

Thank you. My name is Josh Segal, and I am a Special Assistant Attorney General in the Maryland Office of the Attorney General. I am speaking today to voice our office's opposition to EPA's proposal to extend the deadlines for implementing the Emission Guidelines for municipal solid waste landfills. We are also working closely with the offices of the Attorneys General of numerous other states to prepare written comments opposing that proposal.

Just last week, a thirteen-agency report sounded yet another alarm about the devastating consequences of climate change and the imperative to take action now. The Fourth National Climate Assessment confirms that climate change is already having a serious impact on communities throughout the country. And it contains a stark warning: "Without substantial and sustained global mitigation and regional adaptation efforts," the report states, "climate change is expected to cause growing losses to American infrastructure and property and impede the rate of economic growth over this century." Not only that, but the report warns that "more immediate and substantial global greenhouse gas emissions reductions" are necessary to avoid the most severe long-term consequences.

Among the greenhouse gases that contribute to climate change, methane is of particular concern. Over a hundred-year timeframe, methane's potential for warming the atmosphere is up to 34 times that of carbon dioxide. In the shorter term, the impact is even greater: over a 20-year timeframe, methane's warming potential is up to 84 times that of carbon dioxide.

In the United States, municipal solid waste landfills are the third-largest human-related source of methane emissions. Fortunately, the technology already exists to control methane emissions from these landfills, by capturing methane and converting it to marketable fuel. When it comes to combating the causes of climate change, methane emissions from landfills are low-hanging fruit.

Particularly in these circumstances, EPA should have acted promptly—at the very least within the deadlines prescribed by its own regulations—to review state plans for implementing the landfill methane emission guidelines, and to promulgate federal plans for states that opted not to submit their own plans. Had EPA followed its own regulations, every state would currently have a valid and enforceable plan for complying with the guidelines, and landfills would be on their way to achieving the 330,000-ton annual methane emissions reductions that the regulations envision.

But EPA has *not* followed its own regulations, and as a result, no state has an approved compliance plan. EPA has taken no action on the plans that states have submitted, and it has declined to issue federal plans for the states that have not submitted their own plans—even though the deadlines for EPA to act passed many months ago. In fact, EPA's failure to act forced eight states, including Maryland, to file suit to compel EPA to act.

And yet EPA still has not acted. Instead, it is now proposing to give itself a get-out-of-jail free card, by retroactively extending the deadlines for action that passed many months ago. In support of this proposal, EPA has claimed that it needs to harmonize the compliance deadlines for the landfill methane emission guidelines with the compliance deadlines proposed in the Affordable Clean Energy, or ACE, plan.

In fact, EPA needs to do no such thing. The ACE plan is still just a proposal. At the same time, the methane emission guidelines have been final, effective, and legally binding on states and EPA for more than two years. Calling them “ongoing” only serves to obscure the illegality of EPA’s failure to act. And it is just not plausible to suggest that what the regulations currently envision as a process taking just over a year actually should take up to five and a half years, as EPA has proposed.

We strongly urge that EPA abandon its proposal. As Friday’s multi-agency report warned, “Future risks from climate change depend primarily on decisions made *today*.” Today, so to speak, the EPA is proposing to make a very bad decision. In light of the urgency of confronting the causes of climate change, any further delay in implementing EPA’s rules to reduce methane emissions from landfills is irresponsible and unacceptable. Thank you.