

18 AAC 60.005(d) is amended to read:

(d) A treatment works designed to treat less than five tons of waste daily or 10 tons in a single batch is exempt from the requirements of this chapter unless it **treats medical waste, drilling waste, sewage solids or septage to create biosolids, or a waste with characteristics similar to medical waste, sewage solids, or drilling waste, as determined by the department;** causes or contributes to a threat to public health, safety, or welfare, or the environment; or [UNLESS] the **treatment** works is operated in a manner that causes or contributes to a nuisance. (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 __/__/__, Register __)

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

18 AAC 60.007 is repealed and readopted to read:

18 AAC 60.007. Beneficial use of solid waste. (a) Except for the materials and actions allowed under 18 AAC 60.005(c)(11) and 18 AAC 60.005(c)(13), the beneficial use of solid waste is allowable only with prior approval of the department. If a person wants to beneficially use a solid waste, that person shall submit a proposal that meets the requirements set out in this section for the appropriate beneficial use as defined under (b) of this section. The proposed beneficial use may not begin until the proposal has been approved by the department.

(b) Solid waste may be beneficially used as follows:

(1) in a structural fill project in accordance with 18 AAC 60.008;

(2) as an ingredient in a manufactured product or a similar beneficial use in accordance with 18 AAC 60.009.

(c) The following solid wastes may be beneficially used in accordance with an approval by the department under 18 AAC 60.008 or 18 AAC 60.009:

- (1) wood waste;
- (2) coal ash;
- (3) crushed asphalt or concrete pavement; and
- (4) other similar solid wastes approved by the department.

(d) The following solid wastes may not be beneficially used under 18 AAC 60.008 or 18 AAC 60.009:

- (1) animal waste;
- (2) asbestos;
- (3) biosolids;
- (4) commercial solid waste;
- (5) hazardous waste;
- (6) household waste;
- (7) industrial solid waste;
- (8) medical waste;
- (9) pathological waste;
- (10) PCB waste;
- (11) putrescible waste;
- (12) selected isolation waste;

(13) sewage solids;

(14) vehicles and construction equipment. (Eff. 9/7/2002, Register 163; am
___/___/___, Register ___)

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

18 AAC 60.008 is repealed and readopted to read:

18 AAC 60.008. Structural fill using solid waste. (a) A solid waste listed under 18 AAC 60.007(c) may be approved for use as structural fill. Any solid waste approved for use in a structural fill project must substitute for natural or raw materials that would otherwise be used and must be placed at least 10 feet above the seasonal high water level of the uppermost aquifer. A structural fill project may be approved as a small project under (b) of this section or as a large project under (c) of this section. Any fill project that exceeds the limits of a large fill project under (c) of this section must be permitted as a non-municipal landfill under 18 AAC 60.200 – 18 AAC 60.270 and 18 AAC 60.400 – 18 AAC 60.495 using the requirements applicable to the solid waste that is used.

(b) A structural fill project qualifies as a small fill project if the land area on which the solid waste is placed does not exceed three acres and the total volume of the solid waste used as fill is less than 15,300 cubic yards. A proposal submitted for a small structural fill project on a form provided by the department must include the following:

(1) an appraisal or assessment showing the current value of the property where solid waste will be placed and an estimate of the value the property will have after the project is complete;

(2) proof of landowner consent for the proposed project or proof that the person proposing the project is the legal owner of the land on which the fill will be placed;

(3) a list of each solid waste that will be placed at the site, including the expected volume and source of each waste type;

(4) information comparing the engineering properties of the solid waste proposed for use with the natural or raw material that would otherwise be used that demonstrates that use of the solid waste will meet or exceed the engineering properties of the natural or raw material that would otherwise be used for the structural fill project;

(5) an estimate of the total area on which solid waste will be placed as fill material;

(6) a description of the purpose for the project and the proposed future use of the site;

(7) an operations plan explaining where, when, and over what time period the solid waste will be placed on the land;

(8) an estimate of the expected compaction density and load bearing capacity of the finished fill;

(9) a list of each permit and approval issued or expected to be issued by other government agencies;

(10) a description of the material that will be used to cover the beneficially-used solid waste at the completion of the project; and

(11) construction drawings showing

(A) surface contours of the existing site;

(B) surface contours of the finished site;

(C) the location and details for any proposed drainage ditches and culverts;

(D) the location of any temporary or permanent road or ramp; and

(E) any pavement, sewer, plumbing, or electrical installation.

(c) Except for a roadway project, a structural fill project qualifies as a large fill project if the land area on which the solid waste is placed is more than three acres, but not more than 10 acres and the total volume of solid waste used is more than 15,300 cubic yards, but does not exceed 13,000 cubic yards per acre. In evaluating the project area, the applicant must include any existing or planned contiguous or nearby structural fill project areas. Unless the department determines otherwise, in addition to the requirements listed in (b) of this section for small fill projects, a proposal for a large fill project on a form provided by the department must include

(1) a groundwater monitoring plan that meets the standards of 18 AAC 60.825 – 18 AAC 60.830, and that includes appropriate parameters established in consultation with the department based on the solid waste that will be used;

(2) proposed locations for groundwater monitoring wells that include a minimum of one up-gradient and three down-gradient wells;

(3) proposed locations for surface water monitoring if the structural fill project area is within 500 feet of any surface water body; and

(4) a proposed monitoring schedule that includes completing at least two monitoring events prior to the placement of any solid wastes and a minimum of two sampling events per year after waste placement begins.

(d) Any monitoring program instituted under (c) of this section must continue for at least five years after completion of the large structural fill project. At the end of five years, the department will suspend the monitoring program if the collected data indicate, for all parameters, that there is no significant increase over background and no increasing trend in the concentration of any of the monitored parameters. Corrective action can be required under 18 AAC 60.860 if the monitoring data indicates the presence of water quality violations in groundwater or surface water that are caused by the beneficially-used solid waste.

(e) The department will approve a proposal for a structural fill project under (b) or (c) of this section within 30 working days after receipt of a complete proposal if the solid wastes to be used meet the conditions listed in 18 AAC 60.007(c) and are not prohibited under 18 AAC 60.007(d), the person requesting permission has submitted the information required under (b) or (c) of this section as applicable, the department finds that all proposed solid wastes are suitable for the proposed use, and the department finds that the proposed beneficial use of solid waste will

(1) increase the market value of the property;

(2) meet or exceed the engineering properties for the natural or raw material that would otherwise be used for the structural fill project;

(3) not shift, erode, or settle in a way that will preclude the proposed future use of the site;

(4) not create any harmful leachate;

(5) not undergo combustion; and

(6) not cause a threat to the public health, safety, or welfare, or to the environment.

(f) Any solid waste used in an approved structural fill project under this section must, at the conclusion of the project, be entirely covered by at least six inches of an earthen material exempt from regulation under this chapter. Alternative cover materials, including asphalt or concrete pavement, may be used only with prior approval of the department. (Eff. 9/7/2002, Register 163; am __/__/__, Register __)

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

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

18 AAC 60.009. Beneficial use of solid waste as an ingredient in a manufactured product. (a) If a person wants to use a solid waste as an ingredient in a manufactured product or a similar beneficial use, that person shall submit a proposal that explains the following for each solid waste that will be used:

(1) the proposed use of the solid waste;

(2) the comparative qualities and characteristics of the solid waste and the material(s) that will be replaced by the solid waste;

(3) how the qualities and characteristics of the solid waste make the solid waste suitable for the proposed use;

(4) a demonstration that the solid waste will be bound into the product in such a way that it cannot be mobilized into the surrounding environment;

(5) all procedures that are incorporated in the proposal to protect public health, safety, and welfare, and the environment during the transport, storage, and use of the solid waste; and

(6) the projected market for the final product.

(b) The department will approve a proposal submitted under (a) of this section if the department finds that

(1) the solid waste is an adequate replacement for the specified non-waste material(s), the proposal documents that the final product will meet any relevant specifications, and use of the solid waste will not degrade the quality or utility of the final product;

(2) the solid waste will not be mobilized into the surrounding environment;

(3) the processes and procedures described in the proposal will protect public health, safety, and welfare, and the environment; and

(4) for proposals involving a marketable product, the proposal documents the presence of a suitable and sufficient market for the proposed product. (Eff. ____/____/____, Register ____)

Register ____, ____ 2017

ENVIRONMENTAL CONSERVATION

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

The introductory language of 18 AAC 60.010(i) is amended to read:

(i) The owner or operator of a solid waste treatment works that is **not exempt under 18 AAC 60.005(d)** [DESIGNED TO TREAT MORE THAN FIVE TONS OF WASTE DAILY], and that is not located within the boundaries of a permitted landfill shall

...

(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 __/__/__, Register __)

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

The introductory language of 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), **or (e)** of this section, 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(a)(10) is amended to read:

(10) a solid waste treatment works or a solid waste treatment facility that is designed to treat less than five tons of waste daily, **unless it** [;]

(A) treats sewage solids or septage to create biosolids;

(B) treats medical waste, and is not contained within a hospital, medical office, laboratory, or other medical or research institution treating medical waste;

(C) treats drilling waste;

(D) treats a waste with characteristics similar to (A), (B), or (C), as determined by the department; or

(E) causes or contributes to a threat to public health, safety, or welfare, or the environment, or is operated in a manner that causes or contributes to a nuisance;

18 AAC 60.200(a)(14) is amended to read:

(14) storage of **drilling** [INDUSTRIAL SOLID] waste under **18 AAC 60.430**

[18 AAC 60.430(a)];

18 AAC 60.200(a)(15) is amended to read:

(15) **solid** waste approved for use **in a small or large structural fill project** [AS
FILL] under **18 AAC 60.008** [18 AAC 60.007];

18 AAC 60.200(a)(16) is amended to read:

(16) **solid** waste approved for beneficial use **as an ingredient in a
manufactured product** under **18 AAC 60.009** [18 AAC 60.008]; or

18 AAC 60.200(a)(17) is repealed:

(17) repealed __/__/__.

18 AAC 60.200 is amended by adding a new subsection to read:

(e) The department will issue a written authorization for a treatment works that will
operate for less than one year if

(1) the owner or operator of the treatment works submits for department review a
plan of operations that demonstrates the following:

(A) waste will be properly contained to prevent the release of any
hazardous constituents;

(B) the treatment will effectively reduce the volume or toxicity, or change
the characteristics of the waste to make it suitable for reuse or disposal;

(C) the treatment works will prevent or control run-off that would violate

18 AAC 70;

(D) the treatment works will be managed so that the standards in 18 AAC 60.230 for disease vectors and animal control are met;

(E) the treatment works will be operated to prevent odors, dust and other nuisances;

(F) how treated wastes will be managed, handled, and stored until reused or disposed, and how treated wastes will be transported to the reuse or disposal facility;

(G) the treatment works and all waste will be completely removed within one year of the authorization; and

(H) the plan addresses any other conditions that the department requires to ensure the protection of the public health, safety, and welfare and the environment; and

(2) the owner or operator of the treatment works provides documentation to the department that the landowner consents to the proposed activity. (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 4/12/2013, Register 206, 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

The introductory language of 18 AAC 60.210(c) is amended to read:

(c) For a **solid waste disposal facility or treatment works** [LANDFILL THAT ACCEPTS MORE THAN FIVE TONS OF WASTE PER DAY, ON AN ANNUAL BASIS], the

owner or operator shall ensure that a permit application or renewal described in this section is signed and sealed by a registered engineer verifying that the

...

(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 4/12/2013, Register 206; 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

The introductory language of 18 AAC 60.225(b) is amended to read:

(b) Except for an inert waste landfill, an asbestos landfill, **a coal ash landfill**, or a Class III MSWLF that meets the standards in 18 AAC 60.300(c)(3)(B), the owner or operator of a landfill shall

...

18 AAC 60.225 is amended by adding a new subsection to read:

(e) In addition to the requirements in (c) of this section, the owner or operator of an existing coal ash landfill or any lateral expansion of an existing coal ash landfill must

(1) design, construct, operate, and maintain a run-off control system from the active portion of the coal ash landfill that will collect and control at a minimum the water volume resulting from a 24-hour, 25-year storm; and

(2) remove ponded water that is in contact with waste within seven days after the formation of the pond. (Eff. 1/28/96, Register 137; am 10/29/98, Register 148; 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

18 AAC 60.228 is amended by adding a new subsection to read:

(e) After {*effective date of regulations*}, no new landfill or a lateral expansion of an existing landfill will be authorized as a freezeback landfill. However, landfills authorized as freezeback landfills prior to {*effective date of regulations*} may continue to operate in accordance with this regulation and their specific permit requirements and, when closed, must be closed in a manner that ensures that all waste in the landfill will remain frozen. (Eff. 9/7/2002, Register 163; am __/__/__, Register __)

Authority:	AS 44.46.020	AS 46.03.020	AS 46.03.110
	AS 46.03.010	AS 46.03.100	AS 46.06.080

18 AAC 60.233 is amended by adding a new subsection to read:

(b) In addition to the requirements in (a) of this section and in 18 AAC 60.015, the owner or operator of a coal ash landfill or any lateral expansion of an existing coal ash landfill must adopt specific measures to effectively minimize airborne coal ash during material handling activities at the landfill. This applies to all coal ash disposed in the landfill and to any coal ash on roadways within the facility boundaries. (Eff. 10/29/98, Register 148; am __/__/____, Register __)

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

18 AAC 60.265 is amended to read:

18 AAC 60.265. Proof of financial responsibility. Unless the applicant has provided equivalent surety through a government agency or has demonstrated financial assurance under 18 AAC 60.398, the department will require proof of financial responsibility to cover the cost of closing a **solid waste disposal facility or treatment works** [LANDFILL] and, if monitoring is required, the cost of post-closure monitoring, if the department determines proof of financial responsibility is necessary to protect the public health, safety, or welfare, or the environment. Proof of financial responsibility under this section may be demonstrated by self-insurance, insurance, surety, or other guarantee approved by the department to assure compliance with applicable closure standards and post-closure monitoring requirements. (Eff. 1/28/96, Register 137; am 10/29/98, Register 148; am __/__/__, Register __)

Authority: AS 44.46.020 AS 46.03.100 AS 46.03.830
AS 46.03.010 AS 46.03.110 AS 46.06.080
AS 46.03.020 AS 46.03.810

18 AAC 60.410(a) is amended to read:

18 AAC 60.410. Location Standards. (a) A new landfill and all lateral expansions of existing landfills subject to the requirements of 18 AAC 60.400 [A MONOFILL BUILT AFTER 1/28/96] may not be constructed on slopes greater than 10 percent grade or on unstable soils that might cause the waste to slide or settle excessively and must comply with the requirements for

(1) wetlands in 18 AAC 60.315; and

(2) fault areas, seismic impact zones, and unstable areas in 18 AAC 60.320.

(Eff. 1/28/96, Register 137; am __/__/__, Register __)

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

18 AAC 60.430 is repealed and readopted to read:

18 AAC 60.430. Drilling waste temporary storage facility. (a) Except for an inactive reserve pit subject to 18 AAC 60.440, the owner or operator of a drilling waste temporary storage facility shall meet the storage requirements of this section.

(b) A person who plans to store drilling waste during drilling operations, in a manner that does not require a permit under 18 AAC 60.200, shall submit a storage plan to the

department at least 30 days before operations are planned to begin and storage may not begin until the department has approved the plan. A plan submitted under this paragraph must include

- (1) the name, address, phone number, and affiliation of each person responsible for conducting the drilling activity;
- (2) the location and type of storage container(s);
- (3) plans and material specifications to be used in the construction of any lined containment structure(s) to be used for temporary storage;
- (4) methods to be used to prevent the discharge of drilling waste or leachate to the land or water of the state;
- (5) the name and location of each facility to which stored drilling waste will be transferred;
- (6) the anticipated dates of storage and waste removal;
- (7) the location of the ultimate disposal of the drilling waste; and
- (8) certification that the waste will be removed from the property within one year after issuance of approval.

(c) Containment structures under (b)(3) of this section must conform to the following standards unless the department provides written approval of an alternate plan that will protect the public health, safety, and welfare, and the environment in a similar manner:

- (1) a containment structure must be sized to contain all the waste and any anticipated precipitation that may accumulate in the area with a minimum of two feet of freeboard;
- (2) containment structures must be leakproof;

(3) liner material must be compatible with petroleum hydrocarbons, drilling waste, and any other material that might be deposited into the temporary structure; and

(4) liner material must be a flexible geomembrane liner that is at least

(A) 30 mils in thickness; or

(B) 60 mils in thickness, if it consists of high density polyethylene (HDPE).

(d) After removal of drilling waste from a storage area, the person conducting the activity shall

(1) conduct a visual site inspection to verify that all drilling waste has been removed from the site; and

(2) submit written notification to the department within seven days after the final site inspection and provide information regarding drilling waste volume and the final disposition of the transferred drilling waste. (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 __/__/__, Register __)

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

[EDITOR'S NOTE: THE DOCUMENTS ADOPTED BY REFERENCE IN 18 AAC 60.430 MAY BE REVIEWED AT THE DEPARTMENT'S OFFICES IN ANCHORAGE, FAIRBANKS, AND JUNEAU, AND AT THE OFFICE OF THE LIEUTENANT GOVERNOR. THE ENVIRONMENTAL PROTECTION AGENCY DOCUMENTS MAY BE ORDERED

FROM NATIONAL TECHNICAL INFORMATION SERVICES, 5285 PORT ROYAL ROAD,
SPRINGFIELD, VIRGINIA 22161.]

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

18 AAC 60.432. Drilling waste landfill. (a) The owner or operator of a drilling waste landfill shall meet the operating requirements of this section. The owner or operator shall

(1) accept only drilling waste that meets the exclusion criteria of 40 C.F.R. 261.4(b)(5), revised as of July 1, 1998, adopted by reference, or other materials as authorized by the department;

(2) keep to a minimum the introduction of extraneous liquids;

(3) operate in accordance with a department-approved fluid management plan;

and

(4) operate with a minimum of two feet of freeboard.

(b) The owner of operator shall ensure that the drilling waste landfill is designed to

(1) contain the total volume necessary for drilling waste disposal and emergency relief volume;

(2) prevent overflow from, or damage to, containment structures or other waste management areas, from operations, annual average precipitation, wind action, or wave action;

(3) ensure that drilling waste, leachate, or eroded soil from the drilling waste landfill does not impact groundwater or surface water quality and establish, as required by the permit, a monitoring program in compliance with 18 AAC 60.810 – 18 AAC 60.860;

(4) ensure the containment structure(s) will support and maintain the integrity of the liner throughout the life of the facility, including post-closure; and

(5) ensure that any liner used

(A) is designed and installed to remain in place during the active life of the drilling waste landfill and any post-closure care period;

(B) will prevent drilling waste or leachate from escaping from the containment structure or other waste management area; and

(C) is constructed of materials that are chemically, physically, and biologically compatible with the disposed drilling waste and its leachate.

(c) The plans for the proposed design and construction of the drilling waste landfill and the fluid management plan must be signed and sealed by a registered engineer and approved by the department under 18 AAC 60.203 prior to construction.

(d) The containment system for a new or lateral expansion of a drilling waste landfill, constructed after {*effective date of regulations*}, shall

(1) include a double liner consisting of two distinct geomembrane liners, each capable of independently containing waste, and which are each at least

(A) 30 mils in thickness; or

(B) 60 mils in thickness, if it consists of high density polyethylene

(HDPE); and

(2) be selected, constructed, installed, and maintained in accordance with industry standards.

(e) The owner or operator shall install a system designed to detect fluids between the two layers of liner to detect any leakage of the primary liner.

(f) In addition to the requirements of (d) and (e) of this section, the owner or operator of a drilling waste landfill or facility sited in a permafrost region shall

- (1) ensure that it is designed such that the underlying permafrost will not thaw;
- (2) ensure that the liner is compatible with arctic temperatures; and
- (3) install and monitor a subsurface thermal monitoring system designed to detect thawing of the permafrost.

(g) The owner or operator of a drilling waste landfill shall

- (1) conduct visual monitoring as described in 18 AAC 60.800(a); and
- (2) sample and analyze groundwater or surface water as required by 18 AAC 60.810 and 18 AAC 60.820 – 18 AAC 60.860.

(h) At the closure of a drilling waste landfill, except for an inactive reserve pit subject to 18 AAC 60.440, the owner or operator shall

- (1) remove all pumpable fluids, resulting in a waste that is in a non-liquid condition;
- (2) take appropriate measures to ensure that the contents of a containment structure are of sufficient compressive strength to support a cap while maintaining the proposed design contour;
- (3) construct a cap in accordance with a department-approved closure plan that is designed to

- (A) have a hydraulic conductivity less than or equal to the hydraulic conductivity of the containment liner;
- (B) withstand erosion, cracking, adverse effects of freeze-thaw cycles, frost heaves, and other events that might cause degradation or damage to the cap's barrier layer; and
- (C) include a geomembrane liner that is at least
 - (i) 30 mils in thickness if the cap is constructed of a flexible membrane other than high density polyethylene (HDPE); or
 - (ii) 60 mils in thickness if the cap is constructed of high density polyethylene (HDPE); and
- (4) ensure that the cap is revegetated or otherwise treated in a manner appropriate to the long-term use of the facility.
 - (i) After closure of the drilling waste landfill, the owner or operator shall
 - (1) meet the closure demonstration and post-closure care requirements of 18 AAC 60.490;
 - (2) prepare logs and submit written reports of inspections, with photographs of the disposal site;
 - (3) maintain the integrity of the final cover, slopes, drainage structures, liners, caps, groundwater monitoring devices, and thermal monitoring devices;
 - (4) if a containment structure or other waste management area is located in permafrost, ensure that the drilling wastes do not cause thawing of the permafrost; and

(5) establish permanent markers or survey monuments, if there are no readily observable existing monuments or markers, from which the exact location of a facility and each closed waste management area in the facility can be determined.

(j) After completion of the post-closure care period for a drilling waste landfill, the owner or operator shall certify to the department that post-closure care has been completed in accordance with the department-approved post-closure plan. The certification must be signed and sealed by a registered engineer and must be approved by the department. (Eff. __/__/__, Register __)

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

18 AAC 60.440 is repealed and readopted to read:

18 AAC 60.440. Closure of inactive reserve pits. (a) An inactive reserve pit must be closed in accordance with this section unless the pit was previously closed under approval from the department.

(b) If not already submitted and reviewed by the department, the owner or operator of an inactive reserve pit shall submit a closure plan to the department that includes

(1) specific location data, including Global Positioning System (GPS) coordinates of the four corners of the reserve pit,

(2) a map showing all surface water within 1000 feet of the inactive reserve pit;

(3) a detailed description or photographs demonstrating the existing site conditions and indicating any potential exposed drilling waste, ponding, or signs of ponding within the boundaries of the inactive reserve pit;

(4) analytical data, including parameters specified by the department, for all surface water located within 1,000 feet of the inactive reserve pit, including any surface water within the inactive reserve pit; and

(5) a proposal to either

(A) perform a corrective action under (c) and (d) of this section, or

(B) if no water is present within the reserve pit, and no drilling waste is evident on the surface at the site, request permanent closure of the inactive reserve pit under (e) of this section.

(c) The owner or operator of an inactive reserve pit that is required to perform a corrective action by the department shall submit a plan to the department at least 90 days prior to the proposed initiation of the corrective action that includes

(1) a description of the proposed corrective action and the overall project goals;

(2) a map that shows the location or locations of inactive reserve pits that will be included in the corrective action;

(3) a detailed description of the existing site conditions and inactive reserve pit conditions and any previous monitoring results;

(4) plan view and cross-sectional drawings that clearly show how the corrective action will be conducted;

(5) a description of soil and water sampling that will be conducted in support of the corrective action; and

(6) an estimate of the timeframe under which the corrective action will be performed.

(d) The owner or operator shall not initiate corrective action until the department has approved the corrective action plan.

(e) The department will, in its discretion, issue permanent closure approval for an inactive reserve pit if

(1) the owner or operator demonstrates, to the satisfaction of the department, that the inactive reserve pit does not pose any risk to public health or the environment; or

(2) the corrective action plan under (c) of this section is implemented and the action is demonstrated to the satisfaction of the department to eliminate, mitigate, or abate the risk to public health and the environment present at the site.

(f) If the owner or operator seeking permanent closure approval is not the landowner of record, the owner or operator shall provide proof that the landowner has been notified of the request for permanent closure approval.

(g) If conditions at an inactive reserve pit closed under (e) change such that corrective action is necessary to protect public health and the environment, the department may require further investigation, assessment, monitoring, or remediation.

(h) The department will apply a fee described in 18 AAC 60.700(f) for any action taken by the department for closure or corrective action plan review, oversight of corrective action,

monitoring review, department inspections, issuance of permanent closure approval, or any other action under this section. (Eff. 1/28/96, Register 137; am 10/29/98, Register 148; am 6/30/2002, Register 162; am ___/___/___, Register ___)

Authority: AS 44.46.020 AS 46.03.090 AS 46.03.800
AS 44.46.025 AS 46.03.100 AS 46.03.810
AS 46.03.020

[EDITOR'S NOTE: INFORMATION ABOUT HOW TO OBTAIN OR REVIEW SW-846 ADOPTED BY REFERENCE IN 18 AAC 60.440 IS IN THE EDITOR'S NOTE FOR 18 AAC 60.365.]

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

18 AAC 60.465. Coal ash landfill design criteria. (a) New coal ash landfills and any lateral expansion of a coal ash landfill must be designed, constructed, operated, and maintained with either a composite liner that meets the requirements of paragraph (b) of this section or an alternative composite liner that meets the requirements in paragraph (c) of this section, and a leachate collection and removal system that meets the requirements of paragraph (d) of this section.

(b) A composite liner must consist of two components; the upper component consisting of, at a minimum, a 30-mil geomembrane liner, and the lower component consisting of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} centimeters per second (cm/sec). Geomembrane components consisting of high density polyethylene (HDPE) must be at least 60-mil thick. The geomembrane or upper liner component

must be installed in direct and uniform contact with the compacted soil or lower liner component. The composite liner must be

(1) constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeological forces), physical contact with the coal ash or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(2) constructed of materials that provide appropriate shear resistance of the upper and lower component interface to prevent sliding of the upper component including on slopes;

(3) placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(4) installed to cover all surrounding earth likely to be in contact with the coal ash or leachate.

(c) If the owner or operator elects to install an alternative composite liner, all of the following requirements must be met:

(1) an alternative composite liner must consist of an upper component that is, at a minimum, a 30-mil geomembrane, and a lower component that is not a geomembrane but has a liquid flow rate no greater than the liquid flow rate of two feet of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec. Geomembranes consisting of high-density polyethylene (HDPE) must be at least 60 mil in thickness. If the lower component of the

alternative liner is compacted soil, the geomembrane must be installed in direct and uniform contact with the compacted soil;

(2) the owner or operator must certify that the liquid flow rate through the lower component of the alternative composite liner complies with the requirements of 40 C.F.R. 257.70(c); and

(3) the alternative composite liner must meet the requirements specified in (b)(1) through (b)(4) of this section.

(d) The leachate collection and removal system must be designed, constructed, operated, and maintained to collect and remove leachate from the landfill during the active life and post-closure care period. The leachate collection and removal system must be

(1) designed and operated to maintain less than a 30-cm depth of leachate over the composite liner or alternative composite liner;

(2) constructed of materials that are chemically resistant to coal ash and any non-coal-ash waste managed in the landfill and to the leachate expected to be generated, and must be of sufficient strength and thickness to prevent collapse under the pressures exerted by the overlying waste, waste cover materials, and equipment used at the landfill; and

(3) designed and operated to minimize clogging during the active life and post-closure care period.

(e) Prior to construction of a new coal ash landfill or a lateral expansion of an existing coal ash landfill, the owner or operator must comply with the requirements of 18 AAC 60.203.

(f) Upon completion of construction of the coal ash landfill or any lateral expansion of a coal ash landfill, the owner or operator must within 90 days of completion submit to the

department a sealed certification from a registered engineer that the composite liner (or, if applicable, the alternative composite liner) and the leachate collection and removal system were constructed in accordance with the requirements of this section. (Eff. __/__/__, Register __)

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

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

18 AAC 60.466. Coal ash landfill monitoring standards. (a) The owner or operator of an existing coal ash landfill or any lateral expansion of an existing coal ash landfill must, at a minimum, visually monitor the coal ash landfill weekly for the criteria in 18 AAC 60.800(a).

(b) The owner or operator of a coal ash landfill or any lateral expansion of an existing coal ash landfill must conduct groundwater monitoring in accordance with a department-approved groundwater monitoring plan that meets the requirements of 18 AAC 60.820 – 18 AAC 60.860 with the following exceptions:

- (1) the groundwater detection monitoring program will, at a minimum, include one upgradient and three downgradient monitoring wells;
- (2) analytical samples collected during groundwater detection monitoring will, at a minimum, be analyzed for all of the constituents listed in Appendix III of 40 C.F.R. 257;
- (3) analytical samples collected as part of any required assessment monitoring program will be analyzed for, at a minimum, the constituents listed in 40 C.F.R. 257 Appendix III and Appendix IV as appropriate under (d) of this section; and

(4) any corrective actions that are required will be conducted in compliance with the requirements of 40 C.F.R. 257.96 – 40 C.F.R. 257.98.

(c) Unless an alternative frequency is approved by the department, groundwater detection monitoring at a coal ash landfill will consist of semi-annual sampling and analysis of groundwater from all monitoring wells for, at a minimum, all of the constituents listed in Appendix III of 40 C.F.R. 257.

(d) Any required assessment monitoring program at a coal ash landfill will be conducted in accordance with the requirements of 40 C.F.R. 257.95 and will consist of

(1) annual sampling and analysis of groundwater from all monitoring wells for, at a minimum, all of the constituents listed in 40 C.F.R. 257 Appendix IV; and

(2) unless an alternative frequency is approved by the department, semi-annual sampling and analysis of groundwater from all monitoring wells for, at a minimum, all of the constituents listed in 40 C.F.R. 257 Appendix III and those constituents in 40 C.F.R. 257 Appendix IV that were detected in the annual sampling under (b)(3)(A) of this section.

(e) The owner or operator of a coal ash landfill shall submit complete monitoring reports to the department within 90 days of any monitoring event. (Eff. __/__/__, Register __)

Authority:	AS 44.46.020	AS 46.03.070	AS 46.03.800
	AS 46.03.010	AS 46.03.100	AS 46.06.810
	AS 46.03.020	AS 46.03.110	

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

18 AAC 60.467. Coal ash landfill closure. (a) A coal ash landfill and any lateral extension of a coal ash landfill must be closed in accordance with the written closure plan and information submitted under 18 AAC 60.210(b)(3)(E) and (b)(5). The closure plan can specify either removal of the coal ash or installation of a final cover system.

(b) If closure is accomplished by removal of the coal ash, all of the removed coal ash must be relocated to another permitted coal ash disposal facility or a permitted Class I MSWLF, used in a department-approved beneficial use project, or accommodated in a combination of disposal and beneficial use.

(c) If closure is accomplished by installation of a final cover system, the final cover system must comply with the standards in 18 AAC 60.395(a) or (b) and must be designed to minimize disruption of the structural integrity of the final cover system due to settling and subsidence. (Eff. __/__/__, Register __)

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

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

18 AAC 60.468. Coal ash landfill post-closure care. (a) Unless a coal ash landfill or any lateral extension of a coal ash landfill is closed by removal of the coal ash under 18 AAC 60.467, the owner or operator must conduct post-closure care at the landfill that must, at a minimum, include the following:

(1) maintaining the integrity and effectiveness of the final cover system, including making repairs to the final cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover;

(2) maintaining the integrity and effectiveness of the leachate collection and removal system and operating the leachate collection and removal system in accordance with the requirements of 18 AAC 60.465(d); and

(3) maintaining the groundwater monitoring system and monitoring the groundwater in accordance with the requirements of 18 AAC 60.466.

(b) Except as provided in (c) or (d) of this section, the owner or operator of a closed coal ash landfill must conduct post-closure care for 30 years.

(c) If at the end of the 30-year post-closure care period the owner or operator of the closed coal ash landfill is conducting assessment monitoring in accordance with 18 AAC 60.466(b)(3), the owner or operator must continue to conduct post-closure care until the owner or operator is able to return to detection monitoring in accordance with 40 C.F.R. 257.95.

(d) If at the end of the 30-year post-closure care period the owner or operator of the closed coal ash landfill is conducting corrective action in accordance with 18 AAC 60.466(b)(4), the owner or operator must continue to conduct post-closure care until the owner or operator is able to document that the corrective action is complete in accordance with 40 C.F.R. 257.98(c).

(Eff. ___/___/___, Register ___)

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

18 AAC 60.490(c) is amended to read:

(c) **The** [EXCEPT FOR A DRILLING WASTE DISPOSAL FACILITY SUBJECT TO 18 AAC 60.430(e)(2), THE] owner or operator of a monofill shall conduct visual monitoring, for settlement and erosion, for at least 60 consecutive months immediately following the closure. The department will require periodic visual monitoring at a monofill for up to 360 consecutive months immediately following the closure, if based on the type of waste and the site's compliance history under this chapter, the department determines that **such** monitoring is necessary to protect the public health, safety, or welfare, or the environment. In addition to visual monitoring, the department will require groundwater, surface water, leachate, gas, and thermal monitoring at a monofill if the department finds that monitoring is necessary to protect the public health, safety, or welfare, or the environment. The department will also require additional monitoring and corrective action necessary to meet the standards in 18 AAC 60.815 and 18 AAC 60.860. The department will extend the post-closure monitoring period if necessary to ensure that the facility will not harm the public health, safety, or welfare, or the environment. At the end of the post-closure period, the owner or operator shall submit a report to the department that describes site conditions and summarizes the information collected during post-closure period. (Eff. 1/28/96, Register 137; am 10/29/98, Register 148; am 7/11/99, Register 151; Eff. __/__/__; Register __)

Register ___, _____2017

ENVIRONMENTAL CONSERVATION

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

18 AAC 60.505(a) is amended to read:

(a) Regulations of the federal government for land application of biosolids in 40 C.F.R. 503.8 (Sampling and analysis), **revised as of March 26, 2007;** 503.9 (General definitions), **revised as of August 4, 1999;** [AND] Part 503, Subpart B (Land Application)[,] **and** Subpart D (Pathogens and Vector Attraction Reduction), **revised as of October 22, 2015;** and Appendices A and B, revised as of **August 4, 1999** [JULY 1, 1997], are adopted by reference.

(Eff. 1/28/96, Register 137; am 10/29/98, Register 148; am __/__/__, Register __)

Authority: AS 44.46.020 AS 46.03.020 AS 46.03.110
AS 46.03.010 AS 46.03.100 AS 46.03.810

18 AAC 60.510(b) is amended to read:

(b) A permit under this section is not required for biosolids bought, sold, or given away in a bag or other container if **the generator demonstrates to the department's satisfaction that**

...

(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 4/8/2012, Register 202; am __/__/__, Register __)

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

18 AAC 60.700 is repealed and readopted to read:

18 AAC 60.700. Fee requirements. (a) Except as provided in (g) of this section, the owner or operator of a solid waste disposal facility shall pay the applicable fees as prescribed in Tables I-1, I-2, I-3, and I-4 of this subsection. The owner or operator of a facility subject to the annual fee requirement shall continue to pay the annual fee until the department approves termination of the post-closure obligations under 18 AAC 60.270.

TABLE I-1 ANNUAL MUNICIPAL SOLID WASTE LANDFILL FACILITY FEES				
Facility Type:	Class I	Class II	Class III (camp)¹	Class III (community)¹
Individual permit	\$9,000	\$4,000	\$670	\$250
RD&D permit²	\$1,035	Not applicable	Not applicable	Not applicable
Comprehensive permit under 18 AAC 60.207	\$11,250	\$5,000	\$835	\$310

Post-closure period³	\$3,370	\$2,020	\$320	\$140
<p>Notes:</p> <p>¹ A Class III (camp) landfill is a MSWLF that is classified under 18 AAC 60.300(c)(3)(A), and a Class III (community) landfill is a MSWLF that is classified under 18 AAC 60.300(c)(3)(B).</p> <p>² An RD&D permit is a Research, Development, and Demonstration permit issued under 18 AAC 60.213. This permit type is only allowed for a Class I MSWLF.</p> <p>³ The post-closure period fee is payable each year from the time final closure is completed under 18 AAC 60.390 – 18 AAC 60.395 until the department approves termination of the post-closure obligations under 18 AAC 60.270.</p>				

TABLE I-2

**ANNUAL TREATMENT FACILITY, NONMUNICIPAL SOLID WASTE LANDFILL
FACILITY, AND BIOSOLIDS LAND APPLICATION FEES**

Facility Type:	Type X	Type Y	Type Z
	<ul style="list-style-type: none"> - Industrial waste treatment - Drilling waste treatment, including grind and inject - Drilling waste monofill - Coal ash monofill 	<ul style="list-style-type: none"> - Asbestos monofill - Woodwaste monofill - Sewage solids monofill - Land application of biosolids (without treatment facility) 	<ul style="list-style-type: none"> - Inert waste monofill - Biosolids treatment facility - Medical waste treatment facility - Municipal solid waste treatment

	- Industrial waste monofill		
Individual permit	\$4,440	\$1,220	\$2,225
Comprehensive permit under 18 AAC 60.207	\$5,550	\$1,525	\$2,780
Post-closure period¹	\$490	\$370	\$245

Notes:

¹ The post-closure period fee is payable each year from the time final closure is completed under 18 AAC 60.430 – 18 AAC 60.490 until the department approves termination of the post-closure obligations under 18 AAC 60.270.

TABLE I-3	
ONE-TIME SOLID WASTE FACILITY FEES	
Fee type¹:	
Storage plan review, at site without a permit	\$895
One-time solid waste treatment facility plan review ²	\$2,530
One-time inert waste monofill authorization	\$1,500
One-time asbestos monofill authorization	\$1,500
One-time sewage solids monofill authorization	\$1,500
Solid waste as fill authorization – small ³	\$685

Solid waste as fill authorization – large ³	\$1,595
Upland dredge material disposal – small ³	\$685
Upland dredge material disposal – large ³	\$1,595
Polluted soil disposal in a landfill ⁴	\$1,945
Closure plan review, without a permit	\$920
<p>Notes:</p> <p>¹ Applicable fees must be submitted with the plan or application, prior to department review.</p> <p>² Solid waste treatment facility covered under 18 AAC 60.200(e)</p> <p>³ For the purposes of fees, a small project is defined as one that involves 15,300 cubic yards, or less, and a large project is defined as one that involves more than 15,300 cubic yards.</p> <p>⁴ Polluted soil disposal fee applies to a polluted soil disposal plan required under 18 AAC 60.025(d).</p>	

TABLE I-4	
ANNUAL FEES FOR COVERAGE UNDER GENERAL PERMITS	
Type of general permit	Annual fee
Remote camps and lodges with fewer than 50 residents	\$115
United States Air Force long range radar sites (LRRS)	\$220
North Slope drilling waste long-term storage sites	\$1,605
Woodwaste disposal in rock pits in Southeast Alaska	\$665
Regional North Slope Borough Class III Landfills	\$250

Note:

The first annual fee must be submitted with an application for coverage under a general permit as specified in 18 AAC 60.255(e); subsequent annual fees will be billed each year; a subsequent annual fee must be paid within 60 days after the date of billing for coverage under the general permit to remain in effect.

(b) Before the department will review a plan required under this chapter, an application for a permit, or any other document listed in (a) of this section, the applicant must pay each applicable fee at the time of application. For the purposes of this section, a new permit or authorization includes a permit or authorization that has expired and was not administratively continued under the provisions of 18 AAC 15.110.

(c) Annual fees in Tables I-1, I-2, and I-4 in (a) of this section will be billed at the beginning of each calendar year and must be paid no later than 60 days of the date of billing.

(d) A fee required under (a) of this section is not refundable.

(e) Fees listed in (a) of this section are based on standard designated regulatory services, as that term is defined in AS 37.10.058. In addition to these fees, the department may charge an hourly fee of \$53 per hour for time spent on the activity if the department determines that

(1) a revised permit application or other revised submittal is substantially incomplete or technically inadequate because the applicant failed to address the deficiencies identified in the department's notification following its review of the original application or submittal; or

(2) a requested activity involves complex or controversial legal, technical, or policy issues that exceed those that meet the definition of standard designated regulatory service.

(f) The department will notify the applicant in writing prior to starting hourly billing under this (e), with an explanation of why the requested regulatory service meets one or both of the criteria outlined in (e)(1) – (2).

(g) For a solid waste facility or activity that is not listed in (a) of this section, the department will

(1) assess an hourly fee based on direct department costs, including

(A) \$60 for each hour of time spent on inactive reserve pit work under 18 AAC 60.440; or

(B) \$53 for each hour of time spent on activities not included in (1)(A);

and

(2) recover costs for goods and third-party services; for purposes of this paragraph, goods and third-party services include travel, if the business has more than 20 employees; or

(3) if the applicant requests, negotiate a fee to cover the costs of issuing the permit or approval sought.

(h) If the department determines that the department lacks the technical expertise to evaluate a portion of a facility plan, application, or waiver request, and that evaluation is necessary in order to protect public health, safety, welfare, or the environment, the department will notify the applicant and, under AS 36.30, enter into a contract with a consultant for the

needed expertise to complete the evaluation. The applicant shall pay for the cost of the contract in addition to any other fees in this section.

(i) The permittee shall pay the fee assessed under (e), (g) or (h) of this section no later than 60 days after the date of the billing.

(j) Interest on an overdue payment accrues at the rate prescribed in AS 45.45.010 and begins to accrue when the payment is more than

(1) 60 days past due; or

(2) 90 days past due for a payment for which a review was requested under 18 AAC 60.730, if payment is found to be due. (Eff. 6/28/96, Register 138; am 10/29/98, Register 148; am 6/30/2002, Register 162; 7/11/2002, Register 163; am 9/7/2002, Register 163; am 9/5/2010, Register 195; am __/__/__, Register __)

Authority: AS 37.10.052 AS 46.03.010 AS 46.03.100

AS 44.46.020 AS 46.03.020 AS 46.03.110

AS 44.46.025

Editor's note: Facility classification and required fees may be discussed at the preapplication meeting under 18 AAC 60.210(a).

18 AAC 60.990(17) is repealed:

(17) repealed __/__/____;

18 AAC 60.990(20) is amended to read:

(20) "biosolids" means **sewage solids or septage that is treated to reduce pathogens and vector attraction for application to the land as a fertilizer or soil amendment;** [SOLID, SEMI-SOLID, OR LIQUID RESIDUE GENERATED DURING TREATMENT OF DOMESTIC SEWAGE IN A TREATMENT WORKS; "BIOSOLIDS" INCLUDES DOMESTIC SEPTAGE; SCUM OR SOLIDS REMOVED IN PRIMARY, SECONDARY, OR ADVANCED WASTEWATER TREATMENT PROCESSES; AND A MATERIAL DERIVED FROM BIOSOLIDS; "BIOSOLIDS" DOES NOT INCLUDE ASH GENERATED DURING THE FIRING OF BIOSOLIDS IN A BIOSOLIDS INCINERATOR OR GRIT AND SCREENINGS GENERATED DURING PRELIMINARY TREATMENT OF DOMESTIC SEWAGE IN A TREATMENT WORKS;]

18 AAC 60.990(29) is amended to read:

(29) "containment structure" means a type of waste management area in which an arrangement of dikes, walls, [BARRIER BERMS,] pits, ice storage pits, liners, pads, cover material, and other similar constructs are used to hold solid waste and to prevent the escape, seepage, or discharge of solid waste and leachate from, or infiltration of water or precipitation into, the waste management area;

18 AAC 60.990(63) is amended to read:

(63) "industrial solid waste" means solid waste generated by a manufacturing or industrial process that is not a hazardous waste regulated under **42 U.S.C. 6921 – 42 U.S.C.**

6939g (RCRA, Subtitle C) [42 U.S.C. 6921 – 42 U.S.C. 6939B (RCRA, SUBTITLE C, AS AMENDED THROUGH AUGUST 21,1998)]; "industrial solid waste" includes polluted soil, inorganic chemicals, iron and steel manufacturing waste, leather and leather products, waste from nonferrous metals manufacturing and foundries, [DRILLING WASTE,] organic chemicals, plastic resin waste, sludges and boiler ash from the pulp and paper industry, rubber and miscellaneous plastic products, textile manufacturing waste, and water treatment chemicals; "industrial solid waste" does not include coal ash, **drilling waste**, slaughterhouse waste, wood waste, inert waste, or mining waste;

18 AAC 60.990(64) is amended to read:

(64) "inert waste" means solid waste that has a low potential to pollute air or water, and that does not normally attract wildlife; "inert waste" includes [COAL POWER PLANT ASH,] scrap metal, auto fluff, construction and demolition waste, and pavement rubble; "inert waste" does not include **coal ash or** asphalt material that contains asbestos;

18 AAC 60.990(71) is amended to read:

(71) "liner" means a continuous layer of natural or synthetic materials beneath or on the sides of a landfill or solid waste containment structure [, OR A VERTICAL LAYER INSTALLED IN A BARRIER BERM THAT EXTENDS CONTINUOUSLY FROM THE BASE OF THE ACTIVE THAW ZONE TO THE TOP OF THE BARRIER BERM] to prevent solid waste and leachate from escaping from the landfill or the containment structure;

18 AAC 60.990(110) is repealed:

(110) repealed __/__/____;

18 AAC 60.990(120) is amended to read:

(120) "sewage solids" means waste that [PASSES THE PAINT FILTER TEST (EPA TEST METHOD 9095, PUBLISHED IN TEST METHODS FOR EVALUATING SOLID WASTE, PHYSICAL/CHEMICAL METHODS (SW-846), ADOPTED BY REFERENCE IN 18 AAC 60.365), AND] has been removed from a wastewater treatment system, sewer, septic tank, or other wastewater handling equipment **that has been dewatered to no less than 10 percent solids by weight**; "sewage solids" includes lagoon dredge, sewer cleanout waste, barscreen grit, and wastewater treatment sludge;

18 AAC 60.990 is amended by adding a new paragraph to read:

(167) "coal ash" includes fly ash, bottom ash, boiler slag, and flue gas desulfurization materials resulting from the combustion of coal for the purpose of generating electricity or a combination of electricity and other thermal energy;

18 AAC 60.990 is amended by adding a new paragraph to read:

(168) "coal ash landfill" means an area of land or an excavation that receives coal ash and which is not a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground or surface coal mine, or a cave. A coal ash landfill also includes sand and gravel pits and quarries that receive coal ash, and any practice that

does not meet the definition of a beneficial use of coal ash. (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 4/12/2013, Register 206; 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

[EDITOR’S NOTE: THE DOCUMENTS REFERRED TO IN THIS SECTION MAY BE REVIEWED AT THE DEPARTMENT’S JUNEAU, ANCHORAGE, AND FAIRBANKS OFFICES.]