



**City of Seattle**  
Seattle Public Utilities

March 29, 2017

Tami Ramsey  
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**Re: SPU Comments on Draft WAC 173-312 Revisions**

Thank you for providing the opportunity to review the WAC 173-312 informal draft rule revisions presented on March 22, 2017.

City of Seattle operates its own solid waste system and is a solid waste planning authority with its own Ecology-approved Solid Waste Management Plan and a diverse and actively engaged Solid Waste Advisory Committee. Seattle's first solid waste plan was the 1989 Integrated Solid Waste Management Plan, *On the Road to Recovery*. In the informal draft rule revisions, Seattle would be considered an "Independent City."

Comments below address concerns regarding the definition used for Independent City and related issues. Comments are also included that may not be of direct concern to City of Seattle specifically, but could impact the overall success of the financial assistance for other entities. A successful program for both large and small governments benefits us all.

**Section 020 – Definitions**

- **Independent city** – *"Independent city" means a city that has a department approved local solid waste plan, used a solid waste advisory committee or a SWAC-like entity to develop the plan, and can provide for the management of its solid waste wholly within its jurisdiction."*

This definition is not workable and is not consistent with the requirements of existing 173-312-040 (1). Text in -040 (1), pertaining to eligibility for grants, references cities that have independent plans in place prior to the effective date of the rule and: *"This eligibility also extends to any city subsequently requesting funding for preparation of an independent plan, if the city provides for disposal sites wholly within its jurisdiction."*

The provision of disposal sites wholly within a jurisdiction is not the same as providing for the management of its solid waste wholly within its jurisdiction. Solid

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waste management includes by definition compostables and recyclables. We want to ensure that changes to 173-312 do not impact our status as a planning authority or our access to financial assistance. Revising the definition to include reference to “disposal sites” may be part of the solution.

- **Disposal site** – *“Disposal site” means the location where any final treatment, utilization, processing or deposition of solid waste occurs which can include a transfer station as defined in chapter 173-350 WAC. For the purposes of this rule, transfer stations do not include drop box facilities.”*

Inclusion of transfer stations within this definition helps deal with the issue with the independent city definition above and is used in section 040 concerning applicant eligibility. Does the word “final” need to be inserted before the words utilization, and processing, and deposition to ensure no confusion with recyclables and compostables?

- Note there is no definition for composting, but there is for recycling. 173-350 WAC provides separate definitions for composting and recycling. Past financial assistance has covered organics management, including prevention, and should continue to do so. Therefore, there needs to be reference to “organic material management” and a definition. “Organic material management” would span the range of activities related to prevention and processing and would complement the definition of “organic materials” in 173-350 WAC.

- **Contributed Services** – *“Contributed services” means project-eligible services performed for the benefit of a project under a valid interlocal agreement by a third party without direct monetary compensation.”*

Unlike the existing text in 173-312-020 for “In-kind contributions,” the definition of “Contributed services” introduces the need for a “valid interlocal agreement.” There are several issues here. First, interlocal agreements exist between governments. This would in effect prevent businesses, NGOs, or just citizens themselves from volunteering or providing in-kind services that could be used to offset the local government’s match requirements. This is an unnecessary potential hindrance to governments with small and tight budgets and does not reflect the community value of local civic engagement. If Ecology wants an agreement of some kind in place, creating a new definition for “Contributed Services Agreement” might be warranted and it should be something along the lines of this:

“Contributed Services Agreement” means a document stating intent to provide contributed services to a project and may be in the form of an interlocal agreement,

memorandum of understanding, letter of agreement, volunteer agreement, or other suitable documentation.

In addition, relevant definitions from the WAC 173-350 Preliminary Draft 2 should be incorporated.

### **Section 050 – Project and cost eligibility**

- Section -050 (3) (b) pertains to local solid waste plans and programs that are eligible for financial assistance.

-050 (3) (b) (ii) “Reduce waste and recycle.”

Note that organic material management or composting is not listed as an eligible activity. This needs to be corrected for here and/or in the definitions. It may be beneficial to further clarify through rewriting to read: “Reduce waste, *manage organic materials, reuse products and materials, and recycle.*”

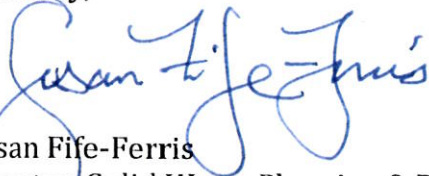
- Section -050 (4) (b) pertains to projects or costs that are not eligible for financial assistance.

It is unclear what -050 (4) (f) pertains to.

It is unclear why -050 (4) (h) would cover natural disasters only if there is hazardous contamination. Depending on the disaster, there could be significant recyclables and organics to manage.

Thank you once again for providing an opportunity to review and comment on the informal preliminary draft Rule. Please contact Segoo Jackson of SPU Solid Waste Planning at (206) 615-0706 if you have questions or want to discuss these comments.

Sincerely,



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