

Fanny Silverio Gonzalez

Please see the attached document. This comment was submitted by Public Health Seattle & King County, not an individual, but there was no option for agency.

Organic Materials Management Rulemaking Questions

Comments due March 31, 2025, 11:59 pm.

Comment submission link:

https://swm.ecology.commentinput.com/?id=C7eWa5x28D&utm_medium=email&utm_source=govdelivery

Contamination Threshold Limits

1. What options at solid waste facilities should Ecology consider for preventing physical contaminants in food waste/other organic feedstocks and finished compost?
 - From a regulatory standpoint, it is difficult to assess the efficacy of a facility's contaminated load rejection or processes. Third party waste audits at facilities should be required to ensure quality of materials and a follow up plan when thresholds aren't met. The State of California has required third party audits and has provided guidance for facilities on the frequency and requirements for these. Ecology should assess these and see what changes could be made to better meet Washington's needs.
2. Currently, a facility must reject feedstock loads that appear to have 5% or more by volume or else have a plan for removing contaminants prior to composting. Finished compost must have less than or equal to 1% by weight and not to exceed 0.25% by weight of film plastics.

- How should the amount of physical contaminant be measured?

There should be a routine incoming waste audit requirement composting facilities that accept food waste to determine the waste contamination levels. State of California's Cal Recycle has guidance for operators on these requirements Ecology can determine the frequency, but it should be continuous and representative. When a facility does not meet the determined threshold, a plan must be implemented to address incoming loads.

- What is an appropriate threshold for contamination in incoming feedstocks?
 - *On WAC 173-350-220 (6)(f)(iii)(C) Procedures and criteria for ensuring that only the feedstocks described will be accepted. This includes a plan for rejecting feedstocks contaminated with greater than five percent physical contaminants by volume, or a plan to accept and separate contaminated loads from noncontaminated loads, and reduce physical contaminants to an acceptable level prior to composting. Currently it is difficult to visually assess contamination levels at facilities and as worded the determination to the inspector's opinion. The contamination allowance should be measured by weight and not volume and the percentage should be lower than 5 to account for low density materials to decrease visual bias.*
- What is an appropriate contamination limit in finished compost products?

- Current standards of 1% by weight and .25% film plastic are not adequate. We suggest reducing the percentages for these standards. California for example, has a state DOT requirement of 0.5% by weight. The effects should be studied by Ecology to come up with percentages that are adequate for Washington.
- Ecology should routinely update the contamination standards through technical guidance documents with approved testing methods to ensure standards are standard practices throughout the State.

Slaughter Waste

3. Slaughter waste generators have found it increasingly difficult to find processing options for their material, prompting more generators to consider onsite management. This waste stream can cause significant impacts if managed incorrectly. As Ecology reviews permit structures and existing permit exemptions, what factors would you like us to consider regarding slaughter waste?
 - Composting should not be listed as an option to dispose of this waste unless parameters are developed and met by a facility.

How should on-farm slaughter fit in with agricultural practices?

Pre-processing Operations

4. There are currently no specific standards for depackagers. As a result, depackagers are currently operating under the material recovery facility standards. Ecology proposes creating pre-processing standards for such operations and other organic pre-processing. One way to address such types of operations could be a minimum recovery rate that gets recycled.

What should Ecology consider as we develop standards for these facilities?

- Design standards should include vector, maintenance, odor (including holding times), and leachate control standards.
- Develop a list of unacceptable organics due to odor concerns.

Recordkeeping and Reporting

5. What level of recordkeeping and reporting should be required for various facility types, including exempt facilities if they export finished organics off site?
 - It is important that exempt facilities keep records on sources and destinations of contaminants and materials sent for disposal. Local jurisdictions with flow control over non-recyclable/non-compostable materials for disposal, need to have access to records from these facilities to ensure that operations follow our municipal disposal requirements. (for both exempt and permitted facilities)

- Composting Forms used should be publicly available, like the other annual report forms. Currently the composting annual report forms are not available unless you have a SAW Account.

Training at Facilities

6. Currently, facility supervisors responsible for daily operation at compost facilities must have specific training, and a trained supervisor may provide training for other employees. What level of training, such as additional/on-going training, should be required, and what would be the desired outcome from such training?
7. What level of training should be required at different organic management facility types, including some under permit exemption exporting finished materials offsite?
8. If no certification or training for managing organic wastes via vermiculture or other organic management technologies exists, what would you recommend?

Permit Exemptions

9. The current rule has conditional permit exemptions for several organic material management facilities. Some permit exemptions are in state law while others are instances where Ecology determined an exemption provides sufficient oversight. Only low risk operations should qualify for exemption. It is important that the rule creates a fair and equitable business landscape and neither overburdens exempt facilities, nor allows exempt facilities to excessively undercut standards required for permitted operations.
 - What new exemptions, if any, are desired?
 - Satellite locations where yard debris are being piled with onsite storage limitations and with material limits.
 - What exemptions, if any, need revisions?
10. Ecology sees a need for a permit exemption for yard debris drop off locations where yard debris is transferred to an organic management facility within a reasonable time. One type of drop-off location is a retail landscaping material yard where landscapers may bring full loads throughout the day for consolidation into a larger load. We are considering time and volume limits for this permit exemption to ensure materials move regularly to a compost or other type of processing facility.
 - What time limitation would be appropriate for this exemption?
Not too long where material decomposes which can vary by weather conditions. 3-5 days
 - What volume limit would be appropriate?
Assuming leachate controls are in place, the volume limit should be a certain amount of CY to fill a container to haul to the compost and bring product back or within 5 days whichever is sooner.

Other

11. What requirements should be placed on digestate to be beneficially used (liquid and solids, combined or separated)?
12. Ecology must update the definitions section of chapter 173-350 WAC with certain organic related terms in statute. What organic related terms would you like to see clarified or added to the rule?
 - Consider adding definitions for heavily and lightly packaged food as related to depackaging facilities, for example:
 - Lightly packaged food: food that is easily separated from the enclosing packaging. Examples of lightly packaged food include:
 - prepared foods in clamshells, plastic wrap, rotisserie bags, or snap together bases and covers.
 - produce or baked goods in bags, containers, and clamshells
 - meats in plastic wrap and Styrofoam
 - bulk containers of food i.e. 5-gallon buckets of pickles
 - Heavily packaged food: food that is difficult to separate from the enclosing packaging but can be separated with depackaging technology. Examples of heavily packaged food include:
 - Foods with multiple layers of packaging. (e.g. frozen heat-and-serve meals, meal kits, bulk snack packs with individually wrapped or packaged contents).
 - Foods in packaging that is difficult to open (e.g. cans)
 - Food with multiple layers of packaging for shipping, sometimes in pallets
13. What other changes to the organic waste standards have we not considered?

Please also see correspondence from PHSKC to ECY on 9/23/2024:

Environmental Health Services Division

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July 25, 2024



Peter Lyon
Solid Waste Management Program Manager
Washington State Department of Ecology
Northwest Regional Office
PO Box 330316
Shoreline, WA 98133-9716

RE: Request to open entire Chapter 173-350 WAC Solid Waste Handling Regulations

Dear Mr. Lyon,

Public Health—Seattle and King County (Public Health) understands Washington State Department of Ecology (Ecology) plans to open and revise certain sections of Chapter 173-350 WAC – Solid Waste Handling Regulations to encompass the requirements in the recently passed organics management laws (Chapter 180, Laws of Washington 2022; chapter 341, Laws of Washington 2024). Public Health respectfully requests Ecology to open all sections of Chapter 173-350 WAC where changes would improve and clarify expectations for regulating solid waste handling facilities.

Interpretations of certain parts of Chapter 173-350 WAC have been provided by Ecology since the last rule revision in 2018. Public Health would like to see these interpretations incorporated as language revisions within the chapter to further describe and clarify the intent of the rule. Public Health would also like to suggest specific modifications and language additions to certain sections of the chapter.

Here are some examples of what Public Health would like Ecology to consider:

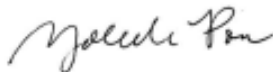
- **173-350-100 Definitions:** Define additional terms in this regulation to allow better communication between facility operators and regulators to improve or clarify expectations for handling waste streams. Example terms needing definition: "positive market value," "established markets," "brush," and "hay."
- **173-350-210 Recycling and material recovery facilities:** Add language or parameters that would require a minimum percentage by volume or weight of recyclable materials allowed at a Materials Recycling Facility (MRF). Setting this amount will allow for more recovered recyclables, improve efficiency, and help clarify the distinction between transfer station and MRF activities.
- **173-350-220 Composting facilities:** Add intermediate yard debris collection facilities as permit exempt facilities under Table 220-A, including maximum volume and time storage requirements. Intermediate yard debris collection and retail sites accept and bring materials on a frequent basis to permitted composters.

Peter Lyon
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- **173-350-230 Land application:** Provide thresholds or regulatory criteria to analyses of pollutant and background concentrations and physical and chemical parameters. Applicants are required to provide sampling results when applying for this permit type, but there are no applicable regulatory standards for comparison and assessment of the results.
- **173-350-320 Piles used for storage or treatment:** Update Table 320-A(4) to provide additional language that clarifies the requirements handling quantities over 250 cubic yards of the materials addressed in this part of the table. Public Health suggests inserting the following italicized language in the "Specific Requirements for Activity or Operation" column as the new first sentence of the cell as follows: *"No notification or reporting requirements unless there are recycling activities of these wastes. Facilities that recycle these wastes...[etc.]"*

Public Health appreciates your consideration of opening all sections of Chapter 173-350 WAC for suggested revisions. Please feel free to contact me if you have any questions at (206) 263-8459 or email me at yolanda.pon@kingcounty.gov.

Sincerely,



Yolanda Pon
Solid Waste Program Supervisor
Environmental Health Division

cc (via email): Steven Williams, Section Manager, Solid Waste Management Program, Department of Ecology Northwest Regional Office (Ecology NWRO)
Dawn Marie Maurer, Solid Waste Facilities Specialist, Ecology NWRO
Ryan Kellogg, Assistant Division Director, Environmental Health Services Division
Fanny Silverio-Gonzalez, Permitted Facilities Lead, Environmental Health Services (EHS) Division
Eyasu Ayalew, Exempt Facilities Lead, EHS Division
Jerome Cruz, Hydrogeologist and Landfill Lead, EHS Division