



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Ecology AO # 07-15

- Preproposal Statement of Inquiry was filed as WSR 07-17-151 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

The Department of Ecology is proposing to amend Criteria for Municipal Solid Waste Landfills, Chapter 173-351 WAC. This chapter applies to publicly or privately owned Municipal Solid Waste Landfill (MSWLF) units that may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion. The purpose of this chapter is to establish minimum statewide standards for MSWLF's. The jurisdictional health departments can enact ordinances equally as or more stringent than Chapter 173-351 WAC.

Hearing location(s):

Date: 6/26/2012 Time: 1:30 PM
WA Department of Ecology
300 Desmond Drive, Lacey, WA 98503

Date: 6/27/2012 Time: 1:30 PM
Big Bend Community College
Masto Conference Center
7611 Bolling St. NE, Moses Lake, WA 98837

Submit written comments to:

Name: Wayne Krafft
Washington Department of Ecology
Eastern Regional Office
Waste 2 Resources Program
Address: 4601 N. Monroe St.
Spokane, WA 99205-1295
e-mail: rulecommentsw2r@ecy.wa.gov
fax: (509) 329-3529 by (date) 7/6/2012

Assistance for persons with disabilities:

Contact: Michelle Payne by June 25, 2012
TTY 711 or (877) 833-6341

Date of intended adoption: 10/3/2012
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The new rules will: adopt federal regulations and allow for issuance of Research, Development and Demonstration (RD&D) permits; eliminate equivalent and arid liner designs and extend greater flexibility for alternate liner designs consistent with federal regulations; eliminate arid closure cover design criteria, adopt new post-closure care period standards, which are based on potential risk to human and environmental receptors; add alternative borehole program approval requirements to ensure quality characterization of the geology and hydrogeology of a site; add requirements to file an environmental covenant at closure in accordance with Chapter 64.70 RCW, Uniform Environmental Covenants Act; include prevailing wage law provisions for financial assurance for closure; and address "general housekeeping" issues, including but not limited to, clarify definitions, make formatting changes, and ensure that the rules are consistent with WAC 173-350, Solid Waste Handling Standards.

Reasons supporting proposal: These rules will implement changes to federal regulation 40 CFR 258, Criteria for Municipal Solid Waste Landfills, adopted in 2004.

Statutory authority for adoption: Chapter 70.95 RCW

Statute being implemented: Chapter 70.95 RCW
Solid waste management — reduction and recycling

Is rule necessary because of a:

- | | | |
|-------------------------|---|--|
| Federal Law? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, 40 CFR 258, Criteria for Municipal Solid Waste Landfills

CITATION:

DATE
5/21/12

NAME (type or print)
Polly Zehm

SIGNATURE *Polly Zehm*

TITLE
Deputy Director, Department of Ecology

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **May 21, 2012**

TIME: **1:33 PM**

WSR **12-11-097**

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization) Department of Ecology

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Wayne Krafft	Spokane, WA	(509) 329-3438
Implementation.... Wayne Krafft	Spokane, WA	(509) 329-3438
Enforcement..... Wayne Krafft	Spokane, WA	(509) 329-3438

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:
Address:
Phone:
Fax:
e-mail:

No. Explain why no statement was prepared.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The businesses that might be affected by this proposed change are not small businesses.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Michelle Payne
Address: PO Box 47600
Olympia, WA 98504-7600
Phone: (360) 407-6900
Fax: (360) 407-6900
e-mail: mdav461@ecy.wa.gov

No: Please explain: