

**WAC 173-350-020 Applicability.** (1) This chapter applies to facilities and activities that manage solid wastes as that term is defined in WAC 173-350-100 or determined in WAC 173-350-021. Facilities handling solid waste must comply with the standards of all applicable sections of this chapter.

(2) This chapter does not apply to the following:

(a) Overburden from mining operations intended for return to the mine;

(b) Wood waste used for ornamental, animal bedding, mulch and plant bedding, or road building purposes;

(c) Wood waste directly resulting from the harvesting of timber left at the point of generation and regulated under chapter 76.09 RCW, Forest practices;

(d) Land application of livestock manure and bedding, crop residue, and on-farm vegetative waste at agronomic rates;

(e) Mushroom substrate production when materials that are not solid waste (such as processed chicken manure) are used in the production;

(f) Single-family residences and single-family farms whose year round occupants engage in solid waste disposal regulated under WAC 173-351-700(4);

(g) Clean soil and clean dredged material as defined in WAC 173-350-100;

(h) The following activities when regulated under section 404 or 401 of the Clean Water Act (33 U.S.C. Sec. 1344 or 1341) or section 10 of the Rivers and Harbors Act (33 U.S.C. Sec. 403):

(i) Management of dredged material, as defined in 40 C.F.R. Sec. 232.2, prior to placement into surface water or onto land;

(ii) Placement of dredged material, as defined in 40 C.F.R. Sec. 232.2, into surface water or onto land where there will be runoff or return water to surface water.

(i) Biosolids that are managed under chapter 173-308 WAC, Biosolids management;

(j) Domestic septage taken to a sewage treatment plant permitted under chapter 90.48 RCW, Water pollution control;

(k) Liquid wastes, the discharge or potential discharge of which is regulated under federal, state or local water pollution permits;

(l) Domestic wastewater facilities and industrial wastewater facilities otherwise regulated by federal, state, or local water pollution permits;

(m) Dangerous wastes fully regulated under chapter 70.105 RCW, Hazardous waste management, and chapter 173-303 WAC, Dangerous waste regulations;

(n) Special incinerator ash regulated under chapter 173-306 WAC, Special incinerator ash management standards;

(o) PCB wastes regulated under 40 C.F.R. Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions, except for:

(i) PCB household waste; and

(ii) PCB bulk product wastes identified in 40 C.F.R. Part 761.62 (b)(1) that are disposed of in limited purpose landfills;

(p) Radioactive wastes, defined by chapter 246-220 WAC, Radiation protection—General provisions, and chapter 246-232 WAC, Radioactive protection—Licensing applicability;

(q) Landfilling of municipal solid waste regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills;

- (r) Intermodal facilities as defined in WAC 173-350-100;
- (s) Collection, transport, and sale of used goods and materials solely for the purpose of reuse as defined in WAC 173-350-100;
- (t) Solid waste handling facilities that have engaged in closure and closed before the effective date of this chapter;
- (u) Commercial fertilizers registered with the Washington state department of agriculture and managed in accordance with the provisions of chapter 15.54 RCW, Fertilizers, minerals, and limes, and rules adopted thereunder;
- (v) Manufactured topsoil, as defined in WAC 173-350-100, composed only of clean soil and clean dredged material, composted materials, wood waste, or other commercial products (e.g., bioretention soil media, water retaining crystals, or registered commercial fertilizers or liming agents);
- (w) Engineered soil, as defined in WAC 173-350-100, when reused, as defined in WAC 173-350-100, in another construction project for the same engineering properties;
- (x) Management of soil or dredged material within a contaminated site as part of a removal or remedial action under chapter 70.105D RCW, Hazardous waste cleanup—Model Toxics Control Act, chapter 90.48 RCW, Water pollution control, or 42 U.S.C. Sec. 9601 et seq., Comprehensive Environmental Response, Compensation, and Liability Act. However, the department may determine that the requirements of this chapter are relevant and appropriate to such a removal or remedial action under WAC 173-340-710;
- (y) Contaminated soil, as defined in WAC 173-350-100, removed from the ground, not altered by additional contaminants, and placed or stored back at or near the location of generation within a project site. This exclusion is not meant to allow distant movement of materials within large or linearly long project sites to new locations that could potentially create new environmental impacts;
- (z) Steel slag that is a primary product of production in the electric arc steel-making process, produced to specification, managed as an item of commercial value, and placed in commerce for general public consumption, if the steel slag material is not abandoned, discarded, or placed in the solid waste stream;
- (aa) Organic materials, as defined in WAC 173-350-100, used for animal feed or to create animal feed;
- (bb) Management of routine livestock mortalities when managed in compliance with WAC 16-25-025 (1), (4), (6), or (8), disposal of dead livestock;
- (cc) Management of routine nonlivestock animal mortalities by burial, incineration in a unit with a design capacity of less than twelve tons per day, natural decomposition, or rendering, when managed in compliance with WAC 246-203-121, general sanitation;
- (dd) Materials used in research and development activities intended to evaluate, develop, or demonstrate potential new or improved beneficial use, reuse, or recycling methods or technologies for solid wastes conducted by qualified persons in controlled laboratory, bench scale, or pilot study conditions at the facility at which the materials are generated, at another facility owned or operated by the generator, at an institution of higher education as defined in RCW 28B.10.016, at a higher education institution as defined in RCW 28B.07.020, or at a public or private laboratory or other facility contracted by the waste generator or institution to conduct such activities. These activities include the research and development opera-

tions, the separation, collection, transport, and transfer of such materials in support of those operations. Solid wastes handled in connection with such activities shall be reasonably limited to quantities needed to conduct the research and development project(s), and any excess or residual of such materials remaining after such activities and any solid waste generated by such activities shall be handled in accordance with this chapter or chapter 173-303 WAC, Dangerous waste regulations, as applicable; and

(ee) In accordance with RCW 70.95.207 an authorized collector of covered drugs regulated under chapter 69.48 RCW is not required to obtain a permit under RCW 70.95.170 unless the authorized collector is required to obtain a permit under RCW 70.95.170 as a consequence of activities that are not directly associated with the collection facility's activities under chapter 69.48 RCW.

[Statutory Authority: Chapter 70.95 RCW, and RCW 70.95.060, 70.95.215, 70.95.218, 70.95.260(6), 70.95.300, 70.95.305, 70.95.310, 70.95.440. WSR 18-17-008 (Order 13-08), § 173-350-020, filed 8/1/18, effective 9/1/18. Statutory Authority: RCW 70.95.020(3), 70.95.060(1), 70.95.260(6), 70.95.305, 70.95.330. WSR 13-08-016 (Order 10-06), § 173-350-020, filed 3/25/13, effective 4/25/13. Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-020, filed 1/10/03, effective 2/10/03.]