

201 South Jackson Street, Suite 6300, Seattle, WA 98104  
[www.kingcountyhazwastewa.gov](http://www.kingcountyhazwastewa.gov)

March 27, 2025

Mr. Chris Fredley  
SWM Program Rule Coordinator  
P.O. Box 47600  
Olympia, WA 98504-7600  
[batterystewardship@ecy.wa.gov](mailto:batterystewardship@ecy.wa.gov)

Dear Mr. Fredley:

**RE: Informal comments on preliminary rulemaking for Battery Stewardship Program**

Thank you for the opportunity to comment again on concepts and draft language introduced during the preliminary rulemaking process for Ecology's Battery Stewardship Program.

The Hazardous Waste Management Program is a multi-jurisdictional local government program in King County. Partner agencies, including Seattle Public Utilities and King County Solid Waste, operate Moderate Risk Waste collection facilities that collect and manage all brands and chemistries of portable batteries. These facilities are also preparing to serve as designated collections sites for the Battery Stewardship Program.

The following comments are in addition to comments we previously submitted:

**Demonstrable Costs**

According to 70A.555.060 a Battery Stewardship Organization (BSO) must:

- 3(a) Be responsible for costs of participating covered battery collection, transportation, processing, education, administration, agency reimbursement, recycling, and end-of-life management in accordance with the battery management hierarchy and environmentally sound management practices
- 4(a) Reimburse local governments for demonstrable costs, as defined by rules adopted by the department, incurred as a result of a local government facility or solid waste handling facility serving as a collection site for a program including, but not limited to, associated labor costs and

other costs associated with accessibility and collection site standards such as storage (except for local governments opting not to be part of the program)

We appreciate seeing draft language defining demonstrable costs for local governments. The statute is clear that all costs must be included, and we believe specifying a more comprehensive list of categories that may be included in the rule will help guide the formation of the service agreement template, and negotiations between a BSO and local governments.

The current draft language could also cause confusion because labor costs are only tied to some of the cost categories.

We believe that the list we previously submitted more accurately reflects the costs local governments may incur to meet collection standards and comply with the requirements of RCW 70A.555. **Please consider the following language:**

1. Demonstrable costs are all costs incurred by local government or local government facilities to implement RCW 70A.555, including but not limited to labor and non-labor costs associated with:
  - a. Sorting, terminal safeguarding, packing, preparing for shipment and loading.
  - b. Transportation and consolidation from satellite sites.
  - c. Administration of contract and reporting requirements to the BSO.
  - d. Trainings required by 70A.555.
  - e. Safety equipment required for battery management (e.g. fire protection and suppression, detection, and response).
  - f. Education and outreach if included in contract with the BSO.
  - g. Percentage of facility permits and space used for battery collection, management, and storage.
  - h. Storage containers and other battery management supplies, unless these are provided directly by the BSO and meet requirements of applicable codes.
  - i. Signage, unless these are provided directly by the BSO and meet requirements of applicable codes.
  - j. Transportation to a BSO-approved vendor unless provided directly by the BSO.
  - k. Collection events mutually agreed upon by local governments and the BSO.

#### **Plan Contents: Local Government Coordination**

While coordination between local governments and a BSO on education and outreach efforts is helpful, it is not required by statute. This coordination should be voluntary, mutually agreeable, and reimbursed when included in a service agreement. Please remove (d) from the draft rule language:

- (10) Local Government Coordination. The plan must describe how the stewardship organization will communicate and coordinate with local governments in implementation of the program including:
- a) A copy of a template local government reimbursement agreement and how local governments were consulted with in the template's development.
  - b) Procedures that a local government collecting covered batteries at its own expense outside of the program must follow to coordinate with a battery stewardship organization.
  - c) Procedures that a local government must follow to coordinate with a battery stewardship organization regarding collection events.
  - ~~d) Procedures that a local government must follow to coordinate with a battery stewardship organization on education and outreach efforts.~~

### **General Battery Disposal And Collection Requirements**

In the draft language below, there is a referral to (1)(d). There is no (1)(d) in this draft.

- (1) All persons must dispose of unwanted covered batteries through one of the following disposal options:
- (a) Disposal using the collection sites established by or included in the programs created by this chapter;
  - (b) For covered batteries generated by persons that are regulated generators of covered batteries under federal or state hazardous or solid waste laws, disposal in a manner consistent with the requirements of those laws; or
  - (c) Disposal using local government collection facilities that collect batteries consistent with RCW 70A.555.070(4)(c).
- (2) A fee may not be charged at the time unwanted covered batteries are delivered or collected for management.
- (3) All covered batteries may only be collected, transported, and processed in a manner that meets the standards established for a battery stewardship organization in an approved plan, unless the batteries are being managed as described in subsection (1)(b) or (1)(d) of this section.

We agree with the draft as written, without (1)(d). However, we understand from the March 6 Battery Stewardship meeting that Ecology is now interpreting statute to allow collection of batteries outside of the program without meeting standards established for a BSO in an approved plan. The explicit allowance for local governments in RCW 70A.555.070(4)(c) still requires those governments to meet collection plan standards. For safety reasons, **we believe**

**anyone collecting outside of the program (minus regulated generators) must meet those standards according to section 140 (2)(b):**

*All covered batteries may only be collected, transported, and processed in a manner that meets the standards established for a battery stewardship organization in a plan approved by the department, unless the batteries are being managed as described in subsection (1)(b) of this section.*

Thank you again for the opportunity to comment. If you have any questions, please contact Pam Johnson, Hazardous Waste Liaison & Policy Advisor at [pam.johnson@seattle.gov](mailto:pam.johnson@seattle.gov).

Sincerely,



Maythia Airhart, Director  
King County Hazardous Waste Management Program