

S P O K A N E C O U N T Y H E A L T H D I S T R I C T

October 30, 1992

James E. Reed, Attorney at Law
Backman, Blumel & Reed
900 Northtown Office Building
4407 North Division
Spokane, WA 99207-1696

Dear Mr. Reed:

Since you represent Marshall Landfill, Inc. as its legal counsel, I am enclosing the Order for Variance for the Marshall Landfill as approved by the Health Officer and with written concurrence by the Washington State Department of Ecology.

If you have any questions concerning this correspondence, please feel free to contact me at 324-1571.

Sincerely,

ENVIRONMENTAL HEALTH DIVISION

Steven P. Holderby, R.S.
Solid Waste Program Coordinator

Enclosure

c: John A. Beare, M.D., M.P.H., Health Officer
Ed Parry, Attorney-at-Law
✓ Jim John Malm, Department of Ecology
Daryl Way, Acting Director, Environmental Health Division

HAND DELIVERED TO JAMES REED ON OCTOBER 30, 1992

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BEFORE THE SPOKANE COUNTY HEALTH DISTRICT HEALTH OFFICER

ORDER FOR VARIANCE

This matter came for hearing before the Health Officer on December 31, 1991, after which, on February 18, 1992, the Health Officer issued his Findings, Conclusions, Decision and Order, which were appealed by the Applicant, Marshall Landfill, Inc., after public hearing on the issues raised by the intent of the Health Officer to issue a variance, which hearing was held on May 22, 1992, in accordance with the directions contained in the Prehearing Memorandum of the Pollution Control Hearings Board, dated May 1, 1992, following the receipt of a letter from the Applicant agreeing to a public hearing on its variance pending the resolution of the appeal.

Present at the public hearing on May 22nd were the Applicant, and its attorney, James E. Reed, Attorney at Law, members of the public, members of the staff of Spokane County Health District and Edward J. Parry, Attorney for Spokane County Health District.

Having heard the testimony at the public hearing, and having in mind the provisions of the Order of February 18, 1992 directing that a variance be issued in accordance with the provisions of said February 18, 1992 Order;

NOW THEREFORE IT IS HEREBY ORDERED:

1. That a variance be granted to Marshall Landfill, Inc., until June 30, 1993, which variance is subject to the following conditions:
 - a. This variance shall not be effective until approved in writing by the Washington State Department of Ecology.
 - b. The permit to be issued subsequent to the approval of this variance shall not be effective until approved in writing by the Washington State Department of Ecology.
2. The operating permit for the year 1992 shall be issued as soon after the granting of the variance as it can be prepared and shall incorporate the conditions of this variance as well as all other conditions necessitated by the Minimum Functional Standards and the District's regulations with regard to closure of the landfill, including but not limited to the requirement that any portion of the "hole" (described as an area 100 feet by 270 feet which is located on the south face at the east end of the landfill, as shown on attached Appendix A) which is completely filled shall be covered and closed within 30 days after completion of the receipt of solid waste in that portion of the fill area.
3. The permittee shall commence immediately, as the weather allows, to complete all finish grading and installation of the cap, soil cover, seeding and gas collection equipment on the landfill, and said work shall be accomplished as weather permits concurrently with the receipt of any solid waste to fill the "hole".

4. All solid waste, if any, received by Marshall Landfill, Inc. at the site shall be deposited only in the "hole" area consisting of an area 100 feet by 270 feet which is located on the south face at the east end of the landfill, sufficient to raise the grade of that particular area to a maximum 33% grade, matching the grade of the fill above the area and below the area, and such waste received under this variance shall not be used for filling any other areas on the landfill site. When 25,000 cubic yards of waste at not less than 3 cubic yards per ton have been received, or a time period of not greater than 2 months from commencement of receipt of the waste has expired, whichever comes first, permittee shall cease receiving solid waste. The permittee shall amend the closure and post closure plan as necessary to show any change in the plans and specifications resulting from this paragraph. The amendments shall address changes made to the original closure and post closure plans contained within the document, Marshall Landfill, Inc., Variance Request To Continue Waste Disposal Through Closure With Supporting Documentation, Section 4, April 1990 Supplement and approved in April 1990.

5. The permittee shall amend the closure trust account and the post closure trust account documents in substance and in form to conform to the substance and form of the closure trust account and post closure trust account documents contained in the original application for variance as amended and approved in April 1990. No funds shall be disbursed from those accounts without the prior written consent of the Director of Environmental Health Division, Spokane County Health District (SCHD).

6. The permittee shall transfer to the reconstituted closure trust account, under the revised trust agreements as required in the preceding paragraph, \$105,981.69, plus the interest received by the post closure trust account on the various deposits of that sum from the dates of the transfers of that sum to the post closure account.

a. The permittee shall file with SCHD an amended closure plan and specifications, and an amended estimate of closure costs and an amended estimate of post closure costs, within 5 working days of receipt of this variance. In the absence of such amendments the requirements of those existing documents shall be met as to the amount of the closure costs and post closure costs.

7. The permittee shall deposit all receipts of funds from its operations at the landfill site or from other sources into the closure trust account.

8. Monies transferred from the post closure account to the closure trust account shall be used only for accomplishing the work of final grading, installation of the clay cap, the final cover of the clay cap, seeding, and gas collection equipment installation on those portions of the landfill site other than the area described as the "hole" remaining to be filled. These funds shall not be used for operational expense in receiving and landfilling of solid waste.

9. The permittee shall amend the cost estimates for closure and post closure, as necessary, to include in detail all costs reflective of the \$300,000.00 required to complete the specified closure work, and the receipt and installation of the 25,000 cubic yards of solid waste to complete the filling of the landfill as a part of the closure process. The financial assurance cost estimates for closure and post closure shall be amended to reflect any increases in costs since the last amendment of those documents.

10. The permittee shall submit for approval an amendment to the closure plan specification for the clay cap reflecting the change from 100% clay to 85% clay and 15% sand, and reflecting the reallocation of the costs from the clay and its installation expense to the pug-mill expense.

11. If the "hole" is filled in more than one cell, as opposed to filling it in one operation, each cell shall be completed and closed in accordance with the closure specifications when the last waste is deposited in each of those cells.

12. Records of the expense of receiving and landfilling waste to complete the filling of the "hole", shall be kept separate from other "closure" expenses. Payment of the receiving and landfilling expenses shall be made only from monies deposited in the closure account from the receipts of Marshall Landfill, Inc. after the commencement of receiving waste.

13. None of the funds in the closure account shall be used for any purpose other than payment of the closure costs and the operating expense of Marshall Landfill in receiving and installing the 25,000 yards of solid waste required to fill the "hole" area if waste is used to complete the closure. All funds in the closure account shall be dispersed only upon the prior written approval of SCHD of the payroll and invoices upon which such payments are to be based, after inspection by SCHD of both the records and the Marshall Landfill site. Marshall Landfill, Inc. shall pay the costs of SCHD in monitoring the receipt of solid waste, the payment of tipping fees therefore and the deposit thereof in the closure trust account. Marshall Landfill, Inc. shall deposit all receipts for tipping fees or other income from its operations in the closure trust account on a daily basis together with a detailed record of the quantities of waste received, the person, firm or corporation from whom it was received, and the amount of tipping fee charged for the deposit of such waste. These daily records shall be verified by SCHD.

14. After the certification of the final closing of the landfill, all funds up to \$105,981.69, plus the interest, which is to be transferred to the closure account, shall then be transferred to the post closure account.


15. The post closure cost estimates shall be examined and a determination made as to whether or not they are adequate to pay all the costs of post closure over the period required for the post closure activities. In the event that those costs should be increased, any remainder in the closure account, up to the amount of such increased costs, shall be deposited in the post closure account, after certification of completed closure.

16. No funds received by Marshall Landfill, Inc. from its operations or other sources shall be used for any other purpose than closing the landfill in accordance with the plans and specifications, as they are to be amended and the variance and operating permit, and for payment to the post closure account of all funds necessary to bring it to a total of \$540,000.00 of contributions, plus the interest earned on the \$105,981.69 which is to be transferred back to the closure account pursuant to these conditions. When all costs of closure and the estimated post closure costs are complete in the account, if there is any remainder after certification of the complete closing of the landfill, according to plan, such remainder shall be paid out to the permittee.

17. Marshall Landfill, Inc. may, at its election, made in writing within 5 working days of receipt of this variance, close the landfill without receipt of the solid waste specified in Paragraph 3 above, by grading soil over the "Hole" are described therein to a minimum grade necessary for proper drainage control but not less than a 2% grade. In the event Marshall Landfill, Inc. so elects, it shall amend the closure plan and post closure plans and specifications to reflect any change in the finished contours resulting from such election.

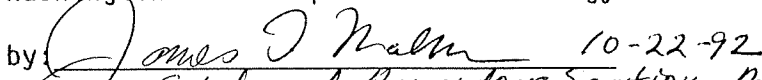
18. At such time as there are adequate funds available to Marshall Landfill, Inc. or in the closure trust account to complete the closure plan (as amended in accordance with this variance) and in addition sufficient funds to complete the amount necessary in the post closure trust fund account in accordance with this variance, Marshall Landfill, Inc. shall cease receiving any solid waste at the site.

Dated this 8th day of October, 1992.



John A. Beare, M.D., M.P.H.
Health Officer
Spokane County Health District

Approved:
Washington State Department of Ecology

by:  10-22-92
Solid and Hazardous Section Manager
its Eastern Regional Office

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