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## **Greenhouse Gases**

### **EPA Issues Proposed Endangerment Finding**

On Friday, April 17, 2009, the Environmental Protection Agency (EPA) issued a Proposed Endangerment Finding for Greenhouse Gases under the Clean Air Act. The proposed ruling would be the first step in the process of regulating greenhouse gases as pollutants under the Clean Air Act.

If this proposed rule is finalized, it will have significant implications for sources of greenhouse gases nation-wide. While initially it would not impose any requirements on industry, it could eventually result in many provisions of the Clean Air Act being used to control greenhouse gases (e.g. NSPS, PSD, MACT, mobile source controls etc.).

**Landfills, WTE plants, waste collection operations and many other solid waste management operations could be subject to controls.** EPA would have to conduct further rulemaking to impose any requirements on these sources of greenhouse gas emissions. The agency stated they would conduct an appropriate process and consider stakeholder input before taking any steps to reduce greenhouse gases.

The ruling will be published in the Federal Register in the coming weeks. Two public hearings have been scheduled: **May 18, 2009 at EPA's Potomac Yard Conference Center in Arlington, VA;** and May 21, 2009 at Bell Harbor International Conference Center in Seattle, WA.

The Waxman-Markey draft legislation (The American Clean Energy and Security Act of 2009 - ACESA) released March 31st, which seeks to establish a cap-and-trade program for greenhouse gases, would prevent EPA from using the Clean Air Act to regulate greenhouse gases if passed. Whether or not EPA's proposed endangerment finding will lead to more support for the passage of Waxman-Markey remains to be seen. To read more about the American Clean Energy and Security Act of 2009 go to <http://www.daa.com/portfolio/solid-waste.html>.

We will continue to monitor this and will provide updates as they occur.

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