REGULATIONS FOR CLASS III LANDFILLS
FOUND IN 18 AAC 60

What is a Class III Landfill?

A Class III municipal solid waste landfill (MSWLF) is one that is considered to be small, rural, and remote. It is usually not connected by road to a Class I landfill, which is a large landfill facility which accepts more than 20 tons of waste daily and must meet special requirements for liners, leachate and methane collection, and water quality sampling. To qualify as a Class III landfill, a community that is connected to a road system that is maintained year-round, must be located a distance of more than 50 miles from a Class I landfill. (18 AAC 60.300(c)(3))

A Class III landfill accepts less than five tons of municipal solid waste per day (on an annual average). They are usually in communities with populations of less than 800 people, if one assumes 5 pounds of waste is produced per person per day. A Class III landfill can accept less than one ton of ash per day (on an annual average) of incinerated municipal solid waste. Incinerated wastes accepted at a Class III landfill must be free of food scraps that might attract animals. (18 AAC 60.300(c)(3)(A,B))

A Class III landfill cannot be approved for a place where public access is restricted (such as at a military base) or for a place that is made up of persons who live there as a condition of their employment and who do not consider it their permanent residence (such as a mining camp or logging camp) unless the waste from those camps is incinerated and amounts to less than one ton of ash per day, on an annual average. (18 AAC 60.300(c)(3)(B)(i,ii))

Why Would a Community Want to Develop a Class III Landfill and Get a Permit?

Improperly designed or managed landfills can cause health problems, pollute drinking water and harm wildlife. For instance, children were reported to have caught impetigo after using a swimming hole directly downstream from a village dump located in an old slough. Blowing trash and litter are unsightly and can impact areas located near dumpsites that are used for subsistence activities such as berry picking. Run-off or leachate from poorly operated dumpsites can pollute nearby streams, ponds or rivers which are used for subsistence activities such as hunting or fishing.

Part of the permit process consists of developing a waste management plan for the community. A result of this process is a better understanding of what types of wastes make up the total volumes of “garbage” placed in a landfill. With this information, the community can take steps to reduce the importation of certain items into the community or may start a recycling effort to reduce volume of waste going to the landfill and recover valuable resources.

The planning/permitting process should result in facility that is located, constructed and managed to minimize bird hazards to aircraft, water quality problems, health hazards, and damage to wildlife and the rest of the environment.
The Alaska solid waste regulations are patterned closely after the EPA solid waste regulations. The Alaska Department of Environmental Conservation (ADEC) has the responsibility for ensuring compliance with the state solid waste regulations. Communities that manage solid waste in a manner that is not in compliance with state regulations, causing violations of state water quality standards or contamination of the land due to unpermitted practices, run the risk of facing enforcement actions (e.g. Notices of Violation, Compliance Orders, or Civil or Criminal penalties) initiated by ADEC.

If a Community Qualifies as a Class III Landfill, What Steps Should be Taken to Establish, Permit, Operate, and Close the Facility?

The first step should be to develop a solid waste management plan. This will result in a better understanding of the nature of the waste stream, special problems that must be solved, how trash will be collected and managed and the size of landfill that will be needed.

The next step is to choose a site for the facility. Information gathered in the solid waste management plan can be used to help with site selection. This may include requirements for landfill size together with land ownership status, soils, geology and wetlands maps to choose candidate sites. Certain restrictions on siting a landfill in flood plains, wetlands or too close to airstrips are part of the state solid waste regulations and must be considered as a part of the site selection process. The community should actively participate in the site selection process.

The next phase, design, will be influenced by site location and community needs specified in the solid waste management plan. You can apply for a permit application after the solid waste plan, site selection and design have been completed. Information on operations and record keeping at the facility and how the facility will be closed at the end of its life also needs to be included in the permit application. Various parts of the state solid waste regulations apply to each step and are listed below, along with the corresponding regulatory citation.

Be sure to contact the nearest ADEC solid waste program office, in Juneau, Anchorage or Fairbanks. (See the last page for a list of addresses and phone numbers.) You may set up a pre-application meeting or teleconference with solid waste program staff. This will help you make sure you will have all the information necessary to submit a completed application. The Department cannot process or issue a permit if the application is incomplete.

I. Solid Waste Management Planning

Applicants for solid waste permits must show that they have reasonably considered all solid waste management options. Communities that use monies from state, local, or federal government agencies must submit the following information:

1. An estimate of the quantity and source of each type of waste to be managed. (18 AAC 60.205(c)(1))

2. A general description of the waste collection, treatment, and disposal methods to be used and the endpoint of the different waste stream components. (18 AAC 60.205(c)(2))

3. The space available for disposal remaining, or the proposed area if the system includes a landfill. (18 AAC 60.205(c)(3))

4. The expected useful life of the components (e.g., equipment, buildings) of the solid waste management system, including the closure date of any proposed landfill. (18 AAC 60.205(c)(4))

5 If a Class III landfill is connected to a Class I or II landfill by a road system that operates year-round, then information on the lowest available cost estimate to transport wastes to those landfills must be included. The plan should also include a general cost breakdown for every feasible waste transport alternative. (18 AAC 60.205(c)(5))

II. Minimum Standards for Siting Class III Municipal Solid Waste Landfills

A. Airport Safety

1. Owners and operators of existing landfills or lateral expansions of those landfills that are within 10,000 feet of an airport runway used by turbojet aircraft or within 5,000 feet of an airport used by piston-type engine aircraft must show that the landfill is designed and operated so that it does not pose a bird hazard to aircraft. (18 AAC 60.305(a))

2. If a new landfill is to be built within a five-mile radius of an airport used by turbo-jet or piston-type engine aircraft, the applicant must notify the affected airport and the Federal Aviation Administration when the application is submitted to the department.

   (18 AAC 60.305(b))

3. Documentation on how the requirements of minimum distance between runway and airport were met need to be entered and kept in the operation record. (18 AAC 60.305(c))

B. Flood Plains

1. Owners and operators of new and existing landfills located in a 100-year floodplain

must show that the landfill will not restrict the flow of a 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in the washout of solid waste that would be hazardous to human health or the environment. (18 AAC 60.310(a))

2. Information on how the floodplain restriction was met needs to be placed in the operations record for the site. (18 AAC 60.310(b))

C. Wetlands

1. A new landfill or lateral expansion *may not be located in a wetland unless there is no practical alternative site available except other wetlands*, and the construction or operation will not cause a violation of the state water quality standards or violate toxic effluent standards in the Federal Clean Water Act. (18 AAC 60.315(1), 18 AAC 60.315(2)(A,B))

2. A new landfill or lateral expansion may not jeopardize the existence of a threatened or endangered species. It also may not violate the quality of a Marine Sanctuary under the federal Marine Protection, Research, and Sanctuaries Act of 1972. (18 AAC 60.315(2)(C,D))

3. The landfill in a wetland cannot cause or contribute to a significant degradation of the wetlands, and must show that the erosion, stability, and migration of soil, fill material, or waste, and impacts on fish, wildlife, or aquatic resources will not be significant. In order to obtain a Section 404 permit under the Clean Water Act, it may be necessary to show that steps have been taken to reduce the net loss of wetlands. A Corps of Engineers permit will be needed to build a landfill in a wetland. (18 AAC 60.315(3)(A-E), 18 AAC 60.315(4))

D. Fault Areas, Seismic Impact Zones, and Unstable Areas

1. Landfills cannot be sited within 200 feet of a visible fault or one shown on a topographical or geological map. (18 AAC 60.320(a)(1))

2. Landfills cannot be sited within a seismic impact zone unless it can be shown that structures such as liners, leachate collection systems and surface water control systems will withstand earthquakes and continue to control pollution. (18 AAC 60.320(a)(2))

3. If a landfill is located in an unstable area, then information needs to be submitted to the Department about the engineering measures that have been incorporated into the design of the site. (18 AAC 60.320(b))

E. Liners

The Department will require a Class III landfill to install a liner of appropriate design *if*

the Department finds that a liner is necessary to protect human health and the environment. (18 AAC 60.330(a))

III. Permit Requirements

A Solid Waste Permit is required for disposal of solid waste, or the construction or operation of a landfill or a solid waste treatment facility. A permit is not required for disposal of waste generated and disposed of at a single family residence or duplex, or on a farm, unless it is prohibited by local ordinances. (18 AAC 60.200(a)(1))

A. Permit Application

1. A permit application must be submitted for those solid waste disposal activities which require a permit. The application must be complete and signed by a person who has the authority to do so (e.g., mayor, city manager). If the landfill is located in the Coastal Zone of Alaska, a Coastal Project Questionnaire must be completed and submitted as well. (18 AAC 60.210)

2. An application for a new permit or the renewal of a current permit must consist of:

    a. A cover letter that describes the class of landfill and type of operation that is to be permitted. Information as to how the facility meets the classification requirements of 18 AAC 60.005(a) needs to be submitted.
    (18 AAC 60.210(b)(1)(A))

    b. A general narrative of the landfill sites topography, geology, climate, surface hydrology, and groundwater hydrology. (18 AAC 60.210(b)(1)(B))

    c. A statement that the application is aware of all applicable local ordinances, zoning requirements and Alaska Coastal Management Program requirements.
    (18 AAC 60.210(b)(1)(C))

    d. The information on Solid Waste Management Planning required above.
    (18 AAC 60.210(b)(2))

B. Application Form

On an application form supplied or approved by the Department, the following information is needed:

1. Information that shows the distance between the end of the airport runway and the solid waste facility. A minimum distance of 5000 feet is required between the runway and the landfill for runways certified for piston-driven aircraft and a minimum distance of 10,000 feet is required between runways certified for jet aircraft and a community's landfill unless it can be demonstrated that increased bird hazards to aircraft would not result with

less separation between the runway and landfill.
(18 AAC 60.210(b)(4)), (18 AAC 60.305(a))

2. A map or aerial photograph with a scale of 1" = 200' that shows the major topographical, geological, hydrological, biological, and archaeological features, including any buildings, roads and airports within two miles of the landfill. The map needs to clearly show the property boundaries, and identifies any water supply wells or water intakes in use within two miles of the landfill. (18 AAC 60.210(b)(5)(A), 18 AAC 60.210(b)(5)(B,C))

3. A site plan and cross-sectional drawings of the site need to be submitted, using an appropriate scale. The drawings must show the property boundaries, closed and active parts of the site, existing and proposed disposal areas, any containment structures and trenches. The locations of cover material storage areas, fences, monitoring devices, gates, roads, salvaging areas, and solid waste management equipment (e.g., baler, shredder, compactor, or incinerator if used) need to be shown. (18 AAC 60.210(b)(6)(A,B))

4. Show the location and direction of flow for surface water and ground water at the site, and describe any factors which would change the flow patterns.
(18 AAC 60.210(b)(6)(C))

5. Show grades, diversion trenches, or other drainage devices that are used to control water flow onto, into, or from the facility to control erosion, storm water, or leachate. (18 AAC 60.210(b)(6)(D))

6. Show any liners, any leachate or landfill gas collection, handling, treatment systems. Show where the groundwater monitoring wells are located and designed, *if applicable.* These devices are generally not required for Class III facilities unless groundwater contamination occurs or landfill gas movement to sensitive areas will be likely. (18 AAC 60.210(b)(6)(E,F))

7. *If a liner is required for the site*, provide an estimation of liner permeability, maximum anticipated leachate depth calculations, and a liner installation quality assurance plan. Liners generally are not required for Class III facilities unless groundwater contamination has occurred or will be likely. (18 AAC 60.210(b)(7,8))

8. Submit an operating plan for the site, including information on site access control measures, waste acceptance policies, where waste is to be placed, and waste compaction methods, litter control and cleanup, animal control, traffic control, and dust, noise, and odor controls. (18 AAC 60.210(b)(9))

9. Provide an evaluation of the potential usefulness of the underlying aquifer and the potential for generating leachate that could cause a violation of the water quality standards (18 AAC 70). (18 AAC 60.210(b)(11))

10. *If required*, submit a monitoring plan, including visual monitoring or groundwater or surface water monitoring. Groundwater and surface water monitoring generally are not required of Class III landfills unless pollution of ground water or surface water occurs or is likely. Visual monitoring plans are required for Class III landfills. (18 AAC 6.210(13))

11. Submit a closure plan for the site, which includes a description of the final appearance of the facility, the use of the property after closure, conceptual drawings, present-day costs estimated for closure and post-closure care of the landfill, and the location of any permanent markers or survey monuments to permanently mark the landfill boundaries. (18 AAC 60.210(b)(14))

12. Submit proof of financial assurance, *if required*. (18 AAC 60.210(b)(15))

13. Submit a copy of a deed or other legal document that identifies the landowner, or a copy of any lease agreement that is relevant to the landfill activity, or a written statement from the landowner, showing that the landowner consents to the landfill activity occurring on their property. (18 AAC 60.210(b)(16)(A,B))

14. Submit a copy of the storm water notice of intent, *if one is required* for the site under the Clean Water Act. (18 AAC 60.210(b)(17))

15. If the site is suspected of having soil stability or groundwater problems, soil borings and other hydrological/geological information may be required before a permit can be issued. (18 AAC 60.210(c))

16. The Department will notify an applicant by certified mail if there are deficiencies, and identify the information that must be submitted. When the problems are corrected, the Department will continue the permitting process. (18 AAC 60.210(e))

IV. General Requirements of a Class III Landfill

A. Access Control

1. Control public access to the site. If the site is on a major road system, unauthorized vehicles must be prevented from dumping there. This may be done by building or installing berms, fencing, and gates. (18 AAC 60.220(1,2))

2. If salvaging is allowed at the site, then it should only be allowed in a place located away from the active disposal area. Salvaging must be done in a way that it does not affect site operations or create a health or safety hazard or cause pollution. (18 AAC 60.220(3))

3. Access roads to the site and within the landfill leading to active disposal areas need to be kept passable and safe for vehicles during normal hours of operation.

(18 AAC 60.220 (4))

B. Surface Water Control

1. Solid waste cannot be placed in surface water unless it is allowed as a part of a permit condition. Usually this will only be allowed in communities where most surrounding land is designated as wetland and there is no other reasonable option available for the community. (18 AAC 60.225(a)(1))

2. Run-off discharges or leachate from the waste cannot violate water quality standards in 18 AAC 70. (18 AAC 60.225(a)(2))

3. Owners and operators must ensure, to the extent practical for the site, that surface water does not flow through the waste. (18 AAC 60.225(c))

C. Disease Vector, Wildlife and Domestic Animal Control

Owners and operators must try to minimize access to the waste by disease vectors (e.g., flies and rodents), wildlife (e.g., bears and foxes), and domestic animals (e.g., dogs and cats) as much as is possible at the landfill. This can be done by fencing the site and regularly placing soil cover over the wastes, or by incineration of wastes. (18 AAC 60.230(1-3))

D. Hazardous Wastes

1. Hazardous wastes (those wastes regulated under 18 AAC 62 such as acids, solvents, explosives, lead-acid batteries) *or* used oil may not be disposed of at a Class III landfill. (18 AAC 60.020(a))

2. Hazardous wastes that come from households should not be placed in Class III landfills if at all possible. However, it is lawful to do so at this time. Other alternatives use of hazardous household products should be explored before discarding at a landfill. This may include alternatives such as using less-toxic choices for products or developing household hazardous waste collection and disposal programs.

E. Polluted Soil

Polluted soil can be placed only at landfills that are lined and have a leachate collection system. Petroleum contaminated soils that have been cleaned up to meet the Level A standards in 18 AAC 78 may be placed in a permitted solid waste landfill, if the permit issued allows it. (18 AAC 60.025(a,b))

F. Record Keeping Requirements

The owner or operator of a landfill needs to keep an “operating record”. These operating records should be kept in an easily accessible area such as a city office, where employees or

the Department can review them when needed. These records need to be made available to the Department upon request or at times during an inspection of the landfill.
(18 AAC 60.235(b))

The types of records that need to be kept include:

1. The permit application and the permit or the community's solid waste management plan and the letter of non-objection. (18 AAC 60.235(a)(1))

2. Inspection records, training procedures, and notification procedures required by 18 AAC 60.240. (18 AAC 60.235(a)(2))

3. Any demonstration, certification, or monitoring data required in the permit (this may include information on how the site meets the Class III classification). (18 AAC 60.235(a)(3))

4. Any permit or record required under the Clean Water Act. (18 AAC60.235(a)(4))

5. Financial assurance documentation, *if required*. (18 AAC 60.235(a)(5))

6. The operating plan described in 18 AAC 60.210(b)(9). (18 AAC 60.235(a)(6))

7. As-built drawings of the landfill. (18 AAC 60.235(a)(7))

8. Location restriction demonstrations such as those for minimum distance to runways or flood plains. (18 AAC 60.380(1))

9. Records of landfill gas monitoring, corrective action related to landfill gas problems must be kept for facilities that are required to keep them. *These records are not normally needed for Class III landfills.* (18 AAC 60.380(2-3), 18 AAC 60.380(4))

G. Procedures to Exclude Hazardous Waste from Landfills

The owner or operator must post a clearly legible sign at the landfill entrance that tells users that disposal of regulated hazardous wastes and PCB waste is prohibited.
(18 AAC 60.240(a))

H. Medical Waste

Medical waste needs to be decontaminated or sterilized, then packaged to prevent a health hazard before disposal in a landfill. Wastes can also be incinerated in a medical waste incinerator before disposal. (18 AAC 60.030(1-2))

I. Vehicles and Construction Equipment

Vehicles or construction equipment that are placed in landfills need to have their lead-acid batteries removed and be drained of all fluids before disposal at the site. They cannot be used to stabilize a slope or be used to prevent erosion. They should also not cause a visual nuisance nor attract disease vectors (flies and rodents). (18 AAC 60.035(1-3))

J. Prompt Closure

When a landfill closes, the owner or operator must place final soil cover over the waste within 90 days of the last placement of waste at the landfill, unless otherwise approved by the Department. (18 AAC 60.245(a))

K. Proof of Financial Responsibility

The Department *may* require that an owner or operator of a landfill provide proof of financial responsibility to cover the cost of closing a landfill. If monitoring is required, there must be sufficient money available to cover the cost of post-closure monitoring. (18 AAC 60.265)

L. Cover Material, Working Face, and Litter Control Requirements for Class III Landfills

1. Solid waste needs to be covered with six inches of earthen material, or an alternative material approved by the department, *as needed or as stated in the permit,* to control disease vectors, fires, odors, blowing litter, and scavenging. (18 AAC 60.345(a))

2. The working face of the landfill needs to be kept as small as is practical to reduce windblown litter and the potential for attraction by birds and animals. Litter must be controlled by fencing of the site or by other approved means, and must be removed from access roads and other parts of the facility. (18 AAC 60.345(b,c))

M. Control of Explosive Gases

The owner or operator of a Class III landfill will begin a gas monitoring program, similar to that for a Class I or Class II landfill only if the Department finds it necessary to protect human health. (18 AAC 60.350(e))

N. Open Burning

Open burning is not prohibited at a Class III landfill. If open burning occurs at a Class III landfill, then it must be done in accordance with the open burning requirements of the Air Quality Regulations in 18 AAC 50. These include but are not limited burning wastes in a way that they do not make black smoke, not allowing the waste to smolder by achieving the best combustion efficiency, and not allowing hazardous wastes to be burned. It is recommended that an attendant be on duty when waste is being burned to make sure the

burning of waste is controlled. (18 AAC 60.355, 18 AAC 50)

O. Liquids Restrictions

1. Bulk or non-containerized liquid cannot be placed in a landfill unless the waste is from a household. The containers placed in the landfill may hold only one gallon or less of liquid. (18 AAC 60.360(a,b))

2. Septic tank pumping waste is not allowed unless specifically permitted with a wastewater permit. (18 AAC 60.365(c))

P. Controlling Impacts Outside the Facility Boundary

1. A minimum horizontal distance of 50 feet is required between the landfill boundary and the facility property line, unless a greater setback is required by local zoning ordinances. (18 AAC 60.370(1))

2. Dust, noise, traffic, and other impacts from the operation of the facility must not become a nuisance or hazard to the health, safety, or property of persons outside the property boundary. (18 AAC 60.370(2))

Q. Co-disposal of Sewage Solids

1. If sewage solids (sludge from a wastewater treatment plant) are accepted for co-disposal within a Class III landfill, then the waste should be tested to ensure that it is not hazardous nor does it contain regulated levels of Polychlorinated Biphenyls (PCB's). Sewage solids co-disposed of at a landfill cannot contain free liquids. This is demonstrated by the waste passing the EPA "Paint Filter Test". (18 AAC 60.365(a-c))

2. Unless it can be demonstrated that the sewage solids meet one of the pathogen reduction requirements for the Class A or Class B standards (as defined in the Federal Regulations 40 C.F.R. 503.32), then the sewage solids must be covered immediately after placement in the landfill with a minimum of six inches of soil. (18 AAC 60.365(d-e))

R. Asbestos

1. Asbestos may not be disposed of at a Class III landfill unless the landfill has a valid permit which authorizes the placement of this type of material. (18 AAC 60.450(a)(1))

2. If asbestos disposal is permitted at the landfill, then asbestos waste must be covered with a minimum of six inches of soil within 24 hours of its placement at the site. (18 AAC 60.450(a)(2))

3. Asbestos may only be accepted at landfills which have had no fires for more than one year. (18 AAC 60.450(a)(3))

4. Loads of asbestos waste must be checked before acceptance at the site and waste shipment records must be kept in accordance with state and federal regulations. (18 AAC 60.450(c,e,f))

V. Closure Standards for a Class III Landfill

A. The final cover on a Class III landfill must be soil or another material approved by the department. The final cover must be at least 24 inches thick, or another thickness approved by the department. The site must be graded to promote drainage without erosion, and must be revegetated or otherwise treated in a manner appropriate to the long-term use of the facility. (18 AAC 60.390(a))

B. When the facility is closed, the owner or operator must notify the Department when the closure is complete. (18 AAC 60.390(b))

C. Permanent markers or survey monuments need to be established to determine the exact location of the facility and each closed portion of the site. (18 AAC 60.390(c))

VI. Monitoring and Corrective Action Requirements

A. Visual and Air Monitoring

1. A facility with a solid waste permit must conduct a visual monitoring plan to detect signs of damage or potential damage from settlement, ponding, leakage, thermal instability, frost action, erosion, thawing of waste, or operations at the facility. It must also detect any damage to above ground portions of any monitoring devices such as wells or thermistors if they are present. (18 AAC 60.800(a)(1,2))

2. The monitoring plan must detect any violations of permit conditions that are readily observed, such as the escape of waste or leachate, improper waste disposal, or the slippage or damage to any liner, if one is present. (18 AAC 60.800(a)(3-7))

B. Surface Water Monitoring

1. If a surface water monitoring program is required at a site, then surface water must be sampled at the points of compliance selected by the permittee and approved by the Department. These points must be located where the contaminants that leave the site will be detected at the highest concentrations and other interference sources will be minimized. The point of compliance should normally be no more than fifty feet outside the landfill boundary, on property owned by the facility owner. (18 AAC 60.810(b))

2. Sampling should be done during periods of both high groundwater flow and low groundwater flow, unless otherwise required by the department. (18 AAC 60.810(c))

3. Contaminants to be monitored for will be selected by the Department from the list set out in 18 AAC 60.840. Monitoring for other contaminants may be required, based on the types of waste accepted at the site. (18 AAC60.810(d))

C. Corrective Action for Problems Discovered During Monitoring or During an Inspection

1. If damage to a facility, a monitoring device, or a violation of a permit condition is observed during visual or surface water monitoring activities, then the owner or operator of a landfill must take appropriate actions to correct the problem. This may include repairing damage, or taking actions to prevent the escape of wastes or leachate, and clean up improperly disposed wastes. (18 AAC 60.815(a))

2. If there is a statistically significant change in the water quality at the point of compliance detected by the surface water monitoring program, the owner/operator will determine the extent of the contamination, and whether the migration of pollutants from the facility is a cause of the change in water quality, and will evaluate the potential for a violation of state water quality standards. (18 AAC 60.815(b)(1-3))

3. The owner/operator must notify the department within 30 days after detecting a violation of the water quality standards applicable to the site. (18 AAC 60.815(b)(4))

4. Groundwater monitoring at a Class III MSWLF will be required if the department has credible evidence that the water quality standards of 18 AAC 70 have been violated in a surface water body or an aquifer, or if conditions at the MSWLF are likely to result in harm to public health or the environment. (18 AAC 60.820(b)(1-3))

5. The Department will require corrective actions be taken as necessary if it is believed that water quality standards in 18 AAC 70 have been violated or if conditions at the site are likely to result in harm to human health or the environment. (18 AAC 60.375)

VII. General Provisions

Waivers

1. For a Class III landfill, the department will grant a waiver from one or more of the requirements of this chapter, if the applicant identifies, in writing, the provision sought to be waived. The applicant must show that the complying with the regulation would cost significantly more than the value of the environmental protection benefit, human health risk reduction, and nuisance avoidance cause by compliance. It must also be shown the proposed alternative will provide equal or better protection of the environment, a reduction in human health risk, and control of

nuisance factors than if compliance with the regulation were achieved. (18 AAC 60.900(a)(1-2)

2. The department will impose specific conditions as necessary to assure that human health, welfare, and the environment are protected. (18 AAC 60.900(b))

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