



DEPARTMENT OF
ECOLOGY
State of Washington

Concise Explanatory Statement

Chapter 173-351 WAC

Criteria for Municipal Solid Waste Landfills

Summary of rulemaking and response to comments

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Concise Explanatory Statement

Chapter 173-351 WAC Criteria for Municipal Solid Waste Landfills

Waste 2 Resources Program
Washington State Department of Ecology
Olympia, Washington 98504-7600

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Introduction

The purpose of a Concise Explanatory Statement is to:

- Meet the Administrative Procedure Act (APA) requirements for agencies to prepare a Concise Explanatory Statement (RCW 34.05.325).
- Provide reasons for adopting the rule.
- Describe any differences between the proposed rule and the adopted rule.
- Provide Ecology's response to public comments.

This Concise Explanatory Statement provides information on The Washington State Department of Ecology's (Ecology) rule adoption for:

Title: Criteria for Municipal Solid Waste Landfills
WAC Chapter(s): Chapter 173-351 WAC
Adopted date: October 1, 2015
Effective date: November 6, 2015

To see more information related to this rulemaking or other Ecology rulemakings please visit our web site: <http://www.ecy.wa.gov/laws-rules/index.html>

Reasons for Adopting the Rule

The Department of Ecology revised Appendix 3 of WAC 173-351-990 of the rule to include two hazardous organic constituents: 2, 3, 7, 8-Tetrachlorodibenzo-p-dioxin [CAS 1746-01-6] and alpha, alpha-Dimethylphenethylamine [CAS 122-09-8]. This revision was necessary to be consistent with federal rules in 40 CFR Part 258. Operators of municipal solid waste landfills must meet federal program requirements. Revising our rule eliminates possible noncompliance for facilities that inadvertently omit the two additional constituents in their monitoring program. It also clarifies requirements for local jurisdictional health authorities that have the lead for issuing and enforcing solid waste permits. These revisions will enable Ecology to obtain full approval of our municipal solid waste rules from the U.S. Environmental Protection Agency (EPA).

Differences Between the Proposed Rule and Adopted Rule

RCW 34.05.325(6)(a)(ii) requires Ecology to describe the differences between the text of the proposed rule as published in the *Washington State Register* and the text of the rule as adopted, other than editing changes, stating the reasons for the differences.

There are no differences between the proposed rule filed on July 16, 2015, and the adopted rule filed on October 6, 2015.

Response to Comments

No one attended the public hearing held on August 27, 2015. Ecology accepted comments from July 16, 2015 until September 9, 2015. The closing date for comments was deliberately left soft to accommodate postmarked submittals. Prior to the hearing we observed that the deadline was shown as September 9 on one of our web pages, but was listed as September 8 in all other locations. Since the deadline was soft we simply waited to be sure that no comments were submitted at the last minute. No comments in any form were received in response to the proposed rule (RCW 34.05.325(6)(a)(iii)).

Appendix A: Copies of all written comments

The department received no comments on the proposed rule.

Appendix B: Transcripts from public hearings.

DEPARTMENT OF ECOLOGY

Waste 2 Resources Program

August 27, 2015

Subject: WAC 173-351 Public Hearing Recording Transcription

This is Janine Bogar. I am the hearing officer today, August 27, 2015, for the Department of Ecology's proposal to revise Chapter 173-351 of the Washington Administrative Code *Criteria for Municipal Solid Waste Landfills*. Ecology is proposing to add two pollutants of concern to the list of pollutants in Appendix 3 of WAC 173-351-990. Pollutants in this appendix must be monitored by facilities required to perform assessment monitoring under the state rule. The two pollutants we are proposing to add are: 2,3,7,8-tetrachlorodibenzo-p-dioxin and alpha, alpha-dimethylphenethylamine

We have been in the hearing room since before 3:00 o'clock, and no one has attended the hearing. Let the records show that now at 3:29 P.M. on August 27, 2015, I am adjourning the hearing. Thank you.