Chapters 173-408 and 173-455 WAC – Landfill Methane Emissions (Fees)

September 17, 2026 public meeting

Agenda

1. Purpose
2. Updates to WAC 173-408-080 and WAC 173-455-038
3. Potential updates to annual reporting deadline
4. Q&A/break
5. Draft rule language about fee collection
6. Q&A/next steps

Purpose of Rulemaking

To update two air quality rules:

- Chapter 173-408 WAC (Landfill Methane Emissions) implements Chapter 70A.540 RCW and establishes requirements for both active and closed municipal solid waste landfills that received solid waste after January 1, 1992.
  - Administrative updates to WAC 173-408-080
  - Possible update to annual reporting deadline in WAC 173-408-170(3)(a)
  - New section in Chapter 173-408 WAC to describe how Ecology will collect fees
- Chapter 173-455 WAC (Air Quality Fees Rule) consolidates most of the air quality-related fees into one chapter.
  - Updates to WAC 173-455-038 to note that new fee structure is in Chapter 173-408 WAC

WAC 173-408-080 Updates

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State of Washington

173-408-080(5)

"(b) If a gas collection and control system routes the collected gas to a treatment system that processes the collected gas for subsequent sale or use …. If the processed landfill gas cannot be routed for subsequent sale or use, then the treated landfill gas must be controlled according to ~~this subsection (5)~~ subsection (4) of this section."

173-408-080(2)

"Design plan and installation: If a gas collection and control system that meets the requirements of either subsection (3), (4), or (5) of this section has not been installed … or within one year of detecting any leak on the landfill surface exceeding a methane concentration of 200 ppmv, in accordance with WAC 173-408-070 (~~3~~4)(b)."

WAC 173-455-038 Updates

WAC 173-455-038 Fees not included.

This chapter contains all fees required by the air quality program except the following:

(1) Air operating permit – Fees are in Chapter 173-401 WAC.

(2) Agricultural burning – Fees are in Chapter 173-430 WAC.

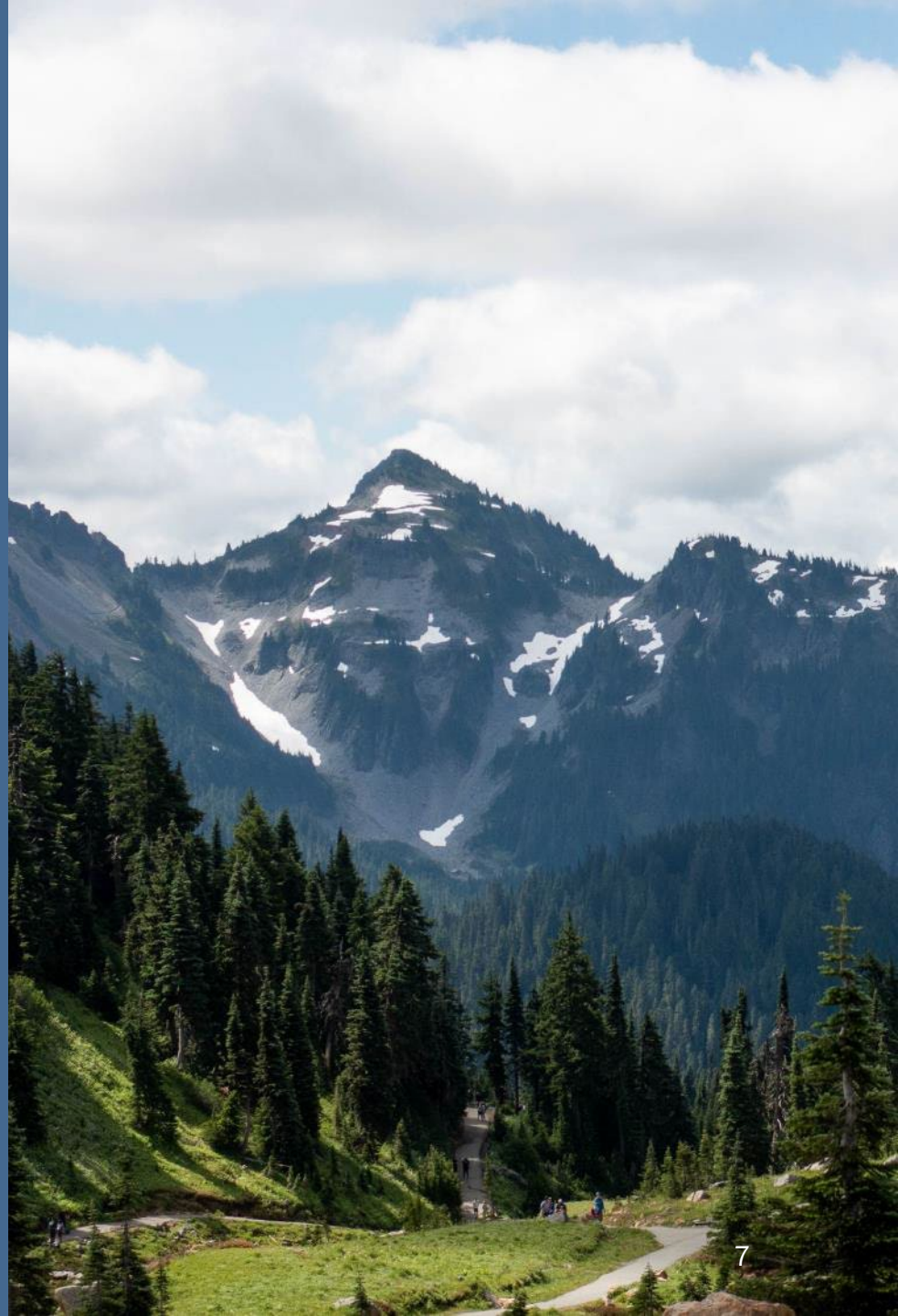
(3) Reporting of emissions of greenhouse gases – Fees are in Chapter 173-441 WAC.

(4) Landfill Methane Emissions – Fees are in Chapter 173-408 WAC.

Potential Updates to Annual Reporting Deadline

- Current deadline is yearly on April 1 (WAC 173-408-170(3)(a))
- Other options –please respond to poll
  - Keep as April 1, yearly
  - Change to May 31, yearly
- Opportunity to respond outside of the online poll (details to come)

Questions?



10-Minute Break

Fee Collection

Why Fee Collection is Needed

- Authorizing law grants Ecology authority to “assess and collect such fees as may be necessary to recover the direct and indirect costs associated with the implementation of this chapter.”
- Effective implementation of this program requires a continued funding source to meet the goals of the law/rule: Reduce emissions of methane – a potent greenhouse gas – from MSW landfills across Washington.

Program Costs

- Review reports submitted to our reporting software, MEMR
- Alternative compliance requests from MSW landfills
- Design plan submittal and review
- Alternative precipitation/wind requirements during monitoring
- Assisting landfill owners/operators in meeting compliance
- Integrating compliance inspections

Draft Rule Language About Fee Collection (part 1)

WAC 173-408-175 Fees.

Statutory authorization. RCW 70A.540.130 authorizes the department to assess and collect fees as may be necessary to recover the direct and indirect costs associated with the implementation of Chapter 70A.540 RCW and this chapter.

Dedicated account. Fees collected by the department under this section must be deposited into the air pollution control account established under RCW 70A.15.1010 and may only be used by the department to implement Chapter 70A.540 RCW and this chapter.

Draft Rule Language About Fee Collection (part 2)

MSW landfills subject to fees. Each owner or operator of an MSW landfill that is subject to the reporting requirements pursuant to WAC 173-408-170 must pay fees as prescribed in this section.

Workload analysis and budget development. Each biennium the department must conduct a workload analysis and develop a budget for implementation of Chapter 70A.540 RCW and this chapter. The workload analysis must project resource requirements for the purpose of recovering the direct and indirect costs associated with implementation in accordance with subsection ____ . The department must publish the workload analysis and provide an opportunity for public review and comment on the workload analysis. The budget must be based on the resource requirements identified in the workload analysis.

Draft Rule Language About Fee Collection (part 3)

Fee determination. The department shall develop an annual fee schedule, consistent with the process outlined below, according to which it will collect fees from MSW landfills subject to this section. The fees shall be sufficient to recover the costs of implementation, as determined by the biennial workload analysis and budget development, in accordance with subsection _____.

Flat fee. Each MSW landfill that must pay fees, pursuant to subsection _____ will be charged an annual flat fee. The flat fee is subject to change each biennium when the department conducts a workload analysis and develops a budget in accordance with subsection _____.

Possible Fee Structure

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State of Washington

Gas %	Flat Fee	Gas Percentage	1/3 Base Fee	1/2 Base Fee	2/3 Base Fee	Adjustable Base Fee
33.28%	$ 9,259.26	$ 83,211.01	$ 58,560.43	$ 46,235.14	$ 33,909.84	$ 53,761.65
32.16%	$ 9,259.26	$ 80,408.13	$ 56,691.84	$ 44,833.70	$ 32,975.55	$ 52,119.17
24.57%	$ 9,259.26	$ 61,430.08	$ 44,039.81	$ 35,344.67	$ 26,649.53	$ 40,998.03
3.69%	$ 9,259.26	$ 9,221.37	$ 9,234.00	$ 9,240.31	$ 9,246.63	$ 10,403.72
1.51%	$ 9,259.26	$ 3,768.63	$ 5,598.84	$ 6,513.94	$ 7,429.05	$ 7,208.42
1.30%	$ 9,259.26	$ 3,250.05	$ 5,253.12	$ 6,254.66	$ 7,256.19	$ 6,904.53
1.18%	$ 9,259.26	$ 2,945.67	$ 5,050.20	$ 6,102.47	$ 7,154.73	$ 6,726.16
0.66%	$ 9,259.26	$ 1,659.35	$ 4,192.66	$ 5,459.31	$ 6,725.96	$ 5,972.38
0.64%	$ 9,259.26	$ 1,611.79	$ 4,160.94	$ 5,435.52	$ 6,710.10	$ 5,944.51
0.36%	$ 9,259.26	$ 904.42	$ 3,689.37	$ 5,081.84	$ 6,474.31	$ 5,529.99
0.28%	$ 9,259.26	$ 710.15	$ 3,559.85	$ 4,984.70	$ 6,409.55	$ 5,416.15
0.19%	$ 9,259.26	$ 485.73	$ 3,410.24	$ 4,872.50	$ 6,334.75	$ 1,784.64
0.16%	$ 9,259.26	$ 393.61	$ 3,348.82	$ 4,826.43	$ 6,304.04	$ 1,730.65
0.00%	$ 9,259.26	$ -	$ 3,086.42	$ 4,629.63	$ 6,172.84	$ 5,000.00
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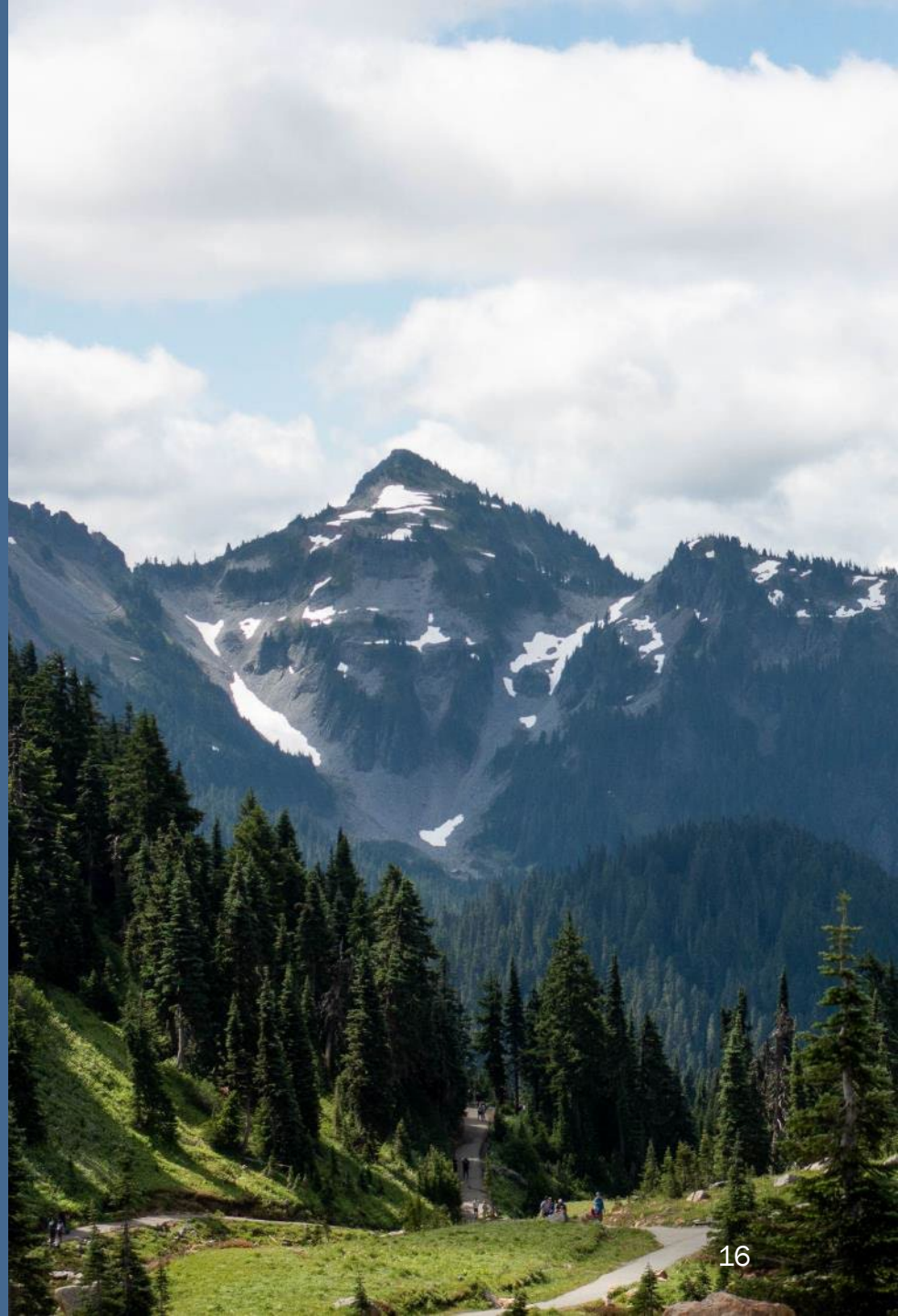
TOTAL	**$ 250,000.00**	**$ 250,000.00**	**$ 250,000.00**	**$ 250,000.00**	**$ 250,000.00**	**$ 250,000.00**

Example of different fee structures if the total programmatic costs were $250,000/year

Questions?



Rulemaking Timeline

Milestone	Date (subject to change)
Announced rulemaking	July 22, 2026
Rule development + public meetings and informal public comment period	July 22, 2026 – Spring 2027
Propose rule	June 2027
Formal comment period and public hearing	Summer 2027
Adopt rule	October 2027

Next Steps

- Recording of presentation will be posted on rulemaking webpage within the next few days
- Submit comments on draft rule language online (links on next page)
- Ecology will email subscribers to our email list about rulemaking updates, including registration for the next public meeting this fall

Resources

Rulemaking webpage: https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-408-455

Subscribe to the rulemaking email list: https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_265

Submit comments online: https://ecology.commentinput.com?id=jNdrUbcH8

Implementation webpage: https://www.ezview.wa.gov/site/alias__1962/41956/landfill_methane_emissions_guidance.aspx

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Thank you!