



WASHINGTON REFUSE & RECYCLING ASSOCIATION

Organic Materials Management Rulemaking Questions with WRRA Comments

Contamination Threshold Limits

- What options at solid waste facilities should Ecology consider for preventing physical contaminants in food waste/other organic feedstocks and finished compost?
- 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?
 - What is an appropriate threshold for contamination in incoming feedstocks?
 - What is an appropriate contamination limit in finished compost products?

WRRA Comments:

- Permitted compost facilities must have procedures and criteria to ensure that facilities accept only source separated feedstocks. State regulations include a default limit of 5% inbound contamination and compost facilities across the state therefore are typically held to this 5% contamination standard. WAC 173-350-220(f)(iii)(C). No compost facilities in WA willingly accept garbage or recyclables as per their acceptance list
- Facility acceptance lists should include only items that can be processed and should not knowingly accept materials that will be landfilled. Because of our standards, Washington achieves impressive recovery rates at compost facilities with some recycling over 95% of all inbound materials.
- Packaged food and source separated food cannot be commingled.
- 90% recovery requirement on the backend for non-source separated streams. This is achievable with the right equipment and protocols.

Slaughter Waste

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

WRRRA Comments:

- The decision to accept slaughter waste should be determined by market forces, involving both generators and processors. Proposed regulations should not mandate organic management facilities, such as composting sites, must accept specific materials.

Pre-processing Operations

- 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?

WRRRA Comments:

- New regulations must protect and maintain our state's source separated system at a minimum.
- New regulations must be consistent with existing state law requiring businesses to source separated (RCW 70A.205.545(3)(a)).
- With few exceptions to be identified via the rulemaking, the generator must remain responsible for source separating all non-compostable and recyclable materials from organics at the point of generation.
- Easily and readily recyclable items that cannot be recovered on the back end should not be allowed on a depackaging facility's acceptance list. These depackaging operations can result, as a byproduct, with large volumes of residuals containing other recyclable materials such as recyclable plastics. The legislature has established a hierarchy for waste management that recyclable materials to be landfilled (RCW 70A.205.310(a)). In order to further this important goal and maintain this standard, pre-processing facilities should be required to meet a quarterly recovery rate of 90%, effectively an industry standard requirement. This ensures the facility is only accepting the correct materials and recycling to a reasonable standard.
- Pre-processing operations, including depackaging, are intended to handle mixed materials, which will likely require transportation by state-certified or municipally contracted haulers. Proposed regulations should establish standards to ensure compliance with and oversight of the laws and contracts that govern solid waste hauling in the state.
- The proposed rules should require pre-processing facilities to have documented back-up agreements in place with permitted facilities with available capacity.

Recordkeeping and Reporting

- What level of recordkeeping and reporting should be required for various facility types, including exempt facilities if they export finished organics off site?

WRRRA Comments:

- Building a strategic framework for depackaging should include a component that identifies both the role, performance standards, and funding for enforcement. This will enhance accountability in daily operations, aiming to improve environmental outcomes and create a fair and equitable business environment in WA.
- Currently, there is no express allowance for deducting certain materials that are scavenged or removed

out of mixed waste inbound feedstocks. Due to this lack of guidance, these deductions are vulnerable to abuse and can result in inaccurate diversion reports. Accounting deductions need to be better understood in order to be consistently applied and regulated across jurisdictions.

- Transparency in accounting and reporting will be critical to assess facility contamination, recovery and disposal rates. This should be monthly by material class.
- Monthly and annual reports should include basic information on the jurisdiction of origin due to city/county flow control requirements.

Training at Facilities

- 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?
 - What level of training should be required at different organic management facility types, including some under permit exemption exporting finished materials offsite?
 - If no certification or training for managing organic wastes via vermiculture or other organic management technologies exists, what would you recommend?

WRRRA Comments:

- Tracking training and educational hours should be straightforward and documented for JHD review. There are various training and education opportunities beyond Compost Facility Operator Training (CFOT), such as Ecology presentations, Washington Organic Recycling Council (WORC) meetings/webinars, U.S. Composting Council (USCC) presentations/webinars, and Washington State Recycling Association (WSRA) educational events. The JHD can assess and adjust training requirements if facility-related issues arise.

Permit Exemptions

- 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?
 - What exemptions, if any, need revisions?
- 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?

- What volume limit would be appropriate?

WRRRA Comments:

- It would be very helpful if hauling non-source separated packaged material for depackaging is rightly characterized as what it is: hauling garbage. Permits should acknowledge this and require UTC compliance for inbound loads.
- Permit exempt recycling facilities can only accept wastes source separated into individual material streams and have a 5% annual capacity limit on the amount of residual waste sent for disposal. WAC 173-350-2120(2).
- Yard debris drop-off locations and wood waste recycling facilities (however permitted) should be subject to monthly inspection and enforcement. These facilities should have signage depicting what materials they can and cannot accept in order to comply with solid waste collection and transportation regulation. Inspections should include review of the signage and accepted materials.

Other

- What requirements should be placed on digestate to be beneficially used (liquid and solids, combined or separated)?
- 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?

WRRRA Comments:

- Digestate: WRRRA understands that solid digestate from a food waste anerobic digester is still considered solid waste under state regulations. Solid digestate should meet the same standards as compost of biosolids if it is land applied.

Thank you for the opportunity to provide comments on this important and impactful rulemaking. WRRRA is excited to continue the process. If you have any questions, please contact Legislative and Regulatory Policy Analyst, India Brine at india@wrra.org or (360)742-2609.

Sincerely,

A handwritten signature in blue ink that reads "Brad R. Lovaas". The signature is written in a cursive, flowing style.

Brad Lovaas
Executive Director