

Robbette Schmit

December 10th, 2025

Mr. Chris Fredley

Rules Coordinator, Department of Ecology

300 Desmond Dr SE

Lacey, WA. 98503

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Winton MFG appreciates the opportunity to once again provide comments as part of Ecology's organic materials management rulemaking. We are an organics processing company located just outside of Leavenworth, WA. Winton began in 2022 by repurposing an old defunct log mill into a composting facility. The development of the facility preceded the passage of HB 1799 in order to support organics in the Apple Maggot and Pest-Free Zones in the Central Region. With the passage of HB 1799 and the following years' bills we knew that Winton Composting Facility could help Washington achieve its goal of increasing landfill diversion, decreasing greenhouse gases and provide a great quality compost to this region for farms, orchardists, landscapers, public projects and homeowners. In our rural region where access to organics processing is not available for post-processed food waste and management options are limited, we offer an additional resource to fruit packing houses, restaurants, residents, counties and cities in participating in the best management practice for organic waste. We are proud to partner with our rural communities and jurisdictions across Chelan, Douglas, and Grant counties.

As you know, the Organics Management Laws were enacted with the goal of diverting more organic material from landfill, strengthening composting infrastructure in our state, and developing a sustainable circular economy. However, the current draft rules miss the mark. As drafted, the proposed rules would impose costly and arbitrary standards on compost facilities (and thus ratepayers) while offering no parallel regulatory guardrails for pre-processing operations.

During this process, we have heard from Ecology a number of times that the proposed rules are supposed to help additional composters begin operation in areas of the state, like Central Washinton, where there is a lack of organics management infrastructure. As a new composter in a rural part of the state, please take the following feedback to heart- the draft rules you released simply make it harder for new composters and may result in more materials ending up at the landfill, not less. The proposed standards, particularly for inbound contamination, will require additional capital investment from organics processors to achieve compliance, which will then be passed along as higher prices to haulers (and subsequently ratepayers).

Inbound Contamination Standards:

Ecology's draft rules include a strict 2% contamination limit on all incoming feedstocks to composting facilities. While reducing contamination is an important and shared objective, it must be acknowledged that compost facilities, like Winton MFG, have limited control over the material we receive.

Ecology has stated that cities and haulers will be responsible for ensuring compliance with the 2% standard, shifting compliance burdens and substantial new costs onto local governments and service

providers. In Central Washington, there is already a sense from the local municipalities we work with that the BOMA and ORCA are unfunded mandates from the state, which has made our work to increase feedstocks more challenging. Adopting new rules that may make it more expensive for organizations and residents to comply will not achieve the goal of more organic material being diverted from a landfill and will create additional jurisdictional challenges for us to deal with.

Additionally, at a time when we are trying to increase our feedstocks and ensure long-term financial viability, the contamination standards will likely require additional capital investment and labor costs for us, making it more expensive to operate our business on a daily basis. From our perspective, the 2% threshold seems like an arbitrary standard that lacks a scientific basis. We already have the right to reject any load we can't manage due to contamination. We feel this is the right approach that enables each facility in the state to manage loads based on their own unique capabilities, resulting in the highest rate of diversion possible.

Stricter Finished Compost Standards

Ecology's proposed tightening of standards for finished compost quality adds an additional layer of regulatory burden for compost facilities, again without corresponding measures for upstream contamination control or parallel requirements on alternative processors.

If compost facilities are required to meet more stringent finished compost specifications, they will face:

Escalating processing costs for testing, screening, and managing marginal loads, that will lead to higher rates

Possible disqualification of otherwise marketable material, reducing revenue and product availability

The compost industry continues to sell more material than ever before with limited complaints and finished product issues. Compost is a recycled product that includes impurities. Folks who have toured facilities and understand the system know that incidental contamination is inevitable but also manageable at current levels with proper investment and continued education.

Lack of Standards for Pre-processing Facilities

In contrast to the proposed rules for compost facilities, the draft rules do not propose any inbound contamination limits, recovery standards, or meaningful requirements to ensure maximum recovery of resources.

This omission creates a regulatory imbalance that could undermine our region's longstanding source-separation framework and environmental goals, while also placing composters (particularly young composters like Winton MFG) at a competitive disadvantage. Specifically: Recyclable materials, such as paperboard, glass, plastics, or metals which otherwise would be recycled, may be collected with organics, run through preprocessing technologies, and then landfilled. These are materials designated as recyclable on many municipalities' current acceptance list but will no longer be recycled when sent to a depackaging facility. This appears to be in conflict with RCW 70A.205.310 which prohibits landfilling recyclables.

Large volumes of Municipal Solid Waste (MSW) which traditionally has been subject to state and local taxes could now flow untaxed to pre-processors, depriving local jurisdictions of critical tax revenue and waste oversight.

From an environmental standpoint, this is concerning. The carbon footprint and lifecycle emissions of packaging materials, especially plastic, are significant. Allowing them to enter the organics stream and bypass traditional recycling pathways is an unsustainable direction for the state that is contrary to the goals of local and state policymakers.

Lastly, while Winton MFG appreciates Ecology's responsiveness to some of our comments during the last cycle related to items like vermiculture and vermicomposting, we are concerned at Ecology's overall lack of responsiveness to stakeholder feedback. During the last comment period:

8 of the 15 expressed concerns with the 2% regulatory limit on inbound contamination for both residential and commercial and who would ultimately bear the cost of a lower limit. King County Solid Waste Division, who expressed support for a 2% contamination limit also noted their concerns with the lack of comparable standards for depackagers. The current draft rules appear to be unresponsive to this feedback.

Of those who commented on the potential changes to the organic materials definition, 7 of the 8 expressed serious concerns with the proposal to change the organics materials definition. There was clear consensus that non-biodegradable materials, such as plastic packaging, were plainly not organic materials. The current draft rules appear to be unresponsive to this feedback. Packaged food waste is solid waste not organics.

10 of the 11 letters that addressed source separation of organic materials asked Ecology to protect true source separation of organic materials, generally expressing concern with the commingling of food waste and plastic packaging or at the least creating different standards for lightly packaged versus heavily packaged materials. The current draft rules appear to be unresponsive to this feedback.

10 of the 12 letters that addressed a minimum recovery rate for depackagers were either supportive of a 90% minimum standard or some kind of additional tracking and reporting requirement for depackagers to ensure diversion targets can be met. Multiple stakeholders also shared their concerns for a competitive advantage that Ecology would be granting depackagers if there wasn't a similar recovery rate. As a reminder, this was the key issue in 2024 that was punted to be addressed in rulemaking in response to concerns raised by Ecology. The current draft rules, again, appear to be unresponsive to this feedback.

7 stakeholders raised concerns about easily recyclable items being landfilled with some specifically calling out depackager acceptance lists that include recyclable materials. The current draft rules appear to be unresponsive to this feedback.

Case in Point

Winton has invested a lot of time and money into developing our own education campaign (because none exists in our area) on what organic materials can be composted in the central region. With the current proposed rulemaking Ecology seems to be disregarding our hard work by sending mixed messages to our region on what can go in a single-stream organics recycling stream and thus counterproductive. If, ands, or buts do not send a clear message to organic recyclers and will only add to what will in turn need to be landfilled due to improper sorting for single-stream organic recycling. Consumers that are educated at their workplace to include packaging will go home and put organics with inorganic packaging into their organic waste bins. **THIS WILL BE DETREMENTAL** to us, as Ecology is additionally proposing a reduction in contamination levels at composting facilities.

We tested this theory recently, working with a large corporate grocery chain, this is the feedback through those conversations:

Employees first thought their service was "Composting" which they were not. Digestate is not

compost, one is aerobic and the other anaerobic.

Upon reviewing their "compost" plan the employee shared that only vegetables and bread were being sent to the depackaging/digestate company, all other items including meats, cheeses, deli items, used coffee grounds, etc. were being landfilled.

Speaking with the GM's at several locations they indicated that through this limited-service provider they were meeting the state law and therefore did not have to participate further in organics recycling. This just isn't correct and creates a loophole for organics management participation.

In Conclusion

Winton has developed decreased tipping rates to incentivize consumer participation in organics recycling instead of landfilling, but these organics streams need to remain "clean". The current language puts these rates into jeopardy and burdens us with increased costs when we are developing a new organic recycling program for the central region. Through private investment in the facility and regional education, we would like to continue to provide affordable services but we need concise language in the rulemaking that supports composters, including Winton.

If the goal, through this rulemaking is for Ecology and the State of Washington to meet the goals set forth in the organics management bills, a clear single-stream organics management education campaign needs to be continued and available in WAC language. Food waste that includes non-organic unacceptable, compostable feedstocks is and should remain categorized as Solid Waste. Processors of this contaminated feedstock should be required to carry proper handling permits, meet state reporting requirements for processing and be classified as digestate with product testing available to consumers before purchase.

We are hopeful that Ecology will be more responsive to the feedback received from the wide variety of stakeholders (environmental organizations, municipalities, and industry partners) who are concerned about the direction of the current draft rules. As a relatively new composter in an area with limited organics management infrastructure and education, we hope our experience and feedback can provide a template for other areas of the state as these laws are implemented.

Winton looks forward to continuing to build a strong organic recycling program in the central region and the state. Thank you for considering our feedback and comments.

With kind regards,
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