

**WAC 173-351-010 Purpose, applicability, and effective dates.**

(1) Purpose. The purpose of this regulation is to establish minimum statewide standards for all municipal solid waste landfill (MSWLF) units under the authority of chapter 70.95 RCW as amended in order that jurisdictional health departments can enact ordinances equally as or more stringent than this regulation and to have jurisdictional health departments implement such ordinances through a permit system set forth in WAC 173-351-700. It is also the purpose of this regulation to implement rule making by the U.S. Environmental Protection Agency (EPA) under the authority of subtitle D of the Resource Conservation and Recovery Act (RCRA), as amended in 1984, and under the authority of Section 405(d) of the Clean Water Act as amended. The Clean Water Act required EPA "to establish standards for sewage sludge that is co-disposed with municipal solid waste." EPA satisfied both statutory requirements with the publication of 40 C.F.R. Part 258-Criteria For Municipal Solid Waste Landfills on October 9, 1991. These minimum statewide criteria ensure the protection of human health and the environment.

(2) Applicability.

(a) These criteria apply to new MSWLF units, existing MSWLF units, and lateral expansions, except as otherwise specifically provided in this regulation. All other solid waste disposal facilities and practices that are not regulated under subtitle C of RCRA and chapter 70.105 RCW are subject to the criteria contained in 40 C.F.R. Part 257, Criteria For Classification of Solid Waste Disposal Facilities, chapter 173-350 WAC, and/or chapter 173-304 WAC as amended.

Note: These rules do not apply to facilities that receive only inert waste, demolition waste, wood waste, industrial solid wastes, or other types of solid waste (other than household waste) disposed of in landfills regulated in chapter 173-350 WAC. Solid waste handling standards. Codisposal of any solid waste with household waste is governed by these rules.

(b) These criteria do not apply to MSWLF units that do not receive waste on or after November 26, 1993. MSWLF units that stopped receiving waste prior to October 9, 1991, are subject to closure and post-closure rules under chapter 173-304 WAC, the Minimum Functional Standards for Solid Waste Handling. MSWLF units that received waste on and after October 9, 1991, but stop receiving waste prior to November 26, 1993:

(i) Are also subject to federal closure rules under 40 C.F.R. Part 258.60(a);

(ii) Will be subject to all the requirements of this regulation unless otherwise specified, if such MSWLF units fail to meet the federal closure rules under 40 C.F.R. Part 258.60(a) by April 9, 1994, and the closure standards of chapter 173-304 WAC; except that jurisdictional health departments may grant time extensions to complete closure under 40 C.F.R. Part 258.60(a) by October 9, 1994; and

(iii) Will be subject to the groundwater monitoring and remedial action requirements of WAC 173-351-400 and the permitting requirements of WAC 173-351-700 if such MSWLF units are part of a multiunit groundwater monitoring system of WAC 173-351-450(4).

(3) Effective dates.

(a) All MSWLF units that receive waste on or after November 26, 1993, must comply with this chapter by November 26, 1993, unless:

(i) Later effective dates are specified elsewhere in this chapter, such as WAC 173-351-400 (1)(b), groundwater monitoring, WAC 173-351-430 (2)(b), detection monitoring program, WAC 173-351-440(2), assessment monitoring, and WAC 173-351-500 (2)(c), closure and post-closure care; or

(ii) The MSWLF unit is an existing MSWLF unit or an existing lateral expansion of an existing unit that:

(A) Disposed of 100 tons per day or less of solid waste during a representative period prior to November 26, 1993;

(B) Does not dispose of more than an average of 100 tons per day of solid waste each month between November 26, 1993, and April 9, 1994; and

(C) Is not on the National Priorities List (NPL) as found in Appendix B to 40 C.F.R. Part 300.

(b) MSWLF units that meet conditions of (a)(ii) of this subsection are exempt from all requirements of this rule but must meet the final cover requirement specified in 40 C.F.R. 258.60(a) and the requirements of chapter 173-304 WAC. The final cover must be installed by October 9, 1994. Owners or operators of MSWLF units described in (a)(ii) of this subsection that fail to complete cover installation by October 9, 1994, will be subject to all requirements of this chapter, unless otherwise specified.

(c) MSWLF units failing to satisfy these criteria are considered open dumps for purposes of state solid waste management planning under RCRA.

(d) MSWLF units failing to satisfy these criteria constitute open dumps, which are prohibited under section 4005 of RCRA.

(e) MSWLF units containing sewage sludge and failing to satisfy these criteria violate Sections 309 and 405(e) of the Federal Clean Water Act.

Note: All state codes standards, rules and regulations cited in this chapter are available by writing to the Department of Ecology, P.O. Box 4-7600, Olympia, Washington 98504-7600, or call 1-800-RECYCLE for the location of the nearest regional office of the department.

[Statutory Authority: RCW 70.95.020(3), 70.95.060(1), and 70.95.260(1), (6). WSR 12-23-009 (Order 07-15), § 173-351-010, filed 11/8/12, effective 12/9/12. Statutory Authority: Chapter 70.95 RCW and 40 C.F.R. 258. WSR 93-22-016, § 173-351-010, filed 10/26/93, effective 11/26/93.]