Whatcom County Health and Community Services (Jennifer Hayden)

See attached comments

DRAFT QUESTIONS/comments

Code Section	Comments
173-350-020 Applicability	173-350-020(2)(e) Define "processed chicken manure". What defines "processed"? Does this mean it has gone through some form of composting? Or another process? How do we assess the quality of the processing? Should we reference an agricultural process or practice? Or a section in the Composting or Piles section? 173-350-020(2)(aa) What defines what is an appropriate amount or type of packaged organic materials used for animal feed or to create animal feed, i.e. going directly to a farm?
173-350-025 Entity responsibilities for solid waste	173-350-025(1) By stating that the owner, operator or occupant of a property is responsible for the satisfactory management of waste produced *by them*, there is not a path in this code to make property owners responsible for cleaning up illegal dumping that has occurred on their property. Consider removing language to clarify owner responsibilities. "The owner, operator, or occupant of any premise, business establishment, or industry is responsible for the satisfactory and legal arrangement for the solid waste handling of all safe and sanitary handling and storage of all solid waste generated or accumulated on the property, and must arrange for the legal management of solid waste generated or accumulated ~~by them~~ on the property."
173-350-100 Definitions	**"Conditionally exempt small quantity generator (CESQG)"** means a dangerous waste generator whose dangerous wastes are conditionally exempt from regulation under chapter **70.105** RCW, Hazardous waste management, solely because the waste is generated or accumulated in quantities below the threshold for regulation and meets the conditions prescribed in WAC **173-303-070** (8)(b). • WAC **173-303-070** (8)(b) does not exist. Consider using this reference instead: WAC 173-303-169 Quantity exclusion limits—Generator category determinations. **And** 173-303-171 Conditions for exemption for a small quantity generator. "**Low-grade wood**" – What boilers are allowed to burn creosote or other treated wood waste? Do these boilers need an air quality permit through Ecology or a Clean Air Agency? Consider adding "waste" to the term.
173-350-215 Organic materials pre-processing	Is there a maximum percentage of non-organic contamination? Could this become a UTC issue if high percentages of non-organic wastes are delivered to pre-processing facilities? Haulers would have concerns with non-G-Certificated trucks carrying organics with large amounts of contaminants or solid waste intermixed. This could open the door for MSW going to pre-processing facilities. Table 215-A – Stating that a facility would need to follow requirements of permit or terms and conditions of exemption for the organic materials management facility is confusing. Which type of organic materials management facility? There are different requirements for different permit exempt organics management facilities. Consider adding the actual requirements for exemption in this table rather than asking an operator to try and find where the correct regulation is. Requirements do not address how materials will be managed before and after processing. Is the 2% physical contaminants by weight or volume? This standard will be difficult to enforce by LHJs. How will we manage to estimate or determine 2% contamination?

WAC 173-350-220 - Composting Facilities	Stronger language should be included to ensure that off-farm composting complies with local zoning requirements. Washington State Department of Agriculture is spelled out in Table 220A(8), and is abbreviated in Table 225-A(6) Consider including the following language under location requirements: "Note: When considering facility location, please review the U.S. Department of Transportation Federal Aviation Advisory Circular No. 150/5200-33B." WAC 173-350-220(2)(h)(iii) Maintain aerobic compost system with adequate porosity, bulk density, carbon to nitrogen *ration*, should be *ratio* The 2% restriction on contaminants for incoming feedstocks makes complying with BOMA difficult, especially with regard to schools and other institutions where segregating wastes are difficult, including multi-family. The 2% restriction on contaminants for incoming feedstocks eliminates incentives for composting facilities to upgrade or add equipment to remove contaminants on the back end of the composting process. It only incentivizes pre-processing equipment. The 2% restriction on contaminants for incoming feedstocks will inevitably create a requirement for more staff dedicated to monitoring incoming loads, increasing costs for composters and compost buyers. The 2% restriction on contaminants for incoming feedstocks will create a burden for existing facilities and will potentially divert more organics to the landfill if there is no pre-processing facility nearby to send rejected loads to, increasing organics going to landfill. We have concerns on how LHJs will require facilities to enforce this 2% incoming contamination requirement without the necessary tools to evaluate contamination conditions. What is the purpose of prescribed ongoing supervisor training? How does it protect environmental public health? If the intent is to protect public health, why is ongoing training not required for other facilities like transfer stations or anaerobic digesters? This creates an additional cost burden for facilities with no recognized benefit to public health. Finished product sampling is effective to determine whether composting methods meet public health standards.
WAC 173-350-225 - Other organic materials handling activities	The title of this section refers to **activities**. Different parts of the section refer to organic materials handling **facilities** and **activities**. It would be helpful to make this language uniform. Stronger language should be included to ensure that off-farm composting complies with local zoning requirements. The 2% restriction on contaminants for incoming feedstocks makes complying with BOMA difficult, especially with regard to schools and other institutions where segregating wastes are difficult, including multi-family. The 2% restriction on contaminants for incoming feedstocks eliminates incentives for organic management facilities to upgrade or add equipment to remove contaminants on the back end of the organic management process. It only incentivizes pre-processing equipment.
WAC 173-350-230 Land application	What training requirements are there for land application?
WAC 173-350-250 Anaerobic digesters	Table 250-A (3)(e) At least quarterly or more often if feedstocks change significantly, the digester must provide nutrient analysis **of digestate** using the

	standards in WAC 173- 350-230(10)(a)(iii)-(iv) to any partner dairies land applying under a nutrient management plan Why was the requirement to meet compost quality standards removed from this exemption? What is the basis for requiring digestate sampling every 50,000 gallons before distribution? This would potentially result in a requirement to perform sampling every other day and become a burden for these facilities. Would a higher volume be more reasonable? What is a "properly trained individual"? More specific training should be prescribed.
WAC 173-350-320 Piles	Table 320-A(5) Specify that "facilities that recycle these wastes must comply with the recycling standards in WAC 173-350-210, including notification and reporting, and water quality permit waste storage and processing parameters. Note that applicants must check boxes ECY 001 and ECY 002 if they are applying for an exemption under a sand and gravel permit."