Winton MFG (Robbette Schmit)

Winton MFG appreciates the opportunity to provide informal comments on the state's organic materials management rulemaking. We are an organics processing company located in Central Washington that opened following the passage of HB 1799 to help the state achieve its goal of increasing landfill diversion, particularly in rural areas of Central Washington where access to organics processing is limited. We are proud to partner with communities and jurisdictions across Chelan, Douglas, and Grant counties.

As you embark on your rulemaking process, Winton would like to offer the following comments:

1. Ecology's primary goal should be to increase landfill diversion rate.
2. Ecology must continue to emphasize and protect the important role source separation plays in preventing contamination and diverting organic and recyclable materials from landfills to food redistribution centers and organic processing centers.
3. The Organics Management Law should not allow "organic material" to include plastic packaging that is not certified compostable by third party organizations.
4. Ecology should unify permitting and finished product testing across different organic processors, including commercial vermicomposting and anaerobic digesters.
5. Vermicomposting and vermiculture are not the same thing and need to be regulated separately.
6. Ecology should be aware that changes to WAC definitions affect other WAC especially those pertaining to WSDA quarantine rules.
7. Ecology should take into account yard waste staging/collection yards for transfer stations and landscapers so that WSDA pest-free and quarantine zones are not disregarded when these sites are utilized.
8. Defining Offal Waste as a unique organic waste stream may put composters at risk with nefarious public and government sectors.
9. Add digestate as a definition with rules on contamination, PFRP standards, heavy metal and nutrient analysis plus feedstock permitting.
10. Ecology should closely inspect business models that may actually result in more waste being landfilled, counter to Ecology and the state legislature's own goals.

Landfill diversion rate is the key metric:

As we all know, landfills are a significant source of greenhouse gas emissions. As communities across our state work to help address the potential impacts of climate change, the organics management laws are intended to help expedite those efforts and reduce methane emissions across our state by diverting organic waste from landfills and instead putting it towards more beneficial uses, like composting.

Winton MFG is proud of the part we play in helping our state achieve the legislature's goal of reducing organic materials from being disposed in landfills by 75% in 2030. However, we feel that Ecology's current interpretation of source separation will make it harder to meet this goal by increasing contamination, resulting in more feedstocks being rejected by composters like Winton making the state goal unattainable.

Source separation framework is working:

The source separation framework our state has relied on for decades has worked and proven itself as a necessary component to increase recycling and landfill diversion. Based on the legislation passed in the Organic Management Laws, source separation was intended to continue to facilitate increased participation and clearly categorize what is allowed in the organics waste stream. Making organics a single stream that includes non-compostable packaging will confuse consumers and employees using this kind of system at work and lead to more contamination in residential systems as behaviors are transferred to organics recycling at home.

Winton has invested in strong partnerships with businesses and the community to reduce contamination. Our employees note contamination in every bin and work with our partners to provide additional education and outreach meetings, infographics and events to continue to adapt the public's composting behaviors so that organic waste streams are clean from non-compostable items. Allowing single stream and source separated will only confuse ongoing efforts to properly educate participants on what is allowed in the compostable stream while also targeting contamination reduction efforts.

Source separation is also a key determinant for what is solid waste versus what is a recyclable material, as Ecology has previously made in WAC 173-350-021. Organics waste streams do not include non-compostable items.

Source separation ensures that solid waste, recyclables, and organic waste each reach their most appropriate end use while minimizing contamination and optimizing our diversion rate. As Ecology embarks on its rulemaking process, preserving our existing source separated recycling system that has broad public buy-in and understanding will help prevent confusion and contamination in recycling and organic streams.

Plastics are not organic:

This should be evident to Ecology already, but our understanding is Ecology recently made a determination that organic waste enclosed in plastic or other packaging, including packaging that is recyclable, is considered "source-separated". As a composter there is no technology for our system to identify a compostable item from a non-compostable item, thus all items would be removed, leading to increased landfilled materials that could have been composted. All organic materials entering our facility would need to be hand sorted, elevating the cost of operations and putting our employees at risk of illness.

This rule directly goes against our states and businesses' goals of reducing single-use plastic materials with certified compostable packaging. With legislature including degradability standards for certified compostable packaging, ignoring these specific rules by allowing plastics into the organics stream is counterproductive in reducing landfill waste. Businesses are investing in certified compostable packaging to align with community sustainability goals, allowing plastics in the stream moves the state further from the goals of the Organics Management Law and leads the public to misunderstand what is compostable.

Including single stream non-compostable plastic/metal/glass packaged organics in this rulemaking while Ecology seems intent on addressing contamination for composters is contradictory. Plastic and other packaging materials are plainly not organic, nor does it meet the definition in state law for organic material or source separated. If Ecology is serious about addressing contamination in

compost, the best thing they could do is reconsider this interpretation and make source separation stronger with increased education and outreach. By allowing plastic and food waste to comingle, more contamination will occur.

Including single stream packaged organic waste in this round of rule changes while also making more stringent contamination standards on both inbound and finished products is counterproductive. Messaging to the consumer would only increase confusion about the organic waste stream and put composters at more risk for the contamination rate we are all working hard to reduce.

A 2% limit on inbound contamination seems to be an arbitrary standard that lacks justification. While contamination at times is a challenge, this is not an approach that the composting industry has requested. Ultimately, the cost of compliance with these new standards will be borne by the composters – not the haulers or generators who are ultimately responsible for contamination and the quality of our feedstocks. The cost of compliance will mean additional (and costly) capital investment at our facility – resulting in higher rates that put Winton at a competitive disadvantage for organic material in Central Washington – organic material that the organics management laws intended to be diverted from the landfill. This standard makes it more costly for us to do business and will result in less organic material coming to Winton, ending up in landfills instead.

Vermicomposting, Anaerobic Digestion, and Composting must adhere to similar standards:

Vermicomposting, anaerobic digestate and compost convert organic biomass into a soil amendment. Application of these materials to soil to amend nutrient loads is the goal for each finished product. Without consistent and standardized testing and permitting across each of these processing types the facilities operators are held to different standards. This leads to public confusion on each of these products with no clear definition as to what consumers are purchasing and potentially puts composters like Winton at a competitive disadvantage.

Vermicomposting and vermiculture are different things:

Vermicomposting and vermiculture are not the same thing and to include vermiculture in this revision is misleading.

Vermiculture is “the culture of earthworms” – IE, the raising and breeding of worms. From a professional standpoint, pure vermiculturists tend to be focused on maximizing worm biomass and not nearly as interested in the material (castings) they produce. An example of a vermiculturist would be a bait farmer – someone much more interested in producing lots of fat fishing worms than the waste reduction or castings/compost production capabilities of the worms.

Vermicomposting is the biological decomposition of organic wastes via the joint action of worms and microorganisms (with the help of some other creatures as well). Pure vermicomposters tend to be much more interested in the waste reduction and compost production capabilities of their worms, and will want to keep their population as high as possible to ensure maximum processing ability (and thus will be careful about how much worm harvesting they do, if any). Those who set up small home systems for processing their food scraps are generally referred to as vermicomposters.

Vermicomposters in the state of Washington are using worms to break down organic materials. They are selling the organic materials processed by the worms as a soil amendment, referred to as

worm castings. These worm castings are commercially available and generally also have soil nutrient analysis completed for gardeners and farmers to know what application rates and nutrient availability for plants. This is no different from traditional compost, created from microorganisms breaking down organic matter. In vermicomposting, instead of microbes breaking down organic materials, worms are being utilized to facilitate the process of turning manures and other feedstocks into a finished soil amendment. Testing of these products should align with state standards for Pathogen Reduction Standards for the same reasons composters.

We ask that Ecology add both definitions to the rules in order to represent the process for which the business is intended. Vermicomposters utilizing worms to break down organic materials into castings for sale should not be eliminated from these rules. Vermiculturists utilizing organic materials to raise worms for sale should not be considered composters as their end product is worms. If a vermiculturist intends on selling worm castings, then soil standards and transparency on feedstocks must be made available to the public.

WAC definitions in 173-350-100 are used in WAC 16-470-101 for quarantine zones:

Washington Department of Agriculture has passed legislation to reduce the spread of detrimental insect species to Central Washinton's fruit industry. These codes specifically outline the species that are responsible for crop destruction while categorizing them as a regulated commodity with directives on how those organic materials may move into and out of quarantine and pest free zones. Specifically, the rules say that NO organic materials meeting the definitions outlined in WAC 173-350-100 for yard debris, organic feedstocks, organic materials, and agricultural wastes may be transferred between zones without permitting. As municipal solid waste and source separated organic waste moves from quarantine zones to pest free zones risk of infestations may increase. Special care should be taken in adjusting the WAC 173-350-100 definitions so that the fruit industry in Central Washington is not put into jeopardy by these changes.

WAC 16-470-101
Establishing quarantines for apple maggot and plum curculio.

Apple maggot (*Rhagoletis pomonella*) and plum curculio (*Conotrachelus nenuphar*) are insects with a larval (worm) stage that develops within fruit. These insects are capable of attacking many fruit crops grown in Washington. Apple maggot is not established in significant portions of the major fruit production areas east of the Cascade Mountains, and plum curculio is not established anywhere in the state. An increased range for either insect would cause decreased environmental quality and economic loss to the agricultural industries of the state by increasing production inputs and jeopardizing foreign and domestic markets.

(1) The director, pursuant to chapter 17.24 RCW, has determined that the regulation and/or exclusion of fresh fruits grown or originating from areas infested with apple maggot or plum curculio is necessary to protect the environment and agricultural crops of the state.

(2) The director, pursuant to chapter 17.24 RCW, has determined that municipal solid waste originating from areas infested with apple maggot is a host medium for apple maggot and is a "regulated commodity" as provided in WAC 16-470-111. The exclusion of such municipal solid waste from the pest free area is necessary to protect the environment and agricultural crops of the state. The transport into and disposition of such municipal solid waste in the pest free area may be

allowed by a special permit as provided in WAC 16-470-124(1).

(3) The director, pursuant to chapter 17.24 RCW, has determined that yard debris, organic feedstocks, organic materials, and agricultural wastes as defined in WAC 173-350-100 originating from areas infested with apple maggot is a host medium for apple maggot and is a "regulated commodity" as provided in WAC 16-470-111. The exclusion of such waste from the pest free area is necessary to protect the environment and agricultural crops of the state. The transport into and disposition of yard debris, organic feedstocks, organic materials, and agricultural wastes in the pest free area may be allowed by a special permit as provided in WAC 16-470-124(2).

WAC 16-470-124
Special permits for solid waste and organic waste transport and disposition.

(1) The director may issue special permits admitting or allowing transportation and distribution of municipal solid waste for disposal at a solid waste landfill or appropriate disposal facility in the pest free area from the areas under quarantine established in WAC 16-470-105, subject to conditions and provisions which the director may prescribe to prevent introduction, escape, or spread of the quarantined pests. For purposes of this section "solid waste" and "solid waste landfill" or "disposal facility" refer to solid waste and solid waste facilities regulated under chapters 70.95 RCW and 173-351 WAC by the Washington state department of ecology.

(2) The director may issue special permits admitting or allowing transportation and distribution of yard debris, organic feedstocks, organic materials, or agricultural wastes for treatment at a composting facility in the pest free area from the area under quarantine established in WAC 16-470-105, subject to conditions and provisions which the director may prescribe to prevent introduction, escape, or spread of the quarantined pests. For purposes of this section "yard debris," "organic feedstocks," "organic materials," and "agricultural wastes" or "composting facility" refer to waste and composting facilities regulated under chapters 70.95 RCW and 173-350 WAC by the Washington state department of ecology. Conditions for issuing a special permit under this subsection include the following:

(a) Processing conditions. Organic waste (as defined under WAC 16-470-111(3)) from the quarantine area is mechanically ground or shredded in the quarantine area to a particle size small enough to aid heat exposure but large enough to produce a feedstock suitable for composting.
(b) Heat treatments. In the quarantine area, following processing as required under (a) of this subsection, the entire quantity of organic waste is exposed to one of the following heat treatment options:
(i) Temperature of at least 55°C (131°F) for a continuous period of two weeks;
(ii) Temperature of at least 65°C (149°F) over a continuous period of one week;
(iii) In the case ofbenclosed composting facilities, temperature of at least 60°C (140°F) for onebweek.
(iv) For (b)(i) through (iii) of this subsection, a minimum number of turnings may be required to ensure that the whole mass is exposed to the required temperature. Moisture content of the organic waste is required to be a minimum of forty percent.
(v) Temperature of at least 74°C (165°F) for four hours; or 80°C (176°F) for two hours; or 90°C (194°F) for one hour, with wet heat used for each temperature treatment option under this subsection.
(c) Sanitation. Any trailer that has been used to transport untreated organic waste must be

thoroughly cleaned within the quarantine area prior to transporting organic waste into or through the pest free area.

(3) When the owner of the waste identified in subsections (1) and (2) of this section transfers ownership of the waste to a different person receiving the waste for disposal or treatment in the pest free area, both owners must apply for and receive special permits under this section. A special permit to transport will not be issued to the transporting owner unless a special permit is concurrently issued to the receiving facility owner under conditions specified by the director.

(4) The specific conditions listed in this section are not intended to be exclusive or to preclude other conditions that the director may prescribe when issuing a special permit to accomplish the purposes identified in this section and under RCW 17.24.003.

WAC 16-470-111
Commodities regulated for apple maggot.
(1) All fresh fruit of apple (including crab apple), cherry (except cherries that are commercial fruit), hawthorn (haw), pear (except pears that are commercial fruit from California, Idaho, Oregon, Utah, and Washington), plum, prune, and quince are regulated under quarantine for apple maggot. Fresh fruit also includes fruit attached to host plants.

(2) Municipal solid waste as defined in WAC 173-350-100 is regulated under quarantine for apple maggot. Municipal solid waste from the quarantine area is a host medium for apple maggot containing or likely to contain those fruits listed under subsection (1) of this section.

(3) Yard debris, organic feedstocks, organic materials, and agricultural wastes as defined in WAC 173-350-100 are regulated under quarantine for apple maggot. Yard debris, organic feedstocks, organic materials, and agricultural wastes from quarantine areas are host mediums for apple maggot containing or likely to contain those fruits listed under subsection (1) of this section.

(4) Soil or growing medium in pots or on root balls of host plants originating from a quarantined area are regulated commodities under quarantine for apple maggot.

(5) Soil or growing medium in pots or on root balls of nonhost plants that fall within the drip line of host plants that have produced fruit originating from a quarantined area are regulated commodities under quarantine for apple maggot.

(6) Any host plants shipped bare root and without fruit attached are not regulated commodities under quarantine for apple maggot.

(7) Soil or growing medium in pots or on root balls of plants originating in the pest free area, as specified in WAC 16-470-105(1), are not regulated commodities under quarantine for apple maggot.

Ensure that solid waste regulations work in harmony with quarantine regulations:

Holding and transferring yard waste for landscapers and transfer stations would need special

permits and could be confusing to current quarantine regulations, WAC 16-470-124. Landscapers operating in two pest zones may inadvertently stockpile materials that could have regulated pests within the materials. This would be detrimental to current regulations that have been put into place to reduce the spread of these pests and protect our agriculture/orchards in Central Washington.

Winton asks that consideration is taken when determining where these piles may be located and where they may gather yard, land clearing and wood wastes. We also urge Ecology to better outline how and who will be regulating these piles so that established pest reduction standards are adhered to.

Adding Offal Waste stream to definitions:

Careful consideration should be made by Ecology in adding "Offal Waste" to the definitions. As a newly established composter in Central Washington, feedstocks listed on our permit may be used by the public to defame and improperly report non-compliance odor issues. While we understand the necessity to properly define feedstocks, this particular feedstock "Offal Waste" is misconstrued in public opinion and may lead to composters being targeted by multiple sectors to disrupt or eliminate a composter. Winton is a composter willing and able to turn these organic wastes into a nutrient rich compost, lining this out as a separate feedstock may put additional pressures and unwarranted spotlights on our operations which are always in compliance with both Department of Ecology and Health standards.

Even if compost is of high quality and all standards are met, a negative public perception of animal waste-based composts still exists.

Add definition for "Digestate"

Digestate is NOT compost.

Digestate is the material remaining after the anaerobic digestion (decomposition under low oxygen conditions) of a biodegradable feedstock. Digestate is produced by acidogenesis and methanogenesis and both processes have different characteristics.

Compost is by aerobic digestion by microbes including fungi and bacteria.

Compost has rigorous testing and PFRP standards to adhere to, this makes finished compost safe for application to soil and handling by the public. Currently there are no standards for food waste digestate. Chemical, biological and physical characteristics of digestate should be made standard with compost so that the public may know the feedstocks utilized in the process and the characteristics of the finished digestate.

Private sector partners need to increase diversion:

As Ecology prepares draft rules from the concepts that have been published and the comments you received, Winton MFG encourages Ecology to listen with an open mind to stakeholders across the solid waste industry about what they are seeing on the ground and what actually works on a daily basis. At Winton, we process organic waste from Central Washington communities everyday- waste that would otherwise end up in the landfill, which is meant to meet our state's ambitious

environmental goals.

Ecology needs to actually take into account feedback from across the solid waste industry about what we are seeing and make sure you are bringing forward rules that will ensure your private sector partners are processing organic waste in a way that does in fact continue to increase landfill diversion across our state. The current rule concepts impose strict standards of 2% contamination on inbound feedstocks for compost- yet don't impose any restrictions on pre-processors. This kind of restriction places composters at a competitive disadvantage and are likely to disincentivize composting if a similar limit is not placed on inbound material and recovery standards for pre-processors/depackagers.

Thank you for the opportunity to provide feedback on this rulemaking process. We appreciate all the work the Ecology team does and look forward to continuing our engagement in this process moving forward.