

## Detailed list of proposed amendments to chapter 11-58.1

- 1) Reorganize chapter for ease of use
  - a) Renumber §§01 to 04 and 06 to §§101 to 105
  - b) Consolidate requirements for all types of facilities that manage solid waste, except landfills, rather than having separate sections for each facility type [delete §§20 to 55, new subchapter 2]
  - c) Place requirements into one subchapter for:
    - i) All types of facilities that manage solid waste, except landfills [subchapter 2]
    - ii) Special waste landfills [subchapter 3]
    - iii) Municipal solid waste landfills [subchapter 4, renumber §§11 to 18 as §§151 to 158]
    - iv) Construction and demolition landfills [subchapter 5; renumber §19 as §183]
  - d) Move sections
    - i) “General responsibilities” [from §61 to §106, rename as “solid waste management responsibilities”]
    - ii) “Foreign waste treatment and disposal facilities” and “Infectious wastes,” [from §§53(a) and 63 to §123(j)(1) and (2) “Operating requirements” – “Treatment facilities”]
    - iii) “Severability clause” [from §72 to §109]
    - iv) “Inspections” [from §05 to §191]
    - v) “Hazardous wastes” and “Special waste controls” to permit application and operating requirement sections applicable to landfills and incinerators [from §§62(a), 65 to §§122, 123, 132, 135, 152, 155, 172, 175, 183]
- 2) Adopt certain EPA rules promulgated between 1994 and present
  - a) Financial assurance technical corrections (Financial Assurance Criteria for Owners and Operators of Municipal Solid Waste Landfill Facilities [60 FR 40104; August 7, 1995])
  - b) Allow local government guarantee as a financial assurance mechanism for municipal solid waste landfills (Financial Assurance Mechanisms for Local Government Owners and Operators of Municipal Solid Waste Landfill Facilities [61 FR 60328; November 27, 1996])
  - c) Allow additional flexibilities for small landfills (Revisions to Criteria for Municipal Solid Waste Landfills [62 FR 40708; July 29, 1997])
  - d) Disposal of lead-based paint waste (Criteria for Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills: Disposal of Residential Lead-Based Paint Waste [68 FR 36487; June 18, 2003])
  - e) Airport siting restrictions (Municipal Solid Waste Landfill Location Restrictions for Airport Safety [68 FR 59333; October 15, 2003])
  - f) Updated testing criteria (Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB [70 FR 34538; June 14, 2005])
  - g) Conformity with hazardous waste rule changes, handling of Very Small Quantity Generator hazardous waste (Hazardous Waste Generator Improvements Rule [81 FR 85732; November 28, 2016])

- 3) Permit system changes [§104]
  - a) Remove permit exemptions for: [§104(b)]
    - (1) Onsite landfilling of less than 150 tons per year of inert waste
    - (2) Incinerators with a capacity of less than 1 ton per hour
    - (3) Facilities previously under “permit by rule”
      - (a) Convenience centers
      - (b) Land clearing, grubbing, and certain agricultural landfills and inert waste landfills
      - (c) Recycling drop-off and processing facilities, except as listed below under “add permit exemptions for”
  - b) Add permit exemptions for: [§104(b)]
    - (1) A facility composting only green waste generated on its premises and using the compost only on its premises, other than a single family or duplex residential property, which was already exempt
    - (2) Recycling drop-off facilities accepting only the following source-separated materials: cardboard, newspaper, office paper and other paper recyclables, glass containers, aluminum containers, food and beverage containers (glass, plastic, bi-metals, steel, and aluminum), scrap aluminum, stainless steel, brass, and bronze
    - (3) Recycling processing facilities accepting and processing only a single source-separated material of one of the following types: polystyrene, bi-metal beverage containers, aluminum cans, or plastic containers
  - c) Add procedural detail for modification, suspension, or revocation of permits [§104(e)]
  - d) Changes to permit application fees [§104(i)]
    - i) Rename “filing fee” to “application fee”
    - ii) Increase permit application fees
    - iii) Make fees additive across different activity types with separate fees
    - iv) Add new fee level for facilities proposing the use of new or innovative technologies to handle solid waste
- 4) New incident notification requirement for all facilities that manage solid waste, including landfills [§108; codifying what are currently permit requirements]
- 5) Changes to accepted waste
  - a) Allow incinerators and energy recovery facilities to accept household pesticide containers [§123(k)(1)(C)]
  - b) Allow incinerators, energy recovery facilities, and landfills to accept PCB bulk product waste by permit and in accordance with 40 C.F.R. section 761.62(b), consistent with EPA rule Disposal of Polychlorinated Biphenyls (PCBs) [§§123(k)(4), 135(c), 155(a), 175(a), 183(f)(3)]
- 6) New requirements for facilities that manage solid waste, except landfills
  - a) All facilities:
    - i) Leachate control, if applicable [§123(e)]

- ii) Closure, closure assessment, and remediation [§125]
  - (1) Added details for content of closure plan
  - (2) Clarify timing to report termination of operations (no less than 90 days before terminating operations; within 90 days of the department's identification of an open dump)
- b) Solid waste salvage facilities [§123(h)]
  - i) New facilities not holding a permit on the effective date of the rules must conduct all processing and salvaging activities on an impervious working surface (for example, concrete)
  - ii) Existing facilities must:
    - (1) Conduct all processing and salvaging activities on an impervious working surface (for example, concrete) within five years of the effective date of the rules
    - (2) Submit a plan to the department within one year of the effective date of the rules for conversion of processing and salvaging work surfaces to an impervious working surface (for example, concrete); plan must include
      - (a) A sampling plan to evaluate whether processing and salvaging activities have contaminated the ground surface and subsurface
      - (b) A schedule for converting all work surfaces to an impervious working surface (for example, concrete)
    - (3) Perform sampling, remediation of existing contamination, and conversion of work surfaces to an impervious working surface (for example, concrete) in accordance with plans and schedules approved by the department
- c) Facilities exempt from permit requirement: notification requirement [§124(b)]
- d) Codifying what are currently permit requirements
  - i) All facilities
    - (1) Add or clarify requirement to submit closure plan as part of the permit application [§122(b)(6)]
    - (2) Remove requirement to certify compliance with local ordinances from permit application; requirement has been implemented as pertaining to local zoning requirements only [§122(b)(8)]
    - (3) Add specifications for annual reports [§124(a)]
  - ii) Facilities proposing new or innovative technologies to handle solid waste: justification for the use of the proposed technology [§122(b)(5)]
  - iii) Facilities producing an end product: a market evaluation for the product, to ensure proposed activities do not constitute sham recycling [§122(b)(7)]
  - iv) Compost facilities:
    - (1) Require compost to be nonpathogenic, free of offensive odors, biologically and chemically stable, free of injurious components or particles, and able to sustain plant growth [§123(i)(1)]
    - (2) For composting facilities accepting pathogenic waste, submit as part of the permit application and implement a sampling and analysis plan to ensure finished compost is protective of human health and the environment, if required by the department [§122(d)(4)]
    - (3) For a system using only sewage sludge with an additive such as wood chips, change maximum contaminant concentrations the sewage sludge

must meet from 40 C.F.R. part 503 to 40 C.F.R. part 503 or chapter 11-62, whichever is more stringent [§123(i)(2)]

- 7) New requirements for special waste landfills
  - a) Closure plan and requirements, including environmental covenant [§§132(a)(b), 137(a)]
  - b) Post-closure plan and requirements [§132(a)(7), 137(b)]
  - c) Environmental monitoring and corrective action plan and requirements, as appropriate based on the type of waste to be accepted [§§132(a)(8), 136]
  - d) Financial assurance [§§138 to 142]
  
- 8) Updates to municipal solid waste landfill requirements
  - a) Update groundwater protection standards to either the federal maximum contaminant level (MCL) or the state MCL for a contaminant, whichever is lower [§156(e)(8)(A)]
  - b) Update tsunami zone to reference current tsunami inundation maps [§153(g)]
  - c) Allow construction of new landfill units in a tsunami inundation zone if the operator can demonstrate that the engineering design protects from damage or infiltration by tsunami waters [§153(g)]
  - d) Require recording in operating record any major deviation from the operations plan (fires and explosions), daily log of weight or volume, source, and type of solid waste being disposed (codifying what are currently permit requirements)
  - e) Change the closure requirement from notation on deed to environmental covenant recorded with the bureau of conveyances and submitted to the Department [§157(a)(10) and (11)]
  
- 9) New requirements for new construction and demolition landfills, based on requirements for municipal solid waste landfills, including groundwater monitoring requirements and siting restrictions [§§171 to 182]
  
- 10) New requirements for existing construction and demolition landfills
  - a) Program and procedures for excluding HW and unpermitted PCB waste [§183(f)(3)]
  - b) Closure plan and requirements, including environmental covenant [§§177(a), 183(c)(5) and (i)]
  - c) Post-closure plan (codifying what are currently permit requirements) and requirements [§§177(b), 183(c)(6) and (j)]
  - d) Allow for C&D landfills meeting requirements of §§173 to 176 to accept VSQG hazardous waste [§183(f)(2)(A) and (8)]
  - e) Tighten restrictions on accepting pesticide containers [§183(f)(2)(C)]
  - f) Clarify existing bans on accepting industrial solid waste, scrap automobiles, white goods, and whole tires [§183(f)(2)(E) to (H)]
  - g) Access requirements (codifying what are currently permit requirements) [§183(g)]
  - h) Financial assurance (clarifying requirement) [§183(k)]

- 11) Changes to clarify meaning, make grammar or formatting consistent, update references, or correct punctuation
- a) Definitions [§103]
    - i) Delete unused definitions: bioconversion, buffer zone, bulky waste, common water pollutants, compliance schedule, disposal site, existing facility, free liquids, garbage, inert wastes, landspreading facility, lift, limited purpose landfill, medical waste, monofill, performance standard, permit by rule, plan of operation, premises, putrescible waste, refuse, reserved, sole source aquifer, solid waste disposal facility, solid waste handling, stream, Table 1, used oil transporter, waste recycling, waste reduction
    - ii) Move definitions used only once to the relevant location: agricultural waste, areas susceptible to mass movement, bird hazard, karst terranes, open burning, poor foundation conditions
    - iii) Clarifying changes to definitions: ash, construction and demolition waste, energy recovery, existing MSWLF unit, facility, foreign waste, hazardous waste, landfill, municipal solid waste landfill unit, permit, petroleum, post-closure, recoverable material, recycling drop-off facility, recycling processing facility, regulated hazardous waste, salvage, scavenging, solid waste, solid waste management, special waste, structural components, transfer station, unstable area, wetlands
    - iv) Add new definitions: construction and demolition landfill unit, existing construction and demolition landfill unit, inert fill material, new construction and demolition landfill unit, open dump, PCB, PCB bulk product waste, qualified environmental professional, residential lead-based paint waste, special waste landfill
  - b) Change terms:
    - i) “residential” to “household”
    - ii) “medical waste” to “infectious waste”
    - iii) “must” and “should” to “shall”
    - iv) “and/or” to “and” or “or,” as appropriate
    - v) “refuse-derived fuel processing facility” to “energy recovery facility”
    - vi) “recycling processing or materials recovery facility” to “recycling processing facility”
    - vii) “handling” to “management” or “storage,” as appropriate
    - viii) Conform spelling of “groundwater” throughout chapter
  - c) Conform cancellation language for different financial assurance mechanisms
  - d) Remove obsolete references to dates
  - e) Clarify facilities and materials to which the chapter does not apply [§102(b)]
    - i) Remediation facilities developed for a one-time operation and managed under chapter 11-264.1, 11-280.1, or 11-451
    - ii) Facilities that only handle hazardous waste or used oil and are regulated under chapters 11-260.1 to 11-279.1
    - iii) Manufacturers that use clean, source-separated paper products, glass, and plastic as feedstock for their manufacturing process, and which as a result of this process, produce an end-product for resale

- iv) Facilities treating infectious waste generated on-site in treatment units located on-site
- v) A solid waste disposal or composting facility on which only agricultural solid waste from an agricultural operation or an agricultural products processing facility is composted or disposed
- vi) Salvage facilities that store at any one time either twenty-five or fewer waste vehicles or twenty-five or fewer waste white goods
- vii) Inert fill material