

12-12-25

Dear Ecology,

Thanks for requesting input on the rulemaking process. We appreciate your desire to engage stakeholders in the process. Below are my comments on the current rulemaking draft. I'll admit, my perspective has changed somewhat as a result of time to think about potential implications of the rulemaking and hearing from various stakeholders.

Contamination comments:

I truly appreciate Ecology's desire to protect facilities and help us get clean material we can turn into compost. I understand the goal is to push the contamination issue, upstream, and we agree! In an ideal world there would be legislation mandating cart-tagging and rejection at the curb, which is where the true education and enforcement can happen.

I understand WAC-350 regulates facilities and so that is the tool Ecology has to help. But it might not be able to produce the intended results by placing rejection limits at the compost facility level. Perhaps a better place to put the limits would be at the transfer station level. This would keep the overly contaminated material from coming to the facility in the first place.

In our current situation we charge transfer stations contamination surcharges in an effort to get them to talk to the haulers and reject carts at the curb. The effort and surcharges are all a proxy for where the true work needs to happen - the curb.

Kate Kurtz brought up a good point I hadn't considered, which is a methodology for testing contamination limits. I think volume or surface area is a good metric, but we will need to develop a standard for measurement before implementing anything in the rulemaking.

The new, stricter, finished compost contamination limit standard seems overly tight. The market does a good job of dealing with contaminated finished compost. .1% contamination in our finished product drops the market price in half or more.

Lastly, it's worth noting that there are massive differences in processing residential and commercial waste. The material properties and general contamination levels are markedly different. I think it's worth accommodating those differences in the rulemaking however Ecology deems most appropriate.

Other comments:

There's new language about needing a certified engineer to develop all plans for composters. I'd push back on this. My partner is a mechanical engineer and very capable, but doesn't have stamping abilities. Adding this requirement would add a bunch of time and cost that's not needed for every tweak we make to our facility. It will slow down innovation and development.

The requirement to send all of our lab data in with our annual reports is overly onerous. If Ecology wants to look at our results during inspection, we are happy to share, but gathering them up and sending them in is an unnecessary administrative burden.

There is some language around training requirements for supervisors and operators. I'm good with that as long as that standard is kept for all processing facilities (AD, compost, etc...).

The specific requirements around permitting pre-processing at existing facilities also seems a bit onerous. Our front end line is a pre-processing line. It's in the middle of our site - so can't be delineated and called out as a separate entity. I'd let composters continue to run any kind of pre-processing or clean up lines they can within their existing solid waste permits.

Please feel free to reach out with any questions or clarifications. I appreciate your effort and don't envy the difficult task you have at creating new rules in a dynamic environment.

Regards,

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Dirt Hugger