

# **Black Warrior Solid Waste Disposal Authority**

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Climate Action Reserve  
523 W. Sixth Street, Suite 428  
Los Angeles, CA 90014

**RE: Public Comments on Proposed Landfill Project Protocol 4.0**

Ladies and Gentlemen:

We appreciate the opportunity to comment on your proposed Criteria B (Size Threshold) and Criteria C (Renewable Energy Certificate/Green Power Exclusion) in the Proposed Landfill Project Protocol 4.0. These comments are in addition to other comments filed on our behalf by our attorneys.

The Black Warrior Solid Waste Disposal Authority (created and owned by Tuscaloosa County, the City of Tuscaloosa and the City of Northport) owns and operates a Subtitle D landfill in Tuscaloosa County, Alabama, which is located in west central Alabama. Funded by the sale of GHG credits based on CAR's Landfill Gas Protocol, the Authority installed a landfill gas collection and destruction system utilizing a flare and registered the project with CAR as CAR Project Number 403. We were one of the first landfill gas collection and destruction projects registered with CAR. We have been verifying GHG credits registered with CAR since 2008. Installation of our system was purely voluntary, not required by law or regulation. Operating in a competitive environment without governmental funding, every dollar counts in the operation of our landfill. Without the revenue generated by the sale of the GHG credits, the Authority would not have installed the collection and destruction system.

Now that we have our collection and destruction system in place and running, we would like to destroy methane by generation of electricity instead of flaring the gas. However, we fear that proposed Protocol 4.0 would thwart our efforts. The Authority participated in LMOP for a number of years, actively seeking a developer who would install a system to collect landfill gas and either generate electricity or directly use the product. We were politely told that in much of the United States, including Alabama, electricity prices were simply too low to support a LFGE project. Using revenues from the sale of GHG credits verified through CAR, we built and are continuing to pay for our collection and destruction system. Because GHG revenues are essential to pay for and operate our system, in working with potential electric developers the generation of GHG credits is paramount: if the generation of a REC would threaten creation of a GHG credit, the GHG credit trumps and the electricity developer cannot create a REC.

The bottom line is that proposed Criteria C would deny the potential income stream from creation and sale of RECs to an electricity developer at our landfill. We are concerned that the sale of power alone will not support installation of the expensive equipment needed to generate power and deliver it to market. The potential for income from RECs, when and if it becomes available in Alabama, may be the incentive which pushes the developer across the line and facilitates use of our landfill gas for generation of electricity, displacing other fossil fuels and avoiding waste.

The implementation of Criteria B, excluding landfills which include LFGE and contain more than a certain volume of waste in place, will have a similar adverse impact. With low power sales revenues, an electricity developer will pay only a small royalty to the owner/operator of an LFG collection and destruction system, royalties which would not even cover the cost of operating the system, much less pay for its initial installation. In our area of the country, a certain volume of waste in place does not equate to a revenue stream from sale of electricity which will allow us to continue to operate our collection and destruction system, much less fund its installation. This is particularly true in the case of Black Warrior, where a large portion of our waste in place was relocated from an old landfill, which was mostly inert, and which therefore does not generate LFG. The proposed rule is not based on sound science and economics.

We respectfully suggest that proposed Criteria B (Size Threshold) and Criteria C (Renewable Energy Certificate/Green Power Exclusion) will discourage the installation of Electricity Development Projects and will be bad for the environment by discouraging the replacement of other fossil fuels used to generate electricity.

Sincerely yours,

Black Warrior Solid Waste Disposal Authority

By: 

Ken Thrasher, Executive Director