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November 13, 2007

Derek Markolf, Senior Policy Manager
California Climate Action Registry
515 S. Flower Street, Suite 1640
Los Angeles, CA 90071

Dear Mr. Markolf:

On behalf of the twenty two member Rural Counties' Environmental Services Joint Powers Authority (ESJPA), we appreciate the opportunity to provide comments on the Draft Landfill Project Reporting Protocol and the Draft Landfill Project Verification Protocol. The ESJPA appreciates your organizations efforts to learn about solid waste and listen to out concerns. Development of these protocols is a difficult task. Unfortunately, the proposed system provides almost no opportunity for rural California landfills to participate in the protocols. Our concerns based upon the draft protocols and the workshops are outlined below:

- The requirement for compliance with “all” local, state, and federal regulations should allow for violations where the operator is in compliance with agency agreements
- No allowance for capture and treatment or conversion of landfill gas since only combustion is eligible
- Determination of baseline emission values is unclear

Regulatory Compliance

Landfills are under intense regulatory requirements from numerous agencies. Compliance with “all” local, state, and federal regulations all of the time is extremely unrealistic. In some cases, a long term violation such as groundwater contamination can happen despite significant efforts in operation of the landfill. Current agency requirements provide that when an operator has a long-term violation, the facility is otherwise in compliance provided the operator is in compliance with the enforcement order to implement measures. In other cases, a natural disaster can, and has, destroyed landfill gas systems or caused other noncompliance situations that require significant time to correct. Returning to full compliance can take months to years. In the extreme case, the draft protocol could result in ineligibility for some minor violation such as litter. Also, there is no consensus on what would happen to a landfill that is currently receiving credits that then is subject to enforcement action related to less than adequate operation of the flare. An operator should not be ineligible for the protocols given these situations. The protocols should allow for these situations of substantive noncompliance with standards or compliance orders.

Alternative Technologies

The landfill protocols are only eligible for landfill gas combustion systems. Although there is only limited technologies available for non-combustion of landfill gas, failure to allow for these other options, especially for energy conversion, is contradictory to the Governor's mandates for alternative energy and is extremely limited in scope considering potential alternative technologies. The protocols should allow for technologies that capture the gas for other uses either onsite or offsite.

Baseline Emissions

It is unclear how the baseline emission values are calculated and how the active acceptance of waste changes the baseline gas generation. To determine credits, some landfills might have theoretical increases in gas generation; some might have decreases depending on the overall age, daily tonnages, type of landfill, abilities of operator, etc.

In addition, the requirement to separately monitor the non-required system can result in significant additional costs for redundant systems. Given that the cost of even a small flaring system can readily cost \$500,000, rural operations do not have resources for duplicating equipment.

Summary

Overall, the draft protocols provide little incentive for rural California landfills to participate in the reporting protocols.

Thank you again for your efforts and for the opportunity to provide comments.

Sincerely,

A handwritten signature in black ink that reads "Mary Pitto". The signature is written in a cursive style with a large, looped "P" at the end.

Mary Pitto
Program Manager

cc: Rural Counties Environmental Services Joint Powers Authority Members