

2026 Department of Ecology Rulemaking for
Chapters 173-350 and 351 WAC – Solid Waste Facilities

KC SWD Comments - Chapters 173-350 and 351 WAC – Solid Waste Facilities

Due: October 19, 2026

General comments:

- Ecology has multiple active rulemaking efforts underway or upcoming that deserve robust stakeholder involvement. Stakeholders, however, only have so much capacity to engage meaningfully in those processes. Examples of current or forthcoming rulemaking efforts affecting solid waste facilities include: 173-350, 173-351, 173-408 fees, Industrial Stormwater General Permit, Phase I Municipal Stormwater Permit, and Recycle Reform Act, including the preliminary needs assessment. Recommend spacing rulemaking efforts out to allow stakeholders meaningful opportunities to engage and prevent rulemaking fatigue.
- Ecology is seeking to achieve multiple objectives with a single rulemaking:
 - a. Adopting changes to 173-350 and 173-351 to reflect changes in RCW
 - b. Revising 173-350 and 173-351 to address known concerns/issues with the current rule languageObjective a. is relatively straightforward and does not require extensive stakeholder involvement. Therefore, a simple, efficient rulemaking process is appropriate for this objective. Objective b., on the other hand, appears largely discretionary on Ecology's part and has significant potential impacts on stakeholders. Recommend a more robust stakeholder involvement process than Ecology has currently mapped out for this rulemaking. This may mean conducting two separate rulemaking efforts with two distinct timelines and processes.
- Recommend formatting proposed changes to 173-350 and 173-351 to clearly distinguish which changes are needed to address updated RCW vs. those that are discretionary.
- Parallel UTC rulemaking has implications with this rulemaking, and vice versa. Per Ecology, the two rulemaking efforts have not coordinated to date. Recommend cross-coordination between the two agencies and stakeholders to ensure outcomes of each rulemaking complement the other rulemaking.
- Permit suspension, amendments, and appeals (WAC 173-351-760): The expanded Ecology role tracks the amended statutes but recommend clarifying the written notice and reasons required for Ecology decisions, identifying the

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appealable decision and when the appeal period begins, and expressly including the current permit holder in the suspension appeal language. Subsection (3) currently refers to the jurisdictional health department or “applicant,” which might be unclear for an existing permittee.

- Cooperative enforcement (WAC 173-351-770): The 45-, 60-, 90-, and 180-day triggers are coming directly from RCW 70A.205.730 along with the notice and abeyance provisions. However, proposed subsection (1)(b)(v) seems to add a fifth (issuance of a landfill permit or approval of a modification without Ecology approval) that is not among the statute’s four specified criteria for inadequate local enforcement. SWD would like Ecology to identify the statutory basis for that addition or revise the provision to distinguish its landfill approval and suspension powers from the cooperative enforcement process. It could also be helpful to clarify “substantial progress toward resolution” and how the agencies will coordinate to avoid conflicting compliance directions.
- Generally, a clear definition of enforcement entities is needed to ensure roles, responsibilities, and jurisdictional authority are appropriately understood and consistently applied.
- There are inconsistencies in multiple definitions across the two chapters. Aligning these definitions would improve clarity, ensure uniform application, and support consistent compliance and enforcement.

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TYPE OF COMMENT	SECTION	PROPOSED RULE	PROPOSED CHANGE	COMMENT
General	173-351-010 Purpose, applicability, and effective dates	(2) (a) ~~Note: These rules do not apply to facilities that receive only inert waste, demolition waste, wood waste, industrial solid waste, or other types of solid waste (other than household waste) disposal of in landfills regulated in chapter 173-350 WAC, Solid waste handling standards. Co disposal of any solid waste with household waste is governed by these rules.~~		<i>These types of facilities that were excluded are fully captured in 173-350 – this note should not be deleted. By doing it is adding unneeded redundancy and creating unnecessary, time, cost, and confusion to permittees and regulators.</i>
General	173-351-100 Definitions	“Active portion” means that part of a facility or MSWLF unit that has received, is receiving, and will receive wastes and that has not been closed according to WAC 173-351-500(1), Closure criteria.		<i>This should not be added. This now includes areas that are being planned, in design phase, under construction, and have not been permitted. Do not see the necessity for making this modification.</i>
General	173-351-100 173-350-100 Definitions	~~“Buffer zone” means that part of a facility which lies between the active area and the property boundary.~~ ~~“Buffer” means a permanently vegetated strip adjacent to a land application area, the~~		<i>The definition of “buffer” should not be deleted because it is referenced throughout the chapter and appears in other regulations, including critical areas ordinances and zoning laws. Instead of eliminating it, the</i>

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		~~purpose of which is to filter runoff or overspray from the application area and protect an adjacent area.~~		<i>definition should be improved. Clarification is needed to distinguish “buffer” from “setback,” since “buffer” applies to critical areas and landfill surroundings, while “setback” has different land-use permitting implications. Keeping and refining the term helps determine facility locations and active areas.</i>
General/ Technical	173-351-100 Definitions	~~“Disease vectors” means any rodents, flies, mosquitos, or other animals, including insects, capable of transmitting disease to humans. See WAC 173-351-200 (3)(b).~~		<i>This is important term as is the control of vectors. It should not be eliminated. It is always a consideration during Ops Plan development, routine maintenance, and cover systems. Clarity is needed for consistency and effectiveness in vector control and management.</i>
Editorial	173-351-100 Definitions	“Flow Control ordinance” means a local law that requires trash haulers to take solid waste in their jurisdiction to a designated facility for processing or disposal.	“Flow Control ordinance” means a local law that requires ~~trash-waste~~ haulers to take solid waste <u>generated</u> in their jurisdiction to a designated facility <u>or</u>	<i>Revise text.</i>

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			<u>facilities</u> for processing or disposal.	
General	173-351-100 Definitions	~~“Flood plain” means the lowland and relatively flat areas adjoining and coastal waters, including flood prone areas of offshore islands, that are inundated by the 100-year flood. See WAC 173-351-130 (3)(b)(i).~~		<i>This is part of siting and other areas of the chapter. Deleting this is adding more subjectivity to the chapter and taking away environmental protections.</i>
General	173-351-100 Definitions	~~“Free liquids” means any portion of material passing through and dropping from a filter as determined by Method 9095B (Paint Filter Liquids Test), in “Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods,” SW 846. See WAC 173-351-200 (9).~~		<i>This definition is important as “liquids” are closely monitored and regulated in this chapter. A definition is warranted.</i>
General	173-351-100 Definitions	“Liquid” means a substance that flows readily and assumes the form of its container but retains its independent volume.		<i>Liquid definition added and prohibited from landfill disposal – Why the definition went from liquid waste (which is defined by a paint-filter booth test) to include the more vague definition of</i>

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				<i>liquids. As written, this may not be obtainable.</i>
General	173-351-100 Definitions	“Municipal solid waste (MSW)” means a subset of solid waste which includes but is not limited to unsegregated solid waste from residential, commercial, institutional and industrial sources, and community activities. Residuals as defined in this section are municipal solid waste that must be managed at a municipal solid waste handling facility, unless associated with a specific waste stream such as construction and demolition waste, that a flow control ordinance authorizes to be managed elsewhere. When destined for disposal, solid wastes rendered unrecognizable by grinding, crushing, shredding, or other means are MSW.		<i>The draft classifies residuals as MSW but allows certain specific waste streams to be managed elsewhere when authorized by a flow control ordinance. Please clarify how this operates where a jurisdiction has no flow control ordinance or its ordinance does not expressly address a particular residual stream. The rules should distinguish facility eligibility and environmental standards from local decisions about waste routing. The provision on p. 258 treating waste rendered unrecognizable by grinding, crushing, or shredding as MSW also warrants clarification, including how it interacts with the specific-waste-stream exception.</i>

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				<i>The proposed definition needs clearer language—especially in the final sentence—to specify when processing residuals become MSW or remain exempt as a “specific waste stream.”</i> <i>There are concerns that adding residuals to the MSW definition will significantly increase solid waste management costs and eliminate practical reuse options for materials like hog fuel and other byproducts from composting and demolition processing. This shift runs counter to statewide recycling and reuse goals.</i>
General	173-351-100 173-350-100 Definitions	“Modification” means any change in the design, operation, closure, post-closure, financial assurance, environmental monitoring, or other aspect of an MSWLF unit that is reasonably related to a		<i>Changes to the definition of “modification” to include <u>ANY</u> change in the design, operation, closure, post-closure, financial assurance, environmental monitoring, or other aspect of an MSWLF</i>

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		specific requirement of this rule and was not previously set forth in a permit application and approved in the permit.		<i>unit that was not already previously set forth in a permit application would lead to significantly more administrative oversight for a facility that may warrant consideration.</i> <i>Modification to an operational plan, engineering, permit, etc. had to be substantial for it to be considered a modification. The word substantial was removed and replaced with “any,” as in any modification. Coupled with the new chapters on ECY and JHD oversight this could mean higher levels of scrutiny.</i>
General	173-351-100 173-350-100 Definitions	“Point of Compliance” means a location at which a monitored parameter can be measured and evaluated for compliance with established standards or permit conditions, and must adhere to the conditions in WAC 173-351-300 (6). Other points of compliance in other media		<i>Inconsistent definitions across chapters.</i> <i>Definition includes “other points of compliance in other media may be established by the jurisdictional health department or the department” - this may be an open door to create</i>

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		may be established by the jurisdictional health department or the department. “Point of compliance” means a location at which a monitored parameter such as but not limited to groundwater and landfill gas must be measured and evaluated for compliance with standards in this chapter or as approved in a permit. Other points of compliance in other media may be established by the permitting authority or authorities.		<i>numerous additional points of compliance for environmental sampling not established in a permit and have associated costs (labor, laboratory etc.) that are required of entities without opportunity for input, discussion, or planning (financial).</i> <i>1.” Point of compliance” need to be defined consistently to avoid inconsistent interpretation. The groundwater monitoring should not be deleted and should remain.</i> <i>2. Parameters must now be “measured and evaluated for compliance with standards in this chapter or as approved in a permit”. Does this more rigid definition of acceptable standards affect those currently in use?</i>
General	173-351-100 Definitions	“Residuals” means wastes destined for disposal after processing solid waste through recycling, material recovery,		<i>Recyclable materials at a recovery facility that would be sent for disposal would benefit from more context or a</i>

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		organic materials pre-processing, organic materials management, reuse, scavenging, or other diversion from disposal. Residuals include but are not limited to physical contaminants removed from recovered materials, recyclable materials destined for disposal, and non-recyclable solid wastes. Residuals are municipal solid waste that must be managed at a municipal solid waste handling facility, unless associated with a specific waste stream, such as construction and demolition waste, that a flow control ordinance authorizes to be managed elsewhere.		<i>“such as...” addition. If referring to material that was previously recyclable but was “soiled” in some manner, would this not fall under “non-recyclable solid wastes”? Do not want this definition to encourage disposal of accepted recyclable material due to lack of immediate market.</i> <i>It is unclear as to whether materials from "specific waste streams" are not considered MSW or are just not required to go to an MSW handling facility. Refer to comments regarding definition of municipal solid waste.</i> <i>With residual waste, could a specific list of types of residuals be provided that would be suitable for disposal at an unlined landfill? This would allow more County flexibility in managing</i>

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				<i>residuals from specific waste streams.</i> <i>The proposed changes may unintentionally limit beneficial uses creating unrealistic operational expectations.</i>
Technical	173-351-100 Definitions	“Salvaging” means the removal of materials from mixed waste streams for reuse or recycling, with the approval of the owner or operator, the jurisdictional health department, and the department.		<i>This definition is significantly different from how the term is used in the world of building salvage and deconstruction.</i>
General	173-351-100 173-350-100 Definitions	“Vectors” mean living organisms including but not limited to insects, rodents, and birds, which are capable of transmitting infectious diseases from one organism to another.		<i>Changes to the definition as well as the policy could impact management of vectors at the landfill and transfer station. It went from we must “control” (broader) to we must “prevent” (more stringent) and from “animal” to the broader “organism”.</i>
Editorial	173-351-140 Other location restrictions	(1) (a) (i) <i>No landfill whose area at design capacity will exceed 100 acres and whose horizontal height at design</i>	(1) (a) (i) ~~“No A~~ landfill whose area at design capacity will exceed 100 acres and whose horizontal height at design	<i>Revise text. First sentence includes a double negative, which appears to be in error.</i>

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		<i>capacity will average 100 feet or more above existing site elevations shall not be located over a sole source aquifer.”</i>	<i>capacity will average 100 feet or more above existing site elevations shall not be located over a sole source aquifer.”</i>	
Technical	173-351-200 Operating Criteria	(3) Maximum side slope. (a) Operators must place waste so that side slopes do not exceed 33 percent (3H:1V) in order to prevent and respond to fires, allow placement of daily cover, and ensure final side slopes will meet closure requirements;		<i>The proposed language establishes an absolute 3H:1V limit for waste placement, which could unnecessarily restrict site-specific landfill operations and engineered slope configurations that may be stable and otherwise compliant. It also does not distinguish between temporary operational slopes and final closure slopes, potentially creating conflicts with already approved designs and limiting flexibility for existing practices we have at Cedar Hills Regional Landfill.</i> <i>This may also lead to complicated phase development. Maintaining 3:1 slopes while transitioning</i>

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				<i>between lifts/cells can constrain where operators can place waste and may create areas of stranded or difficult-to-access airspace.</i>
Technical	137-351-200 Operating criteria	~~(i) The explosive gas controls and type and frequency of monitoring must be determined based on the following factors:~~ ~~(A) Soil conditions;~~ ~~(B) The hydrogeologic conditions surrounding the facility;~~ ~~(C) The hydraulic conditions surrounding the facility;~~ ~~(D) The location of facility structures and property boundaries; and~~ ~~(E) The design and operation of the MSWLF unit.~~ ~~(ii)~~ (c) Monitoring parameters and locations must include soil gas at perimeter monitoring wells and ambient air no more than four inches above ground surface at the property boundary or alternative locations within the		<i>The proposed language removes the existing site-specific approach for determining the type and frequency of explosive gas monitoring and replaces it with a lot more <u>prescriptive</u> requirements for perimeter wells, spacing, depth, and quarterly monitoring. In addition to monitoring barometric trends and only recording measurements at stable or decreasing barometric pressure - this will require routine trend calculation as well as sporadic data collection instead of routine monitoring. This will place a higher burden on both engineering and ops. While increased monitoring may provide additional detection capability, these</i>

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		property boundary approved by the jurisdictional health department and the department. Monitoring must be done quarterly, unless otherwise approved by the jurisdictional health department and the department. Perimeter soil gas monitoring wells must meet the following conditions: (i) Be installed as close as practical in soil adjacent to where waste is placed to ensure early detection of migrating landfill gas or a compromised liner system. When physical obstacles preclude installation of gas monitoring wells near waste disposal areas, they may be installed at nearby alternative locations; (ii) Be spaced at regular intervals outside where waste is actively placed within the landfill, with spacing determined by local geology and proximity to structures		<i>requirements could result in significant additional well installation, maintenance, and monitoring costs, with the extent of infrastructure potentially varying based on interpretation and approval by the jurisdictional health department and Department. For Cedar Hills Regional Landfill site specifically, this could be a huge financial impact for well/probe installation expansion to the existing network. In addition, the monitoring network may need to extend into areas that are difficult to access, including steep slopes, vegetation, roads, drainage areas, or active landfill operations. The document states monitoring parameters and locations must include ambient air no more than four inches above ground surface at the property boundary. This is very low-level sampling</i>

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		with a spacing of no more than 500 feet apart unless the owner or operator demonstrates to the satisfaction of the jurisdictional health department and the department that there is low potential for adverse impacts on the public health and safety and the environment from such wider spacing; (iii) Spacing shall be determined based on but not limited to the nature of the structure to be protected and its proximity to the refuse. Wells shall be spaced to align with gas permeable structural or stratigraphic features, such as dry sand or gravel, off-site or on-site structures, and areas of dead or stressed vegetation that might be caused by landfill gas migration; (iv) Spacing shall be reduced as necessary to protect people		<i>(very close to the ground) which is sensitive to weather, wind, temperature, precipitation, surface conditions, and nearby activities, which can make results more variable and difficult to interpret.</i> <i>In addition to monitoring barometric trends, and only recording measurements at stable or decreasing barometric pressure - this will require routine trend calculation as well as sporadic data collection instead of routine monitoring. This will place a higher burden on both engineering and ops.</i>

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		and structures threatened by landfill gas migration; (v) Include perforated piping or well screens extending from five feet below ground surface to an elevation corresponding to the lowest elevation of waste, unless features such as but not limited to perched water preclude installation of a single well that extends to the bottom of waste at that location. The jurisdictional health department and the department may approve alternative lengths of perforated piping or well screens; (vi) Be designed and constructed to comply with the requirements of chapter 173-160 WAC, Minimum standards for the construction and maintenance of wells, including obtaining from the department any variances to that rule's requirements; and (vii) Be monitored only when barometric pressure is stable		

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		or falling, with monitoring records reflecting barometric pressure trends during monitoring events.		
Technical	173-351-300 Design Criteria	(6) The points of compliance approved during the permitting process in WAC 173-351-700 or through the permit modification process of WAC 173-351-720 (6), must be as near to the MSWLF unit boundary as technically, hydrogeologically, and geographically feasible, and must be located on land owned by the owner of the MSWLF unit. In approving the points of compliance the jurisdictional health department and the department must consider at least the following factors: ...		<i>Changes the compliance points from a defined 150-meter distance from the waste landfilling area to the nearest point “technically, hydro-geologically, and geographically feasible”, which could require changes to existing sampling locations (current Cedar Hills Regional Landfill compliance points). The proposed change may increase the frequency of detections at these new compliance points by moving them closer to the MSWLF boundary and, in some cases, closer to the waste mass. This could increase the potential for compliance issues associated with localized or transient conditions that do not necessarily indicate an impact beyond the facility boundary. Maintaining a</i>

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				<i>defined separation distance, with flexibility for site-specific adjustment based on hydrogeologic conditions, would provide greater regulatory consistency while still allowing for appropriate protection of human health and the environment.</i> <i>Groundwater wells placed closer to the waste unit may not capture point source contamination. Currently, wells are spaced 150m from the waste boundary to capture two types of contamination sources: 1 - attenuation from a point source and 2 - broader contamination from the entire waste unit.</i> <i>Ultimately, pulling wells closer to the waste unit queues up solid waste facilities to decrease the groundwater well spacing (therefore increasing the</i>

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				<i>number of wells sampled) to avoid missing point source contamination.</i> <i>In short, the WAC will result in an evaluation and may also require installation and monitoring of additional wells at 351 sites.</i>
General	173-351-500 Closure and post-closure care	(1) (a) (i) (A) Ensure leakage through the cover will not result in greater than one-foot of head over the liner system during post closure and after post-closure ends, and minimize filtration through the closed MSWLF by the use of an anti-infiltration layer that contains a composite layer as defined in (a) (i) (B) of this subsection;		1. This may create an ongoing performance obligation beyond the defined post-closure period, with potentially significant monitoring, maintenance, and performance requirements (measurement). 2. This may also result in prolonged capital and operational costs of landfill infrastructure indefinitely throughout the entire post-closure period. 3. This also leads to increased volume of leachate management 4. The provision also does not clearly identify how

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				compliance is to be demonstrated 5. Includes leachate generation not just infiltration. 6. (F) Mentions the proposed language that establishes an absolute 3H:1V limit for waste placement on side slopes
Editorial	173-351-500 Closure and post-closure care	(1) (a) (i) (F) <i>Ensure slide slopes do not exceed 33 percent (3H:1V).</i>	<i>Ensure ~~slide~~ side slopes do not exceed 33 percent (3H:1V)."</i>	<i>Revise text.</i>
General	173-350-020 Applicability	(f) ~~Single-family residences and single-family farms whose year round occupants engage in solid waste disposal regulated under WAC 173-351-700 (4);~~		<i>Seeking clarity on the purpose of removing this section</i>
General	173-350-030 Effective dates	(2) (a) The owner or operator of an existing recycling, material recovery, organic materials pre-processing, organic materials management, reuse, or other facility receiving waste to divert from disposal must ensure MSW is managed as municipal solid waste within six months of the effective date of this chapter.		Directs to “manage MSW as MSW”, intent appears to be “manage MSW in accordance with this chapter within six months of the effective date of this chapter”

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Editorial	173-350-040 Performance Standards	(3) Allow the jurisdictional health department and the department to conduct inspections and collect samples. Any duly authorized representative of the jurisdictional health department or the department may enter, inspect, and collect samples at any property, premise, or place at any reasonable time for the purpose of determining compliance with this chapter and relevant laws and regulations.		<i>How is “reasonable time” being defined?</i>
Technical	173-350-100 Definitions	“Active area” means that portion of a landfill facility where solid waste and liquid waste receiving, treatment, storage, or disposal operations are being, are proposed to be, or have been conducted and closure has been completed. The active area includes but is not limited to landfill caps and associated anchor trenches and leachate storage or treatment structures.		<i>1. Adding “landfill” to the definition is restrictive and excludes all other solid waste handling facilities (drop boxes, transfer stations, recycling facilities).</i> <i>2. Adding “and closure has not been completed”, and “the active area includes but is not limited to landfill caps” are contradictory. Landfill caps are typically a component of closure, but as</i>

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		Setbacks are not part of the active area.		written they are now defined as an active area. 3. Adding “associated anchor trenches and leachate storage or treatment structures” is unclear. Request that Ecology clarifies the proposed language. 4. Adding “liquid waste” to the definition is unnecessary and blurs the lines such that the potential for the JHD to get involved with wastewater permits is introduced.
Technical/ General	173-350-100 Definitions	“Construction and demolition waste (C&D waste)” means any recyclable or non-recyclable solid waste that results from construction, remodeling, repair, or demolition of buildings, roads, or other structures. C&D waste does not include furnishings within structures to be demolished or land clearing debris.		Should this also mention site materials (sand, rock, gravel, dirt)? Or does the definition of land clearing debris cover this? Also, would be good to transition to the word "waste" just meaning non-recyclable/ non-recoverable materials sent to landfill. What is the context for changing this language? Consider adding sidewalks, parking lots, driveways, and other paved areas. Example –

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				<i>“Low Impact Development (LID) parking areas made with pea gravel would be excluded from this definition as would all of the sidewalks and other paving that is not a roadway.”</i>
Technical/ General	173-350-100 Definitions	“Disposal site” or “solid waste disposal site” means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.		<i>There is uncertainty about whether a manufacturing facility that uses recycled plastic pellets to make new products would be classified as a “disposal site.” The term appears intended for facilities such as landfills and incinerators and applying it to manufacturing could complicate how end markets are defined. As written, the addition could also imply that collection, sorting, or recycling facilities are considered disposal sites, which creates confusion rather than clarity. Clarification of the intent and scope of this definition is needed.</i>
Technical	173-350-100 Definitions	“Energy recovery” means a process operating under		<i>Does the term extend to the use of hog fuel in a mill’s</i>

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		federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste. The recovery of energy may include mass burning or refuse-derived fuel incineration, or other means of using the heat of combustion of solid waste that involved high temperature (above 1,200 degree Fahrenheit).		<i>cogeneration system? As the process is not intended to reduce solid-waste volume, it seems it would not apply.</i>
General	173-350-100 Definitions	“Engineered features” are constructed elements associated with meeting applicable standards and design and operating requirements to obtain a permit under this chapter. Engineered features include but are not limited to top 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 runoff		<i>The addition of this requirement creates confusion about when a permit or permit modification is needed. Routine changes such as adding a door, modifying roofing, or resurfacing a tipping floor could be interpreted as engineered features requiring regulatory review and approval. This would significantly expand the volume of items needing review, raising questions about staffing, cost, and</i>

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		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.		<i>which changes would not require a permit. As written, the rule overreaches into areas already covered by other permits. Clarification of intent or removal of this language is recommended.</i>
General	173-350-100 Definitions	“Facility” or “site” means all contiguous land (including setbacks) and structures, other appurtenances, and activities on the land associated with solid waste handling.		<i>Historically buffers and setbacks have been defined distinctly, but by removing buffers here it indicates they are used interchangeably. Removing “buffers” and adding “activities” is not in alignment with changes made to previous definitions (“Buffer” and “Active Area”, respectively). This definition should not be modified until affected definitions are finalized.</i>
General	173-350-100 173-351-100 Definitions	“Industrial solid wastes” means solid waste generated from manufacturing operations, food processing, or other industrial processes.		<i>Support the changes but unclear why there are two different definitions.</i>

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		“Industrial solid wastes” means solid waste or waste by-products generated from manufacturing processes such as scraps, trimmings, packing, and other discarded materials not otherwise designated as dangerous waste under chapter 173-303 WAC, the Dangerous waste regulations. This term does not include commercial, inert, demolition, construction, mining waste, oil and gas waste or lunch room, office, or other similar waste generated by employees at the industrial facility.		
General	173-350-100 Definitions	“Inert waste” means cured concrete, asphaltic materials, brick and masonry, ceramic materials produced from fired clay or porcelain, glass, and stainless steel and aluminum if the waste has not been tainted through exposure from chemical, physical, biological or radiological substances, such that it presents a threat to		<i>Requesting clarify on the context to why Ecology is changing the definition.</i>

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		human health or the environment greater than that inherent to the materials.		
General	173-350-100 Definitions	“Intermodal facility” means any facility operated for the purpose of transporting closed containers of waste, when the containers are not consolidated with waste within them, or opened for further treatment or processing of the waste. An example of an intermodal facility is a railyard that receives containerized shipments of municipal solid waste for transport to a disposal facility. A collection event as defined in this section is not an intermodal facility.		<i>What is meant by “consolidated with waste within them”?</i>
General	173-350-100 Definitions	“Limited purpose landfill” means a landfill that receives solid waste of limited types of a known and consistent composition. A limited purpose landfill receives or has received only solid waste designated as nonhazardous and is not municipal solid waste. Limited purpose		<i>Suggest reworking the new text. It's mixing what limited purpose landfills do not include, with criteria and standards. Does it need to be broken into "do not include...." and "are not regulated by (the criteria, standards, etc.)"</i>

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		landfills include but are not limited to landfills that receive or have received segregated industrial solid waste, construction and demolition waste, wood waste, ash (other than special incinerator ash), contaminated soil and contaminated dredged material. Limited purpose landfills do not include inert waste landfills, municipal solid waste landfills regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills, landfills disposing of special incinerator ash regulated under chapter 173-303 WAC. Dangerous waste regulations, or chemical waste landfills used for the disposal of polychlorinated biphenyls (PCBs) regulated under Title 40 C.F.R. Part 761. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.		<i>There were additions to all the materials that are prohibited from limited purpose landfills.</i>

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	173-350-100 Definitions	“Material recovery facility” means any facility that receives, compacts, repackages, or sorts source-separated recyclable material for recycling or reuse and that accepts only loads that result in the recycling or reuse of 75% or more, by volume of the solid waste received. A facility that accepts loads containing 25% or more, by volume, of solid waste for which there is no demonstrable or legitimate market or intent to recycle or reuse is not a material recovery facility.		<i>The proposed approach to defining MRFs is generally appropriate; however, the 75 percent threshold requires substantial evaluation and refinement. Data from the RRA Preliminary Needs Assessment may be relevant in assessing whether this threshold is supportable and whether it aligns with or impacts existing analytical work.</i> <i>The 75 percent recovery requirement could create operational and financial challenges for MRFs and may result in facilities rejecting larger portions of incoming loads. Such changes could unintentionally shift mixed or problematic materials to transfer stations, increasing the risk of regulatory violations, particularly for C&D loads involving hydraulic beds, asbestos, or PCBs. Establishing a 25 percent waste limit to meet the MRF</i>

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				<i>definition may be unrealistic and could discourage MRF development at a time when many jurisdictions already face difficulties meeting solid waste and recycling mandates. Additionally, the term “demonstrable or legitimate market” requires clarification, including what constitutes an acceptable destination and how distance or market availability should be evaluated.</i> <i>The draft also uses differing measurement approaches and thresholds for MRFs and salvaging facilities, which may create uncertainty for facilities that fall between these categories. A single, consistent measurement method, a defined calculation period, a clear load standard, and explicit guidance for mixed C&D facilities would improve clarity and implementation.</i>

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General	173-350-100 Definitions	“Municipal Solid Waste (MSW)” means a subset of solid waste which includes but is not limited to unsegregated solid waste from residential, commercial, institutional and industrial sources, and community activities. Residuals are municipal solid waste that must be managed at a municipal solid waste handling facility, unless associated with a specific waste stream such as construction and demolition waste, that a flow control ordinance authorizes to be managed elsewhere. When destined for disposal, solid waste rendered unrecognizable by grinding, crushing, shredding, or other means are MSW.		<i>Does the use of the word “unless” refer to “are MSW” or “must be managed at”? Or both? Does the last sentence of the definition also apply to materials “associated with a specific waste stream” or not? The term “Waste”, as used in WA state code, and therefore in most county and city codes, refers to all materials which are discarded from a home, business, jobsite, etc., regardless of how those materials are actually managed. When the term “waste” was initially used in the code, pretty much all discarded materials were either landfilled or burned and the term was in line with the dictionaries’ definitions of the word. As the state code has changed over the years, to meet the shifting needs of the “waste” management world, the term “waste” has moved farther and farther from the commonly understood and</i>

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				<i>accepted definition. The continued use of this term, in this way, inherently devalues the materials. A shift in how the term “waste” is defined, and the need to find a new word or term to refer to all discarded materials (to reflect the value inherent in much of this material), have long been a point of discussion in Washington State. If the terminology used is ever going to be changed, it needs to begin with revisions within WAC 173-350-100 and WAC 173-351- 100.</i> <i>Why the need to remove the bulleted list on what isn’t MSW? This language helps solidify exclusions of dangerous/hazardous waste.</i>
General	173-350-100 Definitions	“Putrescible waste” means solid waste which contains material capable of being readily decomposed by microorganisms and which is likely to produce offensive odors such as but not limited		What is the context to why Ecology has changed the definition to include yard waste, food, and land clearing debris?

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		to yard debris, food waste, and land clearing debris.		
	173-350-100 Definitions	“Recyclable materials” means those solid wastes that are separated for recycling or reuse, including, but not limited to, paper, metals, and glass, that are identified as recyclable materials pursuant to a local comprehensive solid waste plan. Recyclable materials destined for disposal...		<i>This definition appears to be incomplete.</i>
General	173-350-100 Definitions	“Reuse” means using an object or material again, either for its original purpose or for a similar purpose, without significantly altering the physical form of the object or material. Reuse is not solid waste handling, but separating materials from other solid wastes for reuse is solid waste handling. Use of solid waste as fill or alternative daily cover is not reuse.		<i>The last sentence, “Use of solid waste as fill or alternative daily cover is not reuse” contradicts guidance from Ecology publication 10-09-057 "Guidance for remediation of petroleum contaminated sites" regarding alternative daily cover and it is inconsistent with how solid waste is defined under “residuals” above.</i>
	173-350-100 Definitions	“Salvaging” means the separation of solid waste to be recycled or reused from solid		<i>The 75% threshold appears to require further evaluation and development.</i>

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		waste to be disposed at a facility that accepts loads containing more than 75% of waste received by weight that will be disposed, with the approval of the owner or operator, the jurisdictional health department, and for landfills, the department.		
General	173-350-100 Definitions	“Small quantity generator” means a dangerous waste generator whose dangerous wastes are conditionally exempt from regulation under chapter 70A.300 RCW, Hazardous waste management, solely because the waste is generated or accumulated in quantities below the threshold for regulation and meets the conditions prescribed in WAC 173-303-070 (8) (b).		<i>What is the rationale for removing “conditionally exempt,” and why has it been removed in some sections of chapters 350 and 351 but not others? It is unclear whether this inconsistency reflects an intentional change or an oversight. WAC citation is incorrect – there is no WAC 173-303-070(8)(b).</i>
	173-350-100 Definitions	“Solid waste, ” “waste materials,” or “wastes” means all putrescible and nonputrescible solid and semisolid wastes including but not limited to garbage,		<i>Should this definition also include the term “refuse”?</i>

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		rubbish, ash, industrial waste, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials. See WAC 173-350-021 to determine if a material is soil waste.		
Editorial	173-350-100 Definitions	“Solid waste activity” consider her or changing SW unit.		<i>Incomplete text. What is the rationale to include this definition?</i>
General	173-350-100 Definitions	“Source separation” means the separation of different kinds of solid waste at the place where the waste originates.		<i>This term has been used in different ways, leading to considerable confusion in messaging across the industry. It needs to be better clarified at the state definitions level. Specifically, it needs to be clearly stated here if this phrase includes non-recyclable materials or if it only applies to the separation of materials that have value/recyclable.</i>
Technical	173-350-100 Definitions	“Transfer station” means a facility that receives solid waste (e.g., municipal solid		<i>Including the phrase “onto a tip floor” would exclude top-load transfer stations</i>

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		waste, contaminated soil, or other solid wastes) from offsite from persons or route collection vehicles onto a tip floor for consolidation into transfer vehicles, vessels, or containers for transport to a solid waste disposal facility. A facility conducting material recovery that results in the recovery of less than 75% of the solid waste received in tons in a calendar is a transfer station.		<i>from the definition. This language should be reconsidered. Additionally, the proposed 25% cutoff for MRFs is not achievable under current conditions and warrants further review.</i>
Technical	173-350-100 Definitions	“Vehicle” means a machine designed to transport people or things including but not limited to motor vehicles like cars and trucks, bicycles, trains, boats, airplanes, and spacecraft.		<i>The newly added definition of “vehicle” requires further review to determine how it may affect existing rules governing the disposal of items such as jet skis and trailers. It is unclear what purpose this addition serves, and clarification of its intent and regulatory need is warranted.</i>
General/ Editorial	173-350-200 Beneficial use permit exemptions	(3) (a) (x) (E) Any additional information required by the department.	(3) (a) (x) (E) Any additional information required by the department as a condition of	Why was the phrase “as a condition of the beneficial use determination” removed? Without it, the provision

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			<u>the beneficial use determination.</u>	appears to allow any requirement to be deemed “necessary,” creating ambiguity and potentially broadening the scope beyond its intended purpose.
General/ Editorial	173-350-320 Piles used for storage or treatment	(6) (a) (iv) (D) Ensure that waste piles capable of attracting birds do not pose an aircraft safety hazard and meets federal aviation administration standards.	(6) (a) (iv) (D) Ensure that waste piles capable of attracting birds do not pose an aircraft safety hazard and meets ~~f~~ Federal ~~a~~ Aviation ~~a~~ Administration (FAA) standards.	<i>Text revision. Request addition of specific FAA standards. FAA Advisory Circular (AC) 150/5200-33 has siting criteria and recommendations. FAA Wildlife Hazards</i>
General	173-350-330 Surface Impoundments and tanks	(3) (b) No surface impoundment or tank for landfill leachate may be located closer than 1,000 feet to an existing water supply well and no surface impoundment or tank for other liquid wastes may be located closer than 100 feet to an existing water supply well.		<i>Supportive of this change for <u>new</u> facilities. Recommend Ecology consider a different approach for existing facilities that do not already meet the more stringent standard.</i>
General	173-350-330 Surface Impoundments and tanks	(3) (c) No landfill’s active area, as defined in this chapter, may be within 100 feet of the facility property line for adjacent land zoned as nonresidential or unzoned lands, or closer than		<i>Delete. This section is about surface impoundments and tanks. Recommend adding text to WAC 173-351.</i>

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		250 feet to the facility property line of adjacent land zoned as residential, existing at the time for the area approved under a solid waste handling permit. (d) No landfill's active area may be within 1,000 feet to any state or national park.		
General	173-350-330 Surface Impoundments and tanks	(4) (a) (i) Have a liner consisting of a minimum 30-mil thickness geomembrane overlying a structurally stable foundation to support the liners and the contents of the impoundment. (HDPE geomembranes used as primary liners or leak detection liners must be at least 60-mil thick to allow for proper welding.) The jurisdictional health department and for landfill leachate, the department, may approve the use of alternative designs if the owner or operator can demonstrate during the permitting process that the proposed design will prevent migration of solid waste	(4) (a) (i) Have a liner consisting of a minimum 30-mil thickness geomembrane overlying a structurally stable foundation to support the liners and the contents of the impoundment. (HDPE geomembranes used as primary liners or leak detection liners must be at least 60-mil thick to allow for proper welding.) The jurisdictional health department and ~~for landfill leachate~~ , the department, may approve the use of alternative designs if the owner or operator can demonstrate during the permitting process that the proposed design will prevent	<i>The draft introduces a distinction in which the department participates in the approval process only for surface impoundments that store leachate. This approach conflicts with other provisions requiring departmental approval for surface impoundments more broadly. The phrase “and for landfill leachate” should therefore be removed. Its repeated addition throughout the chapter warrants further review, as it may create duplication or inconsistencies with chapter 173-351 and other regulatory sections. The language also suggests an expansion of oversight for</i>

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		constituents or leachate into the ground or surface waters at least as effectively as the liners described in this subsection.	migration of solid waste constituents or leachate into the ground or surface waters at least as effectively as the liners described in this subsection.	<i>leachate storage and conveyance that could impose unnecessary costs on facility owners, operators, and government agencies.</i>
General	173-350-330 Surface Impoundments and tanks	(4) (a) (v) Evaporative surface impoundments shall be designed to contain leachate and precipitation from a 25-year storm, a hydraulic balance from a wet year (one year in 10 recurrence interval) that accounts for monthly leachate generation, precipitation, local evaporation rates, and if applicable leachate removal, while maintaining the freeboard requirements in WAC 173-350-330 (4) (iv).		<i>Should add the definition of “evaporative surface impoundments” to 173-350-100 since the distinction is being made here.</i> <i>Affects closed landfills more often - Adds requirements to account for both a 25-year storm event and a wet-year (1-in-10 recurrence interval) hydraulic balance using monthly leachate generation, precipitation, evaporation rates, and, where applicable, leachate removal, while maintaining required freeboard. This may result in increased storage capacity needs at various sites and associated construction costs with upgrades and could require more detailed site-</i>

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				<i>specific modeling and operational assumptions.</i>
General	173-350-500 Groundwater monitoring	(4) ~~(k) Maximum contamination levels (MCL) for groundwater are those specified in chapter 173-200 WAC, Water quality standards for groundwaters of the state of Washington.~~		<i>With the removal of this section, how are the MCL's defined?</i>
General	173-350-500 Groundwater monitoring	(5) (b) (ii) If the statistically significant increase over background is confirmed by the resampling described in (5) (b) (i) (B), the owner or operator may demonstrate that a source other than a landfill unit or surface impoundment caused the contamination, or the statistically significant increase resulted from error in sampling, analyses, statistical evaluation, or natural variation in groundwater quality. If a demonstration cannot be made and the concentrations or levels of the constituents exceed the criteria established by chapter 173-200 WAC, Water quality standards for		<i>Additional criteria placed upon demonstrating that a source other than the landfill caused the contamination. Essentially, a resample within thirty days is now required as part of that demonstration. Relatively minor impact, but still an addition to the workload.</i>

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		groundwaters of the state of Washington, the owner or operator must:...		
General	173-350-500 Groundwater monitoring	(5) (c) For landfill units that have completed remedial actions and established cleanup levels for groundwater according to chapter 70.305D RCW, Hazardous waste cleanup-Model toxics control act or according to 42 USC 9621, Comprehensive Environmental Response Compensation and Liability Act, the cleanup levels replace the groundwater protection standards established under WAC 173-350-500 (5) (b) (i) (c) for the affected monitoring wells and for the cleanup constituents.		<i>The editing here is so extensive that the original text is unclear. It does, however, remove the use of background levels for cleanup levels for landfills that have completed remedial actions.</i>
General	173-350-500 Groundwater monitoring	(5) (d) (iii) A summary of concentrations that exceed background concentrations established pursuant to WAC 173-350-500 (4) (f); (iv) A summary of concentrations that exceed the groundwater protection		<i>Separate summaries of concentrations exceeding background levels and those exceeding groundwater protection standards now required as part of the annual report. This adds to the level</i>

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		standards established by chapter 173-200 WAC, Water quality standards for groundwaters of the state of Washington, or for facilities that have implemented remedial actions and established cleanup levels according to chapter 70A.305, Hazardous waste cleanup-Model toxics control act or the Comprehensive Environmental Response Compensation and Liability Act, 42 USC 9621;		<i>of effort required to complete reporting requirements.</i>
General	173-350-500 Groundwater monitoring	(5) (d) (x) Any additional information required by the jurisdictional health department or the department.		Blanket authority such as granted by this or similar language is concerning because it fails to specify the boundaries of what JHDs or Ecology can reasonably require of solid waste facility owners/operators. This creates opportunities for inconsistent oversight and/or undue burdens without clear avenues for redress on the part of facility owners/operators. Would

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				prefer to see clear standards that can be consistently applied.
General	173-350-710 Permit application and issuance	(4) (a) Any modification as defined in this chapter must be approved by the jurisdictional health department, and for landfills and associated leachate storage by the department. A modification request must be submitted at least 90 days before the intended modification and must include the following information to demonstrate compliance with this chapter:...		How does this chapter define modification?
General	173-350-710 Permit application and issuance	(4) (a) (iii) As applicable to the modifications proposed, amended or new engineering plans, plan of operation, environmental monitoring plans, closure and post-closure plans, financial assurance, and other documents as required under this chapter; and		<i>It is no longer sufficient to describe the impacts from the proposed modifications. Instead, amended or new engineering plans, ops plans, env monitoring plans, closure and post-closure plans, and other documents as required must be submitted. This represents a substantial increase in efforts required to</i>

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				<i>request a modification which may not even be approved. 2) - the process is not clearly defined and open-ended. There should be specific guidelines that the permittee and the regulators must each follow.</i>