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August 13, 2026

RE: Comments for Chapter 173-350 WAC Solid Waste Handling Regulations revision

Public Health—Seattle and King County (Public Health) thanks the Washington State Department of Ecology (Ecology) for the opportunity to comment on the proposed code revision for Chapter 173-350 WAC – Solid Waste Handling Regulations which encompasses the requirements in the recently passed organics management laws (Chapter 180, Laws of Washington 2022; Chapter 341, Laws of Washington 2024). Public Health respectfully requests Ecology to consider our agency's comments of the Chapter 173-350 WAC revisions where changes would improve and clarify expectations for regulating solid waste handling facilities. Our comments are as follows:

Amendatory section 173-350-025**173-350-025 (1)**

The owner, operator, ~~((or))~~ and occupant of any premises, business establishment, or industry is responsible for ~~[(the satisfactory and legal arrangement for the solid waste handling of all)]~~ management of solid waste generated or accumulated ((by them)) on the property. This responsibility includes:

(a) Safe and sanitary handling and storage on-site;

(b) Arranging for legal management of the waste;

(c) Ensuring that where there is a container to collect recyclable materials, there is a separate container for waste to be disposed;

(d) Ensuring recyclable material containers clearly identify acceptable materials; and

(e) If either (c) or (d) of this subsection is not met, then the waste in the recyclable material container is municipal solid waste and must be managed at a permitted municipal solid waste handling facility.

Support: (a,b,d,e) Our agency supports this amended section as it sets waste bin standards and responsibilities.

Justification: In the world of commercial spaces, the responsibility of waste management may be ambiguous when multiple businesses use the same bin. With this change both owners and business operators are both responsible for the upkeep of waste bins which is a useful enforcement tool when responding to illegal dumping complaints.

Support: (c) and (d) will decrease the amount of contamination in recyclables, significantly reduce the amount of contamination arriving at recycling facilities and protect the value of commodities.

Justification: When only a recycling bin is provided, unintended waste will be placed in these bins.

173-350-025(3)

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; and
(b) If at a temporary project site, inform persons responsible that a second container for waste to be disposed must also be placed. The container for waste to be disposed at a temporary job site must be located in close proximity to the container for recyclable materials and must be of adequate size to collect the volume of waste destined for disposal.

(c) If the requirements of this subsection are not met, the waste in the recyclable materials container is municipal solid waste and must be managed at a permitted municipal solid waste handling facility

Support: These new requirements will help the solid waste system better establish key differences in the processing of wastes which will in turn address contamination issues in the recycling system.

Justification: As an example, deconstruction sites in King County have not historically provided a waste bin due to spacing, costs, etc when recycling has been required by local mandates. This has resulted in recycling bins being used as waste bins and these non-recyclable wastes are sent to recycling and material recovery facilities.

173-350-100 Definitions

New definition: "Clean wood waste"

"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 copperchrome-arsenate. Clean wood waste does not include unsorted land clearing debris, brush, or yard debris.

Recommendation: Suggest changing tree pruning size requirements to 4" in diameter or greater.

Justification: This change would provide a better distinction between yard debris and clean wood waste.

Recommendation: Provide a better distinction between the terms "Clean wood waste" and "Land Clearing Debris".

Justification: Clean wood waste is defined as "whole trees including their attached branches and leaves" and "tree prunings greater than four inches in diameter." The new definition of "Land Clearing Debris," however, seems to contradict the clean wood

waste definition by stating, “Unsorted land clearing debris is distinct from wood waste because it contains non-woody materials.” As worded, we anticipate confusion from industry.

Support: Our agency is otherwise supportive of this new definition. Our agency has observed large piles of mixed wood waste (clean and non-clean) intended for composting at material recovery facilities when these are not suitable for composting processes. This new definition will allow our inspectors to better visibly distinguish between what different types of wood materials will be able to be used for hog fuel versus composting at different sites. This also removes brush debris, with its higher oxygen demand leachate, from the 250 cubic yard cap and places it into the more reasonable 30-yard land clearing exemption.

New definition: Emergency animal mortalities

"Emergency animal mortalities" means livestock carcasses such as, but not limited to, cattle, horses, poultry, and farm-raised fish, wildlife mortalities, or other animal mortalities that died due to disaster or from contagious, infectious, or communicable disease that is affecting or may affect the health of the state's animal population. Emergency animal mortalities also include carcasses from culling to control the spread of such disease when managed under the oversight and authority of the Washington state department of agriculture and the state veterinarian in emergency situations.

Support: This new term provides a better distinction between routine livestock mortalities and mortalities due to disease, etc.

Justification: The new term helps distinguish allowed treatment activities between these two wastes.

New definition: “Engineered features”

"Engineered features" are constructed elements associated with meeting applicable standards under this chapter. Engineered features may include, but are not limited to, tip floors and impervious surfaces for storage and handling of solid waste; liner systems including underlying ground preparation; leachate collection, conveyance, and storage systems; leak detection systems; stormwater management features including run-on prevention and runoff conveyance and storage; structures to meet indoor storage standards; shelter structures for tip floors and impervious surfaces; air pollution control systems; explosive gas control systems; landfill gas control systems; aeration systems; and landfill closure systems.

Support: Public Health supports this definition as it provides clarity for a term that is widely used within the chapter.

Justification: Minimizes the potential for misinterpretation by Solid waste facilities.

New definition: "Farm"

"Farm" means 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.

Support: Public Health supports this definition as it provides clarity for a term that is widely used in this chapter.

Justification: Minimizes the potential for misinterpretation from Solid waste facilities.

New definition "Land clearing debris"

"Land clearing debris" means trees, shrubs, leaves, and plant undergrowth generated during the clearing of vegetation. Unsorted land clearing debris is distinct from wood waste because it contains non-woody materials.

Support: Public Health supports this definition as it provides clarity for a term that is widely used in this chapter.

Justification: Minimizes the potential for misinterpretation from Solid waste facilities.

Amended definition:"Liquid waste"

"Liquid waste" means any solid waste deemed to contain free liquids as determined by the Paint Filter Liquids Test, Method 9095, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846. Liquid waste subject to this chapter include liquids associated with a solid waste handling activity such as, but not limited to, landfill or compost leachate, liquid digestate, moderate risk waste that is liquid, and solid waste that has been liquefied such as, but not limited to, mixed manure and wash water being anaerobically digested.

Support: Public Health supports this amended definition as it provides additional clarity.

Justification: Minimizes the potential for misinterpretation from Solid waste facilities.

New definition: "Low-grade wood waste"

"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.

Support: This new definition will allow LHJ inspectors to better visibly assess whether the end use and destination for the pile is appropriate.

Justification: Public Health has observed large piles of wood waste that includes clean wood waste mixed with non-clean wood waste not suitable for their intended end use such as composting.

New definition: Mulch

"Mulch" means a material used for ornamental purposes, weed suppression, and/or moisture holding properties in landscaping and agriculture. Mulch may be made from materials such as plastic sheeting, straw, compost, or clean wood waste. Organic waste materials other than clean wood waste must undergo a transformative organic material management process such as anaerobic digestion or composting under this chapter and pass all testing requirements under the applicable section prior to distribution as mulch.

Recommendation: modify definition to: "Mulch" means materials made from plastic sheeting, straw, compost, or clean wood waste used for ornamental purposes, weed suppression, and/or moisture holding properties in landscaping and agriculture. Organic waste materials other than clean wood waste must undergo a transformative organic material management process such as anaerobic digestion or composting under this chapter and pass all testing requirements under the applicable section prior to distribution as mulch.

Justification: This would be more consistent with how other terms are defined. Our agency is otherwise supportive of this term which has been sorely needed as it has been inconsistently used by industry.

Amended definition: "Organic materials"

"Organic materials" means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation. Organic materials include, but are not limited to, manure, yard debris, food waste, food processing wastes, clean wood waste, and garden wastes. Organic materials does not include any materials contaminated by herbicides, pesticides, pests, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for general public or agricultural use.

Recommendation: Remove chemical contamination language or provide further guidance on any relevant requirements.

Justification: This is the only part of the revised code that mentions chemical contamination and there are no new testing requirements for LHJs to request from facilities. Further guidance is needed as to how this requirement will be verified at any of the receiving facilities. For example, if testing is required, it will be difficult to investigate the source for industries such as landscaping material where the landscaper may not know what chemicals are used on lawns or pinpointing a load.

Amended definition: "Pile"

"Pile" means the temporary storage or treatment of any noncontainerized accumulation of solid waste. Storage of materials in a pile with no end use or destination is disposal and not temporary pile storage.

Recommendation: Provide a definition for the term "temporary".

Justification: Our agency supports this change which provides better clarification of the current definition which will minimize the operator's misinterpretation of current requirements. However, temporary is subjective and will be debated by operators as to the intended duration when using the term "temporary."

New definition: "Routine livestock mortalities"

"Routine livestock mortalities" means the carcasses of livestock animals such as, but not limited to, cattle, horses, poultry, fish, and shellfish, including animals that died of injury, disease, euthanasia, unknown, or other cause, but not considered emergency animal mortalities or meat processing waste.

Support: This new term provides a better distinction between routine livestock mortalities and mortalities due to disease, etc.

Justification: The new term helps distinguish allowed treatment activities between these two wastes.

Amended definition "Soil amendment"

"Soil amendment" means any ((~~substance~~) waste material that is intended to improve the physical characteristics of soil ((~~except~~)). Products such as composted material, commercial fertilizers, cultural liming agents((~~, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department~~)) are not regulated as soil amendments, nor are materials excluded from this rule, such as biosolids as defined in chapter ((~~70.95~~) RCW, Municipal sewage sludge Biosolids, and wastewater, as regulated in chapter 90.48 RCW, Water pollution control)) — 70A.226 RCW. Soil amendments may be land applied under a beneficial use determination per WAC 173-350-200 or a land application permit under WAC 173-350-230.

Recommendation: Revise wording and grammar to avoid confusion.

Justification: As worded, the definition creates confusion.

Recommended amendment for "Source Separation"

Recommendation: amend as follows:

"Source separation" means the separation of different kinds of solid waste at the place where the waste originates. Examples of source separation include but are not limited to a household that places recyclable materials, yard waste, and trash into separate carts, a construction site that places construction debris to be recycled in one container and solid wastes to be disposed in another, a grocery store that places packaged or unpackaged food for purposes of recovery of the organic materials within, in one container and other solid wastes the store generates in separate containers, or a lumber mill that separates wood ash to be disposed at a wood ash landfill in one container and other solid wastes destined for a municipal solid waste landfill in another.

Justification: This suggestion would better clarify the intent behind source separation.

NEW SECTION WAC 173-350-215 Organic materials pre-processing.

WAC 173-350(2) Table 215-A

<i>Terms and Conditions for Solid Waste Permit Exemptions</i>			
	<u>Organic Materials</u>	<u>Volume</u>	<u>Specific Requirements for Activity or Operation</u>
(1)	<u>All organic materials containing five percent or less physical contaminants by volume.</u>	<u>Follow requirements of the permit or terms and conditions of the exemption for the organic materials management facility that address volume restrictions.</u>	<u>Exemption allows permitted or permit exempt compost or other organic materials management facilities to preprocess organic feedstocks that meet the five percent physical contaminant by volume threshold upon arrival at the facility to further lower the level of contaminants if they choose, without obtaining additional solid waste permits under this section. This exemption does not apply to other pre-processing facilities, or to managing materials containing physical contaminants at concentrations above five percent.</u>

Recommendation: We recommend Ecology provide further guidance on determining the five percent or less physical contamination requirement and clarify the measurement metrics.

Justification: Public Health routinely assesses whether a facility is compliant with the terms of the permit exemptions claimed. The physical contamination requirement will be difficult to assess as LHJs do not have the expertise to make this determination visually. **Support:** Our agency is otherwise supportive of this section and pathway for compost and organic management facilities to further remove contamination from organic waste streams. This section overall allows for capturing organic waste that would otherwise be landfilled and contribute to greenhouse gas emissions.

New section WAC 173-350-215(6)(a)(vii)

A description of any plans to recover for recycling inorganic recyclable material such as, but not limited to, cardboard and metal;

Recommendation: Clarify whether recycling of inorganic materials is required and specify recyclables must be clean and non-contaminated with food waste.

Justification: As it reads, the sentence does not definitively state recycling is required. With de-packaging technologies, not all materials are suitable to be recycled due to potential shredding and soiling of these materials with food waste.

New section WAC 173-350-215(2) and amended WAC 173-350- 220(2)(b)

New section WAC 173-350-215(2):

(2) Organic materials pre-processing facilities - Permit exemptions. Organic material pre-processing facilities that operate within and as an integral part of another organic materials management facility requiring a solid waste handling permit or operating under a conditional exemption under this chapter must be covered under that permit or permit exemption and are

not required to meet the permitting requirements of subsections (3) through (10) of this section. For such facilities, the owner or operator must provide the jurisdictional health department information in the facility's plan of operation or must provide the department information in the notification of exemption to show how they will meet the standards of this subsection. If an owner or operator does not comply with this subsection, then the facility may be subject to permit requirements under this chapter, the jurisdictional health department's enforcement provisions for facilities subject to permit, and other enforcement provisions in chapter 70A.205 RCW.

Amended section WAC 173-350-220(2)(b):

Facilities that operate within and as an integral part of facility requiring a solid waste handling permit under this chapter must be covered under that permit and are not permit-exempt, but may operate in compliance with the standards for exemption under this subsection. For such facilities, the owner or operator must provide the jurisdictional health department information in the facility's plan of operation to show how they will meet the standards of this subsection. If an owner or operator does not comply with this subsection, the facility may be subject to permit requirements under this chapter, the jurisdictional health department's enforcement provisions for facilities subject to permit, and other enforcement provisions in chapter 70A.205 RCW.

Support: Language clarifies requirements for permit exempt activities at permitted solid waste facilities.

Justification: This new language helps establish that LHJs have oversight of all solid waste activities, including exempt, under WAC 173-350 at permitted solid waste facilities.

Amended Section WAC 173-350-220. Composting facilities

Table 220-A(1)

<i>Terms and Conditions for Solid Waste Permit Exemptions</i>			
	<u>Organic Materials</u>	<u>Volume</u>	<u>Specific Requirements for Activity or Operation</u>
(1)	<u>All organic feedstocks</u>	<u>((No more than 5,000 gallons of)) Up to 25 cubic yards of material on-site at any one time.</u>	No notification, reporting or testing requirements.

Recommendation: Change maximum limit to up to 10 cubic yards of material on-site at any one time.

Justification: The Organic Management Law requires businesses that produce at least 96 gallons of organic waste a week to have an organic waste collection or compost onsite. With these new requirements, we anticipate businesses will attempt to do more composting onsite to potentially reduce or avoid collection costs rather than to arrange (and pay for) organic waste collection. 25 cubic yards of material onsite can be a lot of food and putrescible waste that can create vector issues and unsanitary conditions.

Table 220-A (2)*Terms and Conditions for Solid Waste Permit Exemptions*

	<u>Organic Materials</u>	<u>Volume</u>	<u>Specific Requirements for Activity or Operation</u>
(2)	All organic feedstocks	Greater than 25 but no more than 250 cubic yards of material on-site at any one time, not to exceed 1,000 cubic yards in a calendar year.	<u>This exemption does not apply to activities covered in (3), (6), or (7) of this table.</u> <u>(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department.</u> <u>(b) Facilities that distribute composted material off-site must meet the following conditions:</u> <u>(i) Manage the operation to reduce pathogens and meet limits set by Table 220-B;</u> <u>(ii) Conduct compost analysis according to the requirements of Table 220-B. Compost testing frequency is ((based on volume of compost produced annually as required by subsection (4)(a)(x)(B) of this section)) every 5,000 cubic yards or annually, whichever is more frequent; and</u> <u>(iii) Submit annual reports and results of composted material analysis to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information:</u> <u>(A) Name and address of the operation;</u> <u>(B) Calendar year covered by the report;</u> <u>(C) Annual quantities and types of feedstocks received, compost produced, and waste disposed;</u> <u>(D) Destination of materials; and</u> <u>(E) Any additional information required by the department.</u>

Recommendation: This better distinguishes the composting requirements between livestock and emergency livestock mortalities with more stringent requirements for emergency livestock mortalities, which Public Health supports. However, we recommend re-wording the modifications to state that the exemption does not apply to the materials and activities under (3), (6), or (7) of the table.

Justification: It is unclear if the exclusion applies to the composting of materials under (3), (6), and (7).

Amendatory section: 173-350-220(2)(j)

Limit physical contaminants in incoming feedstocks to no more than five percent by volume;

Recommendation: Ecology should provide further guidance on determining the five percent contamination requirement.

Support: The five percent contamination requirement will be difficult to assess as LHJs do not have the expertise to make this determination.

Amended section WAC 173-350-220(4)(h)(iii)

~~((ii) Stormwater and leachate collection and conveyance structures must be designed based on the volume of water resulting from a twenty-five year storm event)) (iii) Provide stormwater runoff collection and discharge and prevent run-on from a twenty-five-year storm;~~

Recommendation: Clarify whether leachate ponds will be required to provide collection and prevent run-on from a twenty-five year storm since these are typically uncovered.

Justification: Current regulations require leachate ponds and leachate collection systems to accommodate these storm events which makes sense since the additional precipitation may be significant enough to cause overflow of leachate into the environment.

Amended section WAC 173-350-220(6)(a)

The owner or operator of a composting facility ((must)) shall:

- (a) ~~Operate the ((facility to: (i) Control air contaminants such as dust and nuisance odors to prevent other contaminants from migrating beyond property boundaries in accordance with WAC 173-350-040(3); (ii) Prevent the attraction of vectors; (iii) Prevent the migration of agricultural pests identified by local pest and disease control boards, as applicable; (iv) Ensure access to the facility is restricted when the facility is closed; (v) Ensure that only feedstocks identified in the approved plan of operation are accepted at the facility; (vi) Ensure the facility operates under the supervision and control of a properly trained individual(s) during all hours of operation: (A) Facility supervisors responsible for daily operation must receive training, or be able to document prior training, in the basics of composting within the first year of supervising the facility. Training must consist of classroom and hands-on course work and conclude with a certificate of completion that must be kept on-site at all times. Appropriate compost training can be obtained through organizations such as the Washington organic recycling council, the Solid Waste Association of North America, the U.S. Composting Council, or other training as approved by the jurisdictional health department; and (B) Ensure facility employees are trained in appropriate facility operations, maintenance procedures, and safety and emergency procedures according to individual job duties and according to an approved plan of operation. A trained supervisor may provide appropriate training to employees responsible for daily operations. (vii) Implement and document)) site in compliance with the performance standards of WAC 173-350-040 and this subsection. In addition, the owner or operator shall develop, keep, and follow a plan of operation approved as part of the permitting process. The plan of operation~~

must be available for inspection at the request of the jurisdictional health department. If necessary, the plan must be modified with the approval, or at the direction of the jurisdictional health department. The plan must be available in languages that employees can read for employees with responsibilities for compliance with this section. ...

Recommendation: We recommend Ecology provide free training to employees to supplement or replace training provided by the referenced organizations.

Justification: Removing training requirements as specified by the referenced agencies will create a gap in knowledge and understanding.

As one of the regulatory agencies implementing the Solid Waste Handling Standards, it has been our experience that mandated training of operators in solid wastes facilities results in a greater understanding of solid waste processes by operators which leads to facilities that are protective of the environment and public health.

Recommendation: We recommend requiring at least one additional operating plan available for all facilities in their second most common language spoken at the facility other than English.

Justification: This would create a level playing field and does not discourage the promotion of non-English readers.

Amended Section Table 220-B Testing Parameters

Metals and other testing parameters	Limit (mg/kg dry weight), unless specified
Physical contaminants ((⁺))	≤((1)) <u>0.5</u> percent by <u>dry</u> weight total, not to exceed ((25)) <u>0.1</u> percent film plastic by <u>dry</u> weight

Support: Public Health Supports the reduced physical contaminants parameters.

Justification: Contamination removal technologies have improved significantly since the adoption of the current regulations in 2018. Public Health on occasion will also receive complaints from residents regarding the amount of contamination in the compost they purchased.

Amendatory section WAC 173-350-225 Other organic materials handling

Amended section WAC 173-350-225 Table 225-A

Terms and Conditions for Solid Waste Permit Exemptions

	<u>Organic Materials</u>	<u>Volume</u>	<u>Specific Requirements for Activity or Operation</u>
(2)	All organic feedstocks	Greater than 25 but no more than 250 cubic yards of material ((generated	Exemption applies to ((vermicomposting)) <u>vermiculture, black soldier fly production, or similar raising of other beneficial organisms only.</u> ((Vermicomposting)) Facilities managing more than 25 cubic yards of any organic material must meet the following conditions: <u>(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health</u>

	on or off site, or up to 1,000 cubic yards of material generated)) on-site at any one time	department and the department. Notice of intent must be submitted on a form provided by the department. <u>(b) Facilities that distribute processed organic materials off-site must test material every 5,000 cubic yards or annually, whichever is more frequent, to demonstrate physical contaminants are equal to or less than 0.5 percent by dry weight and 0.1 percent film plastic by dry weight; and</u> <u>(c) Submit annual reports and summary of laboratory analysis to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information:</u> <u>(i) Name and address of the operation;</u> <u>(ii) Calendar year covered by the report;</u> <u>(iii) Annual quantities and types of waste received, materials recovered or recycled, and waste disposed;</u> <u>(iv) Destination of materials; and</u> <u>(v) Any additional information required by the department.</u>
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Recommendation: Alter the first sentence of the specific requirements in row (2) to read, "... or raising of other similar beneficial multi-cellular organisms" only.

Support: Composting is primarily completed using single-celled organisms alongside fungi. This alteration will help better delineate what is meant by "similar raising."

Amended section Table 225-A

Terms and Conditions for Solid Waste Permit Exemptions

	<u>Organic Materials</u>	<u>Volume</u>	<u>Specific Requirements for Activity or Operation</u>
(6)	<u>Clean wood waste Low-grade wood waste</u>	<u>Greater than 25 but no more than 2,000 cubic yards on-site at any time.</u>	<u>Exemption applies to manufacturing mulch from clean wood waste only, or fuel from clean or low-grade wood waste. Clean and low-grade wood wastes may not be commingled unless manufacturing a fuel product only. (a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department. (b) Submit annual reports to the department and the jurisdictional health department by April 1st of each calendar year. Annual reports must be submitted on forms provided by the department. The annual report must detail activities during the previous calendar year and must include the following information: (i) Name and address of the facility; (ii) Calendar year covered by the report; (iii) Annual quantities and types of waste received, materials recovered or recycled, and waste disposed; (iv) Destination of materials; and (v) Any additional information required by the department.</u>

Recommendation: Based on similar exemptions for these materials, the 25 cubic yards may be a typo and should read 250 yards.

Justification: Similar exemptions for these materials have a minimum of 250 cubic yards.

Amendatory section WAC 173-350-230 Land Application

Amended Section WAC 173-350-230(6)(a)(iv):

(iv) A waste monitoring plan that (~~((provides representative characterization of the waste over time))~~) includes representative sampling and characterization of the waste prior to land application. At a minimum, waste must be analyzed for organic nitrogen, nitrate-nitrogen, and ammonium-nitrogen reported on a dry weight basis; for waste likely to contain physical contaminants, an analysis of physical contaminants that demonstrate the waste contains less than or equal to 0.5 percent physical contaminants by dry weight and less than or equal to 0.1 per cent film plastic by dry weight; other parameters that demonstrate beneficial use if applicable; and other parameters as required by the jurisdictional health department. Results must be maintained in the operating record;

...

Support: The added language helps clarify what testing parameters are required when reviewing a solid waste permit application.

Justification: Current language is ambiguous and makes it challenging to determine what is and is not required when profiling a waste.

Amended Section WAC 173-350-230(6)(a)(v)

Each plan of operation must include the following:

(v) A soil monitoring plan that includes representative sampling and characterization of land application sites prior to receiving waste. At a minimum, soils must be analyzed in the upper three feet of soil in one-foot increments to measure plant available nitrogen, other parameters that demonstrate beneficial use if applicable, and other parameters as required by the jurisdictional health department. Results must be used to calculate appropriate application rates as required in this section. Results must be maintained in the operating record;

Recommendation: Clarify if the plan must include a sample before application where waste is applied on a yearly basis. Otherwise, Public Health is in support of this amended language as it adds clarity.

Justification: This would help in ensuring our agency is requesting sampling where it is required.

Amendatory Section WAC 173-350-320 Piles used for storage or treatment.

173-350-320(2) Table 320-A

Terms and Conditions for Solid Waste Permit Exemptions

	<i>Organic Materials Volume</i>	<i>Volume</i>	<i>Specific Requirements for Activity or Operation</i>
(3)	<u><i>Yard debris Land clearing debris</i></u>	<u><i>Up to 30 cubic yards of all materials on-site at any one time. Total material is the sum of the volume of all waste materials</i></u>	<u><i>Exemption applies to yard debris and land clearing debris drop off locations. (a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to</i></u>

		<u>allowed under this exemption, not up to 30 CY of each waste material. All material must be removed from the site and transferred to a solid waste handling facility at least every four calendar days.</u>	<u>the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department and must be complete; (b) Maintain records on the volume of wastes received, processed, and moved off-site, including dates of complete removal from site for five years; and (c) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and must include the following information: (i) Name and address of the facility; (ii) Calendar year covered by the report; (iii) Annual quantities and types of solid waste handled by the facility, including amounts received, amounts removed and destination and frequency of complete removal from site; and (iv) Any additional information required by the department.</u>
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Support: Our agency supports the addition of this permit exempt activity which will allow low-risk satellite yard debris collection stations to operate and close the loop the compost loop as they receive organics and provide landscapers with finished compost.

Public Health appreciates Ecology's consideration of our comments. Please feel free to contact us if you have any questions. Thank you.

Sincerely,



Fanny Silverio Gonzalez, Health & Environmental Investigator III
Solid Waste Program
Environmental Health Services Division