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Department of Ecology Rulemaking links.
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[Chapter 173-350 WAC Draft Language](#)

RE: Comments on proposed rulemaking language changes to WAC 173-350

1. Section WAC 173-350-215 subsection (2) page 21:
 - a. *“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.**”*
 - b. Highlighted section seems to indicate that a co-located permit exemption would not be required to follow applicable code requirements for the pre-processing permit exemption. Recommend clarification similar to “...are required to meet all of the permitting requirements of the primary permit or permit exemption **OR** subsections (3) through (10) of this section, whichever are more stringent.”
 - c. This verbiage is similar across the pre-processing, composting, and anaerobic digesting sections of the code and should be clarified to ensure sites operate under the appropriate code sections.
2. Section WAC 173-350-215 Table 215-A page 22
 - a. Similar recommendation for clarifying that permit exempt pre-processors are required to follow the volume, feedstock, and applicable code sections of the primary or parent permit for the facility they are co-located at.
3. Section WAC 173-350-220 subsection (6)(i) page 38
 - a. *“A description of the types of waste materials to be handled at the facility. Feedstocks must be approved by the jurisdictional health department and must contain no more than five percent physical contaminants by volume;”*
 - b. Recommend allowing LHJs to approve contamination levels above 5% for facilities that show they are able to remove that contamination on the back end of the process and are able to meet the testing parameters for finished compost. This would allow facilities to explore alternative or advanced screening technologies without exclusively requiring pre-processing equipment.
 - c. Additionally, there are no certified testing methods to determine if incoming feedstock has 5% by volume contamination. A visual estimation wouldn't be legally defensible during an appeal process. Recommend using an approved testing method to determine contamination levels or develop guidance that regulators and facilities are able to follow and able to reference in a situation where there is either enforcement action needed or an appeals process.

4. Section WAC 173-350-220 subsection (6)(a)(vi) page 41:

- a. *“Ensure the facility operates under the supervision and control of properly trained operators during all hours of operation. Facility employees must receive training in appropriate facility operations, maintenance procedures, and safety and emergency procedures according to individual job duties. Operator training to include required reading of the approved plan of operation for employees with responsibilities for compliance with this section. A trained supervisor may provide appropriate training to employees responsible for daily operations.”*
- b. Removal of a clear standard for training compost facility operators would create a subjective standard across the state. Similar certifications exist for Landfill Operations (Managers of Landfill Operation), Anaerobic Digestors (American Biogas Operator School), Compost facilities (CFOT and USCC).
 - i. Having clear and specific training requirements will help hold all composting, landfills, and anaerobic digestors to a comparable standard and helps to ensure these facilities are operated in a way to minimize or eliminate complaints. Removing these standards could lead to an increase in odor complaints which in turn will turn public opinion against organic management technologies. We should be fostering public support and ensuring these facilities are held to high operating standards with certified trainings.
 - ii. These types of facilities are distinctly different from other solid waste handling sites in that they accept putrescible materials and hold them on-site for long periods of time for processing. This requires detailed knowledge of management techniques and troubleshooting skills to identify deficiencies that could lead to odors, pathogen contamination, or incomplete composting of the material.
 - iii. Additionally, the SWANA training was considered the “conservative” cost estimate in the draft analysis document. That training requires continuing education and recertification costs every three years. Other trainings like CFOT or CTOC do not require either of those and so are cheaper in the long run for facilities than the SWANA training. Using the SWANA training as the conservative estimate feels misleading and shows an outsized cost savings for facilities and implies that they are saving money by not taking any training.