

WAC 173-351, Criteria for Municipal Solid Waste Landfills

The Department of Ecology proposes to adopt amendments to Criteria for Municipal Solid Waste Landfills, WAC 173-351. The rule proposal will be published in the Washington State Register on June 6, 2012. The purpose of this rule proposal is to:

- adopt new 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
- address “general housekeeping” issues such as clarify definitions, make formatting changes, and ensure that the rule is consistent with WAC 173-350, Solid Waste Handling Standards.

Ecology issued a:

- Determination of Nonsignificance (DNS) under the State Environmental Policy Act.
- Preliminary Cost-Benefit Analysis.

These documents and the proposed rule language are available for review at <http://www.ecy.wa.gov/laws-rules/activity/wac173351.html>.

MORE INFORMATION

New landfill design standards are proposed to adopt the requirements of 40 CFR Part 258.40(a)(1). These are new performance-based criteria, where the design must prevent groundwater from exceeding the contaminant levels shown in Table 1 of the same section or the groundwater quality criteria in Chapter 173-200 WAC.

Additional design considerations were added that correlate with the explosive gas control requirements of WAC 173-351-200(4) and 40 CFR Part 258.23.

New “functionally stable” criteria are proposed 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.

Contact Information:

Wayne Krafft
AKRA461@ecy.wa.gov
(509) 329-3438

Special accommodations:

If you need this document in a 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.

Public hearings schedule**June 26, 2012, 1:30 PM**

Washington Department of Ecology, Headquarters
Auditorium ROA-32
300 Desmond Drive, Lacey, WA 98503

June 27, 2012, 1:30 PM

Big Bend Community College
Masto Conference Center
7611 Bolling St. NE, Moses Lake, WA 98837

Submit your comments

Comment period ends July 6, 2012.

You can give us your official comments in the following ways:

1. Testify or submit written comments at public hearings
2. Email your comments to: rulecommentsw2r@ecy.wa.gov
3. Mail comments to:
Wayne Krafft
Washington Department of Ecology, Eastern Regional Office
Waste 2 Resources Program
4601 N. Monroe St.
Spokane, WA 99205-1295

Ecology's response to your comments

All of the comments we receive will become part of the official record. We will publish responses to comments in a document called a Concise Explanatory Statement (CES). The CES is required by the Administrative Procedure Act (RCW 34.05) and is available after the rule is adopted. You will find your name listed in the document with a reference to where, in the document, Ecology responded your comments.

Expected adoption date

Ecology expects to adopt this rule no earlier than October 3, 2012.

