

August 13, 2026

Washington State Department of Ecology
Solid Waste Management Program

RE: Snohomish County Health Department Comments on Proposed Amendments to Chapter 173-350 WAC – Organic Materials Management

The Snohomish County Health Department (SCHD) appreciates the opportunity to provide comments on Ecology's proposed amendments to Chapter 173-350 WAC related to organic materials management.

SCHD supports efforts to increase the recovery and beneficial use of organic materials while effectively managing physical contamination and protecting the quality of recovered organic materials. We recognize the Legislature's direction to Ecology to develop rules addressing contamination in organic materials and support the overall intent of the proposed amendments to reduce contamination in compost and promote the recovery and beneficial use of organic materials.

As a local health jurisdiction responsible for implementing, permitting, inspecting, and enforcing solid waste regulations, SCHD offers these comments from a practical perspective. We encourage Ecology to ensure that the proposed requirements are clear, achievable, and appropriately scaled to the different types of organic material management facilities and materials being handled. Clear and consistent standards will help local health jurisdictions and regulated facilities implement and enforce the requirements effectively while supporting Washington's overall organic material recovery goals.

Source Separation and Contamination Prevention

SCHD supports business practices that prioritize source separation of organic materials at the point of generation. Effective source separation produces higher-quality organic material, reduces downstream contamination, and supports the state's long-term recovery goals.

SCHD is concerned that some businesses may prioritize convenience by combining recyclable materials with organic waste and relying on downstream sorting or processing to remove contamination. While this may be convenient for the generator, it shifts the burden of contamination to collection systems and organic material processing facilities. It can increase operational costs and ultimately reduce the quality and usability of recovered organic material.

SCHD requests that Ecology structure the rule to encourage and, where appropriate, require source separation at the point of generation rather than relying primarily on downstream processing to address contamination. The rule should distinguish between businesses and facilities that make reasonable efforts to prevent contamination at the source and those that intentionally or routinely commingle recyclable and organic materials for convenience.

Emphasizing source separation will prevent contamination before it enters the collection and processing system and better align the rule with the state's goal of maximizing the recovery and beneficial use of organic materials.

WAC 173-350-100 — Definitions**Clean Wood Waste**

SCHD requests clarification of the distinction between clean wood waste and land clearing debris. The clean wood waste definition excludes land clearing debris, brush, and yard debris, but also includes materials such as "whole trees with branches and leaves" and "log sort yard waste." Conversely, the definition of land clearing debris identifies trees, shrubs, and leaves as nonwoody materials and states that land clearing debris is distinct from clean wood waste.

As currently written, these provisions may create confusion regarding how trees, branches, leaves, and similar materials should be classified.

Request: Ecology should revise or clarify these definitions to establish a clear distinction between clean wood waste and land clearing debris and provide sufficient specificity for regulated facilities and local health jurisdictions to consistently determine which definition applies to a particular material.

Land Clearing Debris — "Unsorted"

The term "unsorted" is used throughout the WAC when referring to land clearing debris; however, the definition of land clearing debris does not distinguish between sorted and unsorted material.

Request: Ecology should clarify whether all land clearing debris is considered "unsorted" until it has been processed or otherwise separated. If not, Ecology should define "sorted" and "unsorted" land clearing debris and establish the criteria for determining when material changes from one classification to the other.

WAC 173-350-225 — Other Organic Materials Handling

Table 225-A(6) SCHD requests clarification regarding the interaction between the exemption identified in Table 225-A(6) and other applicable exemptions, including the piles exemption.

Request: Ecology should specifically state whether a facility may combine the Table 225-A(6) exemption with a piles exemption to manage up to 4,000 cubic yards of material on site. Ecology should also clarify whether a storage-time limit applies to material managed under this exemption.

Providing this clarification in the rule would prevent a common and potentially significant interpretation question for regulated facilities and local health jurisdictions.

WAC 173-350-230 — Land Application

Subsection (10)(a)(v) SCHD requests clarification regarding the standard for determining whether waste is "likely" to contain physical contaminants and when a demonstration of compliance is required.

As currently written, it is unclear whether facilities must determine whether each waste stream is likely to contain physical contaminants or whether all waste should be presumed to contain physical contaminants and therefore be subject to the demonstration requirement.

Request: Ecology should establish objective criteria for determining when waste is "likely" to contain physical contaminants and clearly identify when the demonstration under this subsection is required.

Alternatively, Ecology could simplify the provision by either:

- Applying the requirement specifically to waste that contains physical contaminants; or
- Requiring all applicable waste streams to demonstrate compliance with the less-than-0.5-percent physical contamination standard regardless of the likelihood of contamination.

A clear and objective standard will allow facilities and local health jurisdictions to apply this provision consistently.

WAC 173-350-250 — Anaerobic Digesters

Table 250-A(3)(f) Management and Use of Digestate, SCHD requests additional clarification regarding the requirements for managing and using digestate under a dairy nutrient management plan (DNMP). It is unclear whether off-site distribution of digestate must be specifically addressed in the DNMP.

Request: Ecology should specify whether a DNMP must expressly address the off-site distribution of digestate and identify the information or management provisions that must be included when digestate is distributed off site.

Table 250-A(3)(g) Off-Site Distribution of Digestate, the proposed rule states that digestate managed under a DNMP is no longer considered a solid waste when the plan addresses its management and use. However, Table 250-A(3)(g) establishes requirements for the off-site distribution of digestate, including when the digestate is managed under a DNMP.

This creates uncertainty regarding the regulatory status of digestate distributed off site under an approved DNMP and whether solid waste requirements continue to apply.

Request: Ecology should clearly state whether digestate distributed off site under a DNMP is considered a solid waste. The rule should also identify which requirements, if any, continue to apply after the digestate is no longer considered a solid waste.

This clarification is necessary for local health jurisdictions to understand the limits of their regulatory authority and consistently determine which requirements may be applied to facilities.

Conclusion

SCHD supports Ecology's efforts to increase the recovery and beneficial use of organic materials while reducing physical contamination and protecting the quality of recovered materials. We believe the proposed rule can advance these goals by establishing clear, consistent, and enforceable standards that prioritize contamination prevention at the source and encourage responsible organic materials management.

The comments above are based on SCHD's experience implementing, permitting, inspecting, and enforcing solid waste regulations at the local level. We respectfully request that Ecology address the identified areas of ambiguity and incorporate clear standards into the final rule and supporting implementation guidance.

In particular, SCHD encourages Ecology to place greater emphasis on source separation and contamination prevention rather than relying on downstream processing to correct poor separation practices. Preventing contamination at the point of generation will reduce the burden on collection and processing facilities, improve the quality of recovered organic materials, and better support the state's long-term recovery objectives.



We appreciate Ecology's consideration of these comments and the opportunity to participate in this rulemaking process. SCHD looks forward to continuing to work collaboratively with Ecology and regulated industries to develop a rule that protects public health and the environment, is practical to implement and enforce, and effectively supports Washington's long-term organic material recovery goals.

Sincerely,

**Snohomish County Health Department
Solid Waste Program**



**SNOHOMISH
COUNTY** 
HEALTH DEPARTMENT

Solid Waste Program
Environmental Health Division