Solid Waste Industry for Climate Solutions

(SWICS)

We have the following concerns for the proposed version 3.0 changes to the landfill protocol:

(1) bioreactor definition,

(2) closed landfill definition, and

(3) fact that only closed landfills can use the amount of gas being collected (versus capacity of control system) as baseline for any projects where we are expanding a pre-2001 gas system. We believe that this change is good, but ought to be expanded to operating landfills as well.

Bioreactor Definition

SWICS believes that all landfills, bioreactor or otherwise should be able to use the protocol to calculate GHG reduction benefits. For the time being that option is precluded for bioreactor landfills. This is, of course, highly ironic because bioreactor landfills are specifically designed to maximize the capture and beneficial use of methane – along with other environmental benefits.

We recognize that you are not willing to open the doors that wide at this junction. However, we strongly request that you not try to make up some other definition for "bioreactors" to something other than how that term is defined by US EPA.

You have added some language to the bioreactor definition, which includes, in addition to meeting EPA's definition of bioreactor---being designated by local, state, or feds as bioreactor and received grants to operate as bioreactor. It is not clear whether the now 3 parts to this definition are an AND or OR. If it is an OR, then I think we have problems. We could then have a landfill that does not meet EPA definition but some local agency decides to call it one, under whatever definition they want to use, and our project would be negated. Also, just because a site gets grant funding, it still may take years to get to point where we have actual bioreactor, so we would lose those years as part of GHG reduction project. Finally, there are many forms of liquid waste, leachate, and precipitation management in landfills – as well as many different levels of moisture content below the 40% that defines a bioreactor under the US EPA definition. While there is no question that biodegradation of waste in a landfill is related to moisture content there is no basis to try to extend the current bioreactor exclusion to anything other than those landfills that actually meet the US EPA definition of "bioreactor". In addition, we hope that at some point in time you will view bioreactor technology as a legitimate method to minimize GHG emissions from landfills.

In the interim, we strongly recommend that the only definition for Bioreactor that makes sense is the definition adopted by US EPA in Regulation. We request that you not deviate from that term.

Definition of Closed Site

You are proposing that a closed site is defined as no longer accepting waste and having initiated final closure. We don't think the second part of that definition should be there, as it does not define "initiated" final closure. Having stopped accepting waste should be good

enough. One could argue that the concept of "initiated final closure plans" is ambiguous and is inconsistent with Federal Practice particularly for Subtitle D and NSPS landfills, and common industry standards/concepts.

The better approach would be to use the concept used in the NSPS (40 CFR Part 60, Subpart WWW). Under the NSPS, a landfill is considered closed when it ceases waste acceptance (and no additional wastes can be placed without modifying the landfill permits). In that regard, the landfill is required to submit a closure report to EPA and/or the state within 30 days of waste acceptance cessation. See 40 CFR 60.751 and 60.757(d).

Thus we recommend: A closed landfill is closed when it ceases waste acceptance (and has submitted a closure report to EPA or the state or the climate action registry indicating it will no longer accept waste).

Closed Landfills vs. Operating Landfills

Our concerns are basically articulated as follows:

CAR is allowing closed landfills with existing gas systems before 2001 to claim credits for an expansion of wellfield that happens after 2001. This is good and we certainly support that change. We can use existing control device, and the baseline is defined as the amount of LFG collected in pre-2001 gas system, not the capacity of flare. This is what SWICS has previously asked for but we wanted it for active sites as well. CAR was apparently only comfortable with closed sites because a closed site will always have less gas each year, so the previous protocol was unfair to make use the baseline the capacity of the control device since a closed landfill could never reach that capacity ever again. However, apparently CAR does not feel the same about active sites since the flare was probably designed for future gas so they still want to hold active sites to the capacity of the pre-2001 control system as baseline. Frankly, we don't see the difference and feel they could make the same allowance for active sites by simply requiring active sites to clearly document and demonstrate the added gas production that can be achieved by expanding the system – even though you may be using the same flare system. CAR is essentially adding a back-door financial additionality test---that is, an active site must buy a new flare along with expanding the wellfield to qualify.

Other Changes

As far as we can tell, other changes to the protocol are more structural. CAR updated Section 4 on GHG Assessment Boundary, including figures and tables. CAR updated Section 5 on Quantification of GHG Emissions. Again, mostly structural and organizational---the only major change being Equation 5.6 for the closed landfill scenario above. They clarified some of the Monitoring requirements, which appear to be somewhat helpful.

On behalf of SWICS,

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