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ASSOCIATION

October 19, 2026

Mr. Chris Fredley
Rule Coordinator
Washington State Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

RE: WRRA Comments on draft rule language – Chapter 173-350 WAC, Solid Waste Handling Standards, and Chapter 173-351 WAC Criteria for Municipal Solid Waste Landfills

Dear Mr. Fredley:

The Washington Refuse and Recycling Association (WRRA) appreciates the opportunity to provide comments on the Department of Ecology's draft rule language for WAC 173-350 and 173-351 – Solid Waste Handling Facilities. WRRA is the longest-serving solid waste and recycling trade association on the West Coast, representing the private-sector solid waste, recycling, and composting industry throughout Washington State since 1947. Our members provide essential public health and environmental protection services, including the collection, transportation, and processing of municipal solid waste and source-separated recyclables and organics.

Before addressing the individual provisions below, WRRA believes it is important to emphasize the breadth of the current rulemaking and the need for continued stakeholder engagement. The impetus for this rulemaking was the Legislature's passage of HB 1154 during the 2025 legislative session, and WRRA understands the purpose of this rulemaking to be implementing that legislation.

The draft language now before stakeholders, however, reaches far beyond the scope of that legislation. It amounts to a full rewrite of chapters 173-350 and 173-351 WAC, including substantial and, in several cases, controversial changes that do not appear to flow from the legislation itself. Among them, a new recovery-rate threshold for material recovery facilities, a redefinition of municipal solid waste, and a new residuals framework that depends on local flow control ordinances.

WRRA believes a rulemaking of this breadth calls for a correspondingly robust stakeholder process. When Ecology last updated Chapter 173-350 WAC, it requested substantial stakeholder engagement, including approximately a dozen stakeholder groups and subject-matter experts who provided input on individual sections of the rule based on their particular expertise. That process ran for a year before Ecology developed a full rule proposal. A similar approach would be appropriate here. Additional working sessions and iterative review would allow Ecology and stakeholders to identify unintended interactions among the proposed provisions before the language advances further.

For your convenience, our biggest concerns are noted below:

- Overall, the rule will require a lot of new requirements for solid waste handling facilities in Washington, which has become a noticeable pattern over the past few years. Each change requires more staff time and consultant fees, and opens opportunities for delays in operations, thus becoming a costly compliance burden for our members and others. Those costs can ultimately be borne by jurisdictions, haulers, rate payers, and customers. In a time where affordability is the focus of many conversations, the less cost on the customer, the better. To ease



that burden, WRRA urges Ecology to remain focused on addressing the specific landfill concerns that prompted legislative action originally and to thoughtfully tailoring this rulemaking to be as narrow as possible.

- WRRA believes that a rewrite of this breadth calls for topic-specific stakeholder workgroups and multiple rounds of iteration before moving forward with a formal proposal. Further engagement is essential to understanding the practical impacts of the rule and avoiding unintended consequences across the industry.
- The proposed 75% recovery threshold lacks clear measurement and implementation standards, may conflict with Recycling Reform Act, and could allow problematic facilities to avoid meaningful enforcement by reclassifying as transfer stations.
- The draft's residuals framework makes waste classification and routing dependent on local flow control ordinances, creating inconsistent requirements across jurisdictions and potentially imposing significant new transportation, transfer station capacity, and cost burdens. Ecology should slow down and allow the pending UTC rulemaking on residual transportation to proceed before advancing these provisions.
- Proposed changes to the definitions of "disposal site" and "modification," along with the permit suspension provisions, could expand regulatory burdens and create inconsistent permitting requirements for recycling, composting, and other solid waste facilities. WRRA requests clearer boundaries on Ecology's authority and preservation of well-established definitions wherever possible.

The comments below reflect WRRA's initial analysis of several provisions we believe warrant further development, clarification, or reconsideration before this rulemaking proceeds. These comments are intended to provide informal, preliminary feedback on the current draft and are not intended to represent WRRA's final position on all aspects of the rulemaking. We recognize this is a broad and complex rulemaking, and we look forward to continued engagement with Ecology, including through potential future working sessions, as the draft language evolves.

1. Material Recovery Facility (MRF) Definition and New Recovery Rate Threshold

"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. (WAC 173-350-100)

WRRA strongly supports enhanced enforcement of solid waste handling standards, particularly for the classes of facilities that have, for decades, enabled widespread illegal hauling and sham recycling. However, Ecology's proposal to impose a new 25% residual standard across all MRFs appears to be at odds with the goals of Washington's Recycling Reform Act (RRA). Through the RRA, the Legislature enacted sweeping changes to Washington's recycling system, including new standard and transparency and reporting requirements specifically applicable to MSW MRFs. Because the Legislature has already articulated its policy direction for increasing recovery from MSW MRF's



through the RRA's own mechanisms, WRRA believes MSW MRFs should not also be subject to this separate, new residual standard.

WRRA supports accountability for MRFs, particularly C&D MRFs, which have facilitated sham recycling and illegal hauling over the years, and recognizes that a residual limit may be an appropriate enforcement tool for these facilities. As proposed, however, the standard requires further development. WRRA respectfully requests that Ecology addresses the following:

- The draft does not specify a measurement period, methodology, or averaging window for calculating the 75% threshold.
- The "by volume" metric is inconsistent with how the remainder of the chapter measures material flow, weight/tons is used elsewhere in the chapter, including in the parallel transfer station definition. Volume is a less precise and more easily disputed metric than weight. What is Ecology's reasoning for using volume?
- What is Ecology's technical basis for selecting 75% specifically? Was this threshold benchmarked against actual MRF performance data in Washington, or is it an aspirational target that current facilities may not be able to consistently meet?
- Ecology should explain how this proposed standard is intended to interact with the RRA, and why an additional facility-level residual standard is necessary for MSW MRFs.

WRRA recommends that Ecology further develop the technical and implementation framework for this standard before moving forward.

2. Transfer Station Reclassification

A facility conducting material recovery that results in the recovery of less than 75% of the solid waste received, in tons, in a calendar [year] is a transfer station. (WAC 173-350-100)

MRFs and Transfer Stations have substantively identical design standards. Under Ecology's proposal, a facility that falls below the 75% threshold could be required to undergo a full re-permitting process despite making no corresponding change to its physical infrastructure. This would impose significant administrative costs and burdens on facilities without a clear environmental benefit.

During Ecology's September 23 webinar, Ecology staff indicated that this change is intended to facilitate better enforcement. WRRA is concerned that it could instead create an easy workaround for the very facilities that Ecology is trying to address. Some problem MRFs, particularly certain C&D facilities, have enabled sham recycling and illegal hauling in Washington for decades. As discussed above, MRF and transfer station design standards align closely in many cases, and a current-day MRF would likely not need significant design changes to meet the design criteria for a transfer station permit. Read together with the new definition of "salvaging" (discussed below), the draft appears to create a pathway for facilities that fail the new recovery threshold to continue operating much as they do today, simply under a different permit classification. Simply put, a change intended to strengthen enforcement could allow problematic facilities to sidestep the very recovery requirements designed to hold them accountable. WRRA believes this regulatory structure risks worsening, rather than improving, solid waste enforcement in Washington.

Ecology's current draft also leaves important implementation questions unanswered. The new threshold appears only within the "Transfer Station" definition, without substantive sections addressing how reclassification would operate in practice. WRRA requests that Ecology provide more detailed



guidance by answering these questions within the “Transfer Station” section of the rule, rather than relying on the definitions sections alone:

- What re-permitting process and timeline would a facility face? Would this require a full new application under WAC 173-350-710/-715, or would an expedited permit modification apply?
- Because transfer stations carry no recovery obligation at all, facilities may be incentivized to proactively reclassify as transfer stations to avoid ever being held to the 75% standard, effectively incentivizing abandonment of recycling infrastructure rather than investment in improving it.
- What happens to a facility mid-permit-cycle if its recovery rate temporarily dips below 75%? Is there a cure period or warning process, or does noncompliance immediately trigger enforcement?
- Did Ecology consider a tiered or graduated permitting approach (such as a conditional-use designation or corrective action period) rather than a binary MRF/transfer station switch, to avoid unnecessary administrative churn for facilities near the threshold?
- MSW MRFs are often large regional facilities and represent an integral component of more than one local solid waste system and provide an essential outlet and designation for materials that would otherwise overwhelm local transfer stations. How does Ecology envision enforcement of this new standard for an MSW MRF? Would enforcement require shutdowns during re-permitting?

3. Salvaging

“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.

As discussed during the September 23rd webinar, Ecology staff described a pathway under which MRFs exceeding a 25% residual rate could be re-permitted as transfer stations with associated salvaging operations would be permitted for unlimited residuals, with seemingly no performance standard or expectations placed on the materials ultimately recovered.

As discussed above, WRRA is concerned that this pathway may exacerbate, rather than resolve, existing enforcement challenges. A regulatory framework intended to address sham recycling should not create a pathway through which facilities can avoid meaningful recovery requirements simply by changing their regulatory classification. WRRA recommends that Ecology engage stakeholders further before adopting this potentially sweeping change to solid waste facility regulation.

4. Municipal Solid Waste (MSW) Definition

“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.



The new residuals framework replaces clear, categorical exclusions (for dangerous waste, CERCLA/MTCA-related materials, and source-separated recyclables where only residuals counted as MSW) with a more open-ended standard tied to local flow control ordinances. This is a significant departure from the existing framework and could mean that the same material is treated differently depending on where it originates, creating unnecessary uncertainty for facilities operating across multiple jurisdictions. WRRA does not believe a longstanding, bedrock definition like MSW should be tied to a patchwork of local ordinances. Rather than folding residuals and flow control into the MSW definitions, WRRA recommends that Ecology address these terms in their own, separate definitions or section.

WRRA respectfully requests that Ecology address the following:

- How is a facility in a jurisdiction without a flow control ordinance expected to manage residuals from C&D or other diverted waste streams? Does the default become automatic MSW classification, and if so, does that push more material into MSW handling and permitting than under the current rule?
- Because MRF/transfer station classification is now tied to recovery and recycling rates, and the MSW definition determines what “counts against” a facility’s recovery rate, can Ecology confirm precisely how “residuals” under the new MSW definition interact with the 75% MRF threshold calculation? Are residuals counted as part of the incoming waste stream, the outgoing waste stream, or excluded from the calculation entirely?
- Could Ecology provide a work numerical example showing how a specific facility’s data would be evaluated under both the new MSW/residuals definition and the 75% MRF threshold together? We believe the interaction between these two changes – rather than either standing alone – is where real-world compliance difficulty is most likely to arise.
- The deletion of the prior express carve-out for source-separated recyclables (under which only the residual counted as MSW) removes a clear, long-relied-upon compliance standard. We note that the transportation of residuals is also currently at issue in the pending UTC rulemaking in Docket TG-260161. Ecology’s facility-side definitions and separate residuals standard appear to overlap with, and potentially create confusion relative to, that parallel proceeding.

5. Residuals

“Residuals” means wastes destined for disposal after processing solid waste through recycling, material recovery, 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.

This definition weighs heavily on the revised MSW framework, but its scope is broad enough to sweep in material that most stakeholders would not intuitively consider “residual.” It captures not only physical contaminants removed during processing, but also “recyclable materials destined for disposal”



and “non-recyclable solid wastes” generated across recycling, material recovery, organic pre-processing, organic materials management, reuse, and salvaging operations. Ecology should narrow or better delineate the categories covered or provide illustrative examples of what is and is not intended to qualify as residual.

By classifying residuals as MSW that must be managed at an MSW handling facility, unless a local flow control ordinance says otherwise, the draft effectively creates a new statewide routing mandate for the residual stream leaving every recycling, recovery, organics, and reuse operation. In many cases, that will mean an additional stop at a transfer station before the material reaches a disposal site. The draft does not address the resulting impacts on capacity, cost, or enforcement consequences of that mandate. Nor does it account for the fact that residual transportation is the subject of a pending proceeding before another agency.

To provide some historical context, for roughly sixty years (since the mid-1960s) the Utilities and Transportation Commission (UTC) has treated residual hauling as deregulated. RCW 36.58.050 and WAC 480-70-011(1)(i) exempt the hauling of loads from transfer stations to disposal sites from UTC regulation. The statutory language dates to the mid-1970s (Laws of 1976, ch.58), when transfer stations were just coming into use and MRFs were not yet widespread, so the omission of MRFs should not be read as a legislative decision to regulate their residuals.

UTC Staff has since proposed to regulate residual hauling as solid waste collection under Ch. 81.77 RCW is now considering the issue in Docket TG-260161. WRRA filed comments in that docket opposing the change.

Whether, how, and to where residuals may be transported is an open question in a pending UTC proceeding, one the UTC must resolve under its own statutory authority. Adopting a facility-side residuals mandate now would prejudice that outcome, risk creating conflicting requirements for facilities and carriers, and generate uncertainty for the regulated community. WRRA urges Ecology to slow down; remove the residuals-as-MSW routing provisions from this draft, allow the UTC rulemaking to proceed, and revisit the issue in coordination with the UTC once that proceeding concludes.

To the extent Ecology nonetheless proceeds with a residuals definition, WRRA requests that Ecology clarify the following:

- Is the residual percentage measured against a specific load, a facility’s incoming stream over a defined reporting period, or some other basis? This directly affects compliance with the MRF recovery-rate threshold discussed above.
- Facilities currently operating under the existing MSW/residuals framework may need to renegotiate agreements with local jurisdictions’ flow control ordinances – or advocate for new ordinances altogether – to preserve their current non-MSW treatment of certain waste streams. This is not something a facility can unilaterally control, and the draft rule provides no transition period of safe harbor while local ordinances catch up to the new framework.

In addition, WRRA is concerned about the practical consequences of directing additional residual material through MSW transfer stations. This change would place demands on infrastructure that the current system is not equipped to handle. Transfer stations are permitted and designed around the volumes they currently receive. Adding residuals from MRFs, C&D processors, organics pre-processors, and reuse operations would introduce a substantial new stream of material, and most WRRA members have significant concerns about whether existing transfer stations have the capacity to absorb it. Tip floor space, hours of operation, queueing, traffic, and permitted throughput would all be strained, and



expanding existing facilities or siting new ones is a slow, expensive, and often locally contested process. The six-month compliance period in WAC 173-350-030 only heightens these concerns. Requiring facilities to ensure MSW is managed at MSW facilities within six months of the rule's effective date is not realistic if the necessary transfer station capacity does not exist and cannot be built on that timeline.

Each load of residuals would require an additional haul to the transfer station, a second round of tipping, loading, and handling, and then a further haul to the disposal site. Those added trips, handling costs, and tip fees would likely be passed on to customers, with corresponding rate impacts for ratepayers and the businesses and local governments that generate this material. The result would be more truck traffic, greater fuel consumption, and additional emissions, while higher costs for processing and recovery could make diversion less economically viable. A rule intended to support diversion should not inadvertently make recovery more expensive or harder to sustain.

Before moving forward, WRRA requests that Ecology evaluate the statewide transfer station capacity and cost implications of this proposal and share that analysis with stakeholders. The rule should not impose new routing requirements without first establishing that the necessary infrastructure exists or at least can realistically be developed within the proposed compliance timeline.

For the reasons discussed above and in WRRA's comments to the UTC in Docket TG-260161, WRRA opposes the proposed residuals framework on the following grounds:

- It departs from roughly sixty years of practice. The UTC has treated residual hauling as deregulated since the mid-1960s, and UTC Staff has not rebutted that historical record.
- It is inconsistent with the statute and rule. RCW 36.58.050 and WAC 480-70-011(1)(i) exempt hauls from transfer stations to disposal sites, and that language reflects conditions in the 1970s industry rather than any intent to regulate MRF residuals.
- Residual waste is, at most, an indicator of high-contamination recycling, not a proper basis for regulation in itself. The UTC's existing multi-factor test in WAC 480-70-016(4) already allows enforcement against sham recyclers, and Staff has historically been successful in those cases.
- The pending UTC rulemaking already extends beyond what the underlying settlement contemplated. Ecology should not build on an unsettled foundation.

6. Flow Control Ordinance

"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.

WRRA is concerned that this definition is both too narrow in one respect and too broadly in another. First, the reference to "trash haulers" may unnecessarily limit the definition's scope. That term is often used colloquially to refer to a jurisdiction's curbside collection service provider – typically a UTC-regulated solid waste collection company or municipal contractor. However, flow control ordinances apply more broadly to waste generated within a jurisdiction, and to a broader set of entities than is typically captured by the phrase "trash hauler" or "hauler." Flow control ordinances are frequently violated by sham recycling operations that collect "recyclables" but, in practice, seek the cheapest available outlet for the material regardless of jurisdictional boundaries or local ordinances. WRRA recommends broadening the definition to reflect the range of entities subject to these ordinances or removing the specific reference to "haulers" altogether.



Second, the definition as drafted is broad enough to potentially capture any local ordinance that directs waste to a designated facility, regardless of its purpose. As drafted, it is unclear whether the definition is intended to cover only ordinances adopted to address residuals and MSW classification under this chapter, or whether it could also encompass unrelated local requirements, such as franchise or hauling contract provisions, general MSW collection ordinances, or local recycling program requirements. Without a clearer distinction, the definition could pull a wide range of local requirements into a regulatory framework they were not designed to address.

WRRA respectfully requests that Ecology clarify the following:

- Whether “designated facility” must refer to a specific, named facility, or may refer to a class or type of facility;
- Whether a qualifying ordinance must explicitly reference solid waste residuals or diverted waste streams, or whether any hauler-designation ordinance would suffice; and
- Whether Ecology intends to maintain or publish a list of qualifying local flow control ordinances for consistency, given how much now turns on this classification under the revised MSW/residuals framework.

7. Construction and Demotion (C&D) Waste

“Construction and Demolition 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.

WRRA supports accountability for MRFs, particularly C&D MRFs, which have facilitated sham recycling and illegal hauling over the years. A recovery rate standard could be a helpful tool for these facilities because it gives regulators a measurable benchmark for distinguishing genuine recovery operations from disposal operations that call themselves recycling. That benefit depends on the standard being clearly measured and consistently enforced. It also depends on the pathway discussed above, under which a facility that falls below the threshold could simply be re-permitted as a transfer station and keep operating largely unchanged. WRRA would welcome the chance to work with Ecology on a C&D specific standard that accounts for the mixed and variable nature of C&D loads.

WRRA requests that Ecology clarify the following:

- Can Ecology confirm whether the new C&D waste definition is intended to change any existing permit-exempt status C&D recycling facilities currently hold under Table 210-A, or whether this is purely a definitional clarification with no change to substantive treatment of C&D operations under the existing exception framework?
- What is the intended impact of not including furnishings within the definition of C&D Waste? Would C&D facilities be barred from accepting these materials? What would be the enforcement and implementation timeline?
- WRRA requests more stakeholder work and clarification on these changes

8. Disposal Site Definition and Permit Suspension



“Disposal site” or “solid waste disposal site” means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.

In chapter 173-351 WAC, which only applies to landfills, this new definition is unremarkable. However, when this definition is placed in chapter 173-350 WAC, the words “utilization” and “processing” could make composting facilities, organics pre-processing sites, and recycling facilities “disposal sites.” That conflicts with decades of treating these operations as diversion from disposal, and with the state’s organics diversion goals.

WRRA recognizes that the Legislature has provided Ecology with authority relating to solid waste facilities, including permit suspension authority. However, the scope of that authority should be understood in the context of the legislative problem the law was intended to address. Limited-purpose landfills and problematic disposal operations were central concerns, and WRRA supports giving Ecology the tools necessary to address facilities that are not complying with applicable requirements. That does not mean the rulemaking should unnecessarily expand the reach of those tools to facilities engaged in legitimate recycling, composting, and organics management activities. Ecology should focus its new rule language on addressing the identified problems rather than broadly redefining disposal in a way that could affect much of the industry.

This distinction is particularly important given Ecology’s proposed permit suspension language. WRRA understands that the statute authorizing Ecology to suspend permits refers to a “solid waste disposal site,” and that the draft would let the health department “or the department” suspend any solid waste handling facility permit for a violation. Read together, the new definition and the broadened suspension language could expose composting and recycling facilities too suspension by Ecology without any direction from the legislature. Suspension is the most disruptive tool available, a composting facility that cannot receive material stalls collection and strands jurisdictions that have no other outlet.

Expanding the definition in this way could also increase compliance costs throughout the industry. Facilities that have historically operated as recycling, composting, or organics management sites could face additional scrutiny, permitting uncertainty, and the risk of overlapping oversight, even where their existing operations are compliant and local health departments are effectively administering their permits. These costs would ultimately affect the businesses and local governments that rely on these facilities, potentially undermining the diversion infrastructure Washington is working to develop. Ecology should not impose these broader consequences without clearly establishing that they are necessary to achieve the Legislature’s objectives.

WRRA requests that Ecology:

- Confirm that composting, organic materials management, recycling, and MRFs are not “disposal sites.” If the definition is retained, add: “For purposes of this chapter, a composting, organic materials management, recycling, or material recovery facility is not a disposal site.”
- Does Ecology intend to treat those facilities as disposal sites?
- If the definition is not settled, this would be a good question to pose to a workgroup before publishing further language.

9. Solid Waste Activity, Recyclable Materials, and other incomplete definitions



The draft's definitions section includes a placeholder for "solid waste activity" that reads only: "consider here or changing SW unit." Ecology has not said what the term means, where it will be used, or how it relates to "solid waste handling" and "solid waste handling unit." Because the draft ties effective dates, permit modifications, and enforcement to facilities and units, a new undefined term in the same family could change what is regulated, who must permit it, and what is subject to inspection and suspension.

Similarly, the draft's definition of "recyclable materials" ends mid-sentence: "Recyclable materials destined for disposal..." The unfinished clause appears to bring recyclables that are headed to disposal into the residuals and MSW framework discussed above. The term also feeds the MRF recovery rate threshold and the new routing requirement for residuals. A material that is recyclable in one market may not be in another, or in the following month. If Ecology intends to treat recyclable materials destined for disposal as MSW, that could change what counts as recovery, what counts against a facility's recovery rate, and where loads must be taken.

Where existing statutory definitions or regulatory language are sufficient and appropriate, WRRA recommends retaining the existing language rather than introducing unnecessary changes that have the potential to confuse rules that operators have been acting under for a decade or longer. WRRA requests additional process and stakeholder work with significant time to review and discuss foundational definitional changes.

10. Modification Definition and the Permit Modification Process

"Modification" means any change in the design, operation, closure, post-closure, financial assurance, environmental monitoring, or other aspect of a solid waste handling facility that is reasonably related to a specific requirement of this rule and was not previously set forth in a permit application and approved in the permit.

This definition would materially change existing permit modification processes and is extremely broad. As written, it leaves substantial room for interpretation by individual jurisdictional health departments (JHDs), creating a risk that the same operational change could trigger different requirements in different jurisdictions. For operators working across multiple jurisdictions, that could mean navigating varying compliance obligations, undermining the predictability the rule should otherwise provide. WRRA requests that Ecology clarify whether this breadth was intentional.

Because virtually any operational change not explicitly pre-approved in the original permit application could arguably trigger this definition, WRRA requests the Ecology clarify what threshold of change is intended to require a formal permit modification, as opposed to a minor administrative update or no action at all. As written, even small adjustments to daily procedures could technically qualify as a "modification" requiring the permit modification process under WAC 173-350-710, creating a significant administrative burden and unpredictable timelines for facilities making routine operational adjustments.

This uncertainty also intersects directly with the proposed MRF/transfer station reclassification process discussed above. If a facility must re-permit as a transfer station due to falling below the 75% recovery threshold, does that reclassification itself constitute a "modification" under this definition, or would it instead require a separate new permit process? The practical burden and timeline a facility faces differ significantly depending on which pathway applies, and WRRA requests that Ecology clarify this interaction.



11. Liquid Waste Inclusion

Given the technical nature of these proposed changes, WRRA believes additional stakeholder engagement with industry representatives and technical experts is necessary to better understand how the revised definitions and terms could affect different sectors and operations across the industry. WRRA has several questions about the scope and practical implications of these changes that would be best addressed through direct collaboration with the people who work with these materials and processes every day. We encourage Ecology to conduct further technical stakeholder work before finalizing this language. In the meantime, WRRA offers the following comments and requests for clarification:

“Liquid Waste” ... includes but is not limited to leachate, gas condensate, solid waste that has been liquified, and wastewater. (WAC 173-351-100)

“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 not been completed. The active area includes but is not limited to landfill caps and associated anchor trenches and leachate storage or treatment structures...

By expressly including liquid waste receiving, treatment, storage, and disposal operations within the scope of a facility’s “active area,” the draft appears to apply additional facility-design and performance-standard scrutiny to liquid byproduct streams that may not have been as clearly subject to such standards previously. WRRA requests that Ecology confirm whether this is the intended effect.

Beneficial Use Permit Exemptions: this section applies to the beneficial use of solid waste or liquid waste as defined in this chapter in a manner approved by the department... (WAC 173-350-200)

This change makes liquid waste explicitly eligible for the same permit-exemption pathway that has historically applied to solid waste. WRRA requests that Ecology clarify whether this is intended as a deliberate expansion of beneficial use eligibility to liquid waste streams, or whether it is intended only as definitional housekeeping to align with the new WAC 173-351-100 liquid waste definition. Given that liquid waste streams raise distinct handling and contamination concerns relative to solid waste, WRRA believes that this distinction is significant and warrants clarification before the rule proceeds further.

Conclusion

WRRA appreciates the opportunity to comment on this rulemaking, but the time available to review the draft and prepare comments was very short given its breadth, and we would prefer more time to be allowed during the next comment period. We also appreciate Ecology’s indication that additional meetings and comment periods are planned, and we ask that those include structured, topic-specific stakeholder workgroups and multiple rounds of iteration on draft language before Ecology moves toward a formal rule proposal. WRRA and its members would be ready to participate.



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We look forward to continuing this dialogue, including through potential working sessions focused on the issues raised above, and welcome the opportunity to discuss any of these comments further with Ecology staff. As Ecology's proposal evolves and additional information becomes available, WRRA reserves the right to revise, supplement, or withdraw these comments and to raise additional concerns as appropriate.

Thank you for your consideration of these initial comments. Please reach out to India Brine at india@wrra.org or myself with any questions.

Sincerely,

Jason Lewis
Executive Director