



November 25, 2025

Ms. Delaney Carr
Organics Specialist
Washington Department of Ecology

Dear Ms. Carr:

Thank you for the opportunity to comment on the Washington Department of Ecology's (hereafter, Ecology) draft Organics Recycling Collection Area (ORCA) waiver applications. The City of Vancouver offers the following comments:

1. Please clarify who is able to apply to Ecology for a waiver

RCW 70A.205.540(3)(d) states that "In addition to the exemptions in (a) through (c) of this subsection, the department may issue a renewable waiver **to jurisdictions or portions of a jurisdiction** under this subsection for up to five years..." (emphasis added). RCW 70A.205.540(3)(d) uses the term "jurisdiction," not "jurisdiction planning under this chapter."

However, both the draft frequency waiver application and draft service waiver application state that the "jurisdiction that implements a solid waste plan submits an application to request a...waiver." Furthermore, both draft applications state that Ecology "presents this form for jurisdictions implementing a solid waste plan under RCW 70A.205.040."

Other components of the Organics Management Laws limit certain actions to the jurisdiction planning under Chapter 70A RCW. For example, regarding collection container color requirements, a "jurisdiction planning under this chapter" may petition Ecology for an exemption, per RCW 70A.205.750(1)(d). However, RCW 70A.205.540 does not use this terminology. Please clarify whether only a jurisdiction planning under Chapter 70A RCW may submit an ORCA waiver application, or whether any jurisdiction may submit an ORCA waiver application.

Similarly, if a petition needs to be submitted for "portions of a jurisdiction," (e.g., one city within a county), who may submit that petition? The portion of the jurisdiction, or the jurisdiction planning under Chapter 70A RCW? Could a jurisdiction planning under Chapter 70A RCW then potentially need to submit separate petitions for multiple distinct portions of a jurisdiction?

2. Regarding service waiver duration

The draft ORCA Service Waiver Process document states that, if a service waiver is approved by Ecology, “the waiver duration will be specified when the waiver is granted. The maximum length of time is five years.”

- (a) If a waiver is granted to a jurisdiction for less than five years, would a jurisdiction have the opportunity to request an extension at a later date?

For example, let’s say a jurisdiction requests a service waiver for three years because, at the time they submit their waiver application, the jurisdiction believes they will be able to fulfill ORCA requirements within three years. Let’s say Ecology issues the jurisdiction a three-year waiver, but due to unforeseen circumstances, it will now take the jurisdiction longer than three years to fulfill ORCA requirements. Could the jurisdiction petition Ecology for an extended waiver duration so long as the duration does not exceed five years from the date the first waiver was granted? If so, what would the process be to request an extension?

- (b) If a waiver is granted to a jurisdiction for less than five years, would a jurisdiction be able to petition Ecology to amend the waiver duration?

For example, let’s say a jurisdiction requests a five-year waiver. However, based on the material submitted by the jurisdiction, Ecology believes it will only take the jurisdiction three years to fulfill ORCA requirements. Therefore, Ecology only issues a three-year waiver to that jurisdiction. Will the jurisdiction have the option to petition Ecology to reconsider the waiver duration? If so, what would that process be? Would the jurisdiction have a limited period of time to request reconsideration of the waiver duration (e.g., the request must be submitted within a certain number of days after the waiver is granted)?

- (c) In general, how will Ecology determine the duration of a service waiver?

3. Waiver denial

If a jurisdiction applies to Ecology for an ORCA waiver, and Ecology denies that application, does the jurisdiction have an opportunity to appeal that decision? If so, what would that process be? Would there be any time limits for the jurisdiction to take action (e.g., the appeal must be submitted within a certain number of days of the denial)?

4. Service waiver criteria

On the draft service waiver application, the City of Vancouver supports the inclusion of “transfer station” in the proposed criteria “Organics management facility, transfer station, or reload facility is at capacity to manage or transport organic materials.”

If you have any questions about these comments, please contact me or Matt Bucy at Matt.Bucy@cityofvancouver.us or 360-487-7166.

Sincerely,

Will Elder
Environmental Services Manager
Vancouver, WA

Cc: Liz Erickson, Amanda Romero, City of Vancouver
Tatum Flowers, Clark County