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See attached comments on behalf of the King County Solid Waste Division.



Memo

August 1, 2025

TO: Dawn Marie Maurer, Facilities Specialist, Northwest Region, WA Dept of Ecology

FM: Rebecca Singer, Director, King County Solid Waste Division

RE: King County Solid Waste Division comments - WA Department of Ecology Organic Materials Management Rulemaking, Second Informal Comment Period

King County is supportive of Ecology's direction to improve the compost quality by reducing contamination and setting up systems for pre-processing material. The proposed contamination limits for finished compost are a positive step forward.

However, King County wants to ensure that these systems facilitate both maximum diversion of waste, and food waste reduction following the [EPA's wasted food scale](#) (prioritizing first donations to feed humans, then animals, and then composting or anaerobic digestion).

There is concern that without guardrails for pre-processors around the type of material accepted and diversion levels, food donations from large businesses may decline, and an increase in easily recyclable packaging like cans and bottles going to landfill.

Ecology's interpretation of the definition of organic materials to include packaged food (even if the packaging is not compostable) raises concerns. Ideally, unpackaged food would be prioritized, as combining it with packaged food in pre-processing equipment (which tears and breaks apart packaging), the clean unpackaged food can become contaminated by chemicals and/or microplastics from the packaging. While depackaging equipment is an important tool for diverting large quantities of spoiled packaged food from the landfill but should not be used for all organic waste.

Pre-processing facilities that accept packaged food should be required to demonstrate and report on their ability to recycle metal, paper, cardboard, Polyethylene Terephthalate (PET), and High-Density Polyethylene (HDPE) plastics, in addition to producing an organics stream with 2% or less contamination. There should be a standard for the amount of residuals generated at preprocessing facilities to ensure/incentivize maximum diversion of commodities. Additionally, generators should be encouraged to donate edible food rather than comingle it with all other organic waste for ease.

Lastly, the proposed concepts should not incorporate ongoing training requirements for organic management facilities. This could be achieved by setting a minimum education standards and offering accessible continuing education options such as webinars, tours, or conferences provided by a set of trusted organizations such as Washington Organic Recycling Coalition, United States Composting Council, Environmental Protection Agency, and Institute for Local Self-Reliance (ILSR).

Please see our additional comments in-line below.

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 waste to “clean wood”
- 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)
- “Livestock mortalities” (add)
- Add a definition for “Diseased animal carcasses”
- “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.
- Add 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.

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.
 - We are supportive of this concept.

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.
 - We are supportive of this concept.

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.
 - We would like to see language that requires pre-processors to separate out and recycle commodities such as metal, cardboard/paper, PET and HDPE, if they proactively accept them as part of their packaged food stream.
 - We would like to see a requirement that unpackaged food is not mixed with packaged food. We suggest Ecology create two different permits, one for pre-

processing facilities that proactively accept packaged food (depackaging technology is used), and one for facilities that accept only organic materials (and incidental contamination). Facilities that accept packaged food should including in their annual reports:

- The rate of recovery of packaging material (paper, plastic, cardboard, metal)
- Annual results from tests for microplastics and chemicals of concern, such as PFAS
- Compliance with flow control requirements of the jurisdictions from which the material was collected must be included as a condition of receiving a permit to operate. Where required, residual material resulting from the depackaging process that is not sent for as feedstock to an organics management facility or marketed as a recyclable commodity should be returned to the relevant jurisdiction for disposal.
- Facilities that do not accept packaged food would not need to demonstrate recycling of other commodities besides 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.
 - We are supportive of this concept
- 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 are supportive of this concept
- 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.
 - We are supportive of this concept

- Correct citations that are incorrect such as Table 220A(4)(c)(ii).
- Update all references from RCW 70.95 to 70A.

Reporting

- Increase reporting to quarterly in order to understand seasonal fluctuations in capacity at facilities
- Specify the amount of feedstock materials accepted including compostable packaging, food waste, yard waste, wood waste.
- Specify the level of contamination inbound and outbound
- Specify the amount of material accepted from single family residential, multifamily residential, commercial origin.
- Report permitted processing capacity
- Report if processing capacity was exceeded for the year and why the exceedance occurred.
- Report permitted site capacity
- Report incidents where site capacity was exceeded and why the exceedance occurred.
- Report maximum percent site capacity reached within the reporting period
- Report changes to management practices that impact operations

Suggested changes to the compost operator training:

Compost facilities must operate under the supervision and control of a properly trained facility supervisor(s), present on-site at the facility during all hours of operation consistent with the requirements described in WAC 173-350-220

Facility supervisors responsible for daily operation must receive a minimum of 4 hours of continuing education per year or 6 hours over the most recent two years, and keep records of this training on-site at all times. Continuing education hours may be obtained through organizations such as the Washington Organic Recycling Council, Washington State Recycling Association, the Solid Waste Association of North America, the Compost Research and Education Foundation, the U.S. Composting Council, or other training as approved by the jurisdictional health department. Training offered to participants in a virtual format may count toward continuing education hours. Alternatively, a facility supervisor or operator may obtain a compost facility operator certificate from a 3rd party organization that requires an average of 6 or more continuing education hours over the most recent two years, in which case the certification information must be kept on-site at all times. Certification may be obtained through the US Composting Council, Washington Organics Recycling Council, or other organizations approved by the jurisdictional health department.

Local health inspectors may ask to see training records at any time.

Facility supervisors responsible for daily operations must ensure facility employees are trained in appropriate facility operations, maintenance procedures, and safety and emergency procedures according

to individual job duties and according to an approved plan of operation. A trained supervisor may provide appropriate training to employees responsible for daily operations.

Suggested changes to the anaerobic digester operator training:

Anaerobic digestion facilities must operate under the supervision and control of a properly trained facility supervisor(s), present on-site at the facility during all hours of operation. Anaerobic digester facility supervisors must complete at least 6 hours of training directly related to anaerobic digestion every two years from organizations or training providers other than the facility operator, and keep records of this training on-site at all times. Training may be obtained through organizations such as those servicing the solid waste, wastewater, or agricultural industries. Training offered to participants in a virtual format may count toward continuing education hours.

Local health inspectors may ask to see training records at any time.

Facility supervisors responsible for daily operations must ensure facility employees are trained in appropriate facility operations, maintenance procedures, and safety and emergency procedures according to individual job duties and according to an approved plan of operation. A trained supervisor may provide appropriate training to employees responsible for daily operations.