

Date: March 9, 2018

To: Kyle Dorsey, Department of Ecology, Rulemaking Lead

From: Dredged Material Management Office, Seattle District Army Corps of Engineers

Subject: DMMP Comments on the January 2018 final proposed Solid Waste Handling Standards (WAC 173-350)

Dear Mr. Dorsey,

Thank you for the opportunity to submit comments on Ecology's January 2018 proposed Solid Waste Handling Standards (WAC 173-350). Seattle District is submitting the following comments as the lead agency of the Dredged Material Management Program (DMMP).

1. **Clarification requested in the definition of "contaminated dredged material."** Currently, the only place where contaminated dredged material is defined as a solid waste is in the definition for "solid waste" in Section -100. However, when reading Section -021(1)(a), the reader is referred to the definition of "contaminated dredged material," which does not indicate that contaminated dredged material is a solid waste. The reader must refer to the definition of "solid waste" to find this connection, and there are no prompts or other breadcrumb trail to lead the reader from the "contaminated dredged material" definition to the "solid waste" definition.

We recommend that the definition of "contaminated dredged material" be updated to include a statement that contaminated dredged material is considered solid waste.

This comment also applies to the definition of "contaminated soil."

2. **Clarification requested in Section -021 (Determination of solid waste).** Section -021 (1)(a) [abbreviated below; emphasis added by me] states:

"...This section may not be applied to the following materials *regulated under other sections of this chapter*:

(a) Contaminated soil and contaminated dredged materials defined in WAC 173-350-100;"

The rule, as written, is confusing because "other sections of this chapter" previously referred to the now defunct Section -995 from the December 2016 revision. There is no comparable section in the January 2018 revision. Do you intend to refer to the Definitions (-100) section?

One possible suggestion would be to change the italicized language in -021 from "This section may not be applied to the following materials *regulated under other sections* of this chapter" to "*that are defined as solid waste under other sections.*" However, I realize that this proposed language may not be appropriate for items (1)(b) [Composted materials] and (1)(c) [Digestate], so I leave it to your best judgment if or how any change should be made to this section to provide clarity in this matter.

For further coordination or additional information regarding our comments, please contact Heather Fourie at [heather.w.fourie@usace.army.mil](mailto:heather.w.fourie@usace.army.mil) or 206.764.6713.

Thank you,

Heather Fourie

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