



November XX, 2009

Via Email

Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
npri461@ecy.wa.gov

RE: Reporting of Emission of Greenhouse Gases

Dear Ms. Nancy Pritchett:

With this submittal, The [National Telecommunications Safety Panel](#)¹ (NTSP) is providing the Washington Department of Ecology with comments on the proposed Reporting of Emission of Greenhouse Gases rule.

The NTSP is a consortium of telecommunications environmental, health and safety professionals dedicated to promoting employee safety and health, preventing accidents and promoting environmental responsibility throughout the telecommunications industry. The NTSP strives to provide constructive input in the development and promulgation of environmental, health and safety standards and guidelines that affect the varied businesses within the telecommunications industry. As such, the panel maintains an active advocacy role, providing comments and recommendations to federal and state agencies where issues concern the Telecommunications industry. The comments submitted herein are from the NTSP and do not supersede comments filed by individual companies which may have filed different and/or additional comments.

Telecommunication providers must provide high-quality, reliable communication services such as global network data transmission, internet access, secure governmental and national security voice and data communications, as well as 911 and other telephone services 24 hours a day every day of the year. Telecommunications providers operate emergency engines to maintain their infrastructure and service in the event of a commercial power loss.

I. Summary of Issues

The NTSP is concerned with the several significant differences between the Department's proposed Reporting of Emission of Greenhouse Gases rule and the regulation promulgated by the U.S. Environmental Protection Agency (EPA) on October 30, 2009.² In particular, NTSP objects to the inclusion of emergency generators within the scope of the State's rules. Additionally, NTSP is concerned with the significantly different reporting thresholds, the inclusion of fleet-based emissions, and the treatment of emissions during times of significant disasters. These requirements will serve only to increase the regulatory burden on the regulated community, with little or no environmental benefit.

House Bill 2815 mandates that the Department amend its rules to be as consistent as possible with the federal reporting rules. In this regard, as discussed below, NTSP urges the Department to adopt a reporting exemption for emergency generators and establish an overall reporting threshold of 25,000 tons per year per facility. We also urge that you clarify that emissions from

¹ NTSP Member companies participating in these comments provided are CenturyLink, Verizon Communications, AT&T, and Quest.

² 74 Fed. Reg. 56,260 (Oct. 30, 2009).



fleets brought into the State temporarily to respond to emergency situations are exempt from coverage.

II. Specific Comments

A. Exempt Emergency Backup Generators

The NTSP recommends that the rule be amended to exempt stationary and portable engines used solely for emergency backup power (including maintenance and readiness testing) from mandatory reporting of greenhouse gas emissions. The hours that emergency engines are allowed for testing and maintenance purposes are limited, and in some cases are subject to permits with enforceable run-time limits. Based on national data, EPA estimates that emergency engines only run approximately 50 hours per year³. Engines that are devoted to emergency uses are clearly constrained in their operation, in the sense that, by definition and design they are only used when commercial power is unavailable to provide operational and life safety power. While the duration of these outages are entirely beyond the control of the source, when they do occur (except in the case of a major catastrophe), they rarely last more than a day. However, because emergencies are unpredictable, it is not possible for the owner/operator of such engines to predict which sites may exceed the threshold and therefore, it may be necessary to track emissions for all emergency engines annually to ensure compliance. This type of tracking with no environmental benefit is an unnecessary administrative burden.

The NTSP believes that this concern can be addressed by exempting emergency engines from the reporting requirements. This approach would be consistent with EPA's Mandatory GHG Reporting Rule which under the source category definition "excludes portable equipment, emergency generators, and emergency equipment".⁴ This exemption will make the process less burdensome while still providing a solid emissions inventory based on good science and valuable data. It would also satisfy the requirement that the Department seek consistency with the federal reporting rules.

B. Other Concerns

The NTSP recognizes that the Department of Ecology is developing the rule based on state legislative requirements. Since the adoption of Washington HB 2815 and prior to the publication of the Department of Ecology's proposed Reporting of Emission of Greenhouse Gases rule, the EPA finalized their mandatory greenhouse gas reporting rule. There are some differences between this proposal and EPA's final rule impacting how emissions are reported and which sources are included. Specifically, the federal rule exempts emergency engines, requires reporting on a site by site basis at a consistent threshold, and intentionally did not include the reporting of fleets. In contrast this proposed rule includes emergency engines, lowers the reporting threshold from 25,000 MT to 10,000 MT, outlines a scope shift from a site by site basis to a statewide entity basis with no change in threshold from the individual site threshold, and includes fleet emissions both from fuel combustion and fugitive emissions from in-cab air conditioning. In addition, the inclusion of recordkeeping for emissions from fleets may introduce an unintended burden and reporting complexity related to those vehicles that are brought into the state of Washington in response to a state or federally declared disaster. This inconsistency of approach increases administrative burdens with little or no additional environmental benefit.

NTSP believes that other less burdensome methods exist to achieve meaningful fleet emission reductions. The NTSP recommends that the Department of Ecology consider employing

³ See 74 FR 9706 (March 5, 2009)

⁴ See 74 FR 56293



promotion of management controls for fleets rather than burdensome recordkeeping requirements. Alternatively, the Department should clarify that emissions from fleets brought into the State specifically to respond to disasters do not count towards the fleet reporting threshold.

Moreover, significant differences between the federal and state programs with no identifiable benefit simply places additional burdens on companies with significant interstate presence

III. Closing

The NTSP wishes to thank the Department of Ecology for the opportunity to comment on the proposed Reporting of Emission of Greenhouse Gases rule. If you have any questions about the information included in these comments or we may be of further assistance in this matter, please feel free to contact me.

Sincerely,

Marie Robinson,
Chairperson,
National Telecommunications Safety Panel
AT&T Services, Inc.
14451 Myford Road, Room 1003
Tustin, CA 92780
(714) 505-3982