

Congress of the United States

Washington, D.C. 20515

December 15, 2023

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Regan:

We write to express our support for immediate action by the U.S. Environmental Protection Agency (EPA) to strengthen the New Source Performance Standards (NSPS) and Emission Guidelines (EG) for municipal solid waste (MSW) landfills under section 111 of the Clean Air Act. Stronger EPA standards for landfills are critical to slash planet-warming methane emissions, advance environmental justice, and achieve our climate commitments. Therefore, we urge the EPA to move swiftly to open a rulemaking that reflects the latest advancements in methane prevention and mitigation. A stronger rule would, among other changes, improve landfill gas collection system coverage and performance to increase methane capture, expand methane monitoring to quickly find and fix more leaks, require landfill cover practices that better mitigate surface emissions, and encourage organics diversion to avoid future methane generation.

Poorly-controlled landfills present an urgent threat to our climate and communities. As organic waste decomposes in landfills, it generates methane: a highly potent greenhouse gas with about 80 times the warming power of carbon dioxide on a 20-year time horizon.¹ In 2021, U.S. municipal waste landfills emitted an estimated 3.7 million metric tons of methane, or about 295 million metric tons CO₂e over a 20-year period.² Now, aerial and satellite technologies are making methane more visible, uncovering super-emitter activity at landfills across the country.³ In California, for example, Carbon Mapper's flyovers found that a subset of landfills were the state's largest methane emitters.⁴ In addition, new EPA analysis shows that because food waste decays relatively quickly, its emissions often occur before landfill gas collection systems are installed or expanded. More than 60 percent of methane generated by landfilled food waste is released to the atmosphere as fugitive emissions.⁵ These findings underscore the urgent

¹ IPCC, *Climate Change 2021: The Physical Science Basis*. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, 2021, https://report.ipcc.ch/ar6/wg1/IPCC_AR6_WGI_FullReport.pdf p. 1017.

² *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2021*, U.S. Environmental Protection Agency, 2023. <https://www.epa.gov/ghgemissions/draft-inventory-us-greenhouse-gas-emissions-and-sinks-1990-2021>.

³ "Carbon Mapper Data Portal," Carbon Mapper, December 2023, <https://data.carbonmapper.org/>.

⁴ Riley Duren et al., "California's methane super-emitters," *Nature*, Vol 575, Iss 7781. (2019), <https://pubmed.ncbi.nlm.nih.gov/31695210/>.

⁵ Max Krause et al., *Quantifying Methane Emissions from Landfilled Food Waste*, U.S. Environmental Protection Agency, October 2023, https://www.epa.gov/system/files/documents/2023-10/food-waste-landfill-methane-10-8-23-final_508-compliant.pdf.

need to scale up waste prevention and diversion programs and strengthen landfill emission controls through stronger EPA rules.

On top of the warming impacts, landfill gas contains hazardous air pollutants, precursors to ozone and particulate matter, odors, and other dangerous gases that impact air quality, health, and quality of life for neighboring communities, many of whom are already vulnerable. Fifty-four percent of landfills are in communities with a higher percentage of people-of-color or low-income population than the national average, according to EPA's *EJScreen*.⁶ And every day, more waste is added to landfills, creating harm for decades.

There are proven, cost-effective strategies to curb landfill emissions. Waste prevention, food donation, and organics recycling avoid new landfill methane generation. EPA should support and accelerate state and local efforts to reduce organic waste by setting ambitious, nationwide targets to phase out organic waste disposal in landfills and incinerators and expanding funding and technical assistance for alternatives, including source reduction, food donation, conversion of food scraps to animal feed, composting, anaerobic digestion, and other recycling uses.

At the same time, strengthening landfill emission controls under the Clean Air Act is critical to cut methane quickly from waste in place and protect communities from harmful co-pollutants. In the past three years, Maryland, Oregon, and Washington have proposed or finalized stronger landfill methane rules. California, whose landfill regulation has been on the books since 2010, is now considering improvements to its nation-leading standard. The Maryland rule will deliver a 25-50% reduction in landfill gas emissions from affected landfills when fully implemented, according to agency estimates.⁷ State progress underscores the feasibility of stronger standards, and action from EPA is needed to protect communities across the country and unlock emission reductions at scale.

EPA is legally required to begin the process of reassessing its landfill performance standards by August 2024, and the agency is well positioned to enact stronger controls. EPA can build from state progress, Canada's proposed landfill methane regulatory framework, and its own efforts to improve methane monitoring and controls in the recently finalized Oil and Gas Rule, updates to the Greenhouse Gas Reporting Program, and 2019-20 NESHAP rulemaking – which have already identified mitigation measures that can achieve significant emission reductions at low cost. A stronger standard would:

- Ensure landfills capable of capturing landfill gas are doing so throughout the landfill, at the earliest feasible date, and in accordance with rigorous standards for gas control system design, installation, and operation.
- Make surface emissions monitoring more comprehensive and require fugitive emissions monitoring to ensure prompt detection and mitigation of leaks. Protective EPA standards can encourage adoption of available advanced technologies for methane monitoring, building from progress in the oil and gas sector, to ensure the largest leaks are quickly detected and mitigated.
- Include robust and effective cover requirements to limit methane emissions from the landfill surface.

⁶ Preet Bains et al., *Trashing the Climate: Methane from Municipal Landfills*, Environmental Integrity Project, May 2023, <https://environmentalintegrity.org/wp-content/uploads/2023/05/Trashing-the-Climate-report-5.18.23.pdf>

⁷ COMAR 26.11.42: *Control of Methane Emissions from Municipal Solid Waste (MSW) Landfills*, Maryland Department of the Environment, October 24, 2022, https://mde.maryland.gov/programs/workwithmde/Documents/AQCAC/2022MeetingMaterials/Control%20of%20Methane%20from%20MSW%20Landfills%20-%20October%20AQCAC_final%20PDF.pdf.

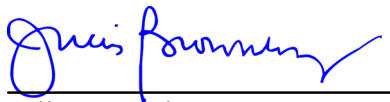
- Encourage the diversion of organic waste from landfills to avoid new methane generation.

Improving landfill gas capture and control would help address the air quality, toxics, and odor issues facing communities near landfills. Tackling landfill emissions holistically can also help to address food insecurity, improve health outcomes, create circular economy jobs, and produce value-added products, like compost, that improve soil health and sequester carbon.

Accelerated action to cut methane is the fastest way to reduce near-term warming and is necessary to keep a 1.5°C temperature limit within reach. Curbing methane pollution from landfills must be part of our national climate strategy. Stronger EPA landfill standards would also advance our international climate commitments under the Global Methane Pledge and the North American Leaders' Summit and help close the gap on our economy-wide emission reduction targets. This is a common-sense step our country can take for the climate and our collective health.

Thank you for your leadership to reduce climate and health-harming pollution. We look forward to your timely response.

Sincerely,



Julia Brownley
Member of Congress



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Member of Congress



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Gerald E. Connolly
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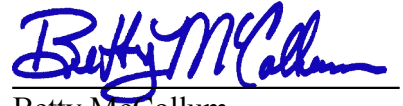
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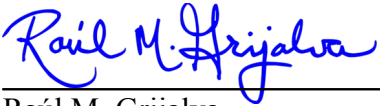
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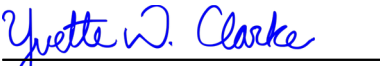
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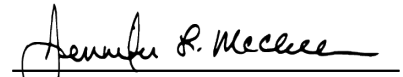
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