

**WAC 173-351-710 Research, development, and demonstration permits.** (1) The jurisdictional health department, with the written concurrence of the department, may issue a research, development, and demonstration permit for a new MSWLF unit, existing MSWLF unit, or lateral expansion, from which the owner or operator proposes to utilize innovative methods which vary from the following criteria provided that the MSWLF unit has a leachate collection system designed and constructed to maintain less than a one foot (30 cm) depth of leachate on the liner and has not been identified as a potential source of contamination:

(a) The run-on control system in WAC 173-351-200(7); and

(b) The liquids restriction in WAC 173-351-200(9).

(2) The jurisdictional health department, with the written concurrence of the department, may issue a research, development, and demonstration permit for a new MSWLF unit, existing MSWLF unit, or lateral expansion, for which the owner or operator proposes to utilize innovative methods which vary from the final cover criteria of WAC 173-351-500 (1)(a), provided the MSWLF unit owner or operator demonstrates that the MSWLF unit is not a source of contamination and the infiltration of liquid through the alternative cover system will not cause contamination of groundwater or surface water, or cause the leachate depth on the liner to exceed one foot (30 cm).

(3) The jurisdictional health department and the department must follow the procedures of WAC 173-351-720(1) except the jurisdictional health department must not issue a permit if the department recommends against its issuance. Any permit issued under this section must include terms and conditions that are at least as protective as the criteria for municipal solid waste landfills, and assure protection of human health and the environment. Such permits must:

(a) Include clearly stated and demonstrable project goals;

(b) Provide for the construction and operation of such facilities as necessary, for not longer than three years, unless renewed as provided in subsections (5) and (6) of this section;

(c) Provide that the MSWLF unit must receive only those types and quantities of municipal solid waste and nonhazardous waste which the jurisdictional health department deems appropriate for the purposes of determining the efficacy and performance capabilities of the technology or process;

(d) Include requirements necessary to protect human health and the environment, including requirements necessary for testing and providing information to the jurisdictional health department with respect to the operation of the facility;

(e) Require the owner or operator of a permitted MSWLF unit under this section to submit an annual report to the jurisdictional health department and the department showing whether and to what extent the site is progressing in attaining project goals. The report will also include a summary of all monitoring and testing results and any other operating information specified by the jurisdictional health department in the permit; and

(f) Require compliance with all criteria in this chapter, except as permitted under this section.

(4) The jurisdictional health department may order an immediate termination of all operations at the facility permitted under this section or other corrective measures any time it determines that the overall goals of the project are not being attained or protecting human health and the environment.

(5) Any permit issued under this section must not exceed three years and each renewal must not exceed three years. The total term for a project permit including renewals may not exceed twelve years.

(6) Permit renewal.

(a) The owner or operator of a MSWLF unit must apply for renewal of a permit under this section at least ninety days before the existing permit expires. The owner or operator must provide the jurisdictional health department two copies of:

(i) A detailed assessment of the project showing the status with respect to achieving project goals;

(ii) A list of problems and status with respect to problem resolutions;

(iii) The information required in WAC 173-351-730 (3)(b); and

(iv) Any other requirements that the jurisdictional health department determines necessary for permit renewal.

(b) Once the jurisdictional health department determines that a renewal application is factually complete, it must refer one copy to the appropriate regional office of the department for review and comment.

(c) Standards for approval. The jurisdictional health department and the department must review the original application and additional information contained in the renewal application to determine whether the facility meets all applicable laws and regulations and conforms to the most recently adopted comprehensive solid waste management plan.

(d) Fees. The jurisdictional health department may establish reasonable fees for permits and renewal of permits. All permit fees collected by the health department must be deposited in the account from which the jurisdictional health department's operating expenses are paid.

(e) Department's findings. The department will report to the jurisdictional health department its findings on each renewal permit application within thirty days of receipt of a complete application. Additionally, the department must recommend for or against the renewal of each research, demonstration, and demonstration permit by the jurisdictional health department.

(f) Permit approval. When the jurisdictional health department has evaluated all information in the renewal application, it will, with the written concurrence of the department renew the permit for a period not to exceed three years or deny the permit. Every complete renewal application must be approved or disapproved within forty-five days after its receipt by the jurisdictional health department or inform the owner or operator as to the status of the application with a schedule for final determination.

(g) Permit format. Every permit issued by a jurisdictional health department must be on a format prescribed by the department and contain specific requirements necessary for the proper operation of the facility including the requirement that final engineering plans and specifications be submitted for approval by the jurisdictional health department.

(h) Filing permits with the department. The jurisdictional health department must mail all renewed permits to the department no more than seven days after the date of issuance. The department will review and may appeal the permit as set forth in RCW 70.95.185 and 70.95.190. No permit issued pursuant to this chapter will be valid unless it has been reviewed by 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), § 173-351-710, filed 11/8/12, effective 12/9/12.]