

City of Spokane- Solid Waste Disposal

1. WAC 173-408-030 lists Exemptions. RCW 70A.540, the underlying statute for the rule, specifically exempts all landfills that -1-are currently regulated under the comprehensive environmental response, compensation, and liability act, 42 USC chapter 103-1-, i.e., Superfund sites. In section WAC 13-408-030(2) through (3), Ecology adds limitations to the statutory blanket exemption that Superfund site landfills are provided. Ecology should remove these limitations and provide the statutorily provided exemption as written in the law.

2. -1-Municipal Solid Waste Landfill-1- is defined as a discrete area of land or an excavation that receives household waste. Other parts of the rule refer to landfill areas and landfill facilities. The rule should be written to clearly identify which portions of a landfill will be covered by the rule. For example, within the fenced boundary of the City of Spokane's Northside Landfill, there is a 160 acre discrete Superfund landfill site that did not receive waste after 1991. Under the solid waste program this landfill unit is regulated under Chapter 173-304 WAC. On the same property there is also an active landfill currently receiving waste. This landfill is regulated under Chapter 173-351 WAC. It is separate and distinct from the closed Superfund area. For landfill sites containing multiple units (some of which have closed prior to 1992 and therefore should not be regulated under Chapter 173-408), please clarify which portions of the landfill are covered by the rule.

3. In the definition for -1-Owner,-1- please add -1-or-1- at the end of (c) to show that an owner only needs to be at least one entity described in (a) through (d). Otherwise the reader might assume -1-and,-1- indicating that all descriptions must apply.

4. The definition of -1-Waste-in-Place-1- seems overly specific (and in the rule it is usually waste in place, not waste-in-place). If a landfill has supporting data for an alternate refuse density, they should be allowed to use the more accurate value.

5. For older landfills, such as the Northside Landfill's Superfund Landfill, records of waste in place have not always been required (Chapter 173-304 WAC was first adopted in 1988). An allowance should be made if a landfill such as this one is brought into the rule. At best waste in place can be estimated, as the landfill was in use in the early 1900's. Can a new rule legally require records that pre-date the rule?

6. WAC 173-408-070(2)(a)(i) requires a temperature monitoring device with a continuous recorder. The rule should clearly detail a minimum allowable recording period. Most continuous monitoring devices under the state air pollution rules rely on a 15-minute averaging period and the details of calculating this average are explicit in the rules. Ecology should carefully consider how much data can be rapidly generated if -1-continuous recorder-1- means something like every second, or every minute. Some kind of averaging period should be allowed and the averaging period should align with the length of the performance testing test runs.

In addition, WAC 173-408-080(4)(a)(iv) states -1-The gas control device must be operated within the parameter ranges established during the initial or most recent source test.-1- More details should be provided as to what this means. Is the parameter range for the combustion temperature the temperature averaged over the most recent source test? And if so, does continuous monitoring mean

having an average temperature for each test run length? CARB Implementation Guidance for the CA rule discusses a 15-minute averaging period for the combustion temperature, and 15-minute values during the source test are then averaged to demonstrate that appropriate operating conditions during the source test are maintained.