

Northwest Pulp & Paper Association

Please find attached written comments from the Northwest Pulp & Paper Association regarding Solid Waste Handling Standards rule making under Ch. 173-350 WAC.

Please confirm your receipt of these comments.

Thank you.



Northwest Pulp & Paper
ASSOCIATION

March 20, 2018

Mr. Kyle Dorsey
Waste and Toxics Program
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Re: Comments on Proposed Ch. 173-350 WAC - Solid Waste Handling Standards

Dear Mr. Dorsey:

The Northwest Pulp & Paper Association has reviewed sections of the proposed regulation and seeks with the comment offered below to confirm our understanding of the term “solid waste,” and thus applicability of the entire Ch. 173-350 WAC. We ask that the Department of Ecology clarify in its response to our comments the agency’s regulatory intent relating to our industrial practices for the use of wood derived fuels and wood wastes.

The pulp and paper industry produces, processes, purchases, and manages a wide variety of materials that are then recycled, reused, sold or burned in industrial boilers or process heaters but are never discarded, abandoned, or disposed of and therefore not a waste. For this industry the most familiar types would be hog fuel, wastewater treatment sludge, biomass or bio-based solid fuels, and other named materials in EPA’s Non-Hazardous Secondary Materials regulation that are explicitly not classified as “solid waste” (40 CFR 241).

We recognize the wide definition of “solid waste” in RCW 70.95.030. Inherent to the concept of a material constituting a waste is whether it has been discarded, abandoned or disposed of in the first place. This concept is well stated in proposed WAC 173-350-021(2)(a). However, the introductory language to proposed WAC 173-350-021(2) states that a material is a solid waste if it meets any of the criteria in the proposed rule (i.e., (2)(a) through (2)(g)). This language deviates from the intent of RCW 70.95.030 in that it potentially expands the scope of what is considered solid waste.

Section -021(3), then identifies the management practices that if followed will cause materials to “no longer (be) a solid waste” and, ostensibly, not subject to any of the WAC 173-350 provisions. Two comments come from this:

1. It is unfortunate that materials that “have a positive market value,” or that have “been recycled or is (are) ready for reuse,” or that is being “stored and managed to preserve its value,” are characterized as “solid waste.” (RCW 70.95). NWPPA facilities do not consider materials with these qualities to be “wastes” and dislike the negative connotation that comes with the term. EPA has navigated around this term in various rule-makings and it would be good if the Washington legislature and Ecology could do the same.
2. The phrases “positive market value” and “established markets” in that criterion is a bit nebulous, but if questions arise we suggest facilities can certainly work to gain an understanding and agreement with Ecology.

Finally, mention of “wood waste and “wood derived fuels” shows up in WAC 173-350-240 and -320. We appreciate that in the second response to comments document Ecology clarified that hogged fuel is not a solid waste but request that this clarification be carried into the rule language itself. We also request that it be clarified in 173-350-100 that the distinction between “wood waste” and “hogged fuel” is that wood waste is biomass that is discarded, abandoned or disposed of. Sawdust, chips, shavings, and bark, to name a few, are valuable commodities. They are not routinely discarded, abandoned or disposed of in our industrial practices.

Thank you for considering these comments. We are available to answer any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Christian M. McCabe". The signature is written in a cursive style with a large initial "C".

Christian M. McCabe
Executive Director
Northwest Pulp & Paper Association