

August 12, 2026

Mr. Chris Fredley

Solid Waste Management Program Rule Coordinator

Washington Department of Ecology

Dear Mr. Fredley:

Thank you for the opportunity to comment on the Washington Department of Ecology's (hereafter, Ecology's) proposed updates to chapter 173-350 Washington Administrative Code (WAC). The City of Vancouver offers the following comments:

1. "Wood waste" consistency

Ecology has proposed deleting the following definitions from WAC 173-350-100:

"Wood derived fuel" means wood pieces or particles used as a fuel for energy recovery, which contain paint, bonding agents, or creosote. Wood derived fuel does not include wood pieces or particles coated with paint that contains lead or mercury, or wood treated with other chemical preservatives such as pentachlorophenol, copper naphthenate, or copper-chrome-arsenate."

"Wood waste" means wood pieces or particles determined to be solid waste per WAC 173-350-021 generated from construction, demolition, handling and storage of raw materials, trees, stumps, and manufacturing of wood products. This may include, but is not limited to, sawdust, chips, shavings, bark, pulp, and log sort yard waste, but does not include wood pieces or particles containing paint, laminates, bonding agents, or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate."

Ecology has proposed adding the following definitions to WAC 173-350-100:

"Clean wood waste" means wood pieces or particles determined to be solid waste per WAC 173-350-021 generated from construction, demolition, handling

and storage of raw materials, whole trees including their attached branches and leaves, stumps, tree prunings greater than four inches in diameter, and manufacturing of wood products. This may include, but is not limited to, sawdust, chips, shavings, bark, pulp, and log sort yard waste, but does not include wood pieces or particles containing paint, laminates, bonding agents, or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate. Clean wood waste does not include unsorted land clearing debris, brush, or yard debris.”

“**Low-grade wood waste**’ means wood pieces or particles acceptable for use as a fuel for boilers or energy recovery, which contain paint, bonding agents, or creosote. Low-grade wood waste does not include wood pieces or particles coated with paint that contains lead or mercury, or wood treated with other chemical preservatives such as pentachlorophenol, copper naphthenate, or copper-chrome-arsenate.”

“**Land clearing debris**’ means trees, shrubs, leaves, and plant undergrowth generated during the clearing of vegetation. Unsorted land clearing debris is distinct from clean wood waste because it contains nonwoody materials.”

The intent seems to be that the term “wood derived fuel” would effectively be replaced with “low-grade wood waste,” “wood waste” would effectively be replaced with “clean wood waste,” and “wood waste” would no longer be a defined term.

However, as proposed, Ecology has *not* consistently replaced “wood waste” throughout WAC 173-350. For example, looking at the proposed rule amendments:

- Ecology has not proposed amending WAC 173-350-020(2)(v), which states that WAC 173-350-020 does not apply to “Manufactured topsoil, as defined in WAC 173-350-100, composed only of clean soil and clean dredged material, composted materials, **wood waste**, or other commercial products (e.g., bioretention soil media, water retaining crystals, or registered commercial fertilizers or liming agents)” (emphasis added).
 - Question: “Wood waste” would no longer be a defined term under the proposed amendments. Should “wood waste” be changed to “clean wood waste?”
- While Ecology has proposed amending portions of the definition for “bulking agent” at WAC 173-350-100, Ecology has not proposed amending the following: “...Bulking agents may include, but are not limited to, **wood waste**, straw, and other high-carbon materials.”

- Question: “Wood waste” would no longer be a defined term under the proposed amendments. Should “wood waste” be changed to “clean wood waste?”
- Ecology has not proposed amending the definition of “limited purpose landfill” at WAC 173-350-100, which states “Limited purpose landfills include, but are not limited to, landfills that receive or have received...wood waste...”
 - Question: “Wood waste” would no longer be a defined term under the proposed amendments. Should “wood waste” be changed to “clean wood waste?” Or should this definition be revised similar to how the definition for “manufactured organics” has been revised (“Manufactured organics do not include...low-grade wood ((derived fuel)) waste or clean wood waste” (changes emphasized)?

Comment: If “wood waste” will no longer be a defined term, please update “wood waste” where it appears throughout WAC 173-350. Similarly, please ensure “wood derived fuel” is replaced with “low-grade wood waste” throughout WAC 173-350.

2. “Recyclable materials” definition

Comment: The City of Vancouver thanks Ecology for no longer proposing to add “organic materials” to the definition of “recyclable materials” at WAC 173-350-100.

Comment: Ecology has proposed adding “concrete” to the definition of “recyclable materials.” Per the CR-102, Ecology’s proposed rules are intended to implement RCW 70A.205.540. RCW 70A.205.540(8) states that Ecology must “adopt new rules or amend existing rules adopted under this chapter establishing permit requirements for organic materials management facilities requiring a solid waste handling permit addressing contamination associated with incoming food waste feedstocks and finished products, for environmental benefit.” What is the relationship between adding “concrete” to the definition of “recyclable materials” and the intent of RCW 70A.205.540(8)?

3. Food waste-related definitions

Ecology has proposed several changes to the definitions at WAC 173-350-100 for terms related to food waste.

- “Post-consumer food waste” and “Preconsumer animal-based waste” are two defined terms proposed for deletion. Both terms include “source separated

organic materials” in their definitions. The proposed new definition for “food waste” would effectively encompass what was previously defined as “post-consumer food waste” or “preconsumer animal-based waste.”

- Ecology has proposed adding definitions for “food waste” and “meat processing waste.” Neither proposed definition includes “source-separated organic material.” The proposed definition for “food waste” is identical to the definition at RCW 70A.205.715(5)(a), except for the statement that “food waste” would include “food processing waste” and “meat processing waste.”
- “Food processing waste” is currently a defined term. Ecology has proposed deleting “source separated organic material” from its definition.
- Ecology has proposed renaming “pre-consumer vegetative waste” to “pre-consumer vegetative **food** waste” (change bolded). Ecology has proposed keeping “source separated organic material” in the definition for “Pre-consumer vegetative food waste.”

Question: Why is a distinction between “food waste” and “pre-consumer vegetative food waste” necessary? Outside of the definitions section, the only time “pre-consumer vegetative food waste” appears is in a permit exemption for vermiculture facilities in Table 225-A. Is this term only needed for the purpose of providing a specific permit exemption for vermiculture? Is it intentional that “pre-consumer vegetative food waste” is limited to vegetables only (i.e., not fruit and vegetables)?

Question: Why does “food processing waste” no longer need to be qualified as a source-separated material? Is there a contamination concern? Per the public hearings for this proposed rulemaking, Ecology would consider packaged food to be source-separated solid waste (i.e., Ecology would still consider organic waste containing physical contaminants a source-separated solid waste).

Question: Why does only “pre-consumer vegetative food waste” need to be qualified as “source separated organic material?” The definitions for “food waste,” “organic materials,” and “meat processing waste,” and the revised definition for “food processing waste” all do *not* include “source separated.”

Question: The definition for “pre-consumer vegetative food waste” specifically includes “organic materials” in its definition. The definitions for “food waste” and “meat processing waste” do not do this. Why is that qualifier only needed in the definition for pre-consumer vegetative food waste?

4. “Agricultural waste” and “farm”

Ecology has proposed adding a definition for “farm” to WAC 173-350-100. The definition would be “land used for the raising, growing, or caring of plants and animals for agricultural production. For the purposes of this rule, farm also includes land used for animal husbandry and aquatic systems for the raising of fish or shellfish.”

Ecology has also proposed amending the definition for “agricultural wastes” by changing “wastes from farms resulting from the raising or growing of plants and animals including, but not limited to...” to “wastes from farms including, but not limited to...”

Question: Is the intent to broaden the definition of “agricultural waste” to include more than organic materials? Garbage and recycling are still generated on “land used for the raising, growing, or caring of plants and animals for animal production.”

Question: Ecology has not proposed revising the definition of “agricultural composting.” That definition uses the phrasing “...conducted on lands used for farming.” If “farm” will now be defined, should this part of that definition be updated?

5. “Organic materials pre-processing” definition

Ecology has proposed revising the definition of “physical contaminants” to add “packaging” as an example of a physical contaminant.

The proposed definition for organic materials pre-processing is “the processing of source separated solid waste to remove physical contaminants and packaging prior to organic materials management.”

Comment: Under the proposed rules, packaging would explicitly be a physical contaminant. “Physical contaminants and packaging” is redundant and potentially misleading, because it could be read to imply that packaging is not a physical contaminant.

6. Proposed amendments to WAC 173-350-025

Ecology has proposed changing “The owner, operator, or occupant of any premise, business establishment, or industry is responsible for...” to “The owner, operator, **and** occupant of any premises, business establishment, or industry is responsible for...” (change bolded).

Question: Does Ecology intend for the requirements at WAC 173-350-025 to only apply to a person if they own, operate, *and* occupy a premises, business establishment, or industry? I.e., if a person is not all three things, then are they not responsible for the requirements of this section? Or is the intent that all three parties (the owner, the operator, and the occupants) would be equally responsible for the requirements of this section?

As proposed, revised WAC 173-350-025 would impose certain labeling requirements on solid waste receptacles:

WAC 173-350-025(3)(a): “Any person that provides a reusable or detachable container with a volume of at least one cubic yard to collect recyclable materials at sites of solid waste generation must: (a) Identify recyclable materials accepted by providing a clear and conspicuous label on the container, providing clear and conspicuous signage, or other effective means;”

The legislature has already imposed labeling requirements for solid waste receptacles, including recycling receptacles, in statute (see RCW 70A.205.750(3)). The proposed rules do not directly match the statutory requirements. For example:

RCW 70A.205.750(3)(b): “A container with a volume of at least one cubic yard must feature an area with a minimum of one foot by one foot area that contains the label required in (a) of this subsection, and label text with a font height of at least 5 inches.”

The proposed rules do not mention a lid label, minimum font size, or label font or background color requirements, all of which appear in RCW 70A.205.750.

Comment: If any receptacle labeling requirements are to be imposed in WAC 173-350, please harmonize them with RCW 70A.205.750. If they are not harmonized, please explain why. For example, are the requirements in WAC 173-350-025 intended to apply only to self-haulers?

7. Would all facilities engaging in organic materials pre-processing need a pre-processing permit?

The proposed WAC 173-350-215 exempts materials recovery facilities (MRFs) permitted under WAC 173-350-210 from organic materials pre-processing standards. It does not exempt transfer stations permitted under WAC 173-350-310 from these standards.

The City of Vancouver currently offers curbside organics (food scraps and yard debris) as an optional service to residential, multifamily, and commercial customers. Collected organic material is taken to a transfer station permitted under WAC 173-350-310. Some pre-processing occurs at the transfer station (e.g., manual pick lines). The material is then taken to a compost facility for further contaminant removal and composting. The City of Vancouver is under an ORCA and will be under a BOMA once we have enough space at our transfer station to accept more organic material. Once residential organics is mandatory and once we are in a BOMA, our transfer station will receive more organic material overall, that will likely be more contaminated than current material.

Questions: "Organic materials pre-processing" is proposed to be broadly defined; effectively, any process which removes physical contaminants. If a solid waste handling facility that is not an organic materials management facility is doing any form of organics pre-processing, would it be required to obtain a permit under proposed WAC 173-350-215? Or would it only be required to obtain the permit if the facility is specifically pre-processing to obtain less than five percent physical contaminants by volume, so that the material could be directly accepted by the organic materials management facility?

8. Impact of pre-processing facility requirements on existing, permitted solid waste handling facilities

The design, documentation, and operation requirements for permitted organic material pre-processing facilities are similar, but not identical, to the design, documentation, and operation requirements for permitted transfer stations.

Question: If a permitted transfer station were to seek a pre-processing permit, how could they expect their facility requirements to change? More generally, if a permitted solid waste handling facility seeks an organic materials pre-processing permit, how would the steps they've taken to comply with their current permit requirements be taken into account?

For example, transfer stations must be designed to "provide pollution control measures to protect air quality." Ecology has proposed that pre-processing facilities must be designed to "provide pollution control measures to protect air quality if needed to meet the performance standards, the operating requirements of this

section, or air quality permits." Could the addition of a pre-processing permit require additional air quality control measures beyond what the transfer station has already installed?

9. Interpretation of "source separation"

Ecology has no longer proposed revising the definition of source-separation at WAC 173-350-100. The current definition at WAC 173-350-100 matches the definition at RCW 70A.205.015(26). The definition is "the separation of different kinds of solid waste at the place where the waste originates." Packaged food would explicitly be defined as a "physical contaminant" under the proposed rules, and if there were too much packaging in the waste stream, the waste would need to be pre-processed before it could be managed through organic materials management.

Comments: If packaged food separated from other waste is to be considered source-separated solid waste, please clarify the impact of this interpretation on ORCA requirements.

The definition of "source separation" in RCW 70A.205 is identical to the definition in WAC 173-350. RCW 70A.205.540 requires that, beginning April 1, 2030, jurisdictions in an ORCA must provide "source separated organic solid waste collection services" on a nonelective basis to residential and certain commercial customers, and that such a service must include food waste.

Are jurisdictions in an ORCA expected to include packaged food in their service? Or, is packaging excluded from the requirement because ORCA uses the phrasing "source separated **organic** solid waste collection services" (emphasis added)?

Would there be any issue with a jurisdiction in an ORCA only collecting unpackaged food waste and yard debris in their organics service (i.e., would there be any issues with not collecting packaged food waste)?

Questions: Is commingled packaged food waste and unpackaged food waste also considered source-separated solid waste? Or would commingled packaged and unpackaged food waste not be considered source-separated? If packaged food waste must be kept separate from unpackaged food waste, a commercial generator may need to "split" their waste stream and send it to two different destinations.

Questions: Ecology has indicated that they will interpret packaged food separated from other solid waste as source-separated solid waste. However, the proposed rules make it explicit that packaging is a physical contaminant of organic waste. The

proposed rules also state that organic materials pre-processors can only accept source-separated solid waste. They will be knowingly accepting contaminated source-separated solid waste (their purpose is to remove the contaminants to an acceptable level). Thinking of the inbound materials at a pre-processor, at what contamination level would the waste no longer be considered source separated?

10. Physical contamination by volume

Under the proposed rules, organic materials pre-processing facilities would need to include in their plan of operations:

“A description of representative sample collection procedures of organic materials after physical contaminants have been removed, testing frequency to be every three months or 5,000 cubic yards for solid and 1,000,000 gallons for liquids, whichever is more frequent, and use of an accredited laboratory. An alternative frequency approved by the jurisdictional health department may be used.”

Facilities would need to maintain these test records in their “operating record.” In their annual report, they would need to include:

“[An] annual summary of laboratory analysis to demonstrate material contains equal to or less than five percent physical contaminants by volume. Accredited laboratories must be used for analysis.”

Questions: Is there a standard test procedure to quantify physical contamination by volume? If not, when will one be available? What accreditation must a lab have to conduct these tests? How many labs in the state are currently accredited to conduct this test, and are there any parts of the state where there is considerable distance between organic materials management facilities and labs accredited to quantify physical contamination by volume?

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

Cc: Bethanie Velasco, Amanda Zodrow; Clark County
Josh Brown, Waste Connections
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