Chapter 173-408 WAC, Landfill Methane Emissions
Draft Rule Amendments
September 17, 2026

WAC 173-408-080 – Gas collection and control systems.

(1) General requirements: ***no updates***

(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, the owner or operator of a MSW landfill must submit a design plan to the department or local authority within one year after the effective date of this chapter, 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 (~~43~~)(b). The department or local authority must review and either approve or disapprove the design plan within 120 days of receipt. The department or local authority may request that the owner or operator submit additional information as part of the review of the design plan.

(2)(a)(i) through (2)(a)(xvi): ***no updates***

(3) Gas collection and control system requirements: ***no updates***

(4) Requirements for flares: ***no updates***

(5) Requirements of gas control devices other than flares: An MSW landfill owner or operator who operates a gas control device other than a flare must satisfy one of the following requirements:

(a) If a gas collection and control system routes the collected gas to an energy recovery device or devices, the owner or operator of the energy recovery device or devices must comply with the following requirements:

> (i) The device or devices must achieve a methane destruction efficiency of at least 97 percent by weight, except for lean-burn internal combustion engines that were installed and operating prior to January 1, 2022, which must reduce the outlet methane concentration to less than 3,000 parts per million by volume, dry basis corrected to 15 percent oxygen; and
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> (ii) If a boiler or a process heater is used as the gas control device, the landfill gas stream must be introduced into the flame zone, except that where the landfill gas is not the primary fuel for the boiler or process heater, introduction of the landfill gas stream into the flame zone is not required.
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> (iii) The gas control device must be operated within the parameter ranges established during the initial or most recent source test.

(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, the owner or operator of the

treatment system must ensure the system achieves a methane leak rate of three percent or less by weight. Venting of processed landfill gas to the ambient air is not allowed. 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.

(6) Source test requirements: ***no updates***

(7) Wellhead gauge pressure requirement: ***no updates***

(8) Gas collection well casing extension: ***no updates***

(9) Repairs and temporary shutdown of gas collection system components: ***no updates***

Note: Below is draft rule language for a new section in Chapter 173-408 WAC. "subsection ###" denotes that the subsection has not been numbered yet.

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 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.

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.

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 owner or operator of an 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 ###.