

## Skagit Soils (Troy Lautenbach)

## WAC 173-350 Organics Rule Revision

### Comments in “red Italics”:

#### 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

*Frequency needs change as seasons changes. Winter may not produce any volumes. Very small volume may create unnecessary need to service box creating additional expenses as well as carbon footprints.*

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

*Ecology’s approach to reducing contamination in compost and digestate should be refocused.*

*The organics management industry (Haulers and Processors) wants nothing more than to have only clean organic material handled in their respective roles of collection or processing.*

*The apparent proposed regulatory approach of controlling contaminants at the front and rear end of the processing facility is not practical and the associated costs with contaminant test monitoring will only increase the tip fee and lead to a reduced use of the solid waste management option.*

*The front end of any receiving and processing facility is already a pinch point due to maintaining clear tip area access for users, current contaminant removal efforts, required blending or processing, and mandates to get material under controlled air environments by the end of the day. Introducing sampling and testing requirements will exacerbate this problem.*

*By the time the material is loaded within a collection container, it is too late to fully address the problem.*

*Ecology needs to institute a comprehensive public awareness and enforcement program that occurs prior to the loading of a container destined for a composting or digester facility.*

*This program could be enhanced by cooperatively working with the Haulers and the Processors but should not be a regulatory program placed on the industry.*

- Limit incoming contamination at compost facilities, anaerobic digesters, and other organic material handling to 2%.

*While contamination is a major issue and should be minimized before coming to the facility, the facility should be in control of what is acceptable or not. Economics, quality of finished product and environmental protection are the key drivers in acceptance standards.*

- *How will the incoming contamination limit of 2% be accurately measured and who is responsible for this?*
  - *As a composter, we typically cannot analyze the level of contamination until ground sorting is done, after the hauler has left. It will require time, space and labor to organize and track loads that have been dumped.*
  - *How will drivers identify contamination percentages at curbside pickup?*
- *How will the outgoing contamination rate of .5% be accurately measured?*
  - *Detailed outlined testing procedures as well as enforcement will be challenging.*
- *We are concerned about the costs and time necessary to comply with the required methods and frequency of testing.*
  - *Incoming material being tested will be in the processing phase long before the results return.*

- 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.

*Detailed outlined testing procedures as well as enforcement will be challenging.*

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.

*Detailed outlined testing procedures as well as enforcement will be challenging.*

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.

*Additional cost to operators must be considered here. Keeping lab testing expenses to a minimum. This ultimately adds to overall cost to facilities thus passed on to consumers/customers.*

- 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.

*Must have a confidentiality clause here.*

- 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.

*The rule should not mandate who hauls the residuals. It should simply require that they are handled per WAC 173-350 Standards and conform to all local and state laws.*

- 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