

Skagit Soils (Troy Lautenbach)

December 12, 2025

To: Dawn Marie Maurer, Facility Specialist, NWRO Ecology
From: Troy Lautenbach, President, Lautenbach Recycling, Skagit Soils
RE: Comments on the Proposed Changes to WAC 1730350 - Organic Materials Sections

I as a composter, a pre-processor, and a collector of recycle materials, who works very closely with the anaerobic digesters. I appreciate the opportunity to comment on the proposed changes to WAC 173-350.

I have several concerns with how these changes will affect the viability of my businesses and that of the digesters. I am also concerned that this process that started off as what I felt was an “issues-finding-quest” has steamed rolled into a CR 101 heading for adoption. At this time I would request the CR 101 be put on hold to allow time to establish the proper pathway forward to address the issues that are identified herein and as presented by others in response to date.

During the presentation meeting #3 it was indicated that many of the changes are aimed at reducing contamination and shifting the responsibility for clean loads upstream. 1As a compost operator it feels that this effort missed the mark.

From my read, the compost operator, (through the unwritten threat of revocation of the operating permit), is the one left holding the compliance responsibilities to a finite level of gate keeping on both ends of their operation, testing loads, rejecting loads, holding loads, potentially re-loading loads, on both the front end and back end of the operation. This is not the needed solution.

From a pre-processor perspective, I am not sure how the proposed criteria will effect our operation. We feel we produce a clean product but without knowing what 2% by volume actually looks like; how are we to know at this point? (Similar concern for back end composting of 0.5% / 0.1% dry wt.)

From a collection and transportation perspective, we have spent many years working with the Utilities and Transportation Commission to establish clear collection, labeling, and second container guidelines and now this proposed language seems to pull transportation under the solid waste management rules and change the criteria. Transportation rules should be left to UTC. (Additional comment on this issue below.)

The following are General Comments on current language:

Regarding Contamination Limits and Testing in General:

Establishing regulatory contamination limits on incoming or outbound material by apparent feels-good or feels-right criteria without fully understanding if the limits are reasonable, obtainable, or practical, is in itself unreasonable.

Without knowing the required testing/analytical methodologies and their associated costs per proposed frequency for post pre-processing, pre-composting, post composting, and pre and post digestion, establishing a rule at this time is premature.

The submission of all laboratory test records have been included to the annual report submittal requirement. This information should remain available upon request by the Health Department or the Department to reduce the burden on the operators in the culmination and submittal of the information, particularly if is not for a specific time sensitive needed purpose.

The following are Specific Section Comments:

Section 1730350-025 (3) Pg 9 - 10

This section (reflective of 2SHB 1497- HB1799) needs to clarify that the requirements for identifying what materials are accepted to go in a container (on the surface of the container) is directed at public service level type ordinances for the curbside collection of recyclable materials. We believe the referenced language was not intended for commercial or industrial collection of source separated materials such as C&D collection, bulk land clearing, or specialty collection of industrial semi-liquid waste collected in tankers or otherwise large (>15yard) containers. Additionally, the legally allowed entity collecting such materials can not be held responsible to “ensure” a second container, of proper size, is present on the site, but they can advise the customer that a second container is necessary per regulation. Transportation regulations should be left to the Utilities and Transportation Commission for this segment of recyclable collection.

Definitions:

Pg 43 Organic materials pre-processing

Mandating the achievement of a two percent or less physical contamination by volume without having an understanding of what this looks like in the field and/or understanding the testing mechanics proposed to confirm this requirement is premature and needs further research and discussion.

Pg 55 Tip Floor

Clarify that Tip Floor is where solid waste is released or “tipped” from containment, as the name implies. All receiving areas are not necessarily tip floors. With the current language, tip floor would include an area where a drop box is off-loaded or where palletized and containerized items are off loaded or temporarily stored.

Additionally, a tip floor may not always need to be covered. Example would be at a compost facility with leachate control or an area where a pile is established with pile control standards in place.

Page 83 Section 220-(2)(d)

Birds have been added to the vector list to be managed to “prevent the attraction of”. This should be revised to limit or discourage the attraction of birds. Prevention of bird attraction is not possible unless maybe indoors, and even then they sit on the roof.

Page 107 confirm subsection title (Vii) is intended.

Page 108 ...(A) Regarding electrical leak detection requirements. Does Ecology have information on who performs this testing that you can share?

At this time I would propose bringing industry representatives to the table to have round table discussions of the concerns. As mentioned in Meeting 3, Ecology has distributed questionnaires and has had phone interviews but to my knowledge has not brought industry reps together to address concerns or to develop pathways to achieve the goal(s) of this effort.

Thanks

Troy