December 10, 2025

Washington State Department of Ecology

Subject: Comments on Proposed Revisions to WAC 173-350 – Organics Management

To whom it may concern,

On behalf of the Snohomish County Health Department (SCHD), thank you for the opportunity to comment on the proposed revisions to WAC 173-350. As a jurisdictional health department (JHD) responsible for implementing and enforcing solid waste regulations, we appreciate the Department of Ecology's (Ecology) extensive efforts to improve consistency, reduce contamination in the organics stream, support high-quality end products, and strengthen environmental protections across the solid waste system. We offer the following comments in the spirit of constructive partnership and support for Ecology's goals.

**General Comments on Organics Contamination and Pre-Processing Technologies**
SCHD supports strong science-based contamination standards and recognizes the importance of protecting clean, marketable compost feedstocks. We share Ecology's commitment to reducing physical contaminants to improve compost quality, safeguard soils, and build public trust in Washington's organics recycling system.

At the same time, we are concerned that increased reliance on organics pre-processing technologies—particularly depackaging systems—may unintentionally discourage upstream source separation, which remains the most effective method for preventing contamination. Even advanced depackaging equipment generates residual microplastics and fine particulates that can enter compost feedstocks, potentially reversing progress made by Washington's compost industry in reducing contamination.

Clean, source-separated organics continue to provide the highest-quality feedstocks. Policies that unintentionally shift clean food waste toward facilities that commingle packaging with feedstocks risk increasing microplastics, reducing compost quality, and normalizing contamination rather than preventing it. SCHD recommends that the rule prioritizes and incentivizes source separation, while using pre-processing as a supplemental tool for managing unavoidable packaged organics. This approach best preserves the integrity of Washington's organics system and supports long-term progress toward contamination reduction and landfill diversion goals.

**COMMENTS ON SPECIFIC SECTIONS**

**WAC 173-350-025 – Owner Responsibilities for Solid Waste**
SCHD supports Ecology's goals for reducing contamination and appreciates the intent of the proposed amendments. However, subsections (1) and (2) present enforcement challenges for JHDs, as most contamination originates from non-supervised drop boxes and decentralized generators.

To strengthen enforceability, we recommend adding language to subsections (2) or (3) requiring service providers or haulers to provide JHDs, upon request, with a list of active drop-box locations. This would give JHDs the information necessary to identify and monitor high-risk sites.

We also note that subsection (2) may unintentionally place some transporters out of compliance, as material is often delivered to the nearest facility regardless of its permitted status. This could disadvantage facilities that accept cleaner feedstocks and weaken the rule's ability to reduce contamination.

Overall, SCHD supports the objective of the rule and recommends refinements that ensure these requirements are practical for JHDs to implement while maintaining their intended impact.

**WAC 173-350-100 – Definitions**
SCHD appreciates the significant effort Ecology has taken to improve clarity and consistency within the definitions section. Clear definitions are essential for consistent enforcement and predictable regulatory outcomes.

To support this, we recommend clarifying or adding the following definitions (revised or proposed language summarized below):

- Agricultural wastes – Clarify that on-farm management of onsite materials is the intent.
- Clean wood waste – Remove references to log sort yard waste.
- Land clearing debris – Define "brush" and "unsorted land-clearing debris."
- On-farm / Agricultural land – Add a definition identifying actively managed farmland.
- Organic materials – Clarify that packaged food is excluded or revise language to emphasize biodegradability and exclusion of non-organic materials.
- Organic materials management – Clarify the purpose and scope of the definition.
- Organic materials pre-processing – Specify the unit of measurement for the 2% contamination threshold.
- Physical contaminants – Add clarification that contaminants include materials that cannot be screened.
- Preconsumer vegetative food waste – Add "free of packaging."
- Source separation – Expand the definition to reflect sorting at point of generation.
- Tip floor – Clarify the design, leachate management expectations, and drainage control.
- Yard debris – Provide a consistent definition and address interchangeable use of "yard waste."

**Additional requested definitions:**

- Agricultural land
- Brush
- Biodegradable materials
- Unsorted land-clearing debris
- Overs
- Transloading

These definitional refinements will increase clarity for operators and regulators and support consistent compliance throughout the state.

**WAC 173-350-215 – Organics Materials Pre-Processing**
SCHD supports Ecology's intent to standardize pre-processing operations and reduce contamination in organic feedstocks. These improvements will strengthen compliance and support high-quality compost production.

To ensure effective implementation, SCHD requests clarification in the following areas:

- Design Standards - Please clarify which specific design features—such as tipping floors, covers, and leachate collection—apply to both permitted and exempt pre-processing operations.
- Operational Applicability for Exempt Facilities - JHDs need clear direction on which portions of the code exempt facilities must follow, as exemptions in other sections have historically created compliance gaps.
- 2% Contamination Standard - Additional detail is needed on how facilities must document compliance and what evidence JHDs should use to verify the standard.
- Material Acceptance and Recovery Expectations - Please clarify whether pre-processing facilities will have defined limits on materials accepted and minimum recovery or recycling expectations.

**Recommendations:**

- Prohibit mixing clean food waste with packaged organics.
- Prohibit depackaging of clean food waste to preserve high-quality feedstocks.
- Acknowledge that covered pre-processing operations co-located with composting facilities may require air authority approval.

Overall, SCHD supports the intent of this section and requests additional clarity to ensure JHDs can enforce these requirements consistently and effectively.

**WAC 173-350-220(2) – Composting Permit Exemptions**
SCHD supports Ecology's focus on improving feedstock quality and reducing contamination. Strong and workable standards are essential for protecting environmental quality, supporting compost markets, and meeting state organics management goals.

We request clarification on:

- Applicability of design and operational standards to exempt facilities, including tipping floors, covers, and leachate controls.
- How "packaged food" is classified and managed under the revised rule.
- Sampling expectations beyond current regulatory testing.
- Whether existing facilities must be reassessed under new "designed and operated" criteria.
- Intent and application of modified testing frequencies.
- Whether provisions related to emergency animal mortality create a new facility category.

We also note:

- Reduced contamination limits will improve product quality, but requiring all laboratory results in annual reports may add administrative burden.
- Training requirements are reasonable; facilities may benefit from guidance on documentation.
- Odor-related responsibilities assigned to JHDs may exceed available capacity. Alignment with local air authorities—who already regulate odor emissions—would support more effective implementation.

Overall, SCHD supports the direction of this section and recommends clarifications to ensure existing facilities can continue operating responsibly with the systems they already use.

**WAC 173-350-320 – Piles**
SCHD supports Ecology's efforts to refine exemption criteria and improve clarity related to regulated materials and permitting thresholds.

We request clarification on:

- Whether exempt yard and land-clearing debris piles must be covered, or whether uncovered storage is acceptable if material is removed within four days.
- Whether JHDs should determine coverage requirements solely through performance standards or whether Ecology intends to set a uniform expectation.
- Runoff risks associated with uncovered putrescible materials stored up to four days, especially during wet seasons.

SCHD supports the direction of these revisions and requests added clarity to ensure environmental protection and consistent oversight.

**Closing Comments**
SCHD appreciates the considerable work Ecology has invested in these revisions and supports the overarching goals of improving contamination control, strengthening regulatory clarity, and protecting public health.

We respectfully request that Ecology also considers the following:

- For existing permitted composting facilities, a contamination rate greater than 2% at the point of receipt should be considered acceptable when an approved and effective process is in place to ensure that the finished compost meets the contamination limit. Many facilities already have established technologies and quality-control systems that achieve this outcome reliably. Allowing this flexibility will support successful implementation without disrupting operations that already manage contamination effectively.

Thank you for the opportunity to provide input. SCHD looks forward to continuing collaborations with Ecology in improving Washington's solid waste and organics management systems. Please feel free to contact us with any questions or if additional detail would be helpful.

Sincerely,

Aran Enger, RS
Safe Environments Supervisor
Snohomish County Health Department

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