

August 1, 2025

Dear Ecology Solid Waste Rulemaking Team,

Thank you for the opportunity to comment on this rulemaking. Please find our internal agency comments below. We hope we were able to address at least some of the questions presented to us during a coordination meeting with your team in early July 2025. We know there may be a few things still left unanswered as you decide on final rule language so please do not hesitate to reach out. Sarah will be the best point of contact moving forward.

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WAC 173-350 Organics Rule Revision

Revisions under consideration:

Definitions WAC 173-350-100

- “Organic materials” and “organic materials management” (adopt from statute)
- “Agricultural waste” (exclude food processing waste, slaughter waste, and mortalities from definition, define separately)
- “Land clearing debris” (may contain limbs, leaves, brush, and non-woody plants – not eligible for wood waste exemption)
- “Yard debris” and “(clean) wood waste” (improve distinction between the two, change wood waste to “clean wood waste”)
- Change “wood derived fuel” to “low-grade wood” (includes wood with bonding agents, stains, lead-free paint – only appropriate to be used as fuel – no composting/mulching)
- “Vermicompost” (change to vermiculture)
- “Worm castings” (add)
- “Slaughter waste” (add) - “waste by-products generated from slaughter activities including but not limited to paunch, viscera, skin, meat scraps, bones, blood, fat, feathers, and other body parts”
- “Livestock mortalities” (add)

Routine: As defined under WAC 16-25-020 means the disposal of the carcass of a livestock animal that died in the normal course of business. Routine disposal does not include carcasses of livestock ordered depopulated by the director or depopulated as a result of a reportable disease listed in WAC 16-70-010

Emergency: As defined under WAC means disposal of carcasses ordered depopulated by the director or depopulated as a result of a reportable disease listed in WAC 16-70-010.

- “Physical contamination” (expand from applying only to compost to all organic management types)
- “Organic pre-processing” (add)

Compost exemptions WAC 173-350-220 Table 220-A

- Change lowest exemption from 25 cy of material onsite for all feedstocks to 10 cy with no notification or reporting, all materials must be generated onsite.
- Add exemption up to 25 cy of material onsite for all feedstocks, may not contain more than 20% food waste, no notification or reporting, all materials must be generated onsite.
- Restrict exemption up to 250 cy onsite, 1000 cy in a calendar year to yard debris, agricultural waste and up to 20% food waste, excluding slaughter waste/mortalities – was all organic feedstocks. Must notify and report.
- Create on-farm slaughter waste/mortalities/yard debris/crop residues exemption up to 250 cy. All animals must be raised and slaughtered on-farm. Operators must have min 8-hour compost training. Must notify and report.
- Restrict unlimited volume on-farm agricultural composting exemption to agricultural waste as defined. Must notify and report only if exporting product.
- Create exemption just for zoos for clarity – no primate waste. Previously was in the same exemption as on-farm agricultural composting.
- Create exemption for composting of mass livestock mortalities due to disaster or disease outbreak control when method is approved by USDA and

state veterinarian – no distribution offsite without approval from state vet.
Must pass compost quality standards or be applied under a land application permit as detailed in -230.

- Require all exempt composters which are already subject to a notification requirement to describe on the notification form measures to: control leachate, prevent odors and vectors and maintain aerobic compost system with adequate porosity, bulk density, and moisture content that will reach pathogen reduction time/temperature.
- Require all composters to exclude feedstocks when necessary to comply with restrictions to prevent spread of animal disease such as chronic wasting disease.

Other Organic Material Handling 173-350-225

- Remove exemption for up to 5000 gal or 25 cy of all organic feedstocks and replace with one exemption for under 1000 gallons of liquid waste in a tank or 10 cy solids without notification or reporting.
- Add exemption for vermiculture, black soldier fly production, or other cultivation of beneficial organisms for 10-250 cy with notification and reporting.
- Add exemption for 1000 gal and over up to 5000 gal in tanks with notification and reporting.
- Vermiculture exemption for agricultural wastes and manure. No food processing waste or slaughter waste. Unlimited volume. Must notify and report.
- Create general permitting standards for operations that could easily cover a variety of technologies for volumes/feedstocks beyond these restrictions.

Land application 173-350-230

- Add requirement to Land Application for a physical contaminants analysis when source of material could contain contamination. Use the same limit as for other organic materials.

Anaerobic Digesters 173-350-250

- Change exemption with no notification or reporting to 1 tank/vessel capable of holding less than 1000 gallons.
- Add exemption for 1000 gal up to 5000 gal with notification and reporting.
- Require exempt dairy digesters to provide nutrient data at least quarterly to partner dairies and to the Department of Agriculture to ensure land application at agronomic rates. All digestate under this exemption must be applied to land directly under management of the dairy or comply with the distribution requirements below.
- Unless managed under a nutrient management plan at an exempt dairy digester, change digestate distribution options to passing new “digestate quality standards” (similar to compost standards) or land application under WAC 173-350-230 or transfer to another solid waste handling facility such as a compost facility.

Piles 173-350-320

- Add exemption to Piles for yard debris collection sites – up to 30 cy of material (volume of a roll-off container) onsite. All material must be removed from the site at least 2x week, no more than 4 calendar days between removals, to a compost or other organic materials management facility.

Contamination limits (-220, -225, -230, -250)

- Limit incoming contamination at compost facilities, anaerobic digesters, and other organic material handling to 2%.
- Feedstocks may undergo pre-processing to remove contamination at co-located or offsite locations to meet the 2% standard.
- Limit finished product from sections listed above as well as land application to .5% contamination by dry weight (unless product is a liquid,

in which case it must be no more than .25% total weight), and no more than .1% film plastic. Include test methods in rule.

Organics pre-processing – new section

- May be at a separate location from or co-located with composting, anaerobic digestion or other organic material handling facilities.
- These standards will not apply to composting, anaerobic digestion, or other organic material handling facilities accepting feedstocks already below the 2% contamination threshold engaged in normal screening before or after processing.
- Will cover any system of pre-processing, including manual and automated sort lines, depackaging, and other technologies.
- New standards will use most of the language and requirements from the current MRF regulations in 173-350-210, with some specifics for organics.
- Permit required. If co-located with another facility, may have one permit covering both standards or two separate permits at the discretion of the jurisdictional health department.
- Processed organic feedstocks must meet a 2% contamination threshold before transfer to an organic materials management facility under -220, -225, or -250.

Housekeeping and miscellaneous

- Add language to all sections under revision that facilities must allow jurisdictional health departments (JHDs) and Ecology to inspect a facility during normal working hours, and must allow JHDs and Ecology to collect samples to verify compliance.
- Require use of accredited lab and submittal of raw lab data to all sections of the rule where quality standards must be lab tested.
- Require reporting end market destination/use of materials diverted for recycling, including organics in order to ensure legitimate use and track state efforts towards diversion.

- Add language to all applicable sections to call out that residuals must be managed as MSW, the transportation of which must be done by UTC licensed haulers. Add a requirement to abide by any local flow control ordinances that direct such materials to specific locations.
 - To address environmental justice, require operation plans in languages employees can read and understand. Since operators are supposed to be well read in a facility's operations plan, copies in language understood by all employees must be available. Add this to the operations plan requirements.

Correct citations that are incorrect such as Table 220A(4)(c)(ii).

Update all references from RCW 70.95 to 70A.205.