



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

Criteria for Municipal Solid Waste Landfills

Chapter 173-351 WAC

September 2015

Publication no. 15-07-035

Publication and Contact Information

This report is available on the Department of Ecology's website at <https://fortress.wa.gov/ecy/publications/SummaryPages/1507035.html>.

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Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325)

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Purpose

The Washington State Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

On October 1, 2015, Ecology adopted amendments to Chapter 173-351 WAC - *Criteria for Municipal Solid Waste Landfills* (AO # 15-01). The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-351 WAC about how Ecology intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Implementation and Enforcement

Ecology's role in the implementation of the state solid waste program is one of planning, policy setting, technical assistance, and oversight. Local jurisdictional health authorities implement the requirements of the rule in solid waste permits they issue. Within the Waste 2 Resources Program, each region of Ecology has some combination of facility specialist, hydrogeologist, or engineering expertise at its disposal. Those staff, as directed by the regional W2R Program section manager, provide support to local jurisdictional health authorities and operators of municipal solid waste landfills.

Following adoption of the rule we will notify stakeholders through our ListServ and e-mail, and will update our webpages and related links/resources. Enforcement of the rule is generally the responsibility of the local health authorities. Ecology will review annual reports and data obtained from groundwater monitoring activities at wells, and will review draft permits prior to issuance by the local health authority.

Informing and Educating Persons Affected by the Rule

During the rule-development process, Ecology provided notices and updates to facility operators and local jurisdictional health staff. Following adoption of the rule we will again notify affected parties. The need for education is fairly limited. There are only about two dozen applicable facilities statewide, and only about half of those will be affected by the updated rule. Outreach will consist of informing operators and local health authorities that the final rule has been adopted, and reminding them to be sure they refer to the updated table of pollutants in Appendix III of WAC 173-351-990.

Promoting and Assisting Voluntary Compliance

Operators are accustomed to incorporating required monitoring in their sampling and analysis programs. The vigilance of local health authorities when issuing permits to facilities, and Ecology oversight, will identify any monitoring plan deficiencies. Those are generally corrected without the need of formal enforcement action.

Evaluating the Rule

We will successfully implement the rule by ensuring that all municipal solid waste landfills that are required to perform assessment monitoring, have incorporated both of the new pollutants into their sampling and analysis programs. At the latest, this should happen with permit renewal, although facilities should incorporate the two new pollutants in their sampling and analysis programs soon after notification of the formal rule change.

Training and Informing Ecology Staff

We informed and involved staff during rule development. After filing the final rule, we will send a reminder/confirmation to staff. Staff usually do not carry out monitoring directly. Typically, consultants or landfill operations staff perform that work. Ecology staff work generally consists of evaluating draft permits to determine if the appropriate list of pollutants is specified, and reviewing analytical and statistical data provided in reports. In this latter regard, staff are already familiar with data analysis and will be able to confirm that the requirements are included as appropriate.

List of Supporting Documents that May Need to be Written or Revised

One publication, *Guidance for Groundwater Monitoring at Landfills and Other Facilities Regulated Under Chapters 173-304, 173-306, 173-350, and 173-351 WAC*, Ecology Publication 12-07-072, will need to be revised. The two pollutants added to the rule will need to be added to the guidance: 2, 3, 7, 8-Tetrachlorodibenzo-p-dioxin [CAS 1746-01-6] and alpha, alpha-Dimethylphenethylamine [CAS 122-09-8].

More Information

Information about this rule amendment can be found by going to:

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

Select the link for either *open* or *closed* rulemaking, depending upon the length of time that has elapsed since the rule was adopted.

The Waste 2 Resources program maintains a solid waste management page at

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

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