September 27, 2010

Via Electronic Transmission: MRR_Corrections@epa.gov
EPA Docket ID. No. HQ–OAR–2008-0508

Re: Revisions of Certain GHG MRR Provisions, Docket ID No. EPA-HQ-OAR-2008-0508
(Federal Register / Vol. 75, No. 154 / Wednesday, August 11, 2010)

Dear Ms. Cook:

The Solid Waste Association of North America (SWANA) is pleased to offer the following comments in response to the above-referenced U.S. Environmental Protection Agency Proposed Rulemaking regarding revisions to certain mandatory reporting rule provisions. SWANA is a not-for-profit professional association with nearly 8,000 members from both the public and private sectors of the solid waste management field. Our mission is to advance the practice of environmentally and economically sound management of municipal solid waste (MSW) in North America.

**Correction to the Definition of “Fossil Fuel”**

We agree with EPA’s decision to revert the definition of “fossil fuel” back to that in the proposed rule. This definition is consistent with the definition of fossil fuel under the Clean Air Act’s New Source Performance Standards. Our concern over EPA’s new definition presented in the final version of the reporting rule is that it would classify municipal solid waste as “fossil fuel”, and reflected a significant change from the proposed rule by EPA without notice or the opportunity for public comment.

**Clarifications to Table C-1 of Subpart C**

We agree with EPA’s decision to re-classify municipal solid waste and tires as “other fuels” in table C-1 of Subpart C. The classification of them as fossil fuel derived ignores the fact that the majority of emissions from the combustion of these sources are biogenic in nature.

**Site Specific Moisture Content**

SWANA agrees with EPA’s proposed clarification regarding the use of site-specific moisture values when none are specified in part 75. This approach is similar to that of EPA’s Acid Rain Program.

**Clarification of Applicability Threshold**

SWANA appreciates EPA’s decision to raise the applicability threshold for Tier 4 reporting from 250 tons per day to 600 tons per day. A WTE plant at 250 tpd has only 18-25% of the CO2 emissions of the same sized fossil-fuel fired unit. Based on a nominal heat content of 5,000 Btu / lb, the 250 tons / day threshold is equivalent to 104 mmBtu/hr, less than half the standard
applied to other stationary combustion units. Conversely, a 250 mmBtu/hr threshold applied to nominal MSW would translate into a mass rate threshold of approximately 600 tons / day, so this new threshold is much more appropriate.

Further we would like to point out that even under this new threshold a total of 27 waste-to-energy facilities, many of which are owned by local governments, would be required to use the more costly Tier 4 method. Since waste-to-energy facilities account for only 0.55 percent of the total CO2e emissions from the combustion source sector, we question whether this economic burden on local government is justified and believe that the threshold could be set even higher.

Should EPA fail to promulgate these amendments by the end of 2010, units with less than 600 tons per day capacity will require a deferral of the requirement to use Tier 4 until January 1, 2012, so that they may have sufficient time to install and certify new Part 75 equipment.

**Reporting of Aggregate Carbon Dioxide Emissions**

SWANA is concerned that this proposal would require aggregate reporting of carbon dioxide emissions. SWANA supports the separate reporting of biogenic and anthropogenic emissions, as was required in the final rule. This is particularly important as EPA has just requested comments on the treatment of biogenic emissions in implementing the Tailoring Rule. Distinct reporting of anthropogenic versus biogenic emissions will be necessary to support EPA's ultimate decision. A majority of the emissions from waste-to-energy operations are biogenic in nature and for more accurate reporting we believe it is necessary to report them separately.

SWANA appreciates the opportunity to comment on this proposed ruling and looks forward to working with EPA in the future to improve the Mandatory Reporting Rule. If you have any questions please feel free to contact me directly at 301.585.2898 or at jskinner@swana.org.

Respectfully Submitted,

John H. Skinner, Ph.D.
SWANA Executive Director and CEO