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Good afternoon,

Attached you will find Public Health Seattle & King County's comments on the proposed Organic waste code revision concepts. The attached document also includes Public Health's comments on other sections of the Handling Standards as specified in the proposed concepts, including recycling and housekeeping feedback. We appreciate this opportunity to comment and believe our comments will provide Ecology with a local health jurisdiction perspective on regulation needs.

Concept	Comment and justification
Definitions WAC 173-350-100: “Low grade fuel” and “wood derived fuel”	<ul style="list-style-type: none"> Ensure Wood derived fuel definition change still excludes wood pieces or particles coated with paint that contains lead or mercury, or wood treated with other chemical preservatives such as pentachlorophenol, copper naphthenate, or copper-chrome-arsenate.
Definitions WAC 173-350-100: “slaughter waste” and “livestock mortalities”	<ul style="list-style-type: none"> Ensure definition addresses waste that is infectious to humans and other organisms or contains prions.
Definitions WAC 173-350-100: add/create definition for SW recyclable residuals	<ul style="list-style-type: none"> To create a term defined that describes contamination in comingled recycling to be consistent with Municipal solid waste (MSW) definition to minimize misinterpretation that residuals are not considered MSW
Definitions WAC 173-350-100: Limited Purpose landfills	<ul style="list-style-type: none"> Clarify recyclable residuals from Construction and demolition recyclable residuals are not acceptable waste streams for Limited Purpose Landfills.
Definitions WAC 173-350-100	<ul style="list-style-type: none"> Add a definition for “Diseased animal carcasses with and methods and standards for disposition of diseased animal carcasses, including for carcass waste from Chronic Wasting Disease, Highly Pathogenic Avian Influenza, and African Swine Fever.
Compost exemptions WAC 173-350-220 Table 220-A: “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.”	<ul style="list-style-type: none"> 20% by volume, weight, or whichever is more restrictive Create definition of “food waste” and distinguish from “Food processing waste” “25 cy of material onsite for all feedstocks.” All other exemptions reference a total feedstock cap. Dividing different materials with no definitions means no total cap for all materials. There should be a total cap.
Compost exemptions WAC 173-350-220 Table 220-A: “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.”	<ul style="list-style-type: none"> 20% by volume, weight, or whichever is more restrictive Create definition of “food waste” and distinguish from “Food processing waste”
WAC 173-350-100 Definitions	<ul style="list-style-type: none"> Create definition of zoos to include or address animal sanctuaries, refuges

<p>Compost exemptions WAC 173-350-220 Table 220-A: “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.”</p>	<ul style="list-style-type: none"> • Include approval from Department of Fish & Wildlife for Chronic wasting disease and other diseases that infect other organisms • Develop new testing parameters including pathogens of concerns as approved by USDA and State veterinarian
<p>Other Organic Material Handling 173-350-225: “Vermiculture exemption for agricultural wastes and manure. No food processing waste or slaughter waste. Unlimited volume. Must notify and report.”</p>	<ul style="list-style-type: none"> • Determine if there is the need to establish the #of worms per cubic yard of material.
<p>WAC 173-350-230 Land application</p>	<ul style="list-style-type: none"> • Add more details on how to better assess the permittee meets the benefit criteria instead of a means to dispose of the waste. Physical contaminants have never been an issue, but elevated levels in some RCRA metals would be absorbed by any crops grown and passed down through consumption (i.e. the feed grown absorbs pollutants to be then consumed by dairy cows and possibly passed into their milk) • 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.
<p>WAC 173-350-320 Piles used for storage or treatment Table 320-A</p>	<ul style="list-style-type: none"> • 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.]”

	<ul style="list-style-type: none"> Table 320A(5 & 6) mention Temporary piles which should further explain intent is meant for clean-up sites for better clarity.
<p>Surface impoundments and tanks applicability WAC 173-350-330(1)(a)(iii): These standards apply to Piping systems within the boundaries of solid waste facilities that convey solid waste to or from surface impoundments and tanks as described in (a)(i) or (ii) of this subsection.</p>	<ul style="list-style-type: none"> In order to completely address off-property assets such as leachate conveyance pipelines from a landfill to the wastewater treatment system, the language should be revised to “Pipeline systems within and extending beyond the boundaries of solid waste facilities that convey solid waste...” As worded, this section has been interpreted to only apply to piping systems within the boundaries of a facility. Leak and tightness inspections, testing and maintenance are not being done consistently because of the interpretation. Testing standards under the regulation are not being followed. Due to the age of some leachate conveyance pipes and frequency of offsite leachate releases from piping systems, better testing and maintenance is needed to protect human health and the environment.
<p>WAC 173-350-410 Inert Waste Landfills</p>	<ul style="list-style-type: none"> Add to inert waste list: g) Granite and marble slabs from construction In Table 410-A, first column needs to remove (a) next to –410(1) as it applies to all the listed inert wastes (a-f).
<p>WAC 173-350-410 Table 410-A</p>	<ul style="list-style-type: none"> The 250 cubic yard limit should specify whether the asphalt and concrete used for making roads/road base on the inert waste landfill property is included or excluded.
<p>WAC 173-350-710 Permit application and issuance</p>	<ul style="list-style-type: none"> Update language in –710(1)(a) regarding two copies of the application to reflect just hard copies and in (1)(c)(i) refer a copy to Ecology and instead, should say, “Refer the completed application to Ecology...” Everything is digital now.

<p>Housekeeping and miscellaneous: “Require reporting end market destination/use of materials diverted for recycling.”</p>	<ul style="list-style-type: none"> • Clarify if applicable to permit exempt and/or permitted facilities/activities
<p>Housekeeping and miscellaneous: “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.”</p>	<ul style="list-style-type: none"> • This needs to be a joint effort to work closely with the generators of the waste (e.g. construction contractors) to institute the 2-bin system at job sites, ensuring loads arriving at MRFs are full of mostly C&D recyclables with minimal non- C&D recyclables, and having the provision to be able to tip the mixed C&D loads that don’t meet that criteria at a transfer station. This will take a multi-agency (UTC, SWD partners, and LHJs) effort to be successful. Abiding by local flow control ordinances has always been SWD’s role with potential support with language in solid waste permits issued by LHJs.
<p>Housekeeping and miscellaneous</p>	<ul style="list-style-type: none"> • Where signage is required, require it to be available in at least 2nd most common language in area in addition to English
<p>Housekeeping and miscellaneous: “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”</p>	<ul style="list-style-type: none"> • An unintentional consequence might be operators/workers whose main language is not English, might not be hired/promoted. • Recommend requiring an operating plan available for all facilities in their 2nd most common language spoken at the facility.
<p>Housekeeping and miscellaneous</p>	<ul style="list-style-type: none"> • Noting the need for all recycling and composting facilities to provide destinations should require the facilities to also have their destination facilities provide a report of what is recycled to accurately report state recycling efforts.

Housekeeping and miscellaneous:	<ul style="list-style-type: none"> At the time of enforcement, LHJs reference to language in WAC LHJs often hear the permits can have more stringent requirements from ECY, but this statement is not in code. Can language be added regarding whether an operator would be in violation of their permit if they did not complete the compliance tasks or didn't follow what was prescribed in their permit?
Housekeeping and miscellaneous: code typos/corrections	<ul style="list-style-type: none"> Correct citations that are incorrect are beyond just Table 220A(4)(c)(ii). It also applies to (2), (3), and (5) in the same table. Definition for CESQG references a WAC at the end that doesn't exist as of 2020.