Meeting of the WAC 173-350 Section 330 Workgroup
March 19, 2015 – 9:00am
Ecology Lacey Building – Hoh River Room (R1B-21)

Participants

- Jan Brewer, Kitsap County Health – in person
- Bill Harris, Ecology Waste 2 Resources Program – in person
- Chris Martin, Ecology Water Quality Program – in person
- Wendy Mifflin, Yakima County Solid Waste – on phone
- Ted Silvestri, Yakima County Health – in person
- Jody Snyder, Waste Connections – on phone
- Rod Whittaker, Washington Refuse & Recycling Association – on phone

Note: Dave Lowe, Waste Management, did not participate in this meeting.

Meeting Summary

Bill expressed thanks to everyone for their willingness to participate in the update of Section 330, Surface Impoundments and Tanks, of Washington's *Solid Waste Handling Standards* rule, Chapter 173-350 WAC.

Ecology-Identified Issues

After introductions around the table and on the phone, Bill summarized the larger issues which Ecology staff has identified in these sections:

- *Applicability: Use of Section 330 by other sections or other rules* - There are several instances where other rules and other sections in the 350 rule refer to part or all of the surface impoundment and tanks section for criteria and standards. Ecology believes it would be beneficial to clarify the applicability of this section to make the connections explicit.
- *Applicability: Permit-exempt handling* - Ecology would like to resolve whether requirements of Section 330 are or should be applicable to storage of liquid or semi-liquid wastes that are being handled under a permit exemption by the provisions of the Solid Waste Handling Standards - Other organic material handling activities, WAC 173-350-225.
- *Applicability: Relationship to Water Quality Program's Criteria for Sewage Works Design* - Ecology would like to resolve whether the Solid Waste Handling Standards or the Water Quality Program criteria will apply to management of leachate generated at solid waste facilities that is being treated in surface impoundments for discharge under a water quality permit.
- *Applicability: Leachate conveyance systems* – Ecology is considering whether the scope of the design and operating criteria for facilities handling landfill leachate should be expanded to include the conveyance systems that deliver leachate to a storage system from a landfill's leachate collection system.
- *Operating criteria: Leak detection system monitoring and reporting* - There are no clear requirements for monitoring or reporting monitoring of leak detection systems in surface impoundments.
- *Operating criteria: allowable leakage* - There are no criteria for allowable leakage in primary or secondary impoundment liners, and hence no clear requirements to repair leaks that may be identified.

- *Operating criteria: Maintenance* - There are no criteria for general maintenance of surface impoundments (for example, removal of sediment, debris, vegetation, etc.).

Workgroup-Identified Issues

Ted noted the recent federal district court decision on dairy waste management in the Yakima Valley, finding that manure is a solid waste under the federal Resource Conservation and Recovery Act.[1] He is interested in how Ecology will be responding to that ruling, and if it will result in dairy waste impoundments being regulated under the Solid Waste Handling Standards, with permitting and enforcement performed by jurisdictional health departments.

Jan suggested the addition of financial assurance requirements for facilities regulated under this section.

Rod asked if there would be a process for applying any new requirements to existing facilities.

Jan noted that there are no locational standards to address potential concerns about groundwater protection.

The group indicted a general satisfaction with the existing technical standards of Section 330.

Additional Workgroup Discussion of Identified Issues

Applicability: Wake of the Cow Palace decision – Bill noted that he was aware that there was discussion going within Ecology about the ruling, particularly with respect to the policy implications of the "manure as RCRA solid waste" element. He indicated that he believes that the potential policy implications are of a degree that any decisions about Ecology's response would be coming from fairly high levels in the agency management. The group didn't express concern about needing to make responsive adjustments to technical criteria in Section 330 at this time.

Locational standards: Groundwater Protection – Jan observed out that the only way groundwater protection would be considered for a surface impoundment would be in association with a primary solid waste handling activity which has its own locational standards intended to be protective of groundwater (e.g., a landfill). She also pointed out that the general performance standards for solid waste handling in Section 040 are more oriented to preventing environmental impacts of facility operations, and are thus of limited help in making decisions about facility siting at the time of permitting.

Next Steps

Bill indicated that he would consult with W2R management on the agency's response to the Cow Palace ruling, and report what he could to the group. Bill also informed the group that there is a progress-review meeting of the rule section leads scheduled in the third week of April, and reminded workgroup members that that if they identified additional issues in the coming weeks, that they please contact him with them.

[1] Community Association for Restoration of the Environment Inc et al v. Cow Palace LLC. See http://dockets.justia.com/docket/washington/waedce/2:2013cv03016/59554