

To: Washington State Department of Ecology
Solid Waste Management Program
Attn: Chris Fredley, Rule Coordinator

**Re: Public Comments on Draft Amendments to Chapters 173-350 and 173-351
WAC — Solid Waste Facilities Rulemaking**

Dear Mr. Fredley and Department of Ecology Rulemaking Staff:

On behalf of RRC, we appreciate the opportunity to submit comments regarding the September 2026 draft amendments to Chapters 173-350 and 173-351 of the Washington Administrative Code.

RRC and R&R Stables conduct operations at separate locations. At its Auburn operation, RRC primarily receives woody debris—including clean wood, tree debris, branches, leaves —along with some other organic materials. It processes these natural materials into finished products such as wood mulch, chips or shreds, screened material, and other carbon-rich products. RRC also produces clean livestock bedding from some of this processed woody material; R&R Stables uses some of it, while other batches are sold or used as mulch or directed to compost as a bulking material. These pathways are tracked separately, and clean bedding is kept distinct from soiled bedding and manure after use. At the Enumclaw farm, R&R Stables raises beef cattle and hay and manages manure and bedding for agricultural uses. These comments address the September 2026 draft for Chapters 173-350 and 173-351 WAC. They do not concede that a particular material or activity is solid waste handling subject to permitting; RRC asks Ecology to state clearly how the draft applies to permitted facilities, permit applicants, and activities that are otherwise excluded or exempt.

RRC supports public health and environmental protection. The rules should implement the statutory changes clearly while avoiding unintended changes to the classification of materials, agricultural activities, or permit-exempt operations through a rulemaking focused on solid waste facilities.

Because both this rulemaking and Ecology's separate Organics Management rulemaking address Chapter 173-350 WAC, RRC asks Ecology to identify which issues belong in each proceeding and to make clear that this facilities rulemaking does not silently alter the other proceeding's material-classification or permitting standards.

We ask Ecology to address the following issues in the September 2026 draft before advancing it.

1. Keep this rulemaking focused and clarify its reach

The stated purpose of this rulemaking is to implement statutory changes concerning landfill permit approval and solid waste enforcement, and to consider clarifications to Chapters 173-350 and 173-351 WAC. RRC asks Ecology to identify the specific draft provisions that apply to non-landfill solid waste handling facilities and explain whether

any provision changes permit applicability, material classification, or existing exemptions.

Please state that the draft does not independently resolve whether a particular material is solid waste or whether an operation is subject to permitting. Those determinations should remain tied to the applicable statutory and WAC criteria, including the specific material, activity, and any applicable exclusion or exemption.

Please publish a short crosswalk showing each proposed change, its statutory authority, the facilities and activities it reaches, and whether it changes an existing obligation or only implements HB 1154.

The separate Organics Management rulemaking proposes changes to WAC 173-350-020(2)(b) and WAC 173-350-225 affecting clean wood used for mulch, animal bedding, plant bedding, and ornamental purposes. RRC addresses those proposals in a separate supplemental comment. Please state whether this Facilities rulemaking changes or narrows the existing clean-wood use exclusion in WAC 173-350-020(2)(b), or independently establishes requirements for those uses. If Ecology intends any such change, identify the specific provision, its legal basis, and the evidence supporting it, and explain how it relates to the separate Organics Management rulemaking.

2. Concerns Regarding Concurrent Rulemaking and Overlapping Amendments to Chapter 173-350 WAC

RRC is concerned that Ecology is advancing separate rulemaking proposals that address overlapping provisions of Chapter 173-350 WAC, including provisions governing the applicability and permitting of solid waste handling activities.

Because the proposed changes may affect the same facilities and operations, RRC requests that Ecology identify all overlapping provisions, explain how the proposed amendments will be reconciled, and provide affected businesses an opportunity to evaluate and comment on the combined regulatory requirements before final adoption.

RRC further requests that Ecology ensure the adoption of one rulemaking does not unintentionally supersede, conflict with, or alter the regulatory requirements established through the other proceeding.

3. Preserve clear treatment of agricultural activities and products

RRC's operations include agricultural activities recognized under county land-use rules, as well as separate material-processing activities. A county land-use designation does not by itself decide state solid-waste applicability, but the state rule should not imply that agricultural activities or materials are subject to facility permitting without identifying the controlling state-law provision.

Please clarify that this rulemaking does not itself reclassify agricultural waste, clean wood materials, mulch, or other finished products, and does not expand the definition of

a solid waste handling facility beyond the governing statutes and rules. Where a provision reaches a particular activity or material, identify the applicable section and explain how exclusions, exemptions, and product-status criteria are applied.

4. Implement inspection, sampling, and enforcement safeguards clearly

RCW 70A.205.730 and .740 establish the enforcement framework, including Ecology's notice of intent to enforce, the general 30-day period before Ecology issues an order or penalty (subject to the statutory urgent-action exception), required notice information, coordination with a jurisdictional health department, education and outreach before penalties, penalty tiers, and appeal rights. The rules should track these statutory protections and explain how they work in practice.

Please specify how Ecology and the jurisdictional health department will coordinate inspections and enforcement, identify the lead agency for a matter, and prevent duplicative orders or penalties based on the same incident and conduct. The rule should explain how a local enforcement response affects Ecology's action when the statute provides for coordination or abeyance.

Please establish consistent sampling procedures, including the reason and scope of sampling, sample identification and chain of custody, laboratory methods where applicable, access to results, and a timely process for split samples or independent verification. Written findings should identify the alleged violation and the specific statute, rule, or permit condition involved.

For non-emergency violations, please clarify the opportunity and schedule for corrective action and how progress toward compliance will be considered. Preserve the statutory exception for an immediate and substantial endangerment requiring urgent action.

5. Protect legitimate recycling, reuse, and finished products

The draft should preserve a clear distinction between incoming materials, materials actively being processed, and finished products ready for intended use. Please state whether any proposed facilities-rule language changes WAC 173-350-021 or its criteria for determining when a material is no longer solid waste. If no change is intended, say so expressly.

Product status should be evaluated using the applicable criteria and evidence of intended use, established markets, product specifications, storage practices, and environmental safeguards. Inventory volume by itself should not decide whether a material is a product or whether a site is a permitted solid waste facility.

Off-site distribution is central to RRC's sales model: RRC relies on selling and distributing natural organic agricultural mulch products produced on site. Records such as sales invoices, product quantities, delivery destinations, product specifications, and customer or use documentation can help show an established market and intended beneficial use. We ask Ecology to treat this evidence as relevant under WAC 173-350-

021 and not treat ordinary product storage pending sale as disposal by itself when the product is marketable and safely managed.

Please avoid applying landfill or disposal-facility requirements to a recycling or manufacturing activity unless the rule identifies the applicable legal basis and explains why the requirement is necessary for that activity.

6. Provide workable implementation for existing operations

If the final rule creates new permit, reporting, design, financial-assurance, or operational duties for an existing facility, identify the duties, effective dates, and transition steps in the rule text. Provide a reasonable period for an affected operator to determine applicability and complete any required application or improvements.

Where allowed by statute, permit an operator that submits a timely and complete application to continue existing lawful operations while the agency reviews the application, subject to appropriate safeguards and any urgent action required to protect health or the environment. Explain how Ecology will treat existing operations when permit applicability is disputed.

Ecology should assess and describe the costs attributable to the draft, including engineering, site improvements, stormwater controls, sampling, reporting, financial assurance, and professional services. Please identify less burdensome alternatives that provide equivalent protection.

7. Tie testing and performance requirements to identified risks

The rule should identify when inspection or sampling is authorized, what materials or conditions may be sampled, and how results will be used to establish compliance. Clean wood, finished mulch, manure or bedding, and mixed solid waste can have different characteristics and should not be assigned identical testing requirements without a stated basis.

Please allow existing stormwater permits, best management practices, and monitoring programs to satisfy overlapping requirements when they provide equivalent protection. Avoid duplicative testing or monitoring unless Ecology identifies the environmental concern that the additional requirement addresses.

8. Provide written guidance and respond to these comments

Please publish examples showing how the final rules apply to facilities with different materials, activities, permit status, and environmental controls. RRC also requests written clarification of how the final provisions apply to existing operations that handle clean woody materials and agricultural materials through distinct pathways.

In the response to comments, please identify the draft sections revised in response to these issues and explain Ecology's basis for retaining any provision that would expand applicability, sampling, or enforcement beyond the statutory changes.

9. Clarify the yard debris drop-off exemption

The draft's proposed WAC 173-350-320, Table 320-A(3), creates a limited exemption for yard-debris and land-clearing-debris drop-off locations: no more than 30 cubic yards of combined material may be on-site at one time, the material must be removed at least every four calendar days, and the operator must provide advance notice, keep five years of records, and submit annual reports. Please clarify whether this provision is intended to cover organized sites that accept debris from others, and how it applies to ordinary accumulation and cleanup of leaves, branches, and tree debris on private property or to temporary collection and staging by city, county, and state crews after routine seasonal events or storms. Ecology should clarify that the generation or collection of such debris, by itself, does not automatically make a property owner or public agency a solid waste handling facility; identify when a separate drop-off operation becomes subject to the exemption's requirements; and explain how temporary public-works or storm-response staging can comply when removal within four calendar days is impracticable. Please also clarify how the combined 30-cubic-yard limit is measured when material comes from multiple sources and how other applicable exclusions or exemptions interact with this provision.

Conclusion

RRC supports environmental protection and clear, consistent oversight. We ask Ecology to revise or clarify the draft so that it implements HB 1154, makes the scope of agency authority understandable, preserves the statutory enforcement safeguards, and does not unintentionally change material classification or permit applicability for agricultural activities, recycling, or finished products.

Thank you for considering these comments.

Sincerely,

RRC Inc.