

## Emerald Services, Inc.

Proposed changes at WAC 173-303-200(12)(c)(iv) would require LQG locations that cannot practicably remove or decontaminate some dangerous waste residual upon closure (e.g., leaks that impacted soil beneath a building slab that won't be demolished) to operate as if they were a landfill under WAC 173-303-665. The Washington MTCA rule already covers this scenario and an established industry of consultants/contractors and process of regulatory review is in place that could handle these situations more effectively.

The landfill requirements include, among other things, potentially installation of liners, run-on control systems, run-off management systems, wind dispersal control, and weekly inspections. In most situations I can foresee where a LQG cannot remove all residual contaminants, these landfill issues are not going to be relevant. Additionally, the practical and legal issues these requirements would present to the multitude of LQG facilities that operate in leased facilities where they would not be present, nor have access to, after closure are significant. Attempting to apply landfill regulations to what is currently a MTCA scenario does not appear to add value and does appear to increase confusion.

The proposed language should be changed to say that remaining contamination after closure of an LQG facility should be managed as a release per MTCA, not as a landfill.