

18 AAC 60.025 is repealed and readopted to read:

18 AAC 60.025. Polluted soil. (a) Unless otherwise approved under (b), (c), or (d) of this section, polluted soil may be disposed of only in a Class I MSWLF or a landfill that meets all applicable requirements of this chapter and federal law for the disposal of industrial solid waste or for drilling waste.

(b) The disposal or beneficial use of polluted soil within a Class III MSWLF will be approved on a case-by-case basis only if the owner of the polluted soil and the owner or operator of the landfill demonstrate, to the satisfaction of the department, that:

(1) petroleum hydrocarbons are the only contaminants in the soil.

(2) the polluted soil originates from the cleanup of a single spill incident within the community served by the landfill;

(3) the volume of the polluted soil requiring disposal is less than 500 cubic yards;
and

(4) the contaminant concentrations within the polluted soil do not exceed the following maximum values as measured by the applicable Alaska methods for petroleum hydrocarbons described in Appendix D of the *Underground Storage Tanks Procedures Manual*, dated November 7, 2002:

(A) 900 mg/kg Gasoline Range Organics (by Method AK 101);

(B) 2,000 mg/kg Diesel Range Organics (by Method AK 102); and

(C) 4,500 mg/kg Residual Range Organics (by Method AK 103).

(c) The beneficial use of polluted soil that does not meet the volume, source, or contaminant concentration criteria in (b)(2), (b)(3), or (b)(4) of this section may be approved within a Class III MSWLF if the proposed use of the soil

(1) has a direct benefit to the community;

(2) can be accommodated within the established operational practices at the landfill or within the existing maintenance, closure, or expansion plans for the landfill; and

(3) will comply with the conditions and requirements in (d) and (e) of this section.

(d) The disposal of polluted soil at a landfill other than a Class I MSWLF, an industrial solid waste landfill, a drilling waste landfill, or a Class III MSWLF, or the beneficial use of polluted soil under (c)(3) of this section, will be approved on a case-by-case basis only if the owner of the polluted soil and the owner or operator of the landfill demonstrate, to the satisfaction of the department, that

(1) the waste in the landfill cannot be washed into nearby surface water and leachate from the landfill cannot reach nearby surface water;

(2) the polluted soil will not cause a threat to the public health, safety, or welfare, or to the environment if it is disposed in the landfill;

(3) there is no practical potential for migration of a hazardous constituent from that landfill to an aquifer during the active life and post closure care of the landfill; and

(4) the owner of the landfill agrees to implement institutional controls that the department determines are necessary for long term protection of the public health, safety, or welfare and the environment.

(e) The demonstration required in (d) of this section must be certified by a qualified groundwater scientist and based upon site-specific

(1) field-collected measurements, sampling, and analysis of physical, chemical, and biological processes affecting fate and transport of hazardous constituents; and

(2) hazardous constituent fate and transport predictions that anticipate maximum, likely migration and consider effects on public health, safety, and welfare and the environment.

(Eff. 1/28/96, Register 137; 7/11/99, Register 151; am 9/5/2010, Register 195; am __/__/__,

Register ____)

Authority:	AS 44.46.020	AS 46.03.296	AS 46.03.810
	AS 46.03.010	AS 46.03.299	AS 46.04.020
	AS 46.03.020	AS 46.03.302	AS 46.09.020
	AS 46.03.100	AS 46.03.800	

18 AAC 60.200(a) is amended to read:

18 AAC 60.200. Permit requirement. (a) Except as otherwise provided in this section, a person may treat or dispose of solid waste, or construct, modify, or operate a solid waste facility only in accordance with a waste disposal permit issued by the department under 18 AAC 60.215, an authorization under (c) or (d) of this section or otherwise issued by the department, or a research, development, and demonstration permit issued under 18 AAC 60.213. However, a permit or authorization under this chapter is not required for

18 AAC 60.200 is amended by adding new subsections to read:

(c) The disposal of municipal solid waste in a Class III MSWLF meeting the standards of 18 AAC 60.300(c)(3)(B) will be authorized by the department provided

- (1) the landfill serves an average daily population of fewer than 50 persons;
- (2) the landfill is sited and operated in accordance with the requirements of this

chapter;

(3) the owner or operator of the landfill submits for department review a completed authorization request form provided by the department with any other information deemed appropriate by the department, and receives written notice from the department that the authorization request has been approved; and

(4) once approved, every 5 years the owner or operator of the landfill confirms continued eligibility under (c)(1) and (c)(2) of this section by submitting the information requested by the department for this purpose.

(d) The disposal of solid waste in a one-time use landfill will be authorized by the department provided

(1) the proposed location meets the requirements of 18 AAC 60.410;

(2) the proposed one-time-use landfill is associated with a project located

(A) in a remote area with no year-round ground access to a system of connected roads with a total length of 100 miles or more, or

(B) in an area where all permitted landfills are more than 100 road miles away or have refused, in writing, to accept the waste;

(3) the owner or operator of the one-time-use landfill

(A) submits for department review a completed authorization request form provided by the department agreeing to open, operate, and close the landfill in accordance with the applicable regulations in 18 AAC 60.400 – 18 AAC 60.490 for the specific waste type and any other conditions stipulated by the department, and receives written notice from the department that the authorization request has been approved; and

(B) provides documentation to the department that the landowner of the property on which the landfill will be located consents to the proposed activity;

(4) the proposed landfill will, unless otherwise approved by the department, receive only one of the following solid waste types at no more than the listed volume:

- (A) 1,000 cubic yards of inert waste such as scrap metal, construction and demolition debris, and non-regulated asbestos-containing materials;
- (B) 250 cubic yards of regulated asbestos-containing materials;
- (C) 1,000 cubic yards of non-industrial sewage solids; or
- (D) an approved volume of any other solid waste the department considers will pose a low risk to the environment; and

(5) unless otherwise approved by the department, the one-time-use landfill will be closed no later than one year from the date of initial waste disposal indicated in the authorization request. (Eff. 1/28/96, Register 137; am 10/29/98, Register 148; am 7/11/99, Register 151; am 9/7/2002, Register 163; am 9/5/2010, Register 195; am __/__/__, Register ____)

Authority: AS 44.46.020 AS 46.03.100 AS 46.06.010
AS 46.03.010 AS 46.03.800 AS 46.06.080
AS 46.03.020 AS 46.03.810

18 AAC 60 is amended by adding a new section to read:

18 AAC 60.203. Design approval. For facilities that require a permit or authorization under 18 AAC 60.200 or 18 AAC 60.211, the owner of the facility must have prior written approval from the department of the facility design in order to construct a new facility or a lateral expansion of an existing facility. (Eff. __/__/__, Register ____)

Authority: AS 46.03.010 AS 46.03.020 AS 46.03.100
AS 46.03.710 AS 46.06.080

18 AAC 60.210(b) is amended to read:

(b) Except for **a request for authorization of a Class III MSWLF under 18 AAC 60.200(c), a request for authorization of a one-time-use facility under 18 AAC 60.200(d), an application for a Class III MSWLF under 18 AAC 60.211,** an application for a research, development, and demonstration permit under 18 AAC 60. 213, or an application for biosolids that are to be applied to land under 18 AAC 60.510, an application for a permit or permit renewal must consist of

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(Eff. 1/28/96, Register 137; am 6/28/96, Register 138; am 10/29/98, Register 148; am 7/11/99, Register 151; am 6/30/2002, Register 162; am 9/7/2002, Register 163; am 9/5/2010, Register 195; am 4/8/2012, Register 202; am __/__/__, Register ____)

Authority:	AS 44.46.020	AS 46.03.010	AS 46.03.100
	AS 44.46.025	AS 46.03.020	AS 46.03.110

18 AAC 60 is amended by adding a new section to read:

18 AAC 60.211. Class III Community MSWLF permit application. (a) Except for a Class III MSWLF that meets the standard of 18 AAC 60.200(c)(1), the owner or operator of a Class III MSWLF that meets the standards of 18 AAC 60.300(c)(3)(B) is required to have a permit and shall submit a complete permit application to the department as required by 18 AAC 15.020.

(b) Application for a new Class III MSWLF permit shall be made on a form provided by the department. The form shall be signed by the applicant or an authorized representative of the applicant and shall include

- (1) contact information for the owner and operator of the landfill;

(2) pertinent location information for the landfill property as requested by the department;

(3) proof of land ownership or documentation (e.g. a lease agreement or quit claim deed) that the landowner, if different than the landfill owner, agrees to the use of the property as a landfill;

(4) a scaled map (or similar) of the landfill vicinity that includes the boundaries of the landfill property and depicts the location of or the distances to

(A) the nearest community;

(B) the nearest residential property;

(C) the nearest drinking water source;

(D) nearby surface water bodies; and

(E) the nearest airport or landing strip;

(5) a site plan for the proposed or existing landfill;

(6) an operations plan for the proposed or existing landfill that includes guidelines for the daily operations of the landfill; and

(7) an estimate of the costs for closing the landfill in accordance with the requirements of 18 AAC 60.390 and 18 AAC 60.396.

(c) An application for renewal of an existing permit for a Class III MSWLF shall be made on a form provided by the department. The completed form shall be submitted to the department at least 30 days prior to the expiration date of the existing permit.

(d) The permit application for a new landfill or a renewal application that includes the lateral expansion of an existing landfill must include design drawings for the new or expanded facility or documentation that the design of the new or expanded facility has been previously approved under 18 AAC 60.203.

(e) If an application is deficient, the department will notify the applicant and will describe the deficiencies. When the deficiencies are corrected, the application will be considered complete for purposes of 18 AAC 15.050, and the department will continue processing the application. (Eff. __/__/__, Register ____)

Authority:	AS 44.46.020	AS 46.03.010	AS 46.03.100
	AS 44.46.025	AS 46.03.020	AS 46.03.110

18 AAC 60.990(97) is repealed and readopted to read:

(97) "polluted soil" means

(A) soil that is placed into a landfill, that is not a regulated hazardous waste, and that was excavated during a spill response or leaking underground storage tank action or to comply with an approved contaminated site cleanup plan; or

(B) a residue or other material that is placed into a landfill that contains a regulated substance that is not a hazardous waste in a concentration exceeding the applicable regulatory limits.

(Eff. 1/28/96, Register 137; am 10/29/98, Register 148; am 7/11/99, Register 151; am 6/30/2002, Register 162; am 9/7/2002, Register 163; am 9/5/2010, Register 195; am __/__/__, Register ____)

Authority:	AS 44.46.020	AS 46.03.100	AS 46.03.810
	AS 46.03.010	AS 46.03.110	AS 46.06.010
	AS 46.03.020	AS 46.03.800	AS 46.06.080