

Environmental Health Services Division

401 Fifth Avenue, Suite 1100
Seattle, WA 98104

206-263-9566 Fax 206-296-0189
TTY Relay: 711

www.kingcounty.gov/health

December 12, 2025

Dawn Marie Maurer
Solid Waste Management Program
Washington State Department of Ecology

RE: Comments for Chapter 173-350 WAC Solid Waste Handling Regulations revision

Public Health—Seattle and King County (Public Health) thanks the Washington State Department of Ecology (Ecology) for the opportunity to comment on the proposed code revision for Chapter 173-350 WAC – Solid Waste Handling Regulations which encompasses the requirements in the recently passed organics management laws (Chapter 180, Laws of Washington 2022; Chapter 341, Laws of Washington 2024). Public Health respectfully requests Ecology to consider our agency's comments of the Chapter 173-350 WAC revisions where changes would improve and clarify expectations for regulating solid waste handling facilities.

Our comments are as follows:

New section 173-350-025(2)

The owner, operator, government agency, or any other entity that collects and transports solid waste is responsible for legal management of the waste by ensuring delivery only to solid waste handling facilities that have approval by oversight agencies to manage the waste types delivered and must adhere to any waste acceptance restrictions. The entity responsible for delivering a load rejected by a solid waste facility for failure to meet waste acceptance restrictions is responsible for the load, and the solid waste facility is not considered to have taken ownership of the load until it has been inspected, even if it was tipped at the facility in order to inspect.

Recommendation: We recommend providing additional language to better enforce this section such as requiring haulers to have a plan for disposal when loads are rejected and requiring facilities rejecting loads to provide haulers with a list of nearby MSW facilities.

Justification: Public Health receives complaints related to the standards such as improper management of solid waste and anticipates receiving complaints from haulers and facilities. It is unclear how Public Health and other Local Health Jurisdictions (LHJs) should enforce this section when such complaints are received. Public Health, like many other jurisdictions, prioritizes complaints based on public health risk and does not have the capacity and resources for investigations that may not have a direct public threat. We are concerned that rejected loads at facilities will be improperly disposed through illegal dumping.

New section 173-350-025(3)

The owner, operator, government agency, or any other entity that provides a container with a volume of at least one cubic yard to collect recyclable materials at sites of solid waste generation must clearly identify recyclable materials accepted that ensure the waste generator can easily understand what they can and cannot place in the container by providing a clear and conspicuous label on the container, providing clear and conspicuous signage, or other effective means, and must ensure there is a second container for waste destined for disposal. The container for waste destined for disposal must be located in close proximity to the container for recyclable materials and must be of adequate size to collect the volume of waste destined for disposal. Where there is no clear identification of acceptable recyclable materials or no second container for waste destined for disposal, the waste is municipal solid waste and not recyclable material and must be managed at a facility permitted to manage municipal solid waste.

Recommendation: Our agency supports this change which will provide better awareness of the existing statute that requires a MSW bin alongside a recycling bin. However, we would recommend Ecology provide further clarification on enforcement requirements or pathways to respond to related complaints in the form of guidance for LHJs and identify which entity would be enforcing this section since Ecology had shared in the most recent public meeting that there is no expectation for LHJs to enforce this section.

Justification: King County has ordinances that require the recycling of construction and demolition (C&D) materials and require recycling containers at construction sites. Construction sites often only provide recycling containers with no separate waste collection. As a result, recycling containers are heavily contaminated, and the recycling facilities are not rejecting these contaminated loads. If they were rejected at the recycling facilities, King County transfer stations have provisions to reject loads for MSW disposal if there is at least 30% recyclable C&D materials in the loads. A major component of solid waste programs includes responding to illegal dumping and improper solid waste handling complaints where there is a public health concern. While we understand that this requirement is in statute and see the importance of recycling goals, LHJs do not have the capacity to respond to construction sites for non-public health concerns for the sake of reducing recycling contamination. This new section will also affect multi-housing complexes. Public Health responds to many calls about apartment complexes that are unable to manage garbage. This further adds another layer of complexity to an already complex public health concern resolution process, especially for sites that are prone to illegal dumping such as strip malls. Unless recycling is a requirement, the inclusion of this language may prompt locations which don't have recycling who would prefer not to pay the additional cost of recycling, to avoid those additional responsibilities.

Environmental Health Services Division

401 Fifth Avenue, Suite 1100
Seattle, WA 98104

206-263-9566 Fax 206-296-0189
TTY Relay: 711

www.kingcounty.gov/health

173-350-100 New definition: "Clean woodwaste"

Clean 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, whole trees including their attached branches and leaves, stumps, tree prunings greater than four inches in diameter, and manufacturing of wood products. This may include, but is not limited to, sawdust, chips, shavings, bark, 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 copperchrome-arsenate. Clean wood waste does not include unsorted land clearing debris, brush, or yard debris.

Recommendation: Suggest changing tree pruning size requirements to 4" in diameter or greater.

Justification: This change would provide a better distinction between yard debris and clean woodwaste.

Recommendation: Provide a better distinction between the terms "Clean wood waste" and "Land Clearing Debris".

Justification: Clean wood waste is defined as "whole trees including their attached branches and leaves" and "tree prunings greater than four inches in diameter". The new definition of "Land Clearing Debris", however, seems to contradict the clean wood waste definition by stating, "Unsorted land clearing debris is distinct from wood waste because it contains non-woody materials. As worded, we anticipate confusion from industry.

Our Agency is otherwise supportive of this new definition. Our agency has seen large piles of mixed woodwaste, such as clean wood waste mixed with non-clean wood waste at construction and demolition material recovery facilities that is not suitable for composting. This new definition will allow our inspectors to better visibly distinguish between what different types of wood materials will be able to be used for hog fuel versus composting at different sites. This also removes brush debris, with its higher oxygen demand leachate, from the 250 cubic yard cap and places it into the more reasonable 30-yard land clearing exemption.

173-350-100 New definition: "Low-grade wood"

*"Low-grade wood" means wood pieces or particles used as a fuel for boilers or energy recovery, which contain paint, bonding agents, or creosote. **Wood derived fuel** 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.*

Recommendation: Replace "wood derived fuel" with the appropriate term.

Justification: Wood derived fuel is no longer defined by WAC 173-350 and recommend not using this term. Our agency is otherwise supportive of the change. Public Health has seen large piles of wood waste that includes clean wood waste mixed with non-clean wood wastes not suitable for composting. This new definition will allow LHJ inspector to better visibly assess whether the end use and destination for the pile is appropriate.

173-350-100 Amended definition: "Organic materials"

"Organic materials" means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation. Organic materials include, but are not limited to, manure, yard debris, food waste, food processing wastes, clean wood waste, and garden wastes. Organic materials does not include any materials contaminated by herbicides, pesticides, pests, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for general public or agricultural use.

Recommendation: Remove chemical contamination language or provide further guidance on any relevant requirements.

Justification: This is the only part of the revised code that mentions chemical contamination and there are no new testing requirements for LHJs to request from facilities. Further guidance is needed as to how this requirement will be verified at any of the receiving facilities. For example, if testing is required, it will be difficult to investigate the source for industries such as landscaping material where the landscaper may not know what chemicals are used on lawns or pinpointing a load.

173-350-100 Amended definition: "Pile"

"Pile" means the temporary storage or treatment of any noncontainerized accumulation of solid waste. Storage of materials in a pile with no end use or destination is disposal and not temporary pile storage.

Recommendation: Provide a definition for the term "temporary".

Environmental Health Services Division

401 Fifth Avenue, Suite 1100
Seattle, WA 98104

206-263-9566 Fax 206-296-0189
TTY Relay: 711

www.kingcounty.gov/health

Justification: Our agency supports this change which provides better clarification of the current definition which will minimize the operator’s misinterpretation of current requirements. However, temporary is subjective and will be debated by operators as to the intended duration when using the term “temporary.”

173-350-100 Amended definition: "Source separation"

*"Source separation" means the separation of different kinds of solid waste at the place where the waste originates. Examples of source separation include but are not limited to a household that places recyclable materials, yard waste, and trash into separate carts, a construction site that places construction debris to be recycled in one container and solid wastes to be disposed in another, a grocery store that places packaged or unpackaged food for purposes of recovery of the organic materials within **in** one container and other solid wastes the store generates in separate containers, or a lumber mill that separates wood ash to be disposed at a wood ash landfill in one container and other solid wastes destined for a municipal solid waste landfill in another.*

Recommendation: Please see highlighted typo to fix.

Support: Our agency supports this change with examples for clarification to the current definition which will minimize confusion.

New Section 173-350-215

173-350-215 Table 215-A (1)

Terms and Conditions for Solid Waste Permit Exemptions

	<u>Organic Materials</u>	<u>Volume</u>	<u>Specific Requirement for Activity or Operation</u>
(1)	<u>All organic feedstocks containing less than two percent physical contaminants</u>	<u>No volume restrictions.</u>	<u>Exemption is for organic materials pre-processing of feedstocks that meet the two percent physical contaminant threshold upon arrival at permitted or permit exempt organic materials management facilities. Follow requirements of permit or terms and conditions of exemption for the organic materials management facility.</u>

Recommendation: We recommend Ecology provide further guidance on determining the less than two percent contamination requirement and clarify the measurement metrics. Additionally, a Notice of Intent (NOI) to operate as well as the permit exemption requirements stated in proposed WAC 173-350-220(2)(a-h) should be required as other permit exemptions are required to meet similar requirements.

Justification: Public Health routinely assesses whether a facility is compliant with the terms of the permit exemptions claimed. The two percent contamination requirement will be difficult to assess as LHJs do not have the expertise to make this determination. Since there are also no volume restrictions, these operations should be required to submit an NOI to ensure these are on our radar. Depackaging operations may have similar environmental risks to composting operations such as odors and dust. As such, the composting exemption requirements should also be required for exempt depackaging facilities. Finally, although stated in other parts of the code, it should be clear whether the two percent refers to weight, dry weight, or volume within this exemption, though weight requirements would be easier to measure than volume.

173-350-215 (4)(h) Design:

Provide for stormwater runoff collection and discharge and prevent run-on from a twenty-five-year storm;

Request: Where leachate ponds are proposed, provide language that requires runoff collection from a twenty-five-year storm.

Justification: Unlike other permitted activities requirements that may have leachate ponds/collection, there is no requirement to design leachate holding for twenty-five-year storm for leachate ponds in this section. As written, the section implies that leachate ponds may be allowed but a facility only has to prevent stormwater run-on from a twenty-five-year storm.

173-350-215 (6)(a); 173-350-220(6)(a) and other sections where translated documents are required

The plan must be available in languages that employees can read.

Request: On translation requirements, we suggest adding a requirement as part of the operating plan for the facility to provide signed certification that translations are accurate. We also recommend requiring at least one additional operating plan available for all facilities in their second most common language spoken at the facility other than English.

Environmental Health Services Division

401 Fifth Avenue, Suite 1100
Seattle, WA 98104

206-263-9566 Fax 206-296-0189

TTY Relay: 711

www.kingcounty.gov/health

Justification: Translation services may be cost prohibitive, which would leave LHJs unable to determine if translations are adequate. An unintentional consequence might be operators/workers whose main language is not English, might not be hired/promoted.

173-350-215 (6) (a)(vii)(G) :

(G) Remove waste materials from the tipping floor at a frequency approved by the jurisdictional health department, but no longer than three days to prevent odor;

Request: Add language specifying frequencies based on the incoming material odor potential.

Justification: Waste material removal from the tipping floor at a frequency determination should be made on the condition of tipped material and there should be language to help guide the LHJs. For example, for packaged foods that may not be as odorous as unpackaged foods, 72 hours is appropriate. 72 hours may be too long for less packaged foods where odor is not contained by packaging and may attract rodents and vectors.

Amendatory Section WAC 173-350-220 Composting facilities

173-350-220 (2) Table 220-A:

Terms and Conditions for Solid Waste Permit Exemptions

	<u>Organic Materials</u>	<u>Volume</u>	<u>Specific Requirement for Activity or Operation</u>
(2)	<u>All organic feedstocks limited to up to 20 percent food waste.</u>	<u>Up to 25 cubic yards of material onsite at any one time. All material must be generated onsite. All material must be generated on site. No notification, reporting or testing requirements.</u>	<u>All material must be generated on site. No notification, reporting or testing requirements.</u>

Request: Where food waste percentage requirements are mentioned, it is unclear if these are by weight or volume.

Justification: If by volume, much more food waste may be used as food waste tends to be much denser than most yard debris. We recommend this be clarified with the consideration that food waste has the potential to cause more odors and attract vectors.

173-350-220(2)(f)

Limit physical contaminants in incoming feedstocks to no more than two percent by volume.;

Request: Ecology should provide further guidance on determining the two percent contamination requirement and clarify the measurement metrics.

Justification: The two percent contamination requirement will be difficult to assess as LHJs do not have the expertise to make this determination.

173-350-220(2) Table 220-A

Terms and Conditions for Solid Waste Permit Exemptions

	<u>Organic Materials Volume</u>	<u>Volume</u>	<u>Specific Requirements for Activity or Operation</u>
(8)	<u>Animal mortalities from disaster, disease die-off, and mass culling events Bulking agents</u>	<u>No upper limit</u>	<u>This exemption is limited to emergency composting of animal mortalities under a method approved by the Washington State Department of Agriculture and the state veterinarian. Facilities that distribute composted material off-site must meet the following conditions:</u> <u>(a) Thirty days prior to distribution, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notification must be submitted on a form provided by the department;</u> <u>(i) Manage the operation to reduce pathogens to meet limits set by Table 220-B of this section;</u> <u>(ii) Conduct compost analysis according to the requirements of Table 220-B. Compost testing frequency is based on volume of compost produced annually as required by subsection (6) of this section; and</u>

Environmental Health Services Division

401 Fifth Avenue, Suite 1100
Seattle, WA 98104

206-263-9566 Fax 206-296-0189

TTY Relay: 711

www.kingcounty.gov/health

			<p><u>(iii) Submit annual reports and results of composted material analysis including all laboratory test records raw lab data to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail material recovery or recycling activities during the previous calendar year and must include the following information:</u></p> <p>(i) <u>Name and address of the operation;</u> (ii) <u>Calendar year covered by the report;</u> (iii) <u>Annual quantities and types of feedstocks received, compost produced, and waste disposed, in cubic yards or tons;</u> (iv) <u>Destination of materials; and</u> (v) <u>Any additional information required by the department. Material that does not meet compost quality standards of Table 220-B may be distributed at the judgement of the Washington State Department of Agriculture and the state veterinarian as described in Table 225-A, but such material is not considered compost, may not be promoted as compost, and is not eligible for compost reimbursement programs. Non-compost is not subject to the notification, or reporting requirements above.</u></p>
--	--	--	--

Recommendation: For disease-related die-off and culling events, our department suggests additional testing beyond Table 220-B including disease concentrations and any other LHJ testing requirements.

Justification: This provides an avenue for LHJs to ensure that disease concerns are addressed.

Recommendation: We suggest adding language on which agency may deem a situation an emergency or disaster.

Justification: There is no mention as to who may declare an emergency. Without it, there will be misinterpretation of what constitutes an emergency.

Recommendation: We suggest clarification that these mortalities happen onsite or on-farm.

Justification: To not unintentionally create facilities that compost carcasses during multiple emergencies without the environmental protection of a permit.

173-350-220(2)(f); 173-350-320(2)(a)(iv)

WAC 173-350-220(2)(f): Limit physical contaminants in incoming feedstocks to no more than two percent by volume.;

WAC 173-350-320(2)(a)(iv): Ensure organic materials destined for management at an organic materials management facility contains less than two percent physical contamination by volume;

Recommendation: Provide guidance to determine what two percent contamination looks like or how to assess.

Justification: There is no guidance on what two percent contamination by volume looks like. Being able to visualize the contamination cap is of most importance when LHJs assess whether a composting or piles operation is operating within the limits of the permit exemptions. The two percent contamination requirement will be difficult to assess as LHJs do not have the expertise to make this determination. Further guidance would be helpful.

173-350-220(2)(g)

Exclude feedstocks when necessary to comply with restrictions to prevent spread of animal diseases such as chronic wasting disease;

Support: Public Health supports this additional requirement since it is important to prevent zoonotic diseases where possible.

173-350-220(2)(h)

On forms provided by the department, all operations required to notify must describe measures to:

(i) Control leachate;

(ii) Prevent dust, odors, and vectors;

(iii) Maintain aerobic compost system with adequate porosity, bulk density, carbon to nitrogen ration, and moisture content that will reach pathogen reduction time and temperature.

Support: Public Health supports this additional requirement to provide better oversight of permit exempt composting operations.

Environmental Health Services Division

401 Fifth Avenue, Suite 1100
Seattle, WA 98104

206-263-9566 Fax 206-296-0189

TTY Relay: 711

www.kingcounty.gov/health

173-350-220(6)(a)(iii)

A description of procedures and criteria for ensuring that only the feedstocks described will be accepted. This includes a plan for rejecting feedstocks contaminated with greater than two percent physical contaminants by volume. Management of rejected feedstocks are the responsibility of the entity in possession of the contaminated organic materials at the time of delivery per WAC 173-350-025, and the compost facility is not considered to have taken ownership of loads until they have been inspected, even if materials were tipped at the facility in order to inspect.

Recommendation: Provide alternate permitting pathways for large composters equipped with the technology to remove contamination to accept incoming feedstocks exceeding the 2 percent contamination requirement but staying within the 5% contamination requirement.

Justification: In addition to the challenges in visually determining contamination above, this requirement will now leave composting facilities that have the technology to remove contamination non-compliant. To be compliant, existing composters will be left with diverting rejected loads to be landfilled if they choose to not have adjacent depackaging operations since these may be cost prohibitive. While we understand the need to prevent incoming contamination by composting facilities, this requirement does not directly address the anticipated upstream contamination from new establishments that will now be required to have organic waste collection accounts under the Organic Management Law. Finally, there has been no data provided by Ecology, in the form of waste audits being conducted to indicate any upstream infrastructure has been built to ensure the public and industry can meet the new two percent contamination requirement.

173-350-220 (6)(a)(iv)(D)(II)

(BII) Aerated static pile must have a cover such as a synthetic material or a minimum one foot layer of finished compost, overs, or other approved media to ensure that pathogen reduction temperatures are reached and vectors are controlled. The temperature of the active compost pile must be maintained at fifty-five degrees Celsius (one hundred thirty-one degrees Fahrenheit) or higher for three consecutive days (seventy-two hours);

Recommendation: Though the term is familiar to industry, we suggest clarifying what overs are to avoid confusion or misinterpretation.

Justification: This modified section introduces the term “overs” for the first and only time in the chapter and it does not provide a definition.

New Section: WAC 173-350-225 Other organic materials handling activities.

173-350-225 Table 225-A (6)

Terms and Conditions for Solid Waste Permit Exemptions

	<i>Organic Materials Volume</i>	<i>Volume</i>	<i>Specific Requirements for Activity or Operation</i>
<i>(6)</i>	<i><u>Animal mortalities from disaster, disease die-off, and mass culling events</u></i> <i><u>Bulking agents</u></i>	<i><u>No upper limit</u></i>	<i><u>Exemption applies to land application of processed animal mortalities only when management method is approved by Washington State Department of Agriculture and state veterinarian. Material not meeting the compost quality standards may be land applied at agronomic rates when application is approved and overseen by WSDA.</u></i>

Recommendation: For disease-related die-off and culling events, our department suggests additional testing including disease concentrations and any other LHJ testing requirements.

Justification: This provides an avenue for LHJs to ensure that disease concerns are addressed.

Recommendation: We suggest adding language on which agency may deem a situation an emergency or disaster.

Justification: There is no mention as to who may declare an emergency. Without it, there will be misinterpretation of what constitutes an emergency.

Environmental Health Services Division

401 Fifth Avenue, Suite 1100
Seattle, WA 98104

206-263-9566 Fax 206-296-0189

TTY Relay: 711

www.kingcounty.gov/health

Recommendation: We suggest clarification that these mortalities happen onsite or on-farm.

Justification: To not unintentionally create facilities that compost carcasses during multiple emergencies without the environmental protection of a permit.

Amendatory Section WAC 173-350-320 Piles used for storage or treatment.

173-350-320(2) Table 320-A

Terms and Conditions for Solid Waste Permit Exemptions

	<i>Organic Materials Volume</i>	<i>Volume</i>	<i>Specific Requirements for Activity or Operation</i>
<i>(3)</i>	<i><u>Yard debris</u> <u>Land clearing debris</u></i>	<i><u>Up to 30 cubic yards on-site at any one time. All material must be removed from the site and transferred to an organic materials management facility at least every four calendar days.</u></i>	<i><u>Exemption applies to yard debris and land clearing debris drop off locations. (a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department and must be complete; (b) Maintain records on the volume of wastes received, processed, and moved off-site, including dates of complete removal from site for five years; and (c) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and must include the following information: (i) Name and address of the facility; (ii) Calendar year covered by the report; (iii) Annual quantities and types of solid waste handled by the facility, including amounts received, amounts removed and destination and frequency of complete removal from site; and (iv) Any additional information required by the department.</u></i>

Support: Our agency supports the addition of this permit exempt activity which will allow low-risk satellite yard debris collection stations to operate and close the loop on offering products from the compost facility that they drop off their collected yard debris.

Public Health appreciates Ecology's consideration of our comments during this informal comment period. Please feel free to contact us if you have any questions. Thank you.

Sincerely,



Yolanda Pon, Program Supervisor

Solid Waste Program

Environmental Health Services Division

cc: WA State LHJs