

**WAC 173-351-200 Operating criteria.** (1) Procedures for excluding the receipt of prohibited waste.

(a) Owners or operators of all MSWLF units must implement a program at the facility for detecting and preventing the disposal of prohibited wastes. This program must include, at a minimum:

(i) Random inspections of incoming loads unless the owner or operator takes other steps (for example, instituting source controls and restricting the type of waste received) to ensure that incoming loads do not contain prohibited waste;

(ii) Records of any inspections;

(iii) Training of facility personnel to recognize prohibited wastes; and

(iv) Immediate notification of the department and the jurisdictional health department if a prohibited waste is discovered at the facility.

(b) For purposes of this subsection:

(i) "Prohibited waste" means a solid waste that is:

(A) A dangerous waste as defined in WAC 173-303-040 that is not excluded from regulation as a dangerous waste under WAC 173-303-071 or 173-303-073, or was not generated by an exempted small quantity generator as defined in WAC 173-303-070;

(B) Polychlorinated biphenyls (PCBs) regulated under Title 40 C.F.R. Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibition; and

(C) Asbestos not managed in accordance to 40 C.F.R. Part 61.

(ii) "Random inspection" means:

(A) Discharging a random waste load onto a suitable surface. A suitable surface must be chosen to avoid interference with operations so that sorted waste can be distinguished from other loads of unsorted waste, so as to avoid litter and to contain runoff;

(B) Viewing the contents prior to actual disposal of the waste; and

(C) Allowing the facility owner or operator to return excluded wastes to the hauler, arrange for disposal of excluded wastes at a facility permitted to manage prohibited waste, or take other measures to prevent disposal of the excluded wastes at the facility.

(2) Cover material requirements.

(a) Except as provided in (b) of this subsection, the owners or operators of all MSWLF units must cover disposed solid waste with six inches (fifteen centimeters) of earthen material, i.e., soils, at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging.

(b) Alternative materials of an alternative thickness other than at least six inches (15 centimeters) of earthen material may be approved by the jurisdictional health department. The owner or operator must demonstrate during the permit process of WAC 173-351-700 or through the permit modification process of WAC 173-351-720(6) that the alternative material and thickness will not present a threat to human health or the environment; will not adversely affect gas or leachate composition or collection; will control disease vectors, fires, odors, blowing litter, and scavenging; and provide adequate access for heavy vehicles.

(c) The jurisdictional health department may grant a temporary waiver not to exceed three months from the requirement of (a) and (b) of this subsection if the owner or operator demonstrates that there

are extreme seasonal climatic conditions that make meeting such requirements impractical.

(3) Disease vector control.

(a) Owners or operators of all MSWLF units must prevent or control on-site populations of disease vectors using techniques appropriate for the protection of human health and the environment.

(b) For purposes of this subsection, "disease vectors" means any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting disease to humans.

(4) Explosive gases control.

(a) Owners or operators of all MSWLF units must ensure that:

(i) The concentration of methane gas generated by the facility does not exceed twenty-five percent of the lower explosive limit for methane in facility structures (excluding gas control or recovery system components);

(ii) The concentration of methane gas does not exceed the lower explosive limit for methane at the facility property boundary or beyond; and

(iii) The concentration of methane gases does not exceed one hundred parts per million by volume of methane in offsite structures.

(b) Owners or operators of all MSWLF units must control explosive gases and implement a routine methane monitoring program to ensure that the standards of (a) (i) and (ii) of this subsection are met.

(i) The explosive gas controls and type and frequency of monitoring must be determined based on the following factors:

(A) Soil conditions;

(B) The hydrogeologic conditions surrounding the facility;

(C) The hydraulic conditions surrounding the facility;

(D) The location of facility structures and property boundaries;

and

(E) The design and operation of the MSWLF unit.

(ii) The minimum frequency of monitoring must be quarterly.

Note: All gas monitoring wells must be constructed and decommissioned to ensure protection of the groundwater and to prevent groundwater contamination and follow the requirements of chapter 173-160 WAC, Minimum standards for construction and maintenance of wells, unless otherwise approved by the department and the jurisdictional health department.

(c) If methane gas levels exceeding the limits specified in subsection (4) (a) (i) or (ii) of this section are detected, the owner or operator must:

(i) Immediately take all necessary steps to ensure protection of human health including:

(A) Notifying the jurisdictional health department;

(B) Where subsection (4) (a) (ii) of this section is exceeded, monitoring of offsite structures for compliance with subsection (4) (a) (iii) of this section;

(C) Daily monitoring of methane gas levels unless otherwise authorized by the jurisdictional health department; and

(D) Evacuation of buildings affected by landfill gas must be determined by the jurisdictional health department and fire department.

(ii) Within seven calendar days of detection, place in the operating record, the methane gas levels detected and a description of the steps taken to protect human health; and

(iii) Within sixty days of detection, implement a remediation plan for the methane gas releases, place a copy of the plan in the operating record, and notify the jurisdictional health department that the plan has been implemented. The plan must describe the nature and extent of the problem and the remedy.

(iv) The jurisdictional health department may establish alternative schedules for demonstrating compliance with (c)(ii) and (iii) of this subsection.

(d) For purposes of this subsection, "lower explosive limit" means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at twenty-five degrees C and atmospheric pressure.

(5) Air criteria.

(a) Owners or operators of all MSWLF units must ensure that the units not violate any applicable requirements developed under the Washington state implementation plan approved or promulgated by the U.S. Environmental Protection Agency pursuant to Section 110 of the Federal Clean Air Act, as amended.

(b) Open burning of solid waste is prohibited at all MSWLF units, except: For the infrequent burning of agricultural wastes, silvicultural wastes, landclearing debris, diseased trees or debris from emergency cleanup operations, provided that such open burning is not inconsistent with policies, regulations, and permits administered by the jurisdictional air pollution control agency or the department under the Washington Clean Air Act, chapter 70.94 RCW. Household waste must not be open burned.

(6) Access requirements. Owners or operators of all MSWLF units must control public access and prevent unauthorized vehicular traffic, illegal dumping of wastes, and controls to keep animals out by using artificial barriers, natural barriers, or both, as appropriate to protect human health and the environment. A lockable gate is required at each entry to the facility.

(7) Run-on/runoff control systems.

(a) Except as allowed under WAC 173-351-710, owners or operators of all MSWLF units must design, construct, and maintain:

(i) A run-on control system to prevent flow onto the active portion of the landfill during the peak discharge from a twenty-five year storm;

(ii) A runoff control system from the active portion of the landfill to collect and control at least the water volume resulting from a twenty-four hour, twenty-five year storm.

(b) Runoff from the active portion of the landfill unit must be handled in accordance with WAC 173-351-200(8).

(8) Surface water requirements. MSWLF units must not:

(a) Cause a discharge of pollutants into waters of the state, including wetlands, that violates any requirements of chapter 90.48 RCW, Water pollution control, including, but not limited to, chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington, chapter 173-220 RCW, the National pollutant discharge elimination system permit program and chapter 173-216 WAC, State waste discharge permit program.

(b) Cause the discharge of a nonpoint source of pollution to waters of the state, including wetlands, that violates any requirement of an area-wide or statewide water quality management plan that has been approved under Section 208 or 319 of the Federal Clean Water Act, as amended.

(9) Liquids restrictions.

(a) Except as allowed under WAC 173-351-710, bulk or noncontainerized liquid waste may not be placed in MSWLF units unless:

(i) The liquid waste is household waste other than septic waste;  
or

(ii) The liquid waste is leachate or gas condensate derived from the MSWLF unit and:

(A) The MSWLF unit is designed with a leachate collection system and composite liner as described in WAC 173-351-300(3); and

(B) The owner or operator has obtained approval during the permitting process of WAC 173-351-700 or through the permit modification process of WAC 173-351-720(6) prior to placing liquid waste in the MSWLF unit.

Note: Condensate and leachate are subject to designation to determine whether either is a dangerous waste under chapter 173-303 WAC.

(b) Containers holding liquid waste may not be placed in a MSWLF unit unless:

(i) The container is a small container similar in size to that normally found in household waste;

(ii) The container is designed to hold liquids for use other than storage; or

(iii) The waste is household waste.

(c) For purposes of this subsection:

(i) "Liquid waste" means any waste material that is determined to contain "free liquids" as defined by Method 9095B (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," SW-846.

(ii) "Gas condensate" means the liquid generated as a result of gas recovery processes at the MSWLF unit.

(10) Recordkeeping requirements.

(a) The owner or operator of a MSWLF unit must record and retain the required information as it becomes available. The operating record must be retained at or near the facility in an operating record or in an alternative location approved by the jurisdictional health department during the permitting process of WAC 173-351-700 or through the permit modification process of WAC 173-351-720(6). The required information includes:

(i) Copies of all initial, renewal, reissued, and modified permit applications including all demonstrations, and issued permits;

(ii) Inspection records, training procedures, and notification procedures required in subsection (1) of this section, Procedures for excluding the receipt of prohibited waste, and inspection documents associated with the plan of operation, WAC 173-351-210.

(iii) Gas monitoring results from monitoring and any remediation plans required by WAC 173-351-200(4);

(iv) Any demonstration, certification, declaration of construction, finding, monitoring, testing, or analytical data as required by WAC 173-351-400 (Groundwater monitoring systems and remedial action);

(v) Major deviations from the plan of operation required in WAC 173-351-210; and

(vi) Daily records of weights or volumes of solid waste and, if available, types of waste received at the facility.

(b) The owner or operator must notify the jurisdictional health department when the documents from (a) of this subsection have been placed in or added to the operating record, unless:

(i) Such documents have been made a part of a permit application under this regulation;

(ii) Notification occurs under the renewal application requirements of WAC 173-351-730 (3)(b)(iv); or

(iii) The documents are daily records of weights or volumes specified in WAC 173-351-200 (10)(a)(vi).

(c) The jurisdictional health department can set alternative schedules during the permitting process of WAC 173-351-700 or through the permit modification process of WAC 173-351-720(6) for recordkeeping and notification requirements as specified in (a) and (b) of this subsection, except for the notification requirements in WAC 173-351-130 (2)(b), the Federal Aviation Administration and in WAC 173-351-440 (6)(c), notification of land owners under assessment monitoring.

(d) All information contained in the operating record must be furnished upon request to the jurisdictional health department or be made available at all reasonable times for inspection by the jurisdictional health department and the department.

(11) Annual reports. Each owner or operator must prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1 of each year. The annual report must:

(a) Include information on facility activities during the previous year;

(b) Be on forms supplied by the department; and

(c) Include the following information:

(i) Facility location;

(ii) Facility contact;

(iii) Operational and/or post-closure information;

(iv) Permit status;

(v) Compliance information;

(vi) Facility capacity information;

(vii) Information on groundwater monitoring as required in WAC 173-351-415(1).

(viii) Information on violation of ambient standards for surface water and explosive gases whose monitoring is required by chapter 173-351 WAC or performed as part of the permit issued under WAC 173-351-700;

(ix) Financial assurance audit reports in accordance with WAC 173-351-600 if applicable; and

(x) Other information as required.

[Statutory Authority: RCW 70.95.020(3), 70.95.060(1), and 70.95.260(1), (6). WSR 12-23-009 (Order 07-15), § 173-351-200, filed 11/8/12, effective 12/9/12. Statutory Authority: Chapter 70.95 RCW and 40 C.F.R. 258. WSR 93-22-016, § 173-351-200, filed 10/26/93, effective 11/26/93.]