissions that equate to the annual GHG emissions released annually from approximately 18 million passenger vehicles.[8] Under current standards, an MSW landfill that has a design capacity of 2.5 million megagrams (Mg) and 2.5 million cubic meters must install and set up a gas collection control system within 30 months after landfill gas emissions reach (or exceed) 50 Mg of non-methane organic compounds emissions per year. Under the proposed rule, the design capacity threshold remains the same but the emission threshold drops from 50 Mg to 40 Mg per year.

Recommendations:

Recommendation: The LGAC supports the EPA's efforts to provide a regulatory framework to require capture of harmful landfill gases and reduce the threshold of emissions for new landfills in particular in and around environmental justice and small or rural communities where many landfills are located.

Recommendation: The LGAC recommends that EPA engage vulnerable communities for methane emissions reduction and outreach strategies to reach EJ, small and rural communities

Recommendation: Similar to the LGAC's comments on oil refinery standards, the Committee supports the proposal that standards must apply at all times including startup, shutdown and malfunction. Records and reports by landfill operators should estimate the emissions during such times.

Recommendation: The LGAC recommends that the EPA provide more flexibility in the definition of "treatment" as treatment varies depending on type of use, location, equipment manufacturer and other costs.

Recommendation: The LGAC recommends that the EPA forgo the requirement to obtain approval for a GCCS expansion under certain circumstances in order to prevent delays and improve efficiency in installing GCCS expansion.

[6] For more information, visit EPA's Landfill Methane Outreach Program
[7] Landfill Gas Energy Basics. p.8.
http://www.epa.gov/lmop/documents/pdfs/pdh_chapter1.pdf
[8] Landfill Gas Energy Basics. p.8.
http://www.epa.gov/lmop/documents/pdfs/pdh_chapter1.pdf

Recommendation: The LGAC recommends that the EPA consider rephrasing the language in 40 CFR 50.763(e) from “collection and control system” to “control system” so that it does not exclude GHG emission reduction technology such as Closureturf.

Recommendation: The LGAC recommends that the EPA utilize a more sensitive test such as the Method 25A test to detect VOC/NMOC in emissions from internal combustion engines.

Recommendation: The LGAC recommends that the EPA work with local governments to provide technical assistance, tools and funding sources for design, reporting and compliance for these new regulations (if enacted).

Recommendation: The LGAC recommends that the EPA conduct specific outreach and education to local governments, small communities, and environmental justice communities (with significant health disparities) to provide information on the benefits of reducing harmful emissions from MSW landfills.

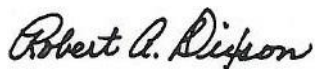
Recommendation: The LGAC recommends to the extent possible to allow a phased in approach for compliance for economically depressed communities.

Recommendation: The LGAC recommends that the EPA assist local governments to facilitate public-private sector partnerships with the business community to promote the economic benefits of capture of landfill gas to power businesses and companies and to provide incentives for small businesses to enter into these agreements.

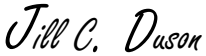
Summary and Conclusions:

The LGAC commends the EPA to advance a regulatory framework to reduce harmful emissions of landfill gases and reduce a significant source of greenhouse gases into the environment. The LGAC appreciates the opportunity to provide comment on this proposal. And the LGAC also would like to work further with the EPA on ways to communicate the benefits of the proposed rule for environmental and public health protection (especially of vulnerable populations with large health disparities such as women, children, those with chronic diseases or those who are immunocompromised) as well as the potential benefits of providing energy sources to fuel businesses and commercial operations.

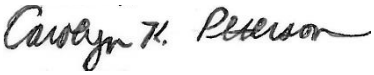
Sincerely,



Mayor Bob Dixson
Chair



Councilor Jill Duson
Chairwoman, Cleaning Up Our Communities Workgroup



Commissioner Carolyn Peterson
Chairwoman, Air, Climate and Energy Workgroup