

**WAC 173-351-750 Permit provisions.** (1) Mitigation of adverse impacts. The jurisdictional health department may impose conditions in each permit, to assure mitigation of adverse environmental impacts pursuant to SEPA, chapter 43.21C RCW and to ensure compliance with the requirements of this regulation and with other applicable laws and regulations.

(2) Transferability.

(a) All permits issued pursuant to this regulation are transferable only upon prior written approval of the jurisdictional health department and a demonstration that the prospective transferee will be able to comply with applicable laws and regulations, permit conditions, and other requirements to which the prospective transferor is subject.

(b) Upon transfer of ownership of all or part of a facility, a provision must be included in the property deed indicating the period of time during which the facility has been disposing of solid waste, a description of the solid waste contained within, and the fact that the records for the facility have been filed with the jurisdictional health department. The deed also must reference a map, which must be filed with the county clerk, showing the limits of the active areas as defined in WAC 173-351-100.

(3) Duration of permits. The jurisdictional health department must specify the duration of the MSWLF permit. Except as provided in WAC 173-351-710(5), permits must be renewed at least every five years on a date established by the jurisdictional health department. If a permit is to be renewed for longer than one year, the jurisdictional health department may hold a public hearing before making a decision. Permits must be renewed according to WAC 173-351-710(5) or 173-351-720(5), and reissued according to WAC 173-351-720(7).

(4) Preconstruction review condition. The jurisdictional health department must include in each permit for a new MSWLF unit or lateral expansion a condition requiring the owner or operator to submit the following documents sixty days prior to beginning construction, and to obtain the jurisdictional health department's approval that the following documents conform to the engineering report and with the requirements of this chapter:

(a) Final design drawings;

(b) Construction specifications; and

(c) A construction quality assurance manual for the following MSWLF components:

(i) Bottom liner;

(ii) Leachate collection and removal system;

(iii) Landfill gas control system;

(iv) Leachate and landfill gas condensate treatment and disposal system; and

(v) Final cover system.

(5) Supervision and certification or declaration of construction. The construction of a MSWLF unit must be undertaken:

(a) Under the supervision of an individual licensed to practice engineering in the state of Washington; and

(b) In conformance with the construction quality assurance plan of WAC 173-351-730(6).

(6) Preoperation review conditions. Each permit issued under this chapter for a new MSWLF unit or lateral expansion must contain a condition requiring that upon completion of construction, the licensed engineer who supervised construction must certify or declare in writing that the construction is in accordance with the terms of the ap-

plicable permit and tested in accordance with construction quality assurance plans of WAC 173-351-730(6). Except as specified elsewhere in this regulation, this certification or declaration must be submitted to the jurisdictional health department within three months after completion of construction and must include recorded construction drawings and specifications. The owner or operator must notify the jurisdictional health department, in writing, of the date when solid waste will be first received at the MSWLF unit.

(7) Cessation of construction or operation activities. If construction or operation activities started under a permit issued pursuant to this chapter cease for a period of twelve consecutive months, the jurisdictional health department may in its discretion revoke the permit. The jurisdictional health department must provide notice to the owner or operator in writing explaining the reasons for revocation. The jurisdictional health department must not revoke a permit where the cessation of construction or operation is caused by factors beyond the reasonable control of the permittee or when such cessation is in accordance with the provisions of the permit.

(8) Design volume capacity and construction. Every MSWLF permit must specify the facility's approved design volume capacity and identify the extent of each permitted MSWLF unit and the specific time frames for construction of the first MSWLF unit and estimated time frames for construction of subsequent MSWLF units.

[Statutory Authority: RCW 70.95.020(3), 70.95.060(1), and 70.95.260(1), (6). WSR 12-23-009 (Order 07-15), § 173-351-750, filed 11/8/12, effective 12/9/12. Statutory Authority: Chapter 70.95 RCW and 40 C.F.R. 258. WSR 93-22-016, § 173-351-750, filed 10/26/93, effective 11/26/93.]