

- Rule Revision (1 of 2) -

Chapter 173-351 WAC
Criteria for Municipal Solid Waste
Landfills

Rule Process Lead: Kathi Scanlan, HQ-Olympia Office
Technical Lead: Wayne Krafft, Eastern Regional Office

Why is the rule being revised?

- Gain full EPA delegation
- Adopt 2004 federal regulations to allow for issuance of Research, Development and Demonstration (RD&D) permits
- Bring rule into full conformance with 40 CFR Part 258
- Transition from Chapter 173-304 WAC to Chapter 173-350 WAC
- General housekeeping issues such as new requirements, clarifications, typographical errors, & technical updates

New section WAC 173-351-710, RD&D Permits

- JHD, with the written concurrence of Ecology, may issue a research, development, and demonstration permit (or allow variance) for a new MSWLF unit, existing MSWLF unit, or lateral expansion for:
 - Run-on controls *
 - Liquids restrictions *
 - Innovative cover designs *

Must maintain same level of protection of human health and environment as standards and no variance from GW monitoring, closure and post-closure requirements
- Requires annual progress reports
- Allows three year permit (renewed up to 4 times)

Bring rule into full conformance with 40 CFR Part 258

"Existing MSWLF unit" definition not approved by EPA

- Eliminate clause
 - “For the purposes of this rule, any existing horizontal expansion approved by the jurisdictional health department for which as-built plans documenting construction prior to the effective date of this chapter, have been prepared and submitted ...”

Bring rule into full conformance with 40 CFR Part 258

- “*Equivalent*” liner design (and materials) in 351 rule not approved by EPA
- Current 351 liner design:
 - Non-Arid
 - Standard design, or
 - “*Equivalent*” design
 - Arid
 - Performance standard

Bring rule into full conformance with 40 CFR Part 258

- Federal rule: 40 CFR Part 258.40
 - Meet performance standard – OR --
 - Standard design
- Proposed changes:
 - Eliminate “equivalent” and “arid” designs
 - Add alternative design (performance standard)
 - Changes apply to both landfill and cover designs

Solid Waste Handling Standards, Chapter 173-350 WAC

- Change most references from Chapter 174-304 to Chapter 173-350 WAC
- Unchanged: landfills still subject to closure and post-closure rules under chapter 173-304 WAC, Minimum Functional Standards for Solid Waste Handling
- Update financial assurance mechanism in 351 and matched them to the 350 section
 - Add surety bonds, letters of credit and insurance policies

General Housekeeping

- Licensed professional in accordance with the requirements of Chapter 18.220 RCW, Geologists
- Groundwater monitoring
 - Clarify detection & assessment monitoring
- PQLs deleted from Appendix III because they change over time
- Miscellaneous updates and corrections

WAC 173-351 Rulemaking Schedule

Milestones	Date
Draft rule / EPA review	June – Sept. 2009
Public Workshops (informal public comment period)	October - November 2009
CR 102 Filed: Proposed Rule-Making	* January 2010
Public Hearings (formal public comment period)	* February 2010
Close of Formal Comment Period (7 days after last public hearing)	* February 2010
CR 103 Filed: Rule-Making Order	* June 2010
Effective Date of Rule	* July 2010

**** Dates take into account EPA/federal delegation review***

Public Involvement

- **SWAC Update(s)** After EPA review, present to SWAC and invite review/comments
- **Tribes** Ecology's Tribal Liaison
- **East and West Side Health Director's Meetings**
- **Local Government (email list)**
- **Closed Loop Scoop Article**
- **Targeted Stakeholder & General Public Review of Draft** - Invite comments on our program rule development website
<http://www.ecy.wa.gov/programs/swfa/rules/ruleMSW.html>
- **LISTSERV email notifications**

How you can get involved

Listserv e-mail notifications:

<http://www.ecy.wa.gov/programs/swfa/ruleMSW.html>

Technical Contact:

Wayne Krafft

akra461@ecy.wa.gov

(509) 329-3438

Department of Ecology

4601 N. Monroe Street

Spokane, WA 99205-1295

Rule Process Questions:

Kathi Scanlan

ksca461@ecy.wa.gov

(360) 407-6559

Department of Ecology

300 Desmond Drive

Olympia, WA 98504-7600

- Rule Revision (2 of 2) -

Chapter 173-350 WAC
Solid Waste Handling Standards

Rule Lead: Kathi Scanlan, Olympia-HQ

WAC 173-350: Scope & Timeline

- Complete chapter revision
- Currently in the internal program planning/scoping phase
- Timeline of rulemaking is resource dependent
- 2 - 3 year timeline
- Year 1: Internal Ecology planning/issue identification
- Year 2: Public involvement / draft & finalize rule
- *Possible* Year 3: Finalize rule