

Criteria for Municipal Solid Waste Landfills, Chapter 173-351 WAC

The Department of Ecology has adopted amendments to Criteria for Municipal Solid Waste Landfills, Chapter 173-351 WAC. The amended rule was adopted on November 7, 2012.

What is Chapter 173-351 WAC?

The rule sets standards for the design, operation, closure and post-closure care of landfills that accept municipal solid waste.

Among other things it requires landfills to have liner and capping systems, leachate collection, gas control systems, environmental monitoring, financial assurance and operational controls that are protective of human health and the environment.

Summary of the rule changes adopted on November 7, 2012

Rule changes include:

- Adoption of new federal regulations which allow for issuance of Research, Development and Demonstration (RD&D) permits
- Elimination of equivalent and arid liner designs and greater flexibility for alternate liner designs consistent with federal regulations
- Elimination of arid closure cover design criteria
- Adoption of new post-closure care period standards, which are based on potential risk to human and environmental receptors
- Addition of a requirement to file an environmental covenant at closure in accordance with Chapter 64.70 RCW, Uniform Environmental Covenants Act
- Inclusion of prevailing wage law provisions for financial assurance for closure
- Changing dissolved metals groundwater monitoring parameters to total metals
- General "housekeeping" issues such as clarification of definitions, formatting changes and ensuring that the rule is consistent with Chapter 173-350 WAC, Solid Waste Handling Standards.

MORE INFORMATION

Important changes to the rule include:

Adopting federal landfill design standards found in 40 CFR Part 258.40(a)(1). There are new performance-based criteria, where the design must prevent groundwater from exceeding certain contaminant levels.

Transitioning from testing of dissolved metals in groundwater to total metals to meet federal standards and state groundwater quality criteria.

New "functionally stable" criteria have been adopted for the post-closure care period in WAC 173-351-500(2)(a). The owner or operator must demonstrate that the landfill will not pose a threat to public health or the environment from exposure to waste, leachate, gas, or groundwater.

Important date:

The rule will be effective on December 9, 2012

Contact information:

Wayne Krafft
(509) 329-3438
Wayne.krafft@ecy.wa.gov

Special accommodations:

If you need this document in format for the visually impaired, call the Waste 2 Resources Program at (360) 407-6900.

Persons with hearing loss, call 711 for Washington Relay Service.
Persons with a speech disability, call 877-833-6341.

Whom does this rule affect?

This rule affects owners and operators of municipal solid waste landfills permitted under Chapter 173-351 WAC. The changes apply to landfills actively accepting waste and those landfills closed under the rule. Jurisdictional health agencies that issue solid waste permits must ensure that owners and operators meet the new standards in accordance with effective dates provided in the amended rule.

Response to Comments

Ecology's response to comments received during the public comment period is now available. Download a copy at <https://fortress.wa.gov/ecy/publications/summarypages/1207009.html>

More information

More information on rule adoption can be found at <http://www.ecy.wa.gov/laws-rules/activity/wac173351.html>

To get updates on Ecology's rule-making activities, sign-up for the WACTrack e-mail list at www.ecy.wa.gov/maillist.html.

Appeal procedures

This adoption can be appealed under procedures described in the Administrative Procedure Act (RCW 34.05.330). For more information about appealing this rule adoption, please contact Bari Schreiner, Agency Rules Coordinator, at (360) 407-6998 or bari.schreiner@ecy.wa.gov.

