

# Summary of Engagement and Response to Comments: Landfill Methane Emissions Reduction Grant Program

## Publication information

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<sup>1</sup> [www.ecology.wa.gov/contact](https://www.ecology.wa.gov/contact)

## Background

In 2023, the State Legislature appropriated \$9.6 million from Climate Commitment Act (CCA) funds to help municipal solid waste (MSW) landfill owners comply with standards in a new [Landfills-Methane Emissions law \(Chapter 70A.540 RCW\)](#) and subsequent rule. Ecology will distribute these funds to help landfill owners and operators with costs for design, planning, installing or upgrading gas collection and control systems, increasing surface emissions monitoring, as well as other requirements.

As Ecology developed the new [Landfill Emissions Reduction Grant Program](#), we sought input to ensure the program aligns with equity principles, the needs of potential applicants, and the goals of the program. To this end, we conducted a digital survey of MSW in Washington, met with industry associations, and hosted a listening session with Tribes in May and a virtual engagement workshop in June 2024, alongside a 30-day online [written comment period](#).

We are deeply grateful to all those who took the time to share their input with us.

### Landfill Methane Emissions Reduction Grant Development Timeline

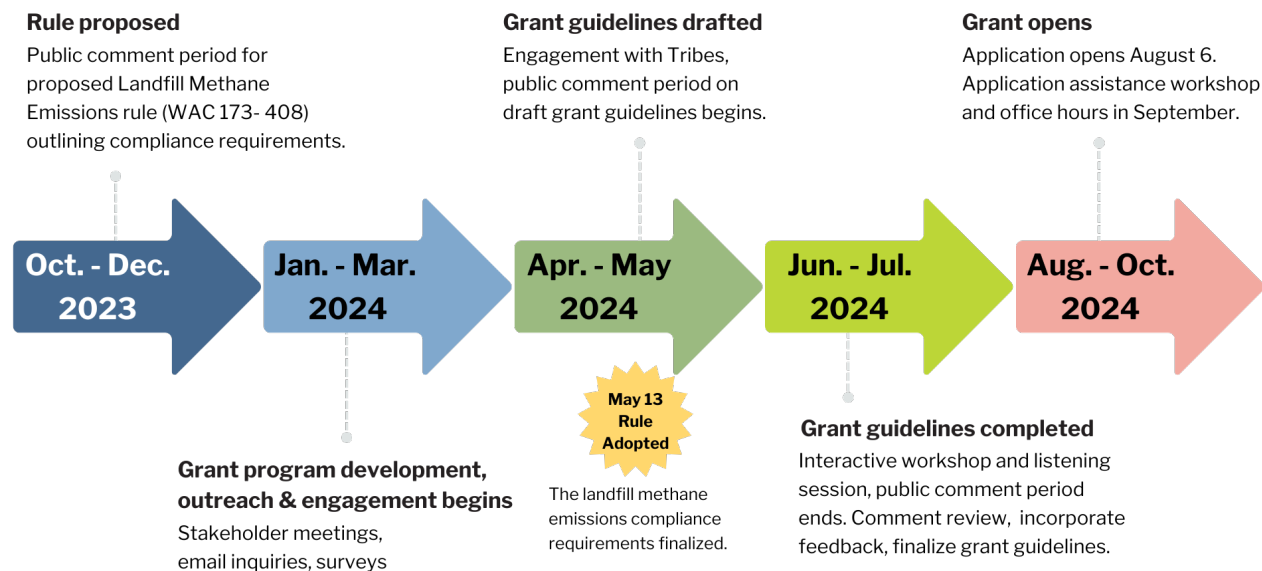


Figure 1: Landfill methane emissions reduction grant program development timeline.

## Engagement summary

### Initial Survey:

We included 16 questions to better understand priorities, cost impacts, and barriers for landfills to meet compliance requirements:

- Sent directly to 72 MSW landfills in Washington
- Survey link distributed by Solid Waste Association of North America, Evergreen chapter
- We received a total of **11 responses** from:
  - 10 municipalities
  - 1 private consultant company

### Engagement workshop and listening session:

We received approximately **48 comments and remarks** during the interactive engagement workshop and listening session. Please note that this is what we could reasonably confirm based on information provided by meeting registrants. It's likely we had broader representation than these numbers show.

- Clean air agency – 2
- Government or municipality: 20 attendees representing 2 cities, 8 counties, and 2 state agencies
  - City – 2
    - Tacoma, Port Angeles
  - County – 16 attendees representing 8 counties
    - Cowlitz, Grays Harbor, King, Skagit, Snohomish, Stevens, Thurston, Yakima
  - State government (non- ECY) – 2 attendees
    - WSDA, PLIA
- Health district – 2
- Media – 1
- NGO/Non-profit – 6 attendees representing 4 organizations
  - Zero Waste Washington, RMI (formerly known as the Rocky Mountain Institute), Washington State Building and Construction Trades Council, Climate Care Innovations Inc.
- Private – 14 attendees representing 10 different companies
- Tribes – 11 attendees from Tribes representing the Confederated Tribes of the Colville Reservation, Cowlitz Indian Tribe, Lummi Nation, Nez Perce Tribe, Nooksack Indian Tribe, Puyallup Tribe, Shoalwater Bay Indian Tribe, Spokane Tribe of Indians, and the Yakima Nation.
- Utility – 6 people representing 3 utilities
  - Avista, Cowlitz, NW Natural

### Online comments:

- We received approximately **17 online comments**.

## Response to comments:

In this document, we provide an overview of the comments we received, and whether, how, and why we incorporated input into the grant program. The comments we received fall largely into six main topics:

- [Barriers](#)
- [Cost estimates](#)
- [Eligible expenses](#)
- [Eligible projects](#)
- [Environmental justice](#)
- [Scoring criteria](#)

## Barriers

### Understanding the law

The intent of the grant funding is to help landfills comply with the landfill methane emissions law. However, several commenters noted difficulty understanding how the law applies to their site(s) and what they need to do to ensure compliance, including understanding anticipated costs. We developed an awards process that prioritizes funding for compliance and design planning, and allowed for grant funds to be used to hire a consultant to evaluate and interpret compliance needs and develop a design plan to meet compliance requirements.

### Time

Some commenters expressed concern around the timing of the required initial reporting (as required by WAC 173-408-060) and the challenge they may face in covering those costs. Initial reporting is required to determine whether a landfill is subject to the rule. The deadline to report initial waste-in-place was set in rule and occurs before the grant application period closes. To ensure efficient, effective, and appropriate use of public funds, Ecology policy does not allow for reimbursement of any costs incurred prior to a signed and executed grant agreement. Because applicants will not have grants in place before the reporting deadline, those costs are not eligible. However, after a signed grant agreement is in place, reporting costs are eligible throughout the terms of the grant period.

## Cost estimates

We received comments providing a range of cost estimates for design planning, monitoring, and gas collection and control system components, such as flares and well heads, which may be required for compliance and are listed below:

- Design planning and preparation: \$20,000 - \$200,000.
- Monitoring: \$15,000 - \$230,000
- Gas collection and control system components: \$70,000 - \$900,000

Some commenters provided a cost estimate for meeting all compliance requirements, which ranged from \$4 million to more than \$6 million. Feedback received about costs informed the maximum award amounts in each of the four funding levels.

## Eligible expenses

Many commenters provided input on what should be allowable expenses (costs) under the grant program. Requested eligible expenses included:

- monitoring equipment
- staff training to conduct monitoring
- design, purchase, and installation of equipment and energy recovery facilities commenter
- hiring contractors and consultants to meet compliance.

The program will allow for all costs that address compliance with methane emission requirements established in [Chapter 70A.540 RCW](#) and are necessary for, and directly connected to meeting or exceeding the compliance obligations outlined in [Chapter 173-408 WAC](#).

Several commenters asked that we consider costs associated with compliance projects that were in progress prior to the opening of the grant and to allow for prepaying for expenses instead of requiring grantees to submit invoices for reimbursement after costs have been incurred. Due to current state agency processes that ensure efficient and effective use of public funds, we are not able to reimburse for anything purchased prior to a signed and executed grant agreement or to allow for prepayment options for grantees. We understand the burden this may place on some applicants and strive to make the reimbursement request process as quick and easy as possible.

## Eligible projects

Many commenters indicated a desire to include and prioritize projects such as design and feasibility planning, monitoring projects, upgrading older systems, projects that maximize methane capture and/or increase the productive reuse of landfill gas. These projects will all be eligible if they are addressing compliance with the methane emission requirements established in Chapter 70A.540

RCW and Ecology's rules outlined in Chapter 173-408 WAC. This program will prioritize projects that are required for meeting the compliance obligations. Projects that maximize landfill methane emissions reductions beyond the minimum compliance requirements established in the law are also eligible but will be awarded if funds remain after all compliance project applications have been awarded.

## Environmental justice

We received comments about incorporating environmental justice into the program and how this program may impact overburdened communities. Commenters provided the following input:

- This program could have a positive impact for small counties and overburdened communities.
- The grant program should prioritize underserved and overburdened communities.
  - For this reason, we have incorporated a scoring criterion which prioritizes projects in communities that experience a disproportionate share of the environmental health risk in Washington.
- Ecology should consider making all monitoring data publicly accessible to nearby communities to build trust and transparency that methane and co-pollutants are being properly controlled.
  - The data reported from monitoring falls outside the scope of this grant program, however we have shared this feedback with the appropriate team

## Scoring criteria

The comments we received about scoring criteria can be categorized into the following five topics:

### Environmental justice

One commenter expressed dissatisfaction with Ecology awarding up to 50 points (30% of total score) to projects based on the proximity to a community that has experienced a disproportionate share of environmental health risk. The commenter indicated the weight of these points was too high because emissions dissipate into the atmosphere and affect more than one location.

We understand and recognize that methane emissions produced at a particular landfill location will rise and mix into the atmosphere resulting in climate impacts beyond the immediate surrounding community. However, we anticipate that prioritizing investments in vulnerable communities will likely reduce climate-related health inequities and have economic and health benefits. Because our agency prioritizes reducing environmental and health disparities in communities across Washington, this grant program maintains a point value equal to 30% of the total score for this category.

## Landfill status

Commenters provided feedback that the scoring criteria should prioritize open landfills over closed landfills because open landfills will generate more methane over their lifetimes. In contrast, other feedback indicated we should prioritize closed landfills, which do not generate revenue and will have a more difficult time paying for required changes because of the new law.

We understand open landfills receiving waste will likely generate more methane than closed landfills. We believe it is necessary to develop a scoring criterion that is fair and equitable, but also provides a means for us to prioritize financial assistance to those who need it most. Open landfills are still generating revenue and have more financial capacity to fund improvements to their gas collection and control system as well as conduct monitoring to detect leaks. Closed landfills are likely to have fewer resources available to address the new requirements of the law. For these reasons, we maintained prioritizing closed landfills over open landfills.

We also received a comment to enhance the prioritization of publicly or tribally owned landfills. We addressed this in the final scoring criteria by creating an additional criterion that separated open landfills by ownership, providing additional points for publicly owned over privately owned landfills.

## Landfill gas (LFG) collection and extraction

We received comments suggesting we prioritize projects which are already in progress and actively working towards compliance. The grant program is intended to help landfill owners and operators comply with the new law. Therefore, we are prioritizing applications which demonstrate the most need in relation to meeting the compliance obligations. While we did not incorporate additional points for projects that are already working towards compliance, those entities are still eligible to apply for funding to complete other compliance related projects.

## Monitoring

One commenter indicated that points should not be awarded for landfills without monitoring and that the grant criteria are punitive to landfill owners and operators that have proactively installed monitoring systems prior to the LFG methane rule. The grant program is intended to help landfill owners and operators comply with the new law. Therefore, we are prioritizing applications that demonstrate the most need in regard to meeting the compliance obligations, including those who have not installed monitoring systems.

## Add criteria for prioritizing LFG emissions reductions

We received several comments that would like to see a criterion added that prioritizes LFG emissions reductions, suggesting we award the most points to projects with the highest potential to generate methane emission reductions. It is critical to this program that the scoring process is fair and equitable. At this time, we do not have sufficient methane emissions data from every MSW

landfill in Washington to fairly and equitably award grants based on emissions reductions and reductions potential.

We recognize one of the best ways to reduce methane emissions from landfills is to prevent the methane from leaking into the atmosphere in the first place. This is accomplished by having effective GCCS systems in place, conducting frequent monitoring, and repairing leaks. For this reason, we are prioritizing funding opportunities for landfills owners and/or operators who have the most need for financial assistance in making sure their GCCS systems are operating efficiently, without leaks, and meeting the minimum requirements of the methane emissions law.

One commenter expressed priority should not be given to landfills with no gas collection and control systems in place. This grant program is intended to help landfill owners and operators comply with the new law, which is why we are prioritizing applications that demonstrate the most need in regards to meeting the compliance obligations, including those without gas collection and control systems in place.