

**Chapter 173-408 WAC**  
**Landfill Methane Emissions**

**GENERAL REQUIREMENTS**

**173-408-020 Applicability**

**173-408-030 Exemptions**

**173-408-040 Definitions**

**WAC 173-408-020 Applicability**

- (1) Except as exempted in WAC 173-408-030, this chapter applies to:
  - (a) All municipal solid waste (MSW) landfills that received solid waste after January 1, 1992.

**WAC 173-408-030 Exemptions**

- (1) This chapter does not apply to the following landfills:
  - (a) Landfills that receive only hazardous waste(s)
  - (b) “CERCLA regulated landfill” as defined in section 173-408-040, if it meets the criteria for exemption set forth in subsection (3) of this section
  - (c) Landfills that receive only “inert waste or non-decomposable waste(s)” as defined in section 173-408-040
- (2) CERCLA exemption process:

This subsection establishes the process for an owner or operator of a “CERCLA regulated landfill,” as defined in section 173-408-040, to claim an exemption from the requirements of this chapter.

To claim exemption from the requirements of this chapter, the owner or operator of a CERCLA regulated landfill shall submit the following information to the department:

- (a) The applicable CERCLA removal action memorandum or remedial action record of decision, including any amendments.
  - (b) A map of the portion of the landfill that has been designated as on-site for purposes of the CERCLA response action.
  - (c) Additional information as needed to establish that the CERCLA regulated landfill meets the criteria for exemption set forth in subsection (3) of this section.
- (3) (a) The department will review the submitted information and determine whether the CERCLA regulated landfill meets the following criteria for exemption from the requirements of this chapter:
    - i. The CERCLA response action(s) must be currently under way at the CERCLA regulated landfill;

- ii. The owner or operator must demonstrate that complying with the requirements of this chapter would compromise the efficacy of the ongoing CERCLA response action(s);
- iii. The CERCLA response action(s) must require the installation or modification of a landfill gas collection and control system (GCCS); and
- iv. The owner or operator must demonstrate that the GCCS influences methane capture in the landfill.

(b) The department may consult with EPA in the course of determining whether the CERCLA regulated landfill meets the above criteria for exemption from the requirements of this chapter.

(c) For zones or areas of a municipal solid waste landfill that are adjacent to but outside the area designated as on-site for purposes of the CERCLA response action(s), the substantive requirements of this chapter shall be considered as applicable or relevant and appropriate requirements (ARARs) in the selection of a removal or remedial action, and in evaluations of a removal or remedial action's compliance with ARARs during any subsequent five-year reviews required by CERCLA.

#### **WAC 173-408-040 Definitions**

When used in this chapter, the following terms have the meanings given below. These definitions should not be interpreted to apply to any other chapter unless expressly provided for therein.

Ecology will pull definitions from the statute and add new definitions as needed.

“CERCLA regulated landfill” means the portion of a municipal solid waste landfill that has been designated as on-site for purposes of a CERCLA response action(s).

“CERCLA response action” means a removal or remedial action conducted pursuant to 42 USC Sections 9604, 9606, 9620, 9621, or 9622.

“Inert waste or non-decomposable waste(s)” has the same meaning as "inert waste" in WAC 173-350-100.

“On-site” has the same meaning as set forth in 40 CFR 300.400(e)(1).