

Seattle Public Utilities (McKenna Morrigan)

Definitions WAC 173-350-100

Thank you for adding definitions for the terms identified in the draft concepts published in June 2025. We

appreciate the proposal to change the definitions associated with wood waste. We have specific recommendations for these changes, which we believe will make the categories clearer and more consistent

with the definitions established in our municipal code. We also agree with Ecology's intent to establish a

new definition for "Land clearing debris" to enable differentiation between trees, stumps, logs, and large

branches and other forms of wood waste and/or yard waste and suggest that you use the size threshold of 4

inches in diameter to differentiate:

"Wood derived fuelLow-grade wood waste" means wood pieces or particles suitable for used as a fuel for energy recovery, which contain paint, bonding agents, or creosote. Wood derived fuelLowgrade

wood waste does not include 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.

"Clean Wood wood waste" means wood pieces or particles determined to be solid waste per WAC 173-350-021 generated from construction, demolition, handling and storage of raw materials, trees, stumps, and manufacturing of wood products. This may include, but is not limited to, sawdust, chips, shavings, bark, and pulp, and log sort yard waste, but does not include wood pieces or particles containing paint, laminates, bonding agents, or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

"Yard debris" means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping or similar activities. Yard debris includes, but is not limited to, grass clippings, leaves, branches up to 4 inches in diameter, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

"Land clearing debris" means trees, stumps, logs, and branches greater than 4 inches in diameter

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In addition to the definitions identified in the draft, please also create definitions for the following terms:

"Source-separated organics," "source-separated waste," "source-separated recyclable materials" – these are different than the verb "source separation" which is currently defined. Source-separated recyclable materials is currently described in 173-350-210, Table 210-A as "wastes segregated into individual material streams. Examples of individual material streams are loads composed solely of cardboard, mattresses, or metal of one type or several types."

"depackaging" and "packaged food" as a separate organic material category from "food waste" for

the purposes of describing inbound material received for pre-processing. Food waste that does not include packaged food has a distinct profile as a feedstock for organics management compared to packaged food. And, in the case of packaged food, it is not appropriate to consider the packaging as "contamination" as it is conventionally identified (as in, material that is not an accepted material but nonetheless is present in the inbound load) but rather as an accepted component of the inbound

material stream, and therefore requires distinct terminology and definition.

“contamination” – if this term is meant to mean the presence of “physical contaminants,” it should

be defined as such. If the intended meaning is different, that should also be clarified.

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

No comments.

Other Organic Material Handling 173-350-225

No comments.

Land application 173-350-230

The draft concepts states: “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.”

- o Our concern with this proposed approach is anything could be a source of contamination (even on-farm compost, manure, and bedding). We recommend being more specific.

- o This appears to be implied, but to confirm, we believe that the contamination limits related to plastic and film plastic should be applicable to Land Application material as well.

- o It seems like the same contamination thresholds should apply to permit-exempt facilities and materials, but proof of testing should only be required if material might be higher than the contamination thresholds used for compost and digestate.

Anaerobic Digesters 173-350-250

We agree with Ecology’s draft concept to develop new digestate quality standards similar to compost standards.

Anaerobic digestion operating requirements should be further developed. We recommend using WAC 173-308 (biosolids digestion) for guidance on vector attraction reduction requirements, define what “properly trained individual” means in 173-350-040(6)(a)(vi).

- o We believe there should be someone who has been trained in AD management – available widely to those seeking wastewater treatment operations license.

- o In 173-350-040(6)(d), the amount produced and distribution of biogas should be included in annual reports.

- o Gas should also be included as a required material to be described in the material flow plan 173-350-040(6)(f)(viii).

Piles 173-350-320

No comments.

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

Regarding the following statement: “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.”

- o Do not allow a different contamination threshold for liquid. All liquids from a solid waste facility will have solids in them, and the contamination thresholds should all be done on a dry weight basis. Otherwise, any manufacturer could simply add water to the collected sample and easily meet the threshold set.

Organics pre-processing – new section

We agree with and appreciate Ecology’s stated intent to establish a new section for Organics preprocessing facilities.

As we noted in our preliminary comment letter, we believe Ecology should establish alternative

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additional methods for measuring contamination in processed organic feedstocks produced by depackagers or other pre-processing technologies that receive packaged food as an inbound material. This is because depackagers have the potential to create smaller pieces of contamination during the depackaging process which may become embedded in organic material in a way that is distinct from contamination found in conventional source-separated organics streams. Because of this, we believe that a weight-based contamination threshold is not sufficient on its own and encourage Ecology to consider alternative or additional thresholds, perhaps based on measures associated with volume or surface area, especially for contamination from plastics. Such standards and methods of measurement may not be equally applicable to pre-packaging operations that do not handle packaged food and therefore may impose an undue burden if applied equally to all preprocessing facilities, regardless of consideration of the presence of packaged food as inbound material.

As stated in our preliminary comment letter, we urge Ecology to set standards for minimum recovery rates for depackagers in order to be considered pre-processing of source-separated organics, rather than transfer stations or other types of solid waste management facilities. These recovery rate standards and associated reporting requirement should apply to both the food waste embedded in the packaging, and the packaging itself, at least for packaging materials that are designated for collection as recyclable by the state and/or the jurisdiction from which the material was collected.

Housekeeping and miscellaneous

We agree with “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.”

We do not see the citation referenced in this comment “Correct citations that are incorrect such as Table 220A(4)(c)(ii).” Was this meant to read Table 220-B? The citation for the “Test Methods for the Examination of Composting and Compost” needs to be corrected throughout.