

Lautenbach Recycling (Carolyn Moulton)



Submitted to: Washington State Department of Ecology

Re: Proposed Amendments to Chapter 173-350 WAC (Solid Waste Handling Standards)

Rulemaking Docket: RDS-7087-3

Date: August 13, 2026

To the Department of Ecology:

Thank you for the opportunity to provide comments on the proposed amendments to Chapter 173-350 WAC. Lautenbach Recycling supports Ecology's efforts to improve environmental protections and provide a clear regulatory framework for recycling and organics management activities. We also support policies that advance Washington's waste reduction and recycling goals.

However, several provisions in the proposed rule would create substantial regulatory uncertainty, increase costs, and potentially discourage recycling, composting, and anaerobic digestion activities without a corresponding environmental benefit. We respectfully request that Ecology reconsider or clarify the following provisions.

1. Removal of the Applicability Exemption for Clean Wood Waste Used as Mulch and Animal Bedding

The proposed amendment to WAC 173-350-020(2)(b) removes the applicability exemption for clean wood waste used for ornamental purposes, animal bedding, mulch, and plant bedding while retaining the exemption for road-building uses.

This change raises significant questions regarding how common beneficial uses of clean wood waste will be regulated. Clean wood waste used as mulch, animal bedding, and landscaping products has long been recognized as a beneficial end use rather than waste disposal. Retaining the exemption for road building while removing it for mulch and bedding appears inconsistent and lacks a clear policy or environmental rationale.

We request that Ecology either:

- Restore the existing categorical exemption language for mulch, animal bedding, ornamental uses, and plant bedding; or
- Clearly explain the regulatory intent and identify what new permitting, reporting, or handling requirements would apply to these products.

Similarly, the proposed definition of "mulch" in WAC 173-350-100 should not unintentionally characterize established mulch products as regulated solid waste.

2. Recycling Container Provisions Conflict with Existing Recycling Definitions

Proposed WAC 173-350-025(1)(c)-(e) and (3)(b)-(c) establish new requirements stating that recyclable materials will be considered municipal solid waste if:

- A separate disposal container is not provided;
- Recyclable containers are not adequately labeled; or
- A disposal container is not of "adequate size" and in "close proximity."

These provisions effectively define recyclable materials based on container management practices rather than the material itself. This approach conflicts with the definition of "recyclable materials" in WAC 173-350-100 and could result in source-separated recyclable materials being legally reclassified as municipal solid waste.

The proposed terms "adequate size" and "close proximity" are subjective and create enforcement uncertainty for businesses, construction sites, and recycling service providers.

We recommend that Ecology:

- Remove provisions that automatically redefine recyclable materials as municipal solid waste based on container placement or labeling issues;
- Establish objective, measurable standards if such requirements are retained; and
- Ensure consistency with existing statutory and regulatory policies prioritizing reuse and recycling above disposal.

3. Detachable Container Requirements Are Overly Broad

Proposed WAC 173-350-025(2)(c) would require all detachable containers to be non-leaking regardless of the type of material managed.

This requirement may be appropriate for putrescible wastes or materials capable of generating leachate. However, applying the same standard to recyclable commodities such

as scrap metal, concrete, wood waste, cardboard, and other non-leachable materials is unnecessary and creates costs without corresponding environmental benefits.

We recommend limiting the non-leaking requirement to garbage or materials reasonably expected to generate leachate likely to cause a threat to public health or the environment.

4. Definition of "Engineered Features" Is Excessively Broad

The newly proposed definition of "engineered features" in WAC 173-350-100 is extremely expansive and includes virtually every constructed element associated with a facility.

Combined with requirements in WAC 173-350-215, 220, 225, and 250, the definition appears to require professional engineering design, documentation, construction quality assurance, and approval for a wide range of common facility features that historically have not required such treatment.

The practical consequences include:

- Increased project costs;
- Environmental controls that may not be warranted based upon the potential threat a materials handling operation might pose in a particular area;
- Significant permitting delays;
- Greater reliance on limited engineering resources;
- Reduced ability to repurpose existing facilities and structures for recycling and organics management operations; and
- Reduced flexibility for smaller and rural operators.

Current regulations already require engineering where engineering expertise is warranted. We do not believe Ecology has demonstrated a need for this substantial expansion of engineering requirements.

We request that Ecology narrow the definition or more clearly identify which facility elements actually require engineering review and documentation or maintain the current existing language.

5. Expansion of the Definition of "Liquid Waste"

The proposed definition of "liquid waste" would include digestate and mixed manure undergoing anaerobic digestion.

Digestate and manure managed pursuant to approved nutrient management plans are valuable agricultural resources rather than wastes. Characterizing these materials as liquid waste risks creating unnecessary regulatory stigma and confusion.

We request that Ecology preserve the distinction between materials legitimately managed as agricultural resources and materials requiring waste management controls.

6. Need for Clarification of "Tip Floor"

The revised definition of "tip floor" should be clarified to distinguish between areas where waste is actively tipped from transport vehicles from areas where packaged or containerized materials are merely unloaded and remain contained. (Example; at a Depack facility where totes are forklifted off a truck and temporarily stored).

Without additional clarification, routine unloading activities may unintentionally trigger facility requirements intended for traditional waste receiving areas.

7. Physical Contaminant Standards Need Clear Methodology

Several provisions establish a five-percent physical contaminant limit in incoming feedstocks by volume and require compost, digestate, and other organics-derived materials to comply with significantly lower physical contaminant limits.

We remain concerned regarding:

- How contaminant volume is measured;
- What sampling methodology must be used;
- Whether visual estimation is acceptable;
- The size of the representative sample; and
- The frequency and consistency of compliance evaluations.

Without clearly defined methodologies, enforcement will vary among jurisdictions and operators.

Ecology should establish standardized measurement procedures before adopting these thresholds.

8. Compost Testing Frequency and Off-Pad Storage Requirements

Proposed WAC 173-350-220 would increase compost testing frequencies and require compost to satisfy Table 220-B before it may be stored off a pad.

Many compost facilities utilize off-pad curing and storage practices. Compost often requires additional curing, screening, and processing before final compliance testing can occur.

Requiring completed Table 220-B compliance prior to off-pad storage could disrupt accepted industry practices and create substantial operational constraints without demonstrable environmental benefit.

We recommend retaining greater flexibility for curing and intermediate storage stages. (Example; compost that has undergone the established protocol for composting can be stored off-pad for curing provided testing has shown established protocol have shown compliance with the standards.)

9. Proposed Physical Contaminant Limits May Not Be Practically Achievable

Table 220-B proposes reducing physical contaminant limits from:

- 1.0% to 0.5% total physical contaminants by dry weight; and
- 0.25% to 0.1% film plastic by dry weight.

These reductions are significant and may exceed the capabilities of existing feedstock collection systems and processing technologies.

Before finalizing these limits, Ecology should evaluate:

- Technical achievability;
- Economic impacts;
- Market consequences; and
- Availability of testing methods capable of reliably measuring compliance at these lower thresholds.

10. Liner Inspection and Leak Detection Requirements

The proposed requirement for electrical leak detection surveys where visual inspection is not possible raises concerns regarding availability, practicality, and applicability of the electrical leak detection technology across different facility configurations.

We request additional guidance regarding approved methodologies, performance expectations, and circumstances under which alternative approaches may be used prior to adoption of the proposed language.

11. Digestate Management Requirements May Adversely Affect Dairy Digester Operations

Several proposed digester provisions would impose additional testing and management obligations on digestate distributed outside lands directly controlled by partner dairies.

These provisions may significantly increase compliance costs for anaerobic digestion projects while offering limited environmental benefit where digestate is applied as a fertilizer or soil conditioner.

In particular, we encourage Ecology to reconsider:

- Expanded testing frequencies;
- Application of compost standards to all digestate streams;
- Characterization of digestate as waste rather than a resource; and
- Limitations associated with distribution beyond lands directly controlled by participating dairies.

Additional flexibility is warranted to support Washington's investments in anaerobic digestion and beneficial nutrient recovery.

Conclusion

We appreciate Ecology's efforts to modernize Chapter 173-350 WAC and support the goal of environmentally protective organics and recycling management standards. However, several proposals would increase regulatory complexity, cost, and uncertainty while potentially discouraging recycling, composting, beneficial use, and anaerobic digestion activities that the state has otherwise sought to encourage.

We respectfully request that Ecology revise the provisions identified above, provide additional clarification where needed, and conduct further stakeholder engagement before adopting requirements that could adversely affect recycling and organics management infrastructure across Washington.

Thank you for considering these comments.

Sincerely,

Carolyn Moulton
Government & Community Relations Manager
Lautenbach Recycling
13084 Ball Rd., Mount Vernon WA 98273

carolynm@lautenbachrecycling.com
360-472-0335