

WAC 173-351-700 Permitting requirements. (1) WAC 173-351-700 through 173-351-750 are the permitting requirements of chapter 173-351 WAC, Criteria for municipal solid waste landfills. Except as provided in subsection (4) of this section, no owner or operator shall construct, operate, close, or perform post-closure activity with respect to a facility except in conformance with a valid MSWLF permit issued pursuant to this chapter.

(2) Transition rules for existing MSWLF units. The following constitute the transition rules for this section:

(a) Existing MSWLF units with valid chapter 173-304 WAC permits expiring before November 26, 1993. Owners or operators of existing MSWLF units having valid permits expiring before November 26, 1993, must apply for a valid MSWLF permit no later than January 24, 1994, to continue operation under the terms of this regulation. Each valid chapter 173-304 WAC permit expiring before November 26, 1993, is hereby continued until the valid MSWLF permit is issued under these rules. For these transition rules, the owner or operator must prepare applications according to WAC 173-351-730(4), Reissuance/transition applications. Upon issuance of a valid MSWLF permit, the owner or operator must comply with the requirements of this regulation.

Note: MSWLF units that do not accept waste on or after November 26, 1993, and close under chapter 173-304 WAC, Minimum functional standards for solid waste handling, and the federal rules for closure under 40 C.F.R. Part 258.60 would continue to be permitted under chapter 173-304 WAC unless such MSWLF units are part of a multiunit groundwater monitoring system according to WAC 173-351-450(4).

(b) Existing MSWLF units with valid chapter 173-304 WAC permits expiring on or after November 26, 1993. Each valid chapter 173-304 WAC permit (for existing MSWLF units) expiring on or after November 26, 1993, is hereby continued until the expiration date set forth in the permit. Owners and operators must comply with the conditions of the permit and the regulations of chapter 173-304 WAC, in effect on October 8, 1993, for the duration of that permit. Owners or operators of existing MSWLF units with valid chapter 173-304 WAC permits expiring on or after November 26, 1993, must apply for a valid MSWLF permit no later than January 24, 1994. For these transition rules, the owner or operator must prepare applications according to WAC 173-351-730(4), Reissuance/transition applications. Upon issuance of a valid MSWLF permit, the owner or operator must comply with the requirements of this regulation.

(3) New and laterally expanded MSWLF units. New and laterally expanded MSWLF units receiving waste after November 26, 1993, must meet the requirements of this section before construction has begun and before waste is accepted to the MSWLF unit or lateral expansion.

Note: Any owner or operator planning to incorporate a 50 percent increase or greater in design volume capacity not previously authorized in permit, or unpermitted changes resulting in significant adverse environmental impacts that have led a responsible official to issue a declaration of significance under WAC 197-11-736 must meet the requirements of this section before construction has begun and before waste is accepted to the MSWLF unit, or lateral expansion.

(4) Exemptions. The MSWLF units identified in this subsection are exempt from this section:

(a) MSWLF units that are excluded under WAC 173-351-010 (2)(b);

(b) Single family residences and single family farms dumping or depositing solid waste resulting from their own domestic, on-site activities onto or under the surface of land owned or leased by them when such action does not create a nuisance, violate any other statutes, ordinances, regulations, or this regulation, provided that such facilities:

(i) Are fenced or otherwise protected by natural barriers from unauthorized entry by the general public and large animal scavengers; and

(ii) Have placed a monthly soil cover to allow no visible solid waste.

(c) Remedial actions at a MSWLF unit performed by the state and/or in conjunction with the United States Environmental Protection Agency to implement the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), the Model Toxics Control Act or remedial actions taken by others to comply with a state and/or federal cleanup order provided that:

(i) The action results in an overall improvement of the environmental impact of the site;

(ii) The action does not require or result in additional waste being delivered to the facility or increase the amount of waste or contamination present at the facility;

(iii) The substantive provisions of this chapter are met; and

(iv) The jurisdictional health department is informed of the actions to be taken and is given the opportunity to review and comment upon the proposed remedial action plans.

Note: MSWLF units not covered under remedial action are not exempted from permitting under this section.

[Statutory Authority: RCW 70.95.020(3), 70.95.060(1), and 70.95.260(1), (6). WSR 12-23-009 (Order 07-15), § 173-351-700, filed 11/8/12, effective 12/9/12. Statutory Authority: Chapter 70.95 RCW and 40 C.F.R. 258. WSR 93-22-016, § 173-351-700, filed 10/26/93, effective 11/26/93.]