

**WAC 173-408-130 Alternative compliance measures.** (1) The owner or operator of a MSW landfill, or third-party owner or operator, may request alternatives to the compliance measures, monitoring requirements, and test methods and procedures set forth in WAC 173-408-080, 173-408-110, and 173-408-120. Any alternatives requested by the owner or operator must be submitted in writing to the department.

(2) The criteria that the department may use to evaluate alternative compliance measure requests include, but are not limited to:

(a) Compliance history;

(b) Documentation containing the landfill gas flow rate and measured methane concentrations for individual gas collection wells or components;

(c) Permits;

(d) Component testing and surface monitoring results;

(e) Gas collection and control system operation, maintenance, and inspection records;

(f) Historical meteorological data;

(g) Consistency with EPA-approved test methods and procedures; and

(h) Recommendation of the local authority, if applicable.

(3) The department will review the requested alternatives and either approve or disapprove the alternatives within 120 days of receipt of a complete request.

(a) The department may request that additional information be submitted as part of the review of the requested alternatives, including additional information requested by a local authority for purposes of providing a recommendation for the department's consideration under subsection (2)(h) of this section. Until the requested information is submitted, the request will be determined as incomplete, and no department actions will be taken to approve or deny the request.

(b) If the department denies a request for an alternative compliance option, the department will provide written reasons for the denial.

(c) The department must deny a request for alternative compliance measures if the request does not provide levels of performance, enforceability, or methane emissions control that are equivalent to those set forth in this chapter.

[Statutory Authority: Chapter 70A.540 RCW. WSR 24-11-052 (Order 22-15), § 173-408-130, filed 5/13/24, effective 6/13/24.]